

THE UNIVERSITY OF NAIROBI
INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

**IMPACT OF THE PROVISION OF HUMANITARIAN AID TRANSIT
CORRIDORS ON NATIONAL SECURITY: THE CASE OF KENYA, 1989-2005**

Project Submitted by:

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**A Dissertation Submitted, in Partial Fulfilment of the Requirements for the
Award of the Degree of Master of Arts in International Studies, to the Institute of
Diplomacy and International Studies (IDIS), University of Nairobi.**

November, 2012

Declaration

This project is my original work and has not been submitted for a degree to any other college, university, or institution.



Sign

Date 02/11/2012

SHADRACK KIPLAGAT TENDON

This project has been submitted for examination with my approval as the university supervisor.



Sign

Date 2/11/2012

Dr. IBRAHIM FARAH (PhD).

Dedication

To Stella (my wife)
&
Sarah (my mum)

Acknowledgement

Writing this dissertation was truly a project; several people were involved at different stages both directly and indirectly. The least I can do for them, for you, is to indelibly ink my big 'thank-you' for having provided me the opportunity to learn from them (you), for having offered to use their (your) resources including their (your) time to ensure that I had all that I needed to deliver this piece of research work.

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Abstract

Discourses on humanitarian aid offered to mitigate the effects of man-made disasters have often been compartmentalised within two perspectives: those that support the rationale for such aid and those critical of the impact of such aid on end users during humanitarian emergencies. While these discourses provide useful insights into this component of international relations, the two perspectives have focused less on the national security impact of such aid as it moves along part of the logistics chain external to the theatre of humanitarian emergencies. In this dissertation, the historical development of the humanitarian aid business within the context of the international system is reviewed and the implications that the movement of international humanitarian aid have on national security of developing countries with specific reference to Kenya are assessed. The outcome of the study shows that for as long as the actors involved in humanitarian aid business are politically-oriented by virtue of their attributes or association, their work in developing countries portend some impact but of less substantive significance on the national security of regional states within the neighbourhood of the areas experiencing humanitarian challenges.

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List of Acronyms

AU.....	African Union
CIS.....	Commonwealth of Independent States
GoS.....	Government of the Sudan
ICRC	International Committee of the Red Cross
IGAD.....	Inter-governmental Authority on Development
IGO.....	Intergovernmental Organisation
INGO.....	International Non-governmental Organisation
NGO.....	Non-governmental Organisation
OCHA.....	(UN) Office for the Coordination of Humanitarian Affairs
OEOA.....	(United Nations) Office of the Emergency Operations in Africa
OIC.....	Organisation of the Islamic Conference
OLS.....	(United Nations) Operation Lifeline Sudan
SPLA/M.....	Sudan People's Liberation Army/Movement
SRRA.....	Sudan Relief and Rehabilitation Agency
UN.....	United Nations
UNDRO.....	UN Office for the Disaster Relief Coordinator
UNGA.....	United Nations General Assembly
USAID	United States Agency for International Development

CHAPTER ONE

INTRODUCTION TO THE STUDY

1.0 Introduction

This study focuses on the impact of the provision of humanitarian transit corridors external to the theatre of conflict on national security of states providing them. It specifically studies Kenya's case during the Sudan's civil war between the year 1989 and 2005, during which time the Sudan still shared an international boundary with Kenya. Southern Sudan has since seceded into a new state- South Sudan.

The general objective of this study is to investigate the impact of the provision of humanitarian aid transit corridors on national security of the least developed countries, taking into account the case study of Kenya during the Sudan's civil war over the 16-year period from 1989. This investigation would be carried out with cognisance of the debates on the various competing perspectives about *security* today as well as the organisation of the humanitarian aid system.

Besides investigating the overall objective stated above, this study will evaluate the role of national and international politics in the establishment and monitoring of humanitarian aid transit corridors (in this case the United Nations Operation Lifeline Sudan Southern Sector whose main logistical bases were located on Kenyan territory). This will be done through a consideration of factors such as: the historical and political relationships between and among the Inter-governmental Authority on Development (IGAD) member states and with their allies, the economic capabilities of the states providing the

humanitarian aid transit routes, the role of the humanitarian aid donor community in shaping the scale and intensity of humanitarian intervention during conflicts.

The likely findings in this study are: national and international politics greatly influenced the decision to have Kenya provide a humanitarian aid transit corridor into Southern Sudan between the year 1989 and 2005, the provision of humanitarian aid transit corridors negatively affects a *weak* state's national security taking into account the scale and intensity of the humanitarian operation and that there is a minor linkage between the provision of humanitarian aid transit corridors and state of national security particularly in *weak* states.

This chapter is divided into the background to the study, the statement of the research problem, and the objectives of the study. It also reviews the existing literature related to the research problem, captures the hypotheses used, provides a concise theoretical framework upon which the study is based and highlights the justifications for the study. Furthermore, both the research methodology to be used and the limitations of the study are also given.

1.1 Background to the Study

The structural and institutional changes that have occurred within the international system since the 1880s are partly a reflection of the rise in both the “density” and “intensity”¹ of interactions among various actors. More specifically, the last 60 years have witnessed the growth and development of rules guiding various kinds of interactions among the main actors in this system.² The military change in the system’s structure in the early 1990s, for example, impacted on the conduct of humanitarian business with, among others, an upsurge of funding being witnessed.³

In terms of institutional design, the United Nations (UN) system has been described as polycentric.⁴ It has been observed that its functional decentralization,

“was neither precisely defined nor exclusively applied in the Charter.”⁵

Despite its financial limitations,⁶ the UN’s humanitarian role has gradually expanded over time as evidenced through its institutional, normative and operational growth.⁷ The creation of United Nations’ offices such as the UN Office for the Disaster Relief Coordinator (UNDRO), the precursor to the UN Office for the Coordination of

¹ The two terms “density” and “intensity” are Willets’. See: Willets, P. “Transnational Actors and International Organizations in Global Politics” in Baylis, J., Smith, S. and Owens, P. (eds) (2008) *The Globalization of World Politics: An Introduction to International Relations, 4th edition*, pp341

² P. Taylor, and D. Curtis, “The United Nations” in Baylis, J., Smith, S. and Owens, P. (eds) (2008) *The Globalization of World Politics: An Introduction to International Relations, 4th edition*, pp 327

³ A. Wood, et al “Introduction” in Wood A. et al (eds) (2001) *Evaluating International Humanitarian Action: Reflections from Practitioners*, pp 8

⁴ P.Taylor, and D. Curtis, “The United Nations” in Baylis, J., Smith, S. and Owens, P. (eds) (2008) *The Globalization of World Politics: An Introduction to International Relations, 4th edition*, pp326

⁵ I.L. Claude Jr. (1971) *Swords into Ploughshares: The Problems and Progress of International Organization, 4th edition*, pp68

⁶ F. Mulu, (2008) *The Role of Regional Organizations in Conflict Management: IGAD and the Sudanese Civil War*, pp 19

⁷ J.D. Scheffer, in Scheffer, J.D. and Schachter, O. “The Expanding UN Role in Humanitarian Relief Operations” in *Proceedings of the Annual Meeting (American Society of International Law), Vol. 86 (APRIL 1-4, 1992)*, pp. 313

Humanitarian Affairs (UN OCHA), attest to the institutionalisation of emergency response mechanisms at the global level.

At the African Union (AU) level, the African Union Peace and Security Council (its effectiveness notwithstanding) is charged with, among other things,

“the management of disasters and humanitarian activity.”⁸

Before AU’s inception, the United Nations Office of the Emergency Operations in Africa (OEOA), in principle, spearheaded humanitarian efforts within Africa.⁹ However, the OEOA suffered significant coordination challenges relating to needs assessment and requirements during its short-lived existence in the 1980s.¹⁰

Macalister-Smith observes that relief operations often involve many nations,

“through participation in the activities of the relevant international organizations or as potential donors and recipients of relief assistance.”¹¹

International organisations such as the UN agencies and the international non-governmental organisations (INGOS), national non-governmental organisations, relevant government agencies and/or relief departments of rebel movements in the affected countries could be involved in the delivery of humanitarian assistance under different patterns of interactions.¹²

⁸ Y. Ouedraogo “The African Union and Conflict Resolution” in *Africa Geopolitics: The African Union in Search of Peace*, No. 223 July-Sep. 2006, pp 26

⁹ P.J. Schaefer, “African International Relations” in Gordon A.A. and Gordon L.D. (2001) *Understanding Contemporary Africa*, 3rd edition, pp172

¹⁰ J. Crisp, “Humanitarian Action and Coordination” in Weiss, T.G. and Daws. S. (eds) (2007) *The Oxford Handbook of the United Nations*, pp484

¹¹ P. Macalister-Smith. (1985) *International Humanitarian Assistance: Disaster Relief Action in International Law and Organization*, pp 3

¹² A. Wood, et al “Introduction” in Wood A. et al (eds) (2001) *Evaluating International Humanitarian Action: Reflections from Practitioners*, pp 5-8.

Following the escalation of armed conflict in the Sudan¹³ in the 1980s the international community under the auspices of the United Nations compelled the parties to the conflict in early 1989 to allow for the delivery of humanitarian assistance to the suffering civilians under the operation dubbed *the United Nations Operation Lifeline Sudan (UN OLS)*.¹⁴ Initially, the UN OLS was created on the basis of an informal agreement; there was no written agreement between the parties to the conflict notably the Government of Sudan and the Sudan People's Liberation Army/ Movement and the United Nations to allow for the delivery of the humanitarian aid to the victims of the armed conflict.¹⁵

Written agreements between the Government of Sudan, the SPLA/M, and the United Nations were later secured in the 1990s. This is said to have been achieved within the context of an apparently stalled peace negotiation process between the two warring parties.¹⁶

Rupesinghe and Anderlini contend that during conflicts,

“the point of entry into a conflict [area],¹⁷ consent from disputants and access to them are crucial.”¹⁸

This underscores the importance of a transit corridor. It is of interest therefore to assess the impact of the provision of humanitarian aid transit corridors on the national security of developing frontline transit states.

¹³ *The political geography of the Sudan has since changed following the cessation of South Sudan, now an independent state.*

¹⁴ F. Mulu, (2008) *The Role of Regional Organizations in Conflict Management: IGAD and the Sudanese Civil War*. pp 43

¹⁵ *Ibid*, pp 44

¹⁶ D.H. Johnson, 'Darfur: Peace, Genocide and Crimes Against Humanity in Sudan' in Kaarsholm, P. (ed) (2006) *Violence, Political Culture and Development in Africa*, pp 98

¹⁷ Emphasis mine

¹⁸ K. Rupesinghe, K. and S.N. Anderlini, (1998) *Civil War, Civil Peace: An Introduction to Conflict Resolution* pp 126

1.2 Statement of the Research Problem

The post-Cold War era has been lauded as having engineered some change in the core functions of [Western] government particularly in its dealings with the non-state actors insofar as humanitarian action is concerned.¹⁹ Unlike during the pre-1989 era when states were careful in their interactions with the humanitarian non-state actors, the state found (in the post-Cold War era) an implementing partner in the non-state actor whom it could overtly engage during humanitarian emergencies.²⁰

Given the different functional interests of the humanitarian aid actors -economic, political, cultural, religious, among others²¹-, it can be argued that those interests are the main drivers of these actors' humanitarian action(s). It can be inferred from international customary practice that many actors in international relations extol the participation of relevant actors including states (particularly those neighbouring the ones experiencing humanitarian emergencies) in facilitating the shipment of humanitarian aid across their territories to the beneficiaries in states whose emergency situations require international responses.

When protracted armed conflicts occur in states with geopolitical, strategic or any other significant importance to major donors of humanitarian aid, such conflicts attract considerably more attention and responses, whether overt or covert, than those with the

¹⁹ M. Duffield, 'NGO Relief in War Zones: Towards An Analysis of the New Aid Paradigm' in *Third World Quarterly* Vol. 18 No. 3 (1997), pp527

²⁰ *Ibid*, pp527

²¹ J. Goldstein, and J. Pevehouse, pp (2010-2011 update) *International Relations Brief Fifth Edition*, 212

least.²² Once granted authority to run their deliver humanitarian aid, non-military humanitarian personnel, together with their assets, are to be protected.²³ Like other deliveries made within the global supply chain system, it can be argued that humanitarian aid relies for its delivery partly on the available logistical infrastructure within and around the areas experiencing conflict.

Much research work on humanitarian aid has often focused on issue areas such as the effectiveness, the efficiency, the sustainability and the impact of such aid on the victims of conflicts.²⁴ These researches have therefore focused their attention mainly on the immediate conflict areas. However, the impact of humanitarian aid as it moves along part of the logistics chain external to the conflict area but falling within the least developed countries needs further investigation. How then did the provision of a transit corridor during the Sudan's complex emergency impact on Kenya's national security?

1.3.0 Objectives of the Study

1.3.1 General Objective

To investigate the impact of the provision of humanitarian aid transit corridors on national security with a case study of Kenya during the Sudan's civil war over a 16-year period from 1989 to 2005.

²² A. Wood, et al "Introduction" in Wood A. et al (eds) (2001) *Evaluating International Humanitarian Action: Reflections from Practitioners*, pp 7

²³ J. Henckaerts, J. and L. Doswald-Beck, (2005) *Customary International Humanitarian Law, Volume I: Rules*, pp 109 ICRC/Cambridge Univ. Press

²⁴ See the various essays in Wood, A. et al (eds) (2001) *Evaluating International Humanitarian Action: Reflections from Practitioners*, pp 1-211

1.3.2 Specific Objectives:

- To evaluate the role of national and international politics in the establishment and opening up of the Northern Kenya humanitarian aid transit corridor to Southern Sudan.
- To investigate the impact of the provision of the Northern Kenya humanitarian aid transit corridor to Southern Sudan on Kenya's national security.
- To explore possible linkages between the provision of humanitarian aid transit corridors and national security.

1.4.0 Literature Review

1.4.1 Introduction

This section reviews the relevant literature relating to the research topic under two sub-sections. Sub-section one reviews the literature on the issues informing the donation, shipment and distribution of humanitarian aid, the perceptions on the functional contribution of humanitarian agencies and the places of both municipal and international law in the humanitarian business. Sub-section two re-examines the literature on security with a concise overview of the raging debate regarding the vital elements of security today.

1.4.2 Literature on Humanitarian Assistance

Farell observes that politics both within national jurisdictions and the UN Security Council does not only focus its attention on human suffering [the declaratory basis for humanitarian intervention] in some areas and spacio-temporally so but also influences the

form of humanitarian intervention in terms of speed and scale of international response.²⁵

Based on Farrell's argument above, it can be contended that the degree of subjectivity of the needs-based justification for humanitarian response is a function of the prevailing (international) politics.

Albert argues that the consequences of conflict- loss of human life, destruction of property, dislodgment of people and resource diversion into procuring arms or funding of peacekeeping operations- threaten Africa's development.²⁶ In an attempt to mitigate the challenges of conflicts, donors have in most instances, according to Karbo, channeled their funds and support through the NGOs rather than through governments.²⁷

Schoeman observes that Africa has seen a tremendous growth of the emergency aid business from a small part in the bigger package of development into a huge, global, and least regulated industry.²⁸ He further underscores the influence of the humanitarian agencies, which dispense this aid, by noting that they can even sidestep states in which they may be operating to call on military protection from the international community²⁹ as they have done before in Somalia.³⁰

²⁵ T. Farrell, "Humanitarian Intervention and Peace Operations" in Baylis, J. et al (eds) (2010) *Strategy in the Contemporary World, 3rd edition*, pp 308-331:317

²⁶ O.A. Albert, 'Understanding Peace in Africa' in Francis D.J. (ed) (2008) *Conflict and Peace in Africa*, pp31

²⁷ T. Karbo, 'Peace-building in Africa' in Francis D.J. (ed) (2008) *Conflict and Peace in Africa*, pp 123

²⁸ M. Schoeman, "Africa's International Relations" in McGowan P.J. et al (eds) (2009) *Power, Wealth and Global Equity: An International Relations Textbook for Africa, 3rd edition*, (eds) pp 257

²⁹ Ibid, pp 257

³⁰ T. Seybolt 'The Myth of Neutrality' in *Peace Review Vol. 8 No. 4 (1996) 521-527*, para 27

On his part, Macalister-Smith stresses the need for effective coordination in the administration of humanitarian assistance. He observes that good coordination is important to both donors and recipients of humanitarian aid.³¹

In a similar observation, Forsythe stresses the need for humanitarian agencies to engage with actors in the political process but in a manner that reflects that their (humanitarian agencies') action or actions is or are motivated by humanitarian values.³² It is arguably such kind of possible engagement that informs Kent's views that humanitarian assistance engenders complicated political factors and that the donation of humanitarian aid is not absolutely apolitically-motivated.³³ Seybolt agrees; he considers humanitarian activity non-neutral particularly at the strategic level.³⁴

The "gap-fillers"³⁵ non-governmental organisations (NGOs) have been instrumental in the distribution of humanitarian assistance. According to Mohammed, the number and visibility of NGOs had risen by the end of the cold war. This rise, he observes, had raised questions on the NGOs' role and the suitability of their assistance.³⁶ He further notes that with a change in perceptions towards NGOs, critics have sort for a consideration of

³¹ P. Macalister-Smith (1985) *International Humanitarian Assistance: Disaster Relief Action in International Law and Organization*, pp 141

³² P.D. Forsythe, (1977) *Humanitarian Politics: The International Committee of the Red Cross*, pp 3

³³ R. Kent, 'The United Nations and Disasters' in Taylor, P. and Groom A.J.R. (eds) (1988) *International Institutions at Work*, pp 134

³⁴ T. Seybolt 'The Myth of Neutrality' in *Peace Review Vol. 8 No. 4 (1996)*: 521-527, para 4

³⁵ The 'gap fillers' NGOs according to Dicklitch, quoted by Welch, E.C. Jr., include those NGOs that work in areas suffering from government-related institutional weakness or collapse. See EC. Welch Jr, "Nongovernmental Organizations and Potential for Conflict Reduction", pp 116

³⁶ A. Mohammed, 'Responses of Non-governmental Organizations to Conflict Situations' in Weiss G.T. (ed) (1990) *Humanitarian Emergencies and Military Help in Africa*, pp 94.

'unresolved issues arising out of NGO work.'³⁷ Such changes in perception do not however prejudice the crucial role that the NGOs play in the disaster relief operations.³⁸

Husselbee observes that partnerships are emerging between NGOs and corporate organisations and he acknowledges that the question of NGO's freedom in case of such collaborations is a matter of conjecture.³⁹ It is against this background that Welch's contends that:

“... relations between NGOs and governments are fraught with contradictions, being sometimes cooperative, at other times confrontational”⁴⁰

Despite the apparent centrality of the UN system in relief operations, this system also faces its internal challenges. William argues that despite the functional decentralisation of the work of UN specialised agencies, challenges of coordination at the functional, administrative, staffing and financial levels are still experienced within the UN system.⁴¹ Duffield also argues that there is an apparent dissolution and change of the founding mandates of the UN agencies.⁴² Additionally, Kent observes that there is too much overlap, imprecision and restriction that hinder the effectiveness of the UN agencies in the area of disaster relief.⁴³

³⁷ A. Mohammed, 'Responses of Non-governmental Organizations to Conflict Situations' in Weiss G.T. (ed) (1990) *Humanitarian Emergencies and Military Help in Africa*, pp 94.pp 101

³⁸ P. Macalister-Smith (1985) *International Humanitarian Assistance: Disaster Relief Action in International Law and Organization*, pp 117

³⁹ D. Husselbee, "NGOs as Development Partners to the Corporates: Child Football Stitching in Pakistan" in Eade, D. and Ligteringen, E. (eds) (2004) *Debating Development NGOs and the Future: A Development in Practice Reader*, pp 127

⁴⁰ E.C. Welch Jr. "Nongovernmental Organizations and Potential for Conflict Reduction", in Pumphrey, C., Scharz-Barcott, R. (eds) (2003) *Armed Conflict in Africa*, pp 116

⁴¹ D. Williams, (1987) *The Specialized Agencies and the United Nations: The System in Crisis*, pp107

⁴² M. Duffield, 'NGO Relief in War Zones: Towards An Analysis of the New Aid Paradigm' in *Third World Quarterly* Vol. 18 No. 3 (1997), pp540

⁴³ R. Kent, 'The United Nations and Disasters' in Taylor, P. and Groom A.J.R. (eds) (1988) *International Institutions at Work*, pp146

How then is humanitarian assistance administered? Goldstein and Pevehouse suggest that there are three models of administering aid which overlap in practice. These models are the disaster relief model, handout model and the Oxfam model.⁴⁴ These models differ mainly on the basis of the form that the actual involvement on the ground by the actors mandated to administer the aid takes.

With regard to the international relief law, Macalister-Smith observes that there exist some common principles relating to humanitarian assistance some of which are reflected in existing international legal instruments of a humanitarian nature, while others,

“take the form of general principles of international law.”⁴⁵

He further contends that:

“wide questions of principle and specific questions of practice’ insofar as international relief law is concerned cannot easily be achieved in one instrument.”⁴⁶

Overall, Duffield notes that the need for humanitarian assistance is a reflection of an increasing global polarisation as well as a significantly huge erosion of life-chances.⁴⁷

Against this prevailing situation, Stockton calls for a renewal of public engagement with both poverty and violence.⁴⁸

⁴⁴ J. Goldstein, and J. Pevehouse, pp (2010-2011 update) *International Relations Brief Fifth Edition*, 299-301

⁴⁵ P. Macalister-Smith, (1985) *International Humanitarian Assistance: Disaster Relief Action in International Law and Organization*, pp150

⁴⁶ Ibid, pp150

⁴⁷ M. Duffield, ‘NGO Relief in War Zones: Towards An Analysis of the New Aid Paradigm’ in *Third World Quarterly* Vol. 18 No. 3 (1997), pp541

⁴⁸ N. Stockton, “In Defence of Humanitarianism” in *Disasters* Vol. 22 No. 4(1998), pp359

1.4.3 Literature on the Provision of Humanitarian Aid Transit Corridors

Humanitarian transit corridors can be described as the logistics routes that are, in principle, used for the delivery of humanitarian aid.

De Montclos, with reference to Nordstrom, observes that the humanitarian logistics use of more or less the same routes or the means of transport as the military has previously predisposed some humanitarian hubs to serve the interests of belligerent groups as in the case of Peshawar for Afghanistan after 1980 or Lokichokio⁴⁹ (sic) for Southern Sudan after 1989.⁵⁰

1.4.4 Literature on National Security

Chacha while observing that the term 'security' has been a subject of intense debate notes that the realist perspective of security as the defense of the state, its borders, resources, population, among others, has lately been challenged.⁵¹ In line with the emerging view of security, Cawthra suggests that there is need for the adoption of a broader concept of security.⁵² This is apparently what Bofo-Arthur says in his observation that safeguarding national security by states is still a noble thing to do as long as it is not done at the expense of human security.⁵³ Buur et al also conceive of security through similar lenses

⁴⁹ Lokickokio as used in this work refers to the same place as Lokichokio and Lokichoggio.

⁵⁰ M-A. P. De Montclos, 'Humanitarian Aid and the Biafra War: Lessons Not Learned' in *Africa Development*, Vol. 34, No. 1, 2009, pp72

⁵¹ B.K. Chacha, 'From Local Conflicts to Global Terrorism: Can Refugees and Regional Security Problems Jeopardise the Renewal of Kenya?' *African Journal of International Affairs*, Vol. 7, Nos. 1&2, 2004, pp.65

⁵² G. Cawthra, 'A Conceptual Framework for Regional Security' in Field, S. (ed) (2004) *Peace in Africa: Towards a Collaborative Security Regime*, pp30

⁵³ K. Bofo-Arthur, 'Neo-liberalism, Human Security, and Pan-Africanist Ideals: Synergies and Contradictions' in *African Journal of International Affairs* Vol. 5 Nos 1 & 2, 2002, pp9

as Bofo-Arthur. They cite the idea of *human security* which they argue is a people-centred conception of security.⁵⁴

In discussing security issues, it is apparent that some scholars are now de-emphasizing the relevance of the state. Cognisant of this debate, Baylis observes that while some scholars are rooting for security's focus to be the individual or group, others still argue for the centrality of states in security matters but adding that globalization today tweaks the security agenda of states.⁵⁵ In fact Waltz still insists on the states' pivotal role in structuring the rules within which all actors must operate.⁵⁶

Schmidt notes that it is important to consider "threats", despite the contention about its meaning, if a better appreciation of "national security" is to be achieved.⁵⁷ He further notes that subjectivity informs both the definition and assessment of a threat whether at an individual or state level.⁵⁸

On his part, Mallik holds that threat perceptions are influenced by both internal and external factors including the political and security environment, relations between neighbours, economic stability, quality of governance and level of self-reliance in vital

⁵⁴ L. Buur, et al (eds) 2007) *The Security-Development Nexus: Expressions of Sovereignty and Securitization in Southern Africa* pp 10

⁵⁵ J. Baylis, "International and Global Security" in Baylis, J., Smith, S. and Owens, P. (eds) (2008) *The Globalization of World Politics: An Introduction to International Relations, 4th edition*, pp237

⁵⁶ W.N. Waltz, "The Anarchic Structure of World Politics" in Art, J.R. and Jervis,R. (2005) (eds) *Introduction to International Politics: Enduring Concepts and Contemporary Issues*, pp36

⁵⁷ B. Schmidt, "The Primacy of National Security" in Smith, S. Hadfield A. and Dunne, T. (2008) *Foreign Policy: Theories, Actors, Cases*, pp157

⁵⁸ *Ibid*, pp157

technologies.⁵⁹ His conception of security, arguably, has a realist orientation. Just like Mallik, Dicken, with reference to Jessop et al, contends that despite the apparent hollowing out of the state and a reduction in some of its capabilities, it remains significant in some fronts.⁶⁰ It is an argument that is reinforced by Scholte who points out that states are still relevant even though the Westphalian conceptualisation of them is no more tenable.⁶¹

Müller argues that a security culture is a product of a prolonged interaction of domestic and international discourse on security. While referring to Katzenstein and Krause, he further contends that state action and reaction in a specific situation is a function of its security culture and that different security cultures help explain the significant differences in security policies among states that could be sharing the same security environment and/or have analogous domestic institutions.⁶²

While referring to Buzan, Kiplel, on his part, notes that the essential security considerations of the Horn of Africa countries link them together in such a way that their securities can better be considered together.⁶³ This suggests that there could be some considerable merit in mandating a sub-region organisation to address the security issues affecting the region. Set in favour of this observation is Poku's affirmation of the view

⁵⁹ A. Mallik, (2004) *Technology and Security in the 21st Century: A Demand-Side Perspective*, SPRI Research Report No. 20, pp 22-23

⁶⁰ P. Dicken, (2007) *Global Shift: Mapping the Changing Contours of the World Economy*, 5th edition, pp 173

⁶¹ A.J. Scholte, "Global Trade and finance" in ScBaylis, J., Smith, S. and Owens, P. (eds) (2008) *The Globalization of World Politics: An Introduction to International Relations*, 4th edition, pp465

⁶² H. Müller, 'Security Cooperation' in Carlsnaes, W. et al (eds) (2007) *Handbook of International Relations*, pp 381

⁶³ D.B. Kiplel, (2008) *Colonial Borders and National Security: Case Study Horn of Africa from 1956 to 2005*, Unpublished M.A. Dissertation University of Nairobi, pp24

that the international community is more a significant part of Africa's security problems and much less part of Africa's security solution.⁶⁴ Poku's affirmation is a tacit admission that Africa needs to be more inward-looking insofar as addressing its security concerns is concerned.

1.4.5 Kenya-Sudan Interactions in the Diplomacy of Conflict Management

Soon after its independence in 1956, the Sudan is said to have experienced internal conflicts which attracted the overt mediatory interest of various countries including Uganda and Ghana.⁶⁵ When the country later sought to resolve its conflict internally, observers were drawn from, again, Uganda and Ghana plus Tanzania, Algeria and Egypt. In none of these immediate post-independence cases of conflict management was Kenya overtly involved.⁶⁶ Kenya's contribution in the diplomacy of conflict management in the Sudan became prominent during the post-Cold War period.⁶⁷

1.4.6 Literature Gap

Overall, the existing literature on humanitarian aid lays more emphasis on issue areas such as the effectiveness, the efficiency, the sustainability and the impact of such aid on the victims of conflicts. To a great extent, the literature on national security identifies state capabilities and how those capabilities help to shape a state's national security concerns. A possible linkage between the provision of humanitarian aid transit corridors

⁶⁴ N.K. Poku, 'Context of Security in Africa' in Francis, D.J. (ed) (2008) *Conflict and Peace in Africa*, pp1-12

⁶⁵ F. Mulu, (2008) *The Role of Regional Organizations in Conflict Management: IGAD and the Sudanese Civil War*, pp 37-38

⁶⁶ *Ibid*, pp 38

⁶⁷ *Ibid*, pp 46-57

and the national security of the states providing such corridors has not been fully appreciated in this literature. This study endeavours to provide additional insights.

1.5.Hypotheses

- National and international politics played a role in the establishment and opening of the northern Kenya humanitarian aid transit corridor to Southern Sudan.
- The provision of the northern Kenya humanitarian aid transit corridor to Southern Sudan impacted on Kenya's national security.
- There are linkages between the provision of humanitarian aid transit corridors and national security

1.6 Theoretical Framework

The foundations of realism are traceable to the ancient world. The theory gives primacy to the state as the single most important actor in international relations, underscores the conflictual nature of international politics given the anarchy in the international system, recognises the disparities in capabilities of otherwise legally-equal sovereign states, claims that states are not only unitary actors but also rational and that power, with emphasis on military power, is central in explaining and predicting state behaviour at the international level.

Realism takes account of the inter-play of important factors such as geopolitical locations of states, state willpowers and the effectiveness of the individual state's diplomacy in creating hierarchies among states in the international system. It is these hierarchies that

determine, according to this school of thought, the degree of power that individual states wield. It has been observed that realism tries to describe the world as it is.

As a theory, realism gained prominence after the collapse of the League of Nations and during the Cold War era as it tended to explain international relations at the time. However, Dougherty and Pfaltzgraff, while quoting Carr observe that the proponents of realism are very pessimistic in their perception of history and are utterly rigid to recognise that [good] human nature can impact on human action.⁶⁸

In this study, states are perceived as an important player in the humanitarian business particularly as a donor of humanitarian aid and a critical player in shaping the scale of humanitarian operations. This perception is informed by observations which have been made that third party states interested in the outcome of certain conflicts diplomatically engage the parties to a conflict and/or other interested actors.⁶⁹

Further observations have been made that the principles of impartiality and neutrality, which have long been regarded as some of the guiding principles to non-military humanitarian actors, are relative constructs.⁷⁰ The relativity of these principles and the role of state in this industry suggest that politics underlie humanitarian aid business.

⁶⁸ J.E. Dougherty, and R.L. Pfaltzgraff, Jr., *Contending Theories of International Relations: A Comprehensive Survey*, 4th edition, pp61-62

⁶⁹ A. Wood, et al "Introduction" in Wood A. et al (eds) (2001) *Evaluating International Humanitarian Action: Reflections from Practitioners*, pp 7

⁷⁰ M. Weller, "The Relativity of Humanitarian Assistance" in *The Journal of Humanitarian Assistance* Feb. 1998, pp 452

1.7 Justification of the Study

Kenya continues to be a hub to many international actors involved in humanitarian activities around both the Great Lakes and the Horn of Africa Regions. These regions have historically experienced armed conflicts situated within the Great Lakes and the Horn of Africa conflict complexes.

The origins of these humanitarian actors are diverse as are their sources of funding. The congruence of their expressed and real missions in these two contiguous conflict complexes as well as the relevance and effectiveness of their humanitarian interventions are debatable matters. On the one hand, aid protagonists may argue that the humanitarian aid contribution has enhanced the well-being of the aid recipients. On the other hand, the critics may cite issues such as the relevance of humanitarian aid given within the context of competing interests (at different layers such as among the donors and among the implementing partners who channel the aid to the final beneficiaries) as undermining the effectiveness of the industry.

It is therefore important to examine how Kenya's provision of a humanitarian aid transit corridor to these actors may affect its national security given the relational nature of these actors with other actors in the international system and the fact that the humanitarian actors may not be subject to the same regulatory procedures that govern other industries within this jurisdiction. The outcome of the study will therefore be helpful to national security policy makers and analysts who may be interested in getting new insights about

how the interactions of legal international actors can impact on the national security of developing countries such as Kenya.

Both the traditional and contemporary literature particularly on national security has been dominated by Western voices. While those voices have made commendable contributions, it is important that the academic discourse on the subject be enriched with African perspectives. This study also endeavours to make African academic contributions on humanitarian action and national security that will influence scholarly debates within institutions of higher learning.

1.8 Research Methodology

This research will be conducted using a triangulation approach. This approach utilises both primary and secondary data as well as various forms of data collection. Primary data will be collected using structured questionnaires to be sent to respondents to be drawn from a target population comprising government agencies whose operations have a bearing on national security as well as all other non-state humanitarian actors who were or are still involved in South Sudan and the Sudan humanitarian operations. Observation will be marginally used.

The sampling frame will be generated from both published and unpublished sources. To select the sample, non-probability sampling will be used. Non-probability sampling will be used to identify the actors considered to have more comprehensive data on the Sudan's humanitarian operations between 1989 and 2005. It will also be applied to those actors

that are mandated to address Kenya's national security issues. Data will be collected primarily in Nairobi and Malakal in South Sudan. The data will cover the period 1989-2005 which is the period of focus of the study. Secondary data will be collected by examining data in both published and unpublished sources. The process of data presentation will entail using *a priori* coding approach of completed questionnaires and cleaning and editing the data therein. The data will then be summarised using descriptive statistical tools such as tables and graphs and subjected accordingly to social statistical analysis. Secondary data will be subjected to content analysis.

This study narrows down the range of threats to national security to one: the provision of humanitarian transit corridors. It therefore ignores the possible interplay between all the possible internal and external sources of threats to national security. Moreover, the outcome of the study, which focuses on Kenya's provision of humanitarian aid transit corridor to Southern Sudan, is likely to reflect unique results that may not be amenable to wide generalisations.

1.9 Chapter Outline

This research work will be presented in five chapters: chapter one introduces the study and would be divided into nine main areas namely: the background to the study area, the statement of the research problem, objectives, literature review, hypotheses, theoretical framework, justification of the study and research methodology. Chapter two provides both a historical account of the provision of humanitarian aid transit corridors throughout the twentieth century and in the 21st century. A statutory basis of the humanitarian aid business in Kenya as well as a bird's eye view of Kenya's provision of humanitarian aid

transit corridors to Southern Sudan from 1989 to 2005 are also reviewed. The chapter also discusses the conceptualisation of national security before and after the Cold War as well as Kenya's *security architecture* during the same periods. It finally examines the relevance of the theory of realism in explaining the behaviour of the actors (including the state) involved in the humanitarian business followed by a conclusion.

Additionally, chapter three focuses on the case study: how Kenya's provision of a humanitarian aid transit corridor into Southern Sudan impacted on Kenya's national security. Key emerging issues on the provision of humanitarian aid transit corridors and possible linkage with national security are addressed in chapter four. The final chapter (chapter five) presents the summary and key findings from the study and the recommendations.

CHAPTER TWO

BRIEF HISTORY OF HUMANITARIANISM, THE LAW AND KENYA'S SECURITY ARCHITECTURE

2.0 Introduction

Chapter one provided the background to the study by: mapping the background of the research topic, problematizing the focus of the study in form of a statement of the problem as well as stating the objectives, hypotheses and the justification of the study. The chapter further provided both a concise review of relevant literature on the various areas identified as variables in the topic and a brief analysis of the Realist theoretical framework within which this study is situated.

In chapter two, this study examines the historicity of the growth and conduct of humanitarian action during the twentieth and the first decade of the 21st centuries with particular focus on how state actors (Kenya will be considered in detail) outside of the 'eye of conflicts' have provided humanitarian aid transit corridors into countries or parts of other countries experiencing conflicts. The chapter also examines the statutory basis of humanitarian business in Kenya. These discussions on humanitarian aid and the provision of humanitarian aid transit corridors are juxtaposed against a temporal reflection on the conceptualisation of national security and Kenya's security *architecture* before and after the Cold War. The extent to which Realism applies to the study area is also reviewed.

2.1 The Conduct of Humanitarian Aid Business Before, During and Immediately After the Inter-War Years: 1914-1948

The provision of humanitarian assistance to civilians under the aegis of an international relief or humanitarian system is a recent phenomenon going by documented observations

over time of the visible actors whose mandates involve(d) engagement in humanitarian action.⁷¹ Dillon et al observe that by 1850, the number of intergovernmental organisations (IGOs) stood at zero while that of the international non-governmental organisations (INGOs) stood at five.⁷² By 1914, their numbers had risen to 50 and 330 respectively.⁷³ By 1939, the numbers had risen further: 80 IGOs had been created and about 700 INGOs now existed.⁷⁴ It can be deduced from these figures that there has been a steady rise in the number of these institutions on a similar trend, with the growth of INGOs outnumbering that of the IGOs.

The importance of the humanitarian organisations is said to have been felt during the famine crisis in Russia whose response attracted many actors including private organisations.⁷⁵ It was during the 1920s, that besides many a state's commitment to implement the Versailles Treaty and to front economic agenda within their respective jurisdictions,⁷⁶ the growth of the international relief law was evidenced through the

“...adoption of the Convention and Statutes of the IRU [International Relief Union] on July 12, 1927”⁷⁷

The IRU had an international legal personality given its origin as an intergovernmental organisation whose mandated was to coordinate international relief/ humanitarian assistance and to some extent spearhead efforts to develop international humanitarian

⁷¹ P. Dillon et al “Approaches to the Study of International Organizations: Major Paradigms in Economic and Political Science, in Vaubel, R. and Willet, D.T. (1991) *The political Economy of International Organizations: A Public Choice Approach*, pp. 79

⁷² Ibid pp. 79

⁷³ Ibid pp. 79

⁷⁴ Ibid pp. 79

⁷⁵ Macalister-Smith, P. (1985) *International Humanitarian Assistance: Disaster Relief Action in International Law and Organization*, pp16

⁷⁶ P. Wallenstein, (2006) *Understanding Conflict Resolution, War, Peace and the Global System*, pp 218

⁷⁷ Macalister-Smith, P. (1985) *International Humanitarian Assistance: Disaster Relief Action in International Law and Organization*, pp19

law.⁷⁸ The inter-governmental organisations that were created later do have international legal personality and consequently enjoy some privileges and immunities that some other non-state actors, such as the international non-governmental organisations, have not ordinarily enjoyed.⁷⁹

Some of the United Nations agencies which legally came into existence after the formation of the United Nations are rooted in the multilateral efforts of the 1930s. The United Nations High Commissioner for Refugees, for example is said to have its roots in the Evian Conference held in 1938 whose theme was to explore ways of handling the German-Austrian refugee crisis.⁸⁰ While most of the United Nations agencies have universal mandates, others such as the United Nations Relief and Works Agency for Palestinian Refugees, created in 1948, has a 'localised' mandate: to serve the interests of the Palestinian refugees.⁸¹ Offering the example of the United Nations Children's Fund, Macalister-Smith observes that the mandates of these agencies and or funds have evolved over time.⁸²

It can be deduced from the above that the humanitarian aid given within the context of an international humanitarian system was largely conducted outside of the 'African countries' prior to the beginning of the Cold War, a period that also witnessed further growth of humanitarian institutions.

⁷⁸ Macalister-Smith, P. (1985) *International Humanitarian Assistance: Disaster Relief Action in International Law and Organization* pp19

⁷⁹ Macalister-Smith, P. (1985) *International Humanitarian Assistance: Disaster Relief Action in International Law and Organization* pp178

⁸⁰ Ibid pp19

⁸¹ Ibid pp 45

⁸² Ibid pp 99

2.2 The Conduct of Humanitarian Aid Business during the Cold War Period: 1948-1989

While the Cold War is said to have thwarted some conflicts in Africa, it has also been argued that it encouraged the escalation of others.⁸³ In a negative sense, bi-polarity of the international system impacted on the [socio-economic and political] stability of the South which to some extent became the theatres of confrontation between the American-led Western bloc of Capitalism-oriented states and Soviet Union-led Eastern bloc of Socialism-oriented countries.⁸⁴

It has been observed that at the end of the Second World War [and arguably the beginning of the Cold War], the international relief system was beginning to get better organized; and that further demonstrations of the interdependence between the civilian humanitarians and the military were witnessed as in the case of the 1948-1949 Berlin Airlift.⁸⁵ While the military evidently offered or war used to offer humanitarian aid [humanitarian aid *from/through* the military] at the beginning of the Cold War, it is important to note that the rules of war were getting a boost with the codification of the Four Geneva Conventions of 1949 part of which sought to protect the humanitarian assistance *for* combatants whenever that assistance was called for.⁸⁶ Claims to

⁸³ F. Olonisakin "Conflict and Conflict Resolution in Africa" in McGowan, P.J. et al (Eds) (2009) *Power, Wealth and Global Equity: An International Relations Textbook for Africa, 3rd Edition*, pp 271

⁸⁴ P.J. Schraeder "African International Relations" in Gordon A.A. and Gordon L.D. (2001) *Understanding Contemporary Africa, 3rd Edition*, pp143

⁸⁵ T.G. Weiss and K.M. Campbell, "Military Humanitarianism" in *Humanitarianism and War: Learning the Lessons from Recent Armed Conflicts, Occasional Paper Number 8: 1991*, pp. 48

⁸⁶ Macalister-Smith, P. (1985) *International Humanitarian Assistance: Disaster Relief Action in International Law and Organization*, pp 23 See: Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea.

sovereignty however limited the extent to which humanitarian action was conducted in areas that needed it.⁸⁷

By around 1970s though, the international relief system despite its evident evolution exhibited poor information sharing practices among the humanitarian agencies as well as least synergies at the level of sharing logistical facilities.⁸⁸ On the other hand, many potential donor governments had not established permanent institutions mandated to respond to disasters in other countries while potential recipient countries had little, if at all, disaster response plans.⁸⁹ By early 1980s, improvements in the management of disasters were comparatively better given the fact that institutions dealing with disasters had emerged and inter-organisational linkages among the humanitarian actors were buttressing their roots.⁹⁰

It is however worth noting that during the Cold War, as Minear contends, responses to disasters by some humanitarian aid donor governments and some international governmental agencies were to some extent a function of

“extraneous political factors.”⁹¹

⁸⁷ T.G. Weiss and K.M. Campbell, “Military Humanitarianism” in *Humanitarianism and War: Learning the Lessons from Recent Armed Conflicts, Occasional Paper Number 8: 1991*, pp. 51

⁸⁸ R.C. Kent, “Reflecting upon a Decade of Disasters: The Evolving Response of the International Community” in *International Affairs (Royal Institute of International Affairs 1944-), Vol. 59, No. 4 (Autumn, 1983)*, pp. 694

⁸⁹ R.C. Kent, “Reflecting upon a Decade of Disasters: The Evolving Response of the International Community” in *International Affairs (Royal Institute of International Affairs 1944-), Vol. 59, No. 4 (Autumn, 1983)*, pp. 695

⁹⁰ Ibid pp. 698

⁹¹ L. Minear, “A Strengthened Humanitarian System for the Post-Cold War Era” in *Humanitarianism and War: Learning the Lessons from Recent Armed Conflicts, Occasional Paper Number 8: 1991*, pp. 34.

Arguably this implies that the donor's or donors' willingness to commit humanitarian resources, both personnel and financial, was motivated, to some extent, by the donor's or donors' interests realisation or interests protection as a result of engagement.

2.3 The Conduct of Humanitarian Aid Business after the Cold War Period: 1990-Date

The end of the Cold War had several impacts including in the relationship between states and inter-governmental organisations (IGOs). For instance, Sands argues that governments sought the help of the United Nations to quell conflicts within national jurisdictions.⁹² That gesture arguably bestowed on the international institution more legitimacy and relevance at least in one realm: being the lead organisation in the co-ordination of humanitarian assistance.

Weiss and Campbell have optimistically observed that the conclusion of the Cold War,

“... creates new opportunities and releases resources for international action.”⁹³

Weiss and Campbell's observations made barely two years after the end of the Cold War suggest that the international community could easily act in concert. However, others have argued that the Superpowers' strategic interest in Africa that existed during the Cold War dissipated after this war and that the space left by their considerable withdrawal was filled by, among others, the [international] relief organisations whose operations are, to

⁹² P. Sands, P. & P. Klein, (2001) *Bowett's Law of International Institutions*. pp. 40

⁹³ T.G. Weiss and K.M. Campbell, “Military Humanitarianism” in *Humanitarianism and War: Learning the Lessons from Recent Armed Conflicts, Occasional Paper Number 8: 1991*, pp. 50

some extent, influenced by their home countries.⁹⁴ Differently put, Schoeman argues that the relief organisations are accountable, to a great extent, to their donors.

Cold Peace, according to Schraeder, replaced the Cold War while the international economic environment after that war became increasingly competitive.⁹⁵ It is during the post-Cold War era too that many violent conflicts in Africa, often fueled by competition for resources⁹⁶ became “more brutal”⁹⁷ thereby leading to serious “humanitarian consequences.”⁹⁸ Wallensteen has banded these conflicts, among others around the world, into various constellations which he terms ‘conflict complexes’ because they ‘connect to one another’⁹⁹ These new wars arguably needed humanitarian interventions in form of humanitarian aid delivery to victims.

In the Central-East Africa conflict complex (Wallensteen’s classification),¹⁰⁰ where Kenya, the Sudan,¹⁰¹ Uganda, Ethiopia and Eritrea belong, and in the Horn of Africa conflict complex (comprising Ethiopia, Eritrea, the Sudan, Somalia and Djibouti)¹⁰² some inter-state and intra-state conflicts have been witnessed in the post-Cold War times. Efuk observes that some member states of the Inter-governmental Authority on Development

⁹⁴ M. Schoeman, “Africa’s International Relations” in McGowan, P.J. et al (Eds) (2009) *Power, Wealth and Global Equity: An International Relations Textbook for Africa, 3rd Edition* pp 257

⁹⁵ P.J. Schraeder “African International Relations” in Gordon A.A. and Gordon L.D. (2001) *Understanding Contemporary Africa, 3rd Edition*, pp143

⁹⁶ F. Olonisakin “Conflict and Conflict Resolution in Africa” in McGowan, P.J. et al (Eds) (2009) *Power, Wealth and Global Equity: An International Relations Textbook for Africa, 3rd Edition*, pp 272

⁹⁷ Ibid pp 271

⁹⁸ Ibid pp 272

⁹⁹ P. Wallensteen, (2006) *Understanding Conflict Resolution, War, Peace and the Global System*, pp 203

¹⁰⁰ Ibid, pp 205

¹⁰¹ *At the time of publication, South Sudan, now an independent state, was a constituent part of the Sudan*

¹⁰² P. Wallensteen, (2006) *Understanding Conflict Resolution, War, Peace and the Global System*, pp 205

(IGAD) [all from the Horn of Africa] have confronted each other in their bid to create their own

“...better security environment”¹⁰³

Such confrontations within the IGAD states previously affected some countries most prompting an international response with humanitarian aid delivery as in the case of the Sudanese civil war where Kenya provided a humanitarian aid transit corridor to Southern Sudan beginning 1989.¹⁰⁴ Kenya’s declaratory position on the nature of appropriate humanitarian assistance was in favour of non-military-humanitarianism.¹⁰⁵ Noteworthy though is the fact that other neighbouring countries which had been identified by the United Nations as possible transit countries to Southern Sudan such as Uganda and Ethiopia,¹⁰⁶ were at various times involved in arming or providing military human resource assistance to the then rebel group, the Sudan People’s Liberation Army [SPLA].¹⁰⁷ While Kenya is not mentioned as having provided the level of support that Uganda and Ethiopia did to the SPLA, mention is made of the fact that Kenya has been spending a lot of resources in funding its own military.¹⁰⁸

The humanitarian assistance to Southern Sudan in the 1990s was, to a great extent, channeled through the Operation Lifeline Sudan consortium. But, what was the Intergovernmental Authority on Development’s (IGAD’s) underlying motivation for its

¹⁰³ S.O., Efuk (2001) *Operation Lifeline Sudan 1986-1996 Unpublished PhD Thesis* Institute of Politics and International Studies, University of Leeds, pp. 142

¹⁰⁴ Ibid, pp. 28

¹⁰⁵ Ibid, pp. 88

¹⁰⁶ Ibid, pp. 52

¹⁰⁷ A., De Waal “Darfur!” in *Review of African political Economy*, Vol. 33, No. 110, Religion, Ideology & Conflict in Africa (Sep., 2006), pp. 737

¹⁰⁸ Wa Muiu, M. “Africa in 2108: A Strategic Plan” in *African Journal of International Affairs*, Vol. 11, No. 2, 2008, pp. 10

support of that humanitarian action? Efuk notes that humanitarianism was just a footnote in what was IGAD members' preoccupation with their security issues.¹⁰⁹ It can be argued then that IGAD conceived of the humanitarian response through the shared lenses of the member states' national interests.

It is noteworthy that the post-Cold war era has witnessed a vigorous campaign by some to have state sovereignty re-conceptualised. This is in view of the fact that humanitarian disasters wherever they occur could need international responses where the humanitarian actors (including humanitarian soldiers) must get unimpeded access to the victims of such disasters.¹¹⁰ This was demonstrated through the intrusion by a United States-led coalition of armed forces to protect the Kurds in northern Iraq.¹¹¹ The quest to have sovereignty re-conceptualised could be rooted in the attempt to equate sovereignty with absolute freedom. Waltz cogently argues that

“...sovereignty of states has never entailed their insulation from the effects of other states' actions.”¹¹²

It can be argued that the emerging issue from the debates surrounding sovereignty as far as humanitarian assistance is concerned relates to the need to improve access to victims of humanitarian disasters and speed of response by the humanitarian actors.

¹⁰⁹ S.O., Efuk (2001) *Operation Lifeline Sudan 1986-1996 Unpublished PhD Thesis* Institute of Politics and International Studies, University of Leeds, pp. 150

¹¹⁰ T.G. Weiss and K.M. Campbell, “Military Humanitarianism” in *Humanitarianism and War: Learning the Lessons from Recent Armed Conflicts, Occasional Paper Number 8: 1991*, pp. 63

¹¹¹ L. Minear, “A Strengthened Humanitarian System for the Post-Cold War Era” in *Humanitarianism and War: Learning the Lessons from Recent Armed Conflicts, Occasional Paper Number 8: 1991*, pp. 29

¹¹² K. N. Waltz “The Anarchic Structure of World Politics” in Art. J.R. and Jervis, R. (2005) (eds) *Introduction to International Politics: Enduring Concepts and Contemporary Issues*, pp. 36

In fact by the early part of the 21st century, some actors within the international system mobilized world opinion to have the concept of 'the responsibility to protect' mainstreamed into the principles of humanitarian response.¹¹³ The current mobilization activities relating to the concept of the responsibility to protect, it can be argued, is not only signaling the alienation of the state in granting consent to humanitarian interveners but is also suggesting that the new century should welcome attempts to re-write the principles within which states and non-state humanitarian actors engage one another during humanitarian crises.

2.4 The Statutory Basis of Humanitarian Business in Kenya

The non-governmental organizations co-ordination act of 1990 was assented to on 14th January 1991 in Kenya.¹¹⁴ The codification of the act came just a year after the adoption of the United Nations Plan of Action between the Government of the Sudan and the United Nations which, in part, spelt out how relief assistance to Southern Sudan was to be delivered. That plan of action had identified Kenya as one of the,

“...many corridors through which assistance were to be channeled.”¹¹⁵

The foregoing observations imply that Kenya's enactment of the non-governmental organizations co-ordination act was more of a legal declaration whose purpose was to formalize and consequently mainstream both the humanitarian and developmental efforts of the non-state actors whose role the state had long recognized.

¹¹³ Evans, G. et al (2001) *Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*, pp 16

¹¹⁴ The non-governmental organizations co-ordination act 1990, title page

¹¹⁵ S.O., Efuk (2001) *Operation Lifeline Sudan 1986-1996 Unpublished PhD Thesis* Institute of Politics and International Studies, University of Leeds, pp. 52

What then was the legal basis of Kenya's support for international humanitarian action before the year 1991? There are many possible legal sources of Kenya's direct or indirect involvement in humanitarian work. The independence constitution (as amended until 2008), gives provision for the protection of rights for everyone in Kenya [including victims of humanitarian disasters] in Chapter five, section 70 including the protection of life and security.¹¹⁶ That commitment is further noted in the current constitution that was enacted on 27th August 2010. The current constitution, Chapter One, 2(5) explicitly gives the provision for the incorporation of the

'general rules of international laws' into 'the law of Kenya.'¹¹⁷

This provision agrees with the *Marten's clause* that features in the Geneva Conventions of 1949 which emphasize the wider scope of legal references within international law that could be made insofar as protection of humanitarian interests is concerned.¹¹⁸

A constitutional provision for Kenya to honour its 'international obligations' is also enshrined in the constitution.¹¹⁹ Previous Kenya's diplomatic practice indicates that those obligations may exclude the performance of treaties falling outside of the ambit of international customary law entered into in the colonial Kenya.¹²⁰ The implication of the letter of the post-colonial Kenya's constitutions is that the country is expected to perform its obligations in international law [in this case to co-operate with other actors –on the basis of international humanitarian law-in facilitating the delivery of humanitarian aid to

¹¹⁶ The (old) Constitution of Kenya (as amended until 2008), Chapter Five, Art. 70(a). Emphasis in square brackets mine

¹¹⁷ The Constitution of Kenya, Chapter One, Art. 2(5)

¹¹⁸ Macalister-Smith, P. (1985) *International Humanitarian Assistance: Disaster Relief Action in International Law and Organization*, pp 23

¹¹⁹ The Constitution of Kenya, Chapter Four, Art. 21 (4)

¹²⁰ K. G. Adar, "Kenya's Foreign Policy and Geopolitical Interests: The Case of the Nile River Basin" in *African Sociological Review* 11, 1, 2007 .pp 69-70

deserving persons] in good faith. Good faith, according to Aust, forms part of the *pacta sunt servanda* rule which states that parties are obligated to perform treaties in good faith.”¹²¹

From the preceding discussion on the legal basis of humanitarian action in Kenya or humanitarian action facilitated by Kenya, it can be observed that there are both municipal and international grounds (some of which are evidently stated while others are referential) from the part of Kenya for engaging in humanitarianism. For the purposes of this research work, it is argued that the legal documents of reference, (besides the ‘general principles of international law’ and international customary law) are products of both national and international negotiations, lobbying and compromise among parties.

2.5 The Conceptualisation of National Security Before and After the Cold War

Writing in the early 1950s, Wolfers conceives of security as an entity which

“in an objective sense, measures the absence of threats to acquired values, in a subjective sense, the absence of fear that such values will be attacked”¹²²

Whether measured objectively or subjectively as Wolfers posits, the common thread between the two approaches is the centrality of values. It can be inferred from this age-old conceptualisation that notions of ‘threats’ and ‘fear’ modulates a people’s perception of (in)security. Baldwin prefers a consideration of the ‘opportunity cost of security’ in

¹²¹ A. Aust, 2007(2007) *Modern Treaty Law and Practice*, pp 179-180

¹²² Wolfers, A. "National Security as an Ambiguous Symbol" in *Political Science Quarterly*, Vol. 67, No. 4. (Dec., 1952), pp. 485

order to know its value to attempting to define the term.¹²³ His approach to the conceptualisation of security is arguably not delimited by time frames.

Other scholars have argued that the security *architecture*, during the Cold War, is said to have been framed around both

“... strategy and military gaming”¹²⁴

A relational linkage, according to Brighi and Hill, exists between ‘strategy’ and context on the one hand and foreign policy on the other; that the successful implementation (or otherwise) of the latter is a function of the former.¹²⁵ The reference to strategy here is important because, a broader conceptualisation of security (conceptualisation that transcends the concentration on its military connotations) has been referred to as the *grand strategy*.¹²⁶

It can be argued that both the pre-Cold War and the Cold War conceptualisations of security, particularly from the state actors’ point of view, placed more emphasis on the reliance on the military to achieve security goals given that this periods had witnessed two world wars and a host of other inter-state confrontations in Europe.¹²⁷ The Cold War period particularly witnessed military confrontations between the two super powers

¹²³ D.A. Baldwin, “The concept of security” *Review of International Studies* (1997), 23, pp. 8

¹²⁴ Cawthra, G. ‘A Conceptual Framework for Regional Security’ in Field, S. (ed) (2004) *Peace in Africa: Towards a Collaborative Security Regime*, pp. 30

¹²⁵ Brighi, E and Hill, C. “Implementation and Behaviour” in Smith, S. et al (eds) (2008) *Foreign Policy: Theories, Actors, Cases*, pp 121

¹²⁶ Schmidt, B. “The Primacy of National Security” in Smith, S. Hadfield A. and Dunne, T. (2008) *Foreign Policy: Theories, Actors, Cases*, pp. 164

¹²⁷ H.K. Chhabra, (1989) *History of Modern World from 1914 to 1945, 2nd Edition*, S.S. Chhabra for Surjeet Publications, pp. 45-55 & pp. 301-307

(the United States of America and the Union of Soviet Socialist Republics) in client states such as those in the Horn of Africa [Ethiopia and Somalia].¹²⁸

Has the conceptualisation of national security changed over time? Cawthra observes that today the 'security environment' is more complex calling for the adoption of a 'broader concept of security' given that regional security issues have drawn greater attention than before.¹²⁹ It is an observation which Ofuho concurs with in his observation that in the Horn of Africa, both track one and track two diplomacy have been employed at the regional level in an effort to mitigate the effects of significant security issues.¹³⁰

In the immediate post-Cold War Africa for example, insecurity according to Ukeje

“ became accentuated due to the growing inability of the political class to continue to mobilise domestic support and external patronage.”¹³¹

It can be deduced from Ukeje's observation that prior to the end of the Cold War, national security in Africa or in most African states was in part assessed in terms of a regime's proximity to external allies who had the resources and capabilities to prop them. In a sense, Ukeje's observation reduces the conceptualisation of national security in Africa to regime survival or the aftermath of their dysfunctionality or demise.

128 E.R. Kanet, "The Superpower Quest for Empire: The Cold War and Soviet Support for 'Wars of National Liberation'" in *Cold War History Vol. 6, No. 3, August 2006*, pp. 338

129 Cawthra, G. 'A Conceptual Framework for Regional Security' in Field, S. (ed) (2004) *Peace in Africa: Towards a Collaborative Security Regime*, pp. 30

130 Ofuho, H. "Security Concerns in the Horn of Africa" in Makumi, M. (2004) *African Regional Security in the Age of Globalisation*, pp 14

131 Ukeje, C. "Rethinking Security in the Age of Uncertain Globalisation: NEPAD and Human Security in Africa in the Twenty-First Century" in *African Journal of International Affairs, Vol. 11, No. 1, 2008*, pp. 6

Does the Cold War conceptualisation of national security matter today? Boafo-Arthur as indicated above argues that it does but that focus on national security should not be considered always independently; human security should be considered alongside it.¹³²

2.6 Kenya's National security *architecture* before and after the Cold War

Some scholars have considered Kenya a relatively natural-resource-poor country but situated on an economically strategic space that makes it a transit country of choice to central Africa.¹³³ The tacit emphasis in this observation is that Kenya is not necessarily a transit route to the Horn of Africa, part of which the focus of this study is situated.

Kenya's political configuration at the international arena notwithstanding, some states do have varied interests in in the country.¹³⁴ On its part, Kenya has various interests within the international context and whose achievement has traditionally been guided by the principles enunciated in its foreign policy which including

“...concern[ed] with economic issues and the security of her borders.”¹³⁵

Kenya's national security concerns between 1963 and the early 1990s therefore partly revolved around the quest to protect its juridical boundaries¹³⁶ and its citizens, an effort that precipitated partly as Kenya's bi-lateral security cooperation with other countries such as Israel which engaged in the capacity building of the police units and shared part

¹³² K. Boafo-Arthur, 'Neo-liberalism, Human Security, and Pan-Africanist Ideals: Synergies and Contradictions' in *African Journal of International Affairs Vol. 5 Nos 1 & 2, 2002*, pp9

¹³³ M. Mwagiru (2008) *The Water's Edge: Mediation of Violent Electoral Conflict in Kenya*, pp. 84

¹³⁴ *Ibid* pp. 19

¹³⁵ S.M. Makinda, "From Quiet Diplomacy to Cold War Politics: Kenya's Foreign Policy" Reviewed work(s) in *Third World Quarterly, Vol. 5, No. 2, Africa: Tensions and Contentions (Apr., 1983)*, pp. 300

¹³⁶ H. Ofuho, "Security Concerns in the Horn of Africa" in Makumi, M. (2004) *African Regional Security in the Age of Globalisation*, pp. 10-11

of its intelligence reports with Kenya¹³⁷ In this exemplary case, the national security interests of Kenya were bargained for with concessions being given to the other country; Israel, for example, used Kenya's territorial space as a military hardware transit point to conflict areas such as the Southern Sudan.¹³⁸ Also, Kenya has not only held joint military exercises with other states including the United States [of America]¹³⁹ but has also granted this superpower its permission to use its territory so the latter achieves its military-related objectives.¹⁴⁰

Other bilateral military agreements between Kenya and other states such as Britain and neighbouring countries such as Ethiopia exist; something that Makinda opines could be an element of Kenya's dependence on others in its quest to consolidate its national security.¹⁴¹ It can be argued based on the observations made just above that military capability has for long been regarding useful in the pursuit of Kenya's national security interests and the national security interests of its allies with whom it has mutual security concerns.

Borrowing from the Organisation of Economic Cooperation and Development (OECD) classification of security sector institutions, it can be observed that Kenya's security sector institutions -before and after the end of the Cold War- can be categorised under: core security institutions, management and oversight bodies, justice and law enforcement

137 E. Mogire, "Balancing between Israel and the Arabs: An Analysis of Kenya's Middle East Relations" in *The Round Table* Vol. 97, No. 397, pp. 565

¹³⁸ Ibid, pp. 565

139 H. Ofuho, "Security Concerns in the Horn of Africa" in Makumi, M. (2004) *African Regional Security in the Age of Globalisation*, pp. 16

¹⁴⁰ S.M. Makinda, "From Quiet Diplomacy to Cold War Politics: Kenya's Foreign Policy" Reviewed work(s) in *Third World Quarterly*, Vol. 5, No. 2, *Africa: Tensions and Contentions* (Apr., 1983), pp. 300

¹⁴¹ Ibid pp. 302

institutions and non-statutory security forces.¹⁴² Within the Kenyan context, these security sector institutions could include the army (now the defence forces), relevant cabinet and parliamentary (sub)committees, the judiciary and the police and the privately owned security companies.

Mkutu and Sabala have argued that the steady rise in the number of the private security companies can be explained in terms of the state's failure to provide adequate security to the people.¹⁴³

However, despite the *perceived* failure of the state to offer 'adequate security' as noted by Mkutu and Sabala, the institution of state is still central in addressing matters falling within its jurisdiction.¹⁴⁴

After the cold war, the rise in complexity of the security environment as observed by Cawthra arguably informed Kenya's calculative moves to enter into bilateral security arrangements with other states, examples of which have been noted above. From a regional perspective, it has been observed that all IGAD member states have made security agreements with the United States of America.¹⁴⁵ Arguably, the import of these external inter-linkages of security regimes within the Horn of Africa is that there is need

142 W.A. Knight "Linking DDR and SSR in post conflict peace-building in Africa: An overview" in *African Journal of Political Science and International Relations* Vol. 4(1), 2010, pp. 34-35

143 K.A. Mkutu, K. and Sabala, "Private Security Companies in Kenya and Dilemmas for Security" in *Journal of Contemporary African Studies* Sept. 2007, pp 392

144 A.W. Olaitan "Towards a Functional African State: Bridging the Gap Between the State and the People" in *African Journal of International Affairs*, Vol. 9, Nos. 1&2, 2006, pp. 62

145 L. Chweya, "Emerging Dimensions of Security in the IGAD Region" in Makumi, M. (2004) *African Regional Security in the Age of Globalisation*, pp 33

to approach Kenya's national security interests within a regional context which is provided for through interactions with other regional states.

2.7 Relevance of Realism within the Context of Humanitarian Aid-National Security Nexus

As noted in Chapter One, realism considers the state the primary actor in international relations, and contends that the conflictual nature of international politics is a consequence of the visible absence of a higher authority than the state in the international system where states project competing interests. The theory also recognises as fact that differences in capabilities of otherwise legally-equal sovereign states tell them apart. Additionally, the theory claims that states are not only unitary actors but also rational and that power, with emphasis on military power, is central in explaining and predicting state behaviour at the international level.

Realism takes account of the inter-play of important factors such as geopolitical locations of states, state willpowers and the effectiveness of the individual state's diplomacy in creating hierarchies among states in the international system. It is these hierarchies that determine, according to this school of thought, the degree of power that individual states wield. It has been observed that realism tries to describe the world as it is.¹⁴⁶

Realism has been criticised by some scholars. Katzenstein, for example, argues that the inadequacies of the theory in explaining both the coming to an end of the Cold War and the disintegration of the Soviet Union calls to question the tenets of the theory which

¹⁴⁶ For a detailed exposition on the tenets of realism, see: J.E. Dougherty and R.L. Pfaltzgraff, Jr., *Contending Theories of International Relations: A Comprehensive Survey*, 4th edition, pp 59-99

formed the basis of many security studies during the Cold War era.¹⁴⁷ While Chweya also voices similar concerns regarding the relevance of realism [he argues that the theoretical scope of realism is narrow], he doesn't dismiss its relevance.¹⁴⁸ Despite the criticism levelled against it, the theory still proves to be useful in explaining the behaviour of humanitarian aid donor(s) [predominantly states] or that of their allies during complex humanitarian crises.

The relevance of realism is evident when issues (some of which have been highlighted above) surrounding the delivery of humanitarian aid to Southern Sudan, between 1989 and 2005, are isolated and studied. The crafting of the humanitarian action in Southern Sudan between 1989 and 2005 was led by states under the auspices of the United Nations, itself an intergovernmental organisation. States were therefore the dominant players particularly as donors and 'agenda-setters' insofar as the scale and intensity of the humanitarian action in this area of the larger Sudan was concerned.

Inter-national politics particularly within the Eastern Africa region was conflictual insofar as the Sudan conflict was concerned. States re-aligned themselves to one another based on the expected 'relative gains' they hoped to get from their moves. That some states within the region employed their military resources at some point during the life of the Sudan conflict (1983-2005) affirms the Realists' emphasis on the use of one's [relative] military power to achieve some national interest(s). The overriding interest of the IGAD

¹⁴⁷ P.J. Katzenstein, "Conclusion: National Security in a Changing World in Katzenstein, P. J. (ed) (1996) *The Culture of National Security: Norms and Identity in World Politics*, pp. <http://www.ciaonet.org/book/katzenstein/conclusion.html> (1 of 31)

¹⁴⁸ L. Chweya "Emerging Dimensions of Security in the IGAD Region" in Makumi, M. (2004) *African Regional Security in the Age of Globalisation*, pp 31-32

states in the humanitarian assistance for Southern Sudan, as noted above through reference to Efuk's thesis, was a consolidation of the IGAD states' security.¹⁴⁹ This is another pointer to the fact that states are selfish, as Realists would argue.

While Kenya provided a transit route to the 'Samaritans' (the humanitarian actors), arguably because of its geopolitical advantage at the time, it has been noted that at another layer of interactions with other actors, it did provide a transit route for weaponry to the then rebel movement- Sudan people's Liberation Army. Was this a case of a state being a Samaritan by day and a Trojan horse by night? The ability of Kenya to *successfully* provide a dual transit route to Southern Sudan demonstrates its 'rationality' in its quest to balance its regional and international interests.

2.8 Conclusion

The twentieth century heralded a positive progression in the growth of the international humanitarian system. Questions on the need for neutral humanitarian actors, the use of military assets, the coordination of joint humanitarian operations between the civilian humanitarians and humanitarian assistance arms of the military, among others, were debated within the context of an evolving humanitarian aid regime. After the Cold War and into the 21st century, interventions by force were (or have been) witnessed in some areas. Through time though, there has been a continued sense of humanitarian assistance being pegged on the amount of non-material, material or strategic benefits that the donor(s) would get in return. Based on the presentation in this chapter, this dissertation

¹⁴⁹ S.O., Efuk (2001) *Operation Lifeline Sudan 1986-1996 Unpublished PhD Thesis* Institute of Politics and International Studies, University of Leeds, pp 147

argues that there hasn't been a paradigm shift in the conceptualisation of security; what is central in most current security debates, including the possible impact of the provision of humanitarian aid transit routes, is a mobilisation for a shift in emphasis of what security studies should consider as the unit of analysis. The following chapter delves into the problem with a view to investigate the humanitarian actors' interactions through the lenses of realism and the impact of their interactions on Kenya's national security.

CHAPTER THREE

IMPACT OF THE PROVISION OF HUMANITARIAN AID TRANSIT CORRIDOR ON NATIONAL SECURITY

3.0 Introduction

In chapter two the study gives a bird's eye view of the historicity of humanitarian assistance during the 20th and the early part of the 21st centuries. That discussion on the historicity of humanitarian assistance is juxtaposed against the conceptual debates on the contested subject of national security before and after the termination of the Cold War. The chapter also examines the relevance of realism in explaining a state's behaviour insofar as its relationship to the humanitarian business and humanitarian actors is and finally ends with a conclusion.

Chapter three focuses on the case study: impact of Kenya's provision of humanitarian aid transit corridor on national security. This section of the study will use data from both primary sources (structured questionnaires) and secondary sources to be drawn from agencies' reports, Government publications and media reports relating to the Southern Sudan humanitarian action between 1989 and 2005, and national security. The data will be useful in sketching the context of the Northern Kenya humanitarian aid transit corridor and in identifying the actors involved in the Southern Sudan humanitarian action between 1989 and 2005. A classification of the actors will also be done. The actors' contributions will then be analysed with attention being given to how both national and international politics shaped their behaviour. Kenya's contribution(s), including the provision of the humanitarian aid transit corridor and the factors that informed those contributions, will be

considered in detail. The chapter will then explore possible linkages between the provision of humanitarian aid transit corridors and the state of national security before giving a short recap of the chapter in the end.

3.1 Actors, Politics and the Context of the Northern Kenya Humanitarian Corridor to Southern Sudan, 1989-2005

3.1.1 The Context

Brighi, and Hill have described '*context*' as the consequence of patterned interactions among actors.¹⁵⁰ The Northern Kenya humanitarian aid transit corridor came into being because various actors pursuing specific goals entered into some set of interactions or relations, within and without Kenya's territorial space. This dissertation also borrows Brighi and Hill's contention that,

'the constant interplay between actors and context yields *behaviour* [of actors in relation to one another].¹⁵¹

During the early 1990s when the humanitarian action in Southern Sudan was on course, the United Nations Organisation coincidentally and unequivocally supported the centrality of the state as a hitherto essential unit of organisation around which 'any common international progress' was founded.¹⁵²

¹⁵⁰ E. Brighi, E and C. Hill "Implementation and Behaviour" in Smith, S. et al (eds) (2008) *Foreign Policy: Theories, Actors, Cases*, pp 120

¹⁵¹ Ibid

¹⁵² B.B. Ghali "An Agenda for Peace Preventive Diplomacy Peacemaking and Peace-keeping: Report of the Secretary-General pursuant to the Statement Adopted by the Summit Meeting of the Security Council on 31st January 1992" (A/47/277-S/24111 17 June 1992: <http://www.un.org/Docs/SG/agpeace.html>), point no. 17

The Northern Kenya humanitarian aid transit corridor was epitomised by the creation of and support to both the Northern and Southern Sectors of the Operation Lifeline Sudan, the latter of which its main logistical base was in Lokichokio, a town that also hosted the International Committee of the Red Cross and non-OLS NGOs.¹⁵³ While OLS phase I which began on 1st April 1989 lasted until October 1989 during which time it 'collapsed,'¹⁵⁴ OLS phase II was launched (1992) around the time the United Nations General Assembly (UNGA) had just made a commitment to re-invigorate its approach towards humanitarian emergencies through the adoption of UNGA's resolution 46/182 of 19th December 1991.¹⁵⁵

One of the guiding principles adopted in this resolution [UNGA res. 46/182 of 1991] appeals to states close to emergencies to help the affected countries or regions by facilitating the shipment of humanitarian assistance.¹⁵⁶ The context of OLS II therefore played itself out not only within the newly established understanding among states that states were *bound* to channel humanitarian assistance to the extent possible whenever required to but also in the light of: dominance-subordination relations between the UN-

¹⁵³ R. Muggah, & E. Berman (2001) "Humanitarianism Under Threat: The Humanitarian Impacts of Small Arms and Light Weapons" A Study Commissioned by the Reference Group on Small Arms of the UN Inter-Agency Standing Committee A publication of the Small Arms Survey with support from the Centre for Humanitarian Dialogue, see pp39 and end note 109.

¹⁵⁴ F. Mulu, (2008) *The Role of Regional Organizations in Conflict Management: IGAD and the Sudanese Civil War*, pp 43-44

¹⁵⁵ United Nation's General Assembly Resolution 46/182 of 19th December 1991: Strengthening of the Coordination of Humanitarian Emergency Assistance of the United Nations (<http://www.un.org/documents/ga/res/46/a46r182.htm> Re-accessed 21/10/2012)

¹⁵⁶ United Nation's General Assembly Resolution 46/182 of 19th December 1991: Strengthening of the Coordination of Humanitarian Emergency Assistance of the United Nations (<http://www.un.org/documents/ga/res/46/a46r182.htm> Re-accessed 21/10/2012), principle no. 7 on the Annex

wing of OLS and the NGOs,¹⁵⁷ patron-client relations between [some] donor governments and aid agencies,¹⁵⁸ inter-agency competitions within the UN system,¹⁵⁹ and a dented perception among some Sudanese about the OLS.¹⁶⁰

3.1.2 Actors

The actors involved in negotiating the opening up of Sudan's territory to humanitarian organisations or in the actual delivery or the donation of humanitarian aid to Southern Sudan will be classified according to their nature. The classification broadly identifies nation-state, non-state, *sui generis* and quasi-governmental actors. The actors could also be categorised in terms of their visibility: visible and invisible actors.

For the purposes of this research, other categories of actors are identified: the *opportunistic* non-state actors (like the business fraternity) who enjoyed a symbiotic association with the *mainstream* humanitarian actors and actors who were neither involved in the donation or delivery of material humanitarian aid but were involved in the pursuit of other goals- the peripheral *embeds*. While the humanitarian action was underway, some of these actors like regional states were involved in negotiating a

¹⁵⁷ T.A. Aboum et al (1990) *A Critical Review of Operation Lifeline Sudan: A Report to the Aid Agencies*, pp14

¹⁵⁸ T.A. Aboum et al (1990) *A Critical Review of Operation Lifeline Sudan: A Report to the Aid Agencies*, pp21

¹⁵⁹ T.A. Aboum et al (1990) *A Critical Review of Operation Lifeline Sudan: A Report to the Aid Agencies*, pp22

¹⁶⁰ T.A. Aboum et al (1990) *A Critical Review of Operation Lifeline Sudan: A Report to the Aid Agencies*, pp24

resolution of the conflict under the auspices of IGAD.¹⁶¹ Individuals were also involved e.g. Jimmy Carter.¹⁶²

Prior to the opening up of the Northern Kenya humanitarian aid transit corridor to Southern Sudan, various actors were involved in securing acceptance from the Sudanese government for the delivery of humanitarian assistance to the people of civil-war stricken South Sudan. Western governments and some international non-governmental organisations have been identified as the main architects behind the United Nations Operation Lifeline Sudan.¹⁶³

In accepting the humanitarian assistance for Southern Sudan, the Khartoum government expressed its reservations on the political nature of the humanitarian assistance.¹⁶⁴ During the life of the conflict, the state actors including those within the IGAD umbrella who had expressed interest in having aid delivered to the victims of the Sudanese conflict continued to express interest in the conflict mediatory efforts as well.¹⁶⁵ Other states which expressed similar interest at some point in mediating the conflict are Egypt and Libya through their “Joint Egyptian-Libyan Initiative” of October 1999¹⁶⁶ which was less

¹⁶¹ The Daily Nation (July 10, 1997) *Moi Gets Mandate over Sudan*. Story by Chege wa Gachamba, pp. 44

¹⁶² The East African (December 13-19, 1999) *Uganda-Sudan peace deal angers US* Story by Kevin Kelly and Levi Ochieng’ pp 36

¹⁶³ S.O., Efuk (2001) *Operation Lifeline Sudan 1986-1996 Unpublished PhD Thesis* Institute of Politics and International Studies, University of Leeds, pp. 65

¹⁶⁴ S.O., Efuk (2001) *Operation Lifeline Sudan 1986-1996 Unpublished PhD Thesis* Institute of Politics and International Studies, University of Leeds, pp. 84

¹⁶⁵ The Daily Nation (July 10, 1997) *Moi Gets Mandate over Sudan*. Story by Chege wa Gachamba, pp. 44

¹⁶⁶ The East African (December 13-19, 1999) *Uganda-Sudan peace deal angers US* Story by Kevin Kelly and Levi Ochieng’ pp 36

favoured by the United States of America.¹⁶⁷ Nigeria and Germany were also involved.¹⁶⁸

IGAD and the European Union, also involved, could be considered as *sui generis* actors.

Other states that expressed varying levels of interest in or were indirectly involved in the mediatory roles were Nelson Mandela's South Africa and Prime Minister Mahathir Mohamed's Malaysia.¹⁶⁹ Malaysia is Sudan's fellow member of the Organisation of the Islamic Conference (OIC) and is also one of the investors in the energy sectors in the Sudan [since 1995].¹⁷⁰ In a sense, Malaysia embodies a group of states whose interest in the outcome of the Sudan conflict was informed by their (long-term) economic interests in the Sudan and in Sudan's neighbouring countries.¹⁷¹

The non-state actors who were involved in negotiating the provision of (a) 'life saving' corridor(s) were mainly the International Committee of the Red Cross (ICRC) and some NGOs.¹⁷² Whereas the Sudan People's Liberation Army/Movement was not represented at the UN-led negotiations with the Government of Sudan (GoS) on 8th March 1989, it

¹⁶⁷ Al-Ahram Weekly Online (November 4 – 10, 1999) Issue No. 454 "Uneven movement on Sudan reconciliation tracks" Story by Dina Ezzat and Mohamed Khaled

<http://weekly.ahram.org.eg/1999/454/eg1.htm> (Accessed 23/10/2012), Last paragraph

¹⁶⁸ House of Commons Website, *Memorandum from the Ambassador of the Republic of Sudan: Development on the Current Crisis in Southern Sudan*

<http://www.publications.parliament.uk/pa/cm199798/cmselect/cmintdev/872/8071602.htm> (Accessed 30/10/2012)

¹⁶⁹ The East African (August 25-3, 1997) *Sudan Talks: Can Mandela Succeed Where Moi Failed?* Story by Chris Erasmus, pp 12

¹⁷⁰ D. Large "Sudan's Foreign Relations with Asia China and the Politics of 'looking east' in *Institute for Security Studies Paper 158, Feb 2008* pp 4. Additional information about Malaysia's Petronas entry into the Sudan retrieved from: <http://www.petronas.com.my/community-education/community/global-outreach-programme/sudan/Pages/default.aspx> (accessed 20/10/2012)

¹⁷¹ D. Large "Sudan's Foreign Relations with Asia China and the Politics of 'looking east' in *Institute for Security Studies Paper 158, Feb 2008* pp 5

¹⁷² S.O., Efuk (2001) *Operation Lifeline Sudan 1986-1996* Unpublished PhD Thesis Institute of Politics and International Studies, University of Leeds, pp. 51

was later enjoined in voicing its political acceptance of the UN Plan of Action.¹⁷³ By virtue of it being a party to the conflict, it was an important quasi-governmental actor. The relief wing of the SPLA/M, the Sudan Relief and Rehabilitation Agency was hosted in Kenya.¹⁷⁴ In some quarters, such as in the United States of America, there was a perceived benefit in having state-NGO synergies in place, during the humanitarian action, to enable better mutual realisation of state's and NGO's goals in the Sudan.¹⁷⁵

Actors who were engaged in economic activities existing within either the money or commodity markets and whose success consequently relied on the continuation of the Sudanese conflict are regarded, in this dissertation, as opportunistic actors. From the point of view of a corridor into Southern Sudan then, Lokichokio Kenya hosted the visible actors in this category who arguably had possible linkages to others commercial players as is often the case in 'normal' business environments.

The final category of actors is what this dissertation classifies as *peripheral embeds*; actors whose primary role was extra-humanitarian, independent of the humanitarian actors but whose clandestine and highly political interests were separately pursued along the humanitarian aid transit corridor. This is a fluid category because actors who have already been classified above could still be re-classified under this category. The states, for example, could still fall under this group depending on what this dissertation

¹⁷³ S.O., Efuk (2001) *Operation Lifeline Sudan 1986-1996 Unpublished PhD Thesis* Institute of Politics and International Studies, University of Leeds, pp. 63

¹⁷⁴ S.O., Efuk (2001) *Operation Lifeline Sudan 1986-1996 Unpublished PhD Thesis* Institute of Politics and International Studies, University of Leeds, pp. 61

¹⁷⁵ S.O., Efuk (2001) *Operation Lifeline Sudan 1986-1996 Unpublished PhD Thesis* Institute of Politics and International Studies, University of Leeds, pp. 121

considers their primary role in the Sudanese conflict. Israel, for instance, was suspected to have been one of the sources of SPLA's armoury.¹⁷⁶

3.1.3 National and International Politics during the Sudanese Humanitarian Action, 1989-2005

While considering (international) politics, the diplomacy of conflict management,¹⁷⁷ ad hoc humanitarian diplomacy¹⁷⁸ and national security issues, it is evident that states have featured as the dominant actors.

There is a thread running through international politics and national security on the one hand and diplomacy of conflict management, ad hoc humanitarian diplomacy and the delivery of humanitarian assistance on the other as in the case of assistance to the Sudan between 1989 and 2005. This dissertation argues that that thread is the *context* as conceptualised above. The dissertation further holds that politics shapes a state's national security orientation and that ad hoc humanitarian diplomacy distinguishes itself from the diplomacy of conflict management in terms of goals: it has shorter term goals and is a sub-set of the diplomacy of conflict management.

At a regional level, concerns over the domestic national securities appear to have influenced the inter-state political relations among the Horn of Africa countries during part of the life of the Sudanese conflict which this study covers. Among some of the Horn

¹⁷⁶ E. Mogire, "Balancing between Israel and the Arabs: An Analysis of Kenya's Middle East Relations" in *The Round Table* Vol. 97, No. 397, pp. 565

¹⁷⁷ Mwangi, M. (2004) *Diplomacy: Documents, Methods and Practice*, pp 119

¹⁷⁸ S.O., Eful (2001) *Operation Lifeline Sudan 1986-1996 Unpublished PhD Thesis* Institute of Politics and International Studies, University of Leeds, pp. 142

of Africa countries, accusations and counter-accusations about mutually-engineered insecurity arising out of the suspicions that the states were funding rebel groups in one another's territory temporarily fractured Uganda-Sudan relations¹⁷⁹ and Ethiopia-Sudan relations¹⁸⁰ as well as Sudan-Eritrean relations.¹⁸¹ The adoption of a mutually-undermining security strategy of fanning rebellions in one another's country was a consequence of the suspicion.

At another layer of international politics, the SPLA was temporarily granted sanctuary in Kenya at least in 1991¹⁸² and at least one of their patrons cleared to use Kenya as a transit route for weapons.¹⁸³ These indications portend Kenya's politico-diplomatic engagement with the 'upstream state' [source of weapons] and the 'downstream' actor [the recipient of weapons, the SPLA]. Relations which may have begun as bilateral or "tri-lateral" (between Kenya, the SPLA and the weapons' country of origin also had a politico-diplomatic *butterfly effect*; other states including the United States of America were drawn into the matter.¹⁸⁴

When South Africa through its president, then Nelson Mandela, offered to mediate the Sudanese conflict, both President Bashir of the Sudan and SPLA/M leader Dr. Garang,

¹⁷⁹ The Daily Nation (September 3, 1996) "Senior Kampala Minister 'visits Sudan," story by Dan Elwana, pp. 8

¹⁸⁰ F. Mulu, (2008) *The Role of Regional Organizations in Conflict Management: IGAD and the Sudanese Civil War*, pp 44

¹⁸¹ The Daily Nation (July 10, 1997) "Eritrean Leader Upset by Insult", story by Jacinta Sekoh, pp 8

¹⁸² M. Bradbury, et al "The 'Agreement on Ground Rules' in South Sudan" *HPG Report 4: Study 3 in: The Politics of Principle: The Principles of Humanitarian Action in Practice, March 2000*, pp 15

¹⁸³ E. Mogire, "Balancing between Israel and the Arabs: An Analysis of Kenya's Middle East Relations" in *The Round Table Vol. 97, No. 397*, pp. 565

¹⁸⁴ The East African (November 18-24, 1996) *Uganda-Sudan Talks Linked to US Move*, Story by Adonia Ayebare & Kevin Kelly, pp 1&2

are said to have welcomed the idea that South Africa take over from IGAD.¹⁸⁵ The acceptance from the two protagonists (Bashir and Garang) to have South Africa continue the mediation could be explained in terms of the *underlying* perception of IGAD's mediator, Kenya, held by both Bashir and Garang at the time: that they did not have overwhelming trust in Kenya but that it was in their interest not to adopt aggressive relations with Kenya. In his article "*Negotiating a Settlement (sic)*," Malwal, describes Bashir's National Islamic Front as having trusted Kenya in 1989.¹⁸⁶ Some of the politically significant signals the Bashir's regime gave later during the conflict suggest otherwise. For example, in the year 2000, Bashir's government ordered the humanitarian agencies serving Southern Sudan from Lokichokkio Kenya to relocate their main operations base into the Sudan as Khartoum had accused the agencies operating in the OLS Southern Sector of financially propping the SPLA rebels.¹⁸⁷ The protest message was arguably meant for Nairobi: that it was either inept to handle Sudanese grievances or was a willing accomplice in the *orchestration* of the actions behind those grievances.

About seven months before the Khartoum's order was given, the SPLA had on 12th January 2000 ordered 39 humanitarian agencies operating in areas controlled by it to run their programmes under SPLA-dictated conditions (which were to be implemented through the Sudan Relief and Rehabilitation Agency-SRRA) including possible

¹⁸⁵ The East African (August 25-3, 1997) *Sudan Talks: Can Mandela Succeed Where Moi Failed?* Story by Chris Erasmus, pp 12

¹⁸⁶ Malwal, B. "The Sudan: Negotiating a Settlement" in Pumphrey, C., Schartz-Barcott, R. (eds) (2003) *Armed Conflict in Africa*, pp169

¹⁸⁷ The Daily Nation (August 2, 2000) "*Sudan Order to Agencies*" Story by Reuters, pp10

occasional use of humanitarian transport facilities for SPLA's [unspecified] use.¹⁸⁸

Although there is little evidence to suggest that Khartoum's order to agencies in August 2000 was as a result of this earlier order by the SPLA to the same agencies, it is credibly possible that SPLA's order formed part of the pull of evidence that Khartoum had for its *displeasure* with a humanitarian operation mounted from a neighbouring country.

Despite its support for the humanitarian action in the Sudan, evident through hosting the humanitarian actors in Lokichokkio, Kenya seems to have grappled with understanding both the role of the Operation Lifeline Sudan (OLS), a main user of the Lokichokkio (Lokichoggio) airstrip in the 1990s, and the relationship between this UN-led consortium and the Government of Kenya.¹⁸⁹ The OLS was thus included in a security committee, one of the two committees set up in early 1999, to review security arrangements at the Lokichoggio airstrip with a view to concluding a memorandum of understanding with the Government of Kenya over the use of the airstrip.¹⁹⁰ The other committee, *'the technical committee'*, was tasked partly with defining OLS' role.¹⁹¹ Notably, not even the 'technical committee' had representatives from the Sudan yet the OLS had the overall objective of serving South Sudanese. For a Southern Sector OLS-averse state as the Sudan, these developments in Lokichokkio were politically significant.

National politics within countries other than those of the IGAD region also shaped debates on the Sudan conflict. In 1999 in the United States for example, Clinton's close

¹⁸⁸ D. Hoile, (2002) *"The Search for Peace in the Sudan: A Chronology of the Sudanese Peace Process 1989-2001"* pp 144

¹⁸⁹ *The East African* (March 15-21, 1999), *Move to Improve Security at Lokichoggio* Story by Dennis Onyango pp 8

¹⁹⁰ *Ibid*

¹⁹¹ *Ibid*

assistants are reported to have repudiated Jimmy Carter's progress in negotiating Uganda-Sudan peace deal as they were in favour of the use of considerable force against Omar Bashir's government.¹⁹² Bill Clinton had also signed a piece of legislation to allow the US ship their food aid directly to the Southern Sudan rebel group, the SPLA.¹⁹³ It can be argued that the potential logistics chain through which such food aid was to be delivered would include the East African countries where the US has military presence and Kenya is one of them.¹⁹⁴ Earlier in 1996, the United States had threatened to arm Sudan's regional *enemies* notably Eritrea, Ethiopia and Uganda.¹⁹⁵ By May 1996 the Khartoum government, arguably having picked the threat signal from the United States, had issued a ban order to OLS-cross-border operations from Lokichokio designed to use,

“...large-capacity cargo aircraft.”¹⁹⁶

This dissertation argues that the web of international politics that the US positions engendered included Bashir's regime upping its suspicion about the rationale for continued support of humanitarian activities in Southern Sudan from Lokichokio, Kenya.

The analysis given above provides evidence that international politics does not just involve states as the primary actors but also ropes in other secondary actors within the

¹⁹² The East African (December 13-19, 1999) *Uganda-Sudan Peace Deal Angers US* Story by Kevin Kelly and Levi Ochieng' pp 36

¹⁹³ Ibid

¹⁹⁴ S.M. Makinda, "From Quiet Diplomacy to Cold War Politics: Kenya's Foreign Policy" Reviewed work(s) in *Third World Quarterly, Vol. 5, No. 2, Africa: Tensions and Contentions (Apr., 1983)*, pp. 300

¹⁹⁵ The East African (November 18-24, 1996) *Uganda-Sudan Talks Linked to US Move*, Story by Adonia Ayebare & Kevin Kelly, pp 1&2

¹⁹⁶ Report of the Secretary-General (A/51/326 4 September 1996), 51st Session, Item 21 (b) of the Provisional Agenda: Emergency Assistance to the Sudan, pp 4

international system. This is so particularly when issues about the delivery of humanitarian aid are considered. The analysis also shows that international political issues at one level have the potential to impact on other international political issues or politico-humanitarian issues at other levels. In this case, what could ideally have been a Uganda-Sudan conflict issue could impact on the delivery of humanitarian aid in Southern Sudan delivered by other parties who had various kinds of affiliations with Uganda or the humanitarian actors themselves such as Kenya.

3.2 Impact of the Provision of Humanitarian Aid Corridors on National Security

This section assesses the substantive significance of Kenya's provision of a humanitarian aid transit corridor on its national security by assessing international politics touching on the 1989-2005 humanitarian action in the Sudan within the context of four of the common building blocks of threat analysis namely territorial integrity, political autonomy, internal stability and the soundness of a state's economy.¹⁹⁷ Analysed public opinion based on questionnaire data will also be considered.

The point of departure in this section is that if the ultimate vision of the OLS [a humanitarian venture] was peace as has been cogently argued,¹⁹⁸ then Kenya has previously demonstrated that its contribution towards international peace initiatives is not premised on pure altruism but on economic considerations¹⁹⁹ as well as on politico-

¹⁹⁷ Chacha, B.K. 'From Local Conflicts to Global Terrorism: Can Refugees and Regional Security Problems Jeopardise the Renewal of Kenya?' in *African Journal of International Affairs*, Vol. 7, Nos. 1&2, 2004, pp 66

¹⁹⁸ S.O.. Efuk (2001) *Operation Lifeline Sudan 1986-1996 Unpublished PhD Thesis* Institute of Politics and International Studies, University of Leeds, pp. 120

¹⁹⁹ The East African (Oct. 28-Nov. 3, 1996) Kenya. UN in \$20M Row over Peace Role Story by James Macharia pp 1&2

security considerations as earlier pointed out. As a result, by providing the humanitarian aid transit corridor to the Sudan, Kenya considered the absolute gain in taking that position.

The secondary data analysed reveal that the bi-lateral relations between the Sudan and her neighbours along the Southern-Oriental axis of its international boundary were intense when the 1989-2005 humanitarian action in the Sudan was underway. Uganda, Kenya, Ethiopia and Eritrea were actively involved in endorsing the delivery of humanitarian assistance to the Sudan. These four countries entered into complex patterns of international interactions amongst themselves and with other state and non-state actors during that period too. These patterns of interactions consequently shaped their mutual perception of one another in terms of security concerns during the period covered.²⁰⁰ Bi-lateral relations between the Sudan and Uganda were at one point conflictual because the two states perceived each other's actions as undermining one another's own territorial integrity and national stability.²⁰¹ The same could be said of bi-lateral relations between the Sudan and Ethiopia and between the Sudan and Eritrea.

Sudan-Kenya relations took a relatively different shape from those of Sudan-Uganda, Sudan-Ethiopia and Sudan-Eritrea relations at the time. No evidence was found during the writing of this paper that suggests that there ever were some mediatory talks between Kenya and the Sudan arising out of an international conflict between the two states. However, the analyses of signals emitted by these two states during the humanitarian

²⁰⁰ M. Bradbury. "The 'Agreement on Ground Rules' in South Sudan" *HPG Report 4: Study 3 in: The Politics of Principle: the principles of humanitarian action in practice, March 200* pp 30

²⁰¹ Refer to: The Daily Nation (September 3, 1996) 'Senior Kampala Minister 'visits Sudan.' story by Dan Elwana, pp. 8, column 2

action under the period of focus indicate that suspicion particularly over Kenya's neutrality in the conflict was rife. That the Sudan dramatized its suspicion of Kenya or the use of Kenya by 'forces that were undermining the Khartoum government' through its order in the year 2000 to the Lokichokio-based humanitarian agencies²⁰² reflects the tacit admission by the Sudan that Kenya exercised some dominance over it. The relations between the two states apparently remained cordial but implanted with the germ of conflict.

While the Khartoum government came to voice her distrust on the launching of humanitarian operations under OLS Southern Sector from Lokichokio as analysed above, the SPLA/M which had in January 2000 ordered the agencies to allow it use humanitarian transport facilities, did not arguably because it was a major political beneficiary of an operation mounted from Kenya which hosted its relief arm.²⁰³ Both parties however sent signals at various times that they had the legitimate authority to exclusively deal with the humanitarian actors in Southern Sudan areas that were under rebel control. From the point of view of the Sudan, Kenya's provision of the Northern Kenya humanitarian aid transit corridor was a potential threat to Sudan's national security evaluated in terms of its political autonomy and faltering internal stability.

It is worth noting at this point that out of the total number of the questionnaire respondents, 83.3% favour Kenya's provision of humanitarian aid transit corridors to conflict areas in the region including to the Sudan; the remaining 16.7% had no comment

²⁰² Refer to: The Daily Nation (August 2, 2000) "*Sudan Order to Agencies*" Story by Reuters, pp10, column 4

²⁰³ S.O., Efuk (2001) *Operation Lifeline Sudan 1986-1996* Unpublished PhD Thesis Institute of Politics and International Studies, University of Leeds, pp 61

on their preference. 50% of respondents believe that Kenya supports the (international) humanitarian actors to a great extent, while 33.3% believe that the support offered by Kenya is average. It is only 16.6% of respondents that believe that Kenya's support to the humanitarian actors is minimal.

All the respondents believe that there are both benefits and costs that come with the provision of humanitarian aid transit corridors. Employment creation emerged as the most cited benefit of the provision of humanitarian aid transit corridors having been cited by 66.6% of the respondents. Cited cases of negative impact of the provision of humanitarian aid transit corridors are summarised below based on the frequency of their occurrence in the responses given:

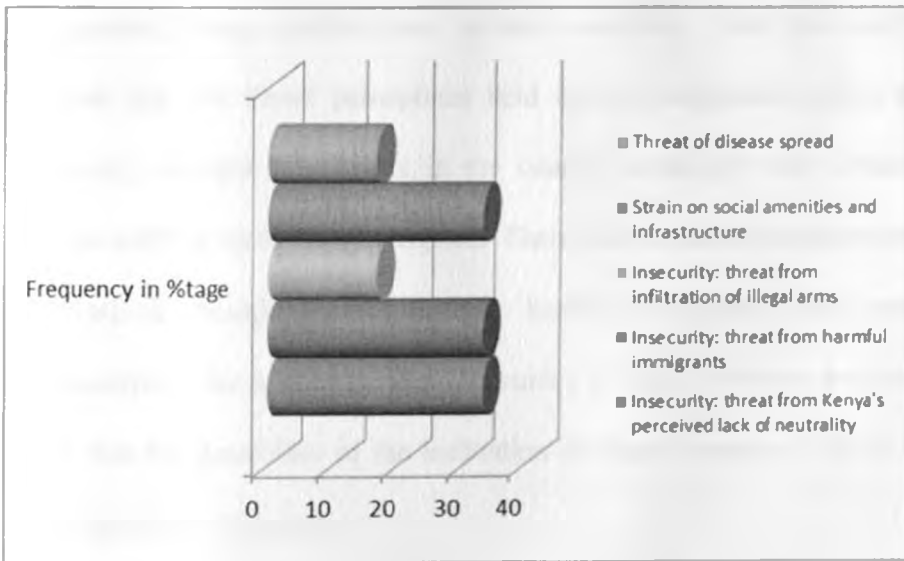


Figure 1: Top five sources of negative impact of the provision of HATC identified quantified as a percentage of the total number of respondents who identified each one of them

The chart above shows that threat perceptions among the respondents are divergent; there was no single source of threat to security that was overwhelmingly identified (by over 50% of all respondents). Insecurity was however identified as one of the sources of

potential negative impact of the provision of humanitarian aid transit corridors. Again, the perceived causes of insecurity though are varied. Some respondents identified: the infiltration of harmful immigrants (33.3% of the respondents), smuggling in of illegal weapons (16.6% of the respondents) and threats arising out of perceived Kenya's lack of neutrality (33.3% of the respondents).

The chart above also shows that by providing a humanitarian aid transit corridor as an outlet for humanitarian assistance, the same corridor could serve as an inlet to various groups including those whose presence in Kenya's territory could undermine Kenya's national security. The upshot of this observation, it can also be argued, is that Kenya has previously lacked sufficient capacity to handle *externalities* arising out of hosting immigrants fleeing conflicts back in their countries. From the chart too, it can be deduced that the threat perceptions held by the respondents about the presence of potentially harmful immigrants in the country outweigh those threats posed by the possible infiltration of illegal weapons. There is a possible connection between these two observations though, that potentially harmful immigrants are perceived by the respondents as the very merchants or sources of illegal weapons making them a bigger threat than the possibility of the infiltration of illegal weapons dealt in by other parties other than the immigrants.

Strain on local infrastructure and social amenities were identified as a possible impact of the provision of humanitarian aid transit corridors. While strain on infrastructure may not be a source of threat *per se*, the operational challenges arising out of the use of the

available infrastructure particularly by the humanitarian agencies, as was the case in Lokichoggio may elicit security-related reactions from the host government: in this case Kenya government.

In terms of impact on bi-lateral diplomatic relations, the provision of humanitarian aid transit corridors was perceived by 16.6% of respondents to have no impact at all; no relationship at all existed between such a provision and the direction that diplomatic relations take. Another 16.6% thought that such a provision could improve diplomatic ties between Kenya and the aid receiving state, while another 16.6% thought the existing cordial relations could remain as they have been. Another 16.6% had no comment. It is only 33.3% of respondents who thought that diplomatic relations between Kenya and the aid receiving state could be strained as a result of the provision of a humanitarian aid transit corridor if the aid receiving state was fighting belligerent groups whose political alignments potentially compromised Kenya's neutrality. In terms of percentage distribution, those who believe that diplomatic ties between Kenya and the aid receiving state could be strained constitutes the largest segment but constitutes less than a simple majority of the total respondents.

3.3 Linkages between the Provision of Humanitarian Aid Transit Corridors and the State of National Security?

The provision of a transit corridor is quite significant where the state providing such a humanitarian aid transit corridor and the state (or area of the state to which the humanitarian aid is destined) are contiguous and falling within the developing countries as the case of Sudan and Kenya illustrate. Sharing of a common border between the

humanitarian corridor-providing state and the humanitarian aid-receiving state typifies the humanitarian corridor as a 'two-way cross-border corridor' accommodating both forward and reverse flows of humanitarian related traffic.²⁰⁴

Based on our analysis above, the significance of the provision of a humanitarian aid transit corridor within the context of developing countries lies not only on the ensuing nature of bi-lateral relations between actors but also on the regional relations that such a provision engenders. The cross-over political roles of states and relevant non-state actors in international man-made disaster response and in national security issues provide the common link between the two issues.

The substantive significance of the impact of the provision of humanitarian aid transit corridors on national security, however, is not necessarily huge as states take the calculated risk of providing it in the hope that its benefits would ultimately outstrip the costs in the long run. As for the case of Kenya, this was the case.

3.4 Conclusion

The provision of humanitarian aid corridors is as political a process as is the provision of humanitarian aid itself as can be deduced from the analysed accounts above. International politics cannot be uprooted from these two processes as it is their foundation. The sinews of relations that both state and non-state actors develop insofar as the delivery of humanitarian aid is concerned makes the humanitarian actors significant political actors irrespective of their unequal power relations with state actors. Given that international

²⁰⁴ See the Profiling of the Lokichoggio airport by the Kenya Airports Authority: History of Lokichoggio Airport <http://www.kenyaairports.co.ke/kaa/airports/loki/history.html> (Accessed 31/10/2012)

politics and generally international interactions will privilege certain issues over others,²⁰⁵ the question of neutrality in providing humanitarian aid transit corridors and in delivering humanitarian aid itself is therefore a fiction and perceived lack of that neutrality influences national security threat perception by some states. There is need to critically analyse key relational issues between the politically-charged process of providing humanitarian aid transit corridors and national security. These issues are analysed in the next chapter.

²⁰⁵ View borrowed from: Katzenstein, J.P. "Introduction: Alternative Perspectives on National Security" in (ed) (1996) *The Culture of National Security: Norms and Identity in World Politics*, pp. <http://www.ciaonet.org/book/katzenstein/katz01.html> (1 of 27) [8/9/2002 1:49:26 PM]

CHAPTER FOUR

EMERGING ISSUES: CRITICAL ANALYSIS

4.0 Introduction

The case study in the previous chapter contextualised the Northern Kenya humanitarian aid transit corridor and gave a cross-sectional examination of the actors that were involved, either directly or indirectly, in the Sudan humanitarian response between 1989 and 2005. It also assessed political relations among these actors at various levels of interactions and how those relations shaped the threat perceptions among the Horn of Africa states within the context of the provision of humanitarian aid to the armed conflict-affected areas of Southern Sudan. The chapter also endeavoured to explore linkages between the provision of humanitarian aid transit corridors and the state of national security. It emerged from the analyses that the provision of humanitarian aid transit corridors is a political process that influences national security threat perception of the humanitarian aid transit-corridor-giving state and the aid-receiving state.

In this chapter, this dissertation critically analyses four issues flagged up from the case study, namely: state *actor-ship* and behaviour during complex humanitarian emergencies and international politics with focus on how it influences patterns of systemic rewards and punishment during complex humanitarian emergencies. The chapter also critically analyses both the functional and structural character of humanitarian non-state actors and the extent to which they are beleaguered Samaritans. National security issues in a developing world with lessons from Kenya drawn from its experiences as it offered a

humanitarian transit corridor between 1989 and 2005 are analysed and conclusions finally drawn.

4.1 State Actor-ship and Behaviour during Complex Humanitarian Emergencies

Complex humanitarian emergencies such as the one witnessed in the Sudan between the latter part of the 1980s and the first lustrum of the 21st century have attracted considerable international response. Several actors motivated by various interests made their contributions during the period of the Sudan humanitarian action under study. The main contributions were made towards the mainstream humanitarian action as has been indicated in the case study section (chapter 3). Coincidentally, other contributions towards other ends such as bolstering the fighting capability of some parties to the conflict are believed to have been made along the international humanitarian aid transit corridors such as Kenya.²⁰⁶ In non-militaristic sense though, states were among the most active actors given that even the very conceptualisation of *la mise en oeuvre* of the humanitarian action in the Sudan was state driven.²⁰⁷

In this section, the dissertation gives a 'second look' at state actor-ship and behaviour during complex humanitarian emergencies which have a bearing on threat perception on the part of other states. Overall, states in the IGAD region as well as states from the wider collectivity of states acted in various capacities either as mediators or potential mediators, catalysts of mediation processes, spoilers of mediation processes, humanitarian aid donors, 'conveyor-belts' of humanitarian aid as was the case of Kenya which provided a

²⁰⁶ E. Mogire, "Balancing between Israel and the Arabs: An Analysis of Kenya's Middle East Relations" in *The Round Table* Vol. 97, No. 397, pp 565

²⁰⁷ S.O., Efuk (2001) *Operation Lifeline Sudan 1986-1996 Unpublished PhD Thesis* Institute of Politics and International Studies, University of Leeds, pp. 65

humanitarian aid transit corridor or as aggressive supporters of their allied party to the conflict. The motivations which influenced states to take up the roles that they individually or collectively took were a function of the fluidity of the international behaviour among various actors.

It is important to expand our view of the issues that affected state behaviour during the Sudan humanitarian action by stitching together related occurrences in different parts of the international system that are tied to the Sudanese humanitarian action. The United States, for example, championed the delivery of humanitarian aid and later capacity building in the Sudan.²⁰⁸ It also, as noted in earlier sections of this dissertation, expressed its military support for the then rebel group in Southern Sudan, the SPLA/M. Other forms of avowed military support for regional states within the IGAD group from the United States were directed to Uganda, Eritrea and Ethiopia.²⁰⁹ The behaviour of the United States towards the Sudan could metaphorically be viewed as the effort of a neighbour feeding an emaciated neighbour with one hand, or with the help of a friend (read: the humanitarian agencies) while holding a stick with the other hand threatening physical punishment.

Kenya's behaviour during the 1989-2005 humanitarian action in the Sudan is worth critically analysing too. The dissertation has pointed out earlier that while Kenya offered a humanitarian aid transit corridor to Southern Sudan, cases of active conflictual relations

²⁰⁸ S.O., Efuk (2001) *Operation Lifeline Sudan 1986-1996 Unpublished PhD Thesis* Institute of Politics and International Studies, University of Leeds. pp. 75-76

²⁰⁹ The East African (November 18-24, 1996) *Uganda-Sudan Talks Linked to US Move*. Story by Adonia Ayebare & Kevin Kelly, pp 1&2

between Kenya and the Sudan were not evident. The Sudan's disquiet about Kenya's support for the humanitarian action through its hosting the humanitarian agencies in Lokichoggio was often expressed through signals. A memorandum (dated 15/07/1998) submitted to the House of Commons by the Sudan through its ambassador to the United Kingdom also serves as a strong index of Khartoum's position on OLS: it was uncomfortable with this consortium to the extent that the OLS was not engaged in collaborative effort in the shipment and storage of OLS humanitarian assistance and continued to airlift supplies from Lokichokkio to rebel-controlled areas of Southern Sudan. This was arguably a national security concern from the part of Sudan.²¹⁰

It can be argued that the behaviour exhibited by the two countries pointed to the existence of relations that swung from cordial to inactively conflictual. From the point of view of Sudan, it can be argued that it was in Sudan's interest to avoid confrontational relations with Kenya inasmuch as the Sudan might have viewed the latter as providing a transit route for materials (including those from the humanitarian agencies) that were perceived to undermine the Sudan government or its national security.

From the case study, it can be deduced that Kenya has enjoyed relatively good relations with the United States. Kenya has also had good diplomatic relations with Israel since the late 1980s during which time Kenya-Israeli diplomatic relations were re-established.²¹¹

²¹⁰ House of Commons Website, *Memorandum from the Ambassador of the Republic of Sudan: Development on the Current Crisis in Southern Sudan*

<http://www.publications.parliament.uk/pa/cm199798/cmselect/cmintdev/872/8071602.htm> (Accessed 30/10/2012)

²¹¹ E. Mogire, "Balancing between Israel and the Arabs: An Analysis of Kenya's Middle East Relations" in *The Round Table* Vol. 97, No. 397, pp 563

Israel had been heavily suspected to have armed the SPLA with its inventory of arsenal arriving in Southern Sudan through Kenya. A casual reading of politico-diplomatic historical accounts of the United States and Israeli relations also shows that the two states have enjoyed some considerably good relations over time. These three states -Kenya, Israel and the United States- dabbled in issues that affected the conduct of humanitarian action in the Sudan. Both Israel and the United States arguably considered the Sudan government at the time a supporter of terrorist groups that were undermining American-Israeli security interests.²¹² The duo's military and *moral* support of the SPLA/M indicates the two countries' interest in the direction that the Sudanese conflict was to be transcended- it was to include significant losses, political or otherwise, to the Khartoum-based Sudan government.

When the three states (Kenya, Israel and the United States) developed the multi-layered convergence of interests during the humanitarian action in the Sudan, what role then did Kenya play? From the point of view of humanitarian aid-granting arm of the American government -the United States Agency for International Development (USAID), Kenya arguably provided a supportive role to the humanitarian action in the Sudan. To Israel which could be described as having been an *embed* during the life of the humanitarian action, Kenya was a crucial partner in its pursuit of national security goals through a deliberate effort to weaken the allies of Israeli sources of threats.²¹³ Kenya's international behaviour as deduced from its relations with both the United States and Israel at the time

²¹² A. Harmer (Mar. 2004) "Aid to Poorly Performing Countries: Sudan Case Study: Background Paper 5 for ODI study on Poor Performing Countries, pp 10

²¹³ E. Mogire, "Balancing between Israel and the Arabs: An Analysis of Kenya's Middle East Relations" in *The Round Table* Vol. 97, No. 397, pp 565

was arguably informed by political opportunism. There were both material and non-materials gains to be realised by aligning itself with these two states without taking a damaging public position on its perception of Sudan's Khartoum government. Kenya's security position was bolstered through its association with militarily powerful actors.

The question that arises now is: why did Kenya's fellow members in IGAD -Uganda, Ethiopia and Eritrea- engage in intermittent acrimonious relationships with the Sudan while the humanitarian action was underway? The commitment by these states to militarily confront Khartoum suggest that states are least averse to human suffering in aid-receiving states when their own national security interests are undermined by agents of the aid-receiving state such as the military. Objectively, it can be argued that first, it didn't matter how bad the humanitarian situation was going to be in Southern Sudan –if need for direct or indirect military confrontation between Sudan's neighbouring *enemy* states and their main military benefactor the United States on the one hand, and the Sudan on the other persisted. Secondly, if the *perceived* allies had concern for human suffering occasioned by the conflict in Southern Sudan, then their collective behaviour signalled their desire to engage Khartoum-by dramatizing their military might- in the hope that security dividends were going to be realised in the region.²¹⁴ Differently put, the costs imposed by a regionally aggressive Khartoum were measured by the allies against the benefits of offering better support for the humanitarian effort.

²¹⁴ A. Harmer (Mar. 2004) "Aid to Poorly Performing Countries: Sudan Case Study: Background Paper 5 for ODI study on Poor Performing Countries, pp 10

Overall, the mutual suspicions held by Kenya's fellow IGAD members against one another inspired their *eye-for-an-eye* approach to addressing bilateral relations during acrimonious times and *scratch-my-back-I-scratch-yours* approach during the times these countries enjoyed better or improving bilateral relations. Reactions by other members of the international system to the nature of these relations among these neighbouring states indicate that both conflictual and cooperative relations are but the hallmarks of the international organisation.

Schoeman, whose views were earlier referred to,²¹⁵ observes that humanitarian aid constitutes a small piece of the entire foreign aid package that donor countries give. Nonetheless, it is instructive to note that even where the mainstream humanitarian agencies are the implementors of humanitarian activities, humanitarian aid donor states still value their visibility at the theatre of humanitarian action as it were in the Sudan.²¹⁶ Indeed some expense from the humanitarian package is allocated by the implementors to visibility strategies. Visibility in this case becomes the non-material benefit of being a donor.

Much could also be said about whether Kenya wanted to improve its international visibility by offering a transit corridor to Southern Sudan. It is safe, for lack of concrete evidence to back that claim, that there are perceived gains (such as job creation) to be realised with making such a decision and operationalizing it as was identified by some

²¹⁵ M. Schoeman, "Africa's International Relations" in McGowan P.J. et al (eds) (2009) *Power, Wealth and Global Equity: An International Relations Textbook for Africa, 3rd edition*, (eds) pp 257 (refer to chapter 2)

²¹⁶ This is based on researcher's own observation in the field

respondents whose views were analysed in chapter three. Whereas the scope of this dissertation is limited to the case of Kenya's offering a transit corridor to the Sudan and the corollaries of that decision, analogous current attempts illustrate the fact that states do offer such corridors not just for altruistic reasons. Armenia, for example, recently offered to set up transit bases for humanitarian aid destined for the Commonwealth of Independent States (CIS).²¹⁷ There were reactions, positive in this case, about that decision including from Russia. Another important thing that emerges from this example, and which equally emerged from the OLS experience, is that decisions to offer humanitarian aid transit corridors are inter-nationally sensitive and politically significant.

4.2 International Politics: Systemic Rewards and Punishment during Complex Humanitarian Emergencies

Isn't international politics about the allocation of values to matters that the international political actors consider important? Wolfers talks about the "the value pyramid"²¹⁸ where values such as security, power and wealth could be conceptually arranged according to the weight that actors attach to them. It is not within the purview of this inquiry to sketch a hierarchy of these values along the 'value pyramid' as they were possibly perceived between 1989 and 2005 by the various actors who were involved in Southern Sudan humanitarian action. In fact such an attempt would elicit further reactions as to whether the methodology to hierarchize such values along the value pyramid could be objectively agreed upon by actors whose interests may be varied to the extent that the actors are.

²¹⁷ YEREVAN, August 23, 2011. (ARKA) *Armenia proposes establishing in its territory CIS transit bases for providing humanitarian aid.* <http://www.arka.am/en/news/politics/4541/?month=12&year=2011> (Accessed 1/10/2012)

²¹⁸ Wolfers, A. "National Security as an Ambiguous Symbol" in *Political Science Quarterly*, Vol. 67, No. 4. (Dec., 1952), pp. 500

This thesis only contends that national security was an important value that many states that dipped into various issues relating to the humanitarian action in Southern Sudan considered.

From the case study, it can be argued that the humanitarian action in the Sudan between 1989 and 2005 played itself out within the context of a competitive international system which is structured to offer rewards or mete punishment based on the perception of state behaviour held by others within the system. This system is also marked by complex dominance-subordination²¹⁹ relationships where some states could be subordinating in one direction but dominating in another direction. The case of Kenya in its relationship with the United States and Israel during the Sudan conflict as well as its relations with Bashir's Sudan illustrates this point.

Against the backdrop of rewards and punishment, Bashir's Sudan was considered an enemy state by some countries that included the United States and Israel as has previously been indicated. During the humanitarian action, some members of the international system offered their declaratory support in favour of the *mainstream* SPLA/M, one of the parties to the conflict while expressing their dissatisfaction with the Khartoum-based government. Politically, such strategies were arguably meant to further isolate Bashir's regime. The success of these strategies could be evaluated against the success or failure of Bashir's Sudan allies, such as Malaysia and Iran in propping up his regime.

²¹⁹ Goldstein and Pevehouse argue that "dominance underlies the great power system, in which a handful of countries dictate the rules for all the others" see: J. Goldstein, J. and J. Pevehouse (2010-2011 update) *International Relations Brief Fifth Edition* (pp 5). This dissertation views dominance in relative terms.

The declaratory support that the SPLA/M received from influential members of the international system amounted to a reward to the army/movement in the sense that it improved its international recognition as a quasi-legitimate authority within the Sudan. Other forms of support that the SPLA/M got either directly or through its relief arm, the SRRA, was still based on the revisionist system of rewards that the international system offers. It also emerges from this observation that both enmity and amity in international relations are functions of state interests which is why states perceiving one another as enemies, for example, or as potential enemies still enter into various sets of interactions with one another. Such was the case between the United States and the Sudan.

It should be noted that the Sudan was aware that the international system would likely punish it further if it were perceived as the persistent hindrance to the humanitarian action mounted under the auspices of the OLS. It therefore engaged in diplomatic negotiations in an apparent attempt to 'assuage the feelings' of influential members of the international system. In the carefully-worded memorandum (dated 15/7/1998) submitted to the House of Commons by the Sudan, through its ambassador to the United Kingdom, the Sudan tried to show that it was not opposed to the humanitarian action under OLS but that it only had some concerns over OLS which included the handling and delivery of the humanitarian aid by the humanitarian agencies.²²⁰

²²⁰ House of Commons Website, *Memorandum from the Ambassador of the Republic of Sudan: Development on the Current Crisis in Southern Sudan*
<http://www.publications.parliament.uk/pa/cm199798/cmselect/cmintdev/872/8071602.htm> (Accessed 30/10/2012)

Other actors who were humiliated by the international system for failing to re-align their own interests –given their relatively weaker positions in the system- with the trajectory of international politics related to Sudan's humanitarian action were Libya and Egypt. The Joint Egyptian-Libyan Initiative" of October 1999 which aimed at mediating the Sudan's conflict was a failure partly because some powerful actors within the international system, such as Britain, were in favour of IGAD's mediatory role.²²¹ As IGAD's lead negotiator, Kenya won in this respect.

Kenya stood rewarded. This was arguably because of its relative internal stability. It was politically supported to host the OLS Southern Sector and thereby became a major transit corridor into Southern Sudan. The UN Plan of Action of 1989 had identified Uganda and Ethiopia as alternative routes. However, given the relative internal instability in those countries, occasioned partly by their conflictual relations with the Sudan itself, their countries were not predominantly used as transit routes until later, as in the case of Uganda. Of interest though is that both Uganda and Ethiopia had received commitment for military aid from the United States during the life of the humanitarian action in the Sudan but little support in their favour to become humanitarian aid transit corridors of choice during the same time was least evident.

4.3 Humanitarian Non-State Actors: Beleaguered Samaritans?

Traditionally, the non-state actors, by virtue of their claim to 'neutrality and impartiality' and a host of other principles such as 'the principle of humanity'²²² have had considerable

²²¹ S.O., Efuk (2001) *Operation Lifeline Sudan 1986-1996 Unpublished PhD Thesis* Institute of Politics and International Studies, University of Leeds, pp 144

²²² The Sphere Project (2011 edition) *The Sphere Project: Humanitarian Charter and Minimum Standards*. The Sphere Project, pp 20

leverage in getting acceptance by parties to conflicts. This has made them better placed as implementors of humanitarian action. The findings from this case study confirm that.

As noted earlier (Chapter 1), Duffield's observation about the operational need to subcontract some 'public functions' [implementation of humanitarian action included] to non-state partners such as the NGOs points to able governments as one major source of humanitarian aid. Indeed the Sphere Project emphasises this fact in its acknowledgement of the role of donor governments, and regional organisations, in reaching out to disaster-stricken peoples in *weak states*.²²³

As put in The Sphere Project handbook, the humanitarian agencies also,

“... recognise and support the special roles played by the mandated agencies of the United Nations [inter-governmental organisations] and the International Committee of the Red Cross [ICRC, a private organisation]”²²⁴

Arguably, the humanitarian agencies (who subscribe to the standards enshrined in the Sphere Project Handbook) acknowledge the existence of relational hierarchies in the international system where some actors [read: the donor countries, some UN agencies, and the ICRC] are more privileged, at least in principle, than others. It is this dissertation's educated guess that regional organisations particularly in the developing world, much as they are mentioned in the Sphere Project handbook, may not have much to provide in terms of substantive humanitarian contributions when needed.

²²³ The Sphere Project (2011 edition) *The Sphere Project: Humanitarian Charter and Minimum Standards*, The Sphere Project, pp 21

²²⁴ The Sphere Project (2011 edition) *The Sphere Project: Humanitarian Charter and Minimum Standards*, The Sphere Project, pp 21. Emphasis mine

The preceding typology of the various actors involved in humanitarian action provides a synthesis of the elaborate classification earlier given (Chapter 3). What is important to note here is that by acknowledging the role of states as donors, the humanitarian agencies are tacitly acknowledging that they enjoy a special working relationship with such states, a fact which often reflects itself in the humanitarian agencies' adherence to terms set by the donors. That the humanitarian agencies have to work with states or belligerent groups, to the extent possible or politically permissible, is practically normal because both planning and operationalization of humanitarian action takes place within defined territories controlled by political authorities. The political behaviour of donor countries or of those countries which provide corridors through which the aid must pass on their way to the final recipients has been of prime concern in this study because such behaviour has implications on national security concerns of the states involved.

The questions that this dissertation now addresses are: to what extent are the humanitarian agencies beleaguered actors, if at all? In other words, do they have a free hand to do as they wish within the provisions of international and relevant municipal laws? To what extent can the humanitarians claim both structural and functional independence when virtually all their resources are *donations* and their programmes considerably founded on compromise agreements between the political/humanitarian representatives of the recipients, themselves and their donors? The OLS-led group of agencies has been projected from the case study as being sensitive to the political powers that be, including the mainstream rebel movement that controlled most parts of Southern Sudan-the SPLA/M. That was crucial for its functional effectiveness. It has also been

observed in this study that cases of patron-client relations between some donors and some humanitarian agencies were evident with the humanitarian actors being on the receiving end.²²⁵

It can also be argued also that the experiences of the humanitarian actors during the Sudan humanitarian action between 1989 and 2005 reveals that the humanitarians' effort 'in the field' gave an edge to some states particularly the donor states in terms of better visibility. This is politically significant in the international arena. In effect, the humanitarians affirmed the political prestige of the donor states to whom their success 'in the field' was highly dependent on. The OLS experience also casts some doubt as to whether private donations towards humanitarian action could significantly shape the political architecture of humanitarian aid business. This is because 'political will' has often been necessary at various nodes of the chain of humanitarian action. Differently put, arguments about 'de-politicisation of humanitarian aid' are but tautological as the very creation of the 'humanitarian space' in the first place is a political process;²²⁶ humanitarian aid, the motivations behind it and its corollaries have often borne the character of "high politics" both within national jurisdictions and internationally.

That humanitarian aid and humanitarian aid delivery bear the hallmarks of 'high politics' point to the fact that the drivers of high politics, notably the states, are at the apex of it. While the humanitarian agencies' contribution in the humanitarian business is

²²⁵ T.A. Aboum et al (1990) *A Critical Review of Operation Lifeline Sudan: A Report to the Aid Agencies*, pp21

²²⁶ Pilar, U.V. (22 and 23 April 1999) *Humanitarian Space Under Siege Some Remarks from an Aid Agency's Perspective* Background paper prepared for the Symposium "Europe and Humanitarian Aid - What Future? Learning from Crisis" pp 4

acknowledged by states, it emerged from the study that the humanitarians however play second fiddle where crucial decisions are to be made. Crucial political decisions are made in international fora that predominantly reflect the image of the nation-state. In fact the perceived power of the humanitarian agencies in countries of their operations should be understood in the context of their association or operational linkages with powerful state donors and to a small extent with universal inter-governmental institutions. It is the perceived linkages between the humanitarian agencies and the powerful donor states, in fact, that shaped Sudan's threat perceptions while a group of these humanitarians operated from Lokichoggio.²²⁷

The emerging discourse on the 'right to protect' during humanitarian crisis corroborates the proposition that states are crucial as they not only conclude resolutions on the 'invocation of the right to protect' but are, to the extent that their municipal constitutions allow, in control of regular armies that could be called to intervene. This dissertation holds that private armies may not be deeply mainstreamed, if at all, into the operations of the humanitarian agencies soon as such a move would dent the humanitarians' declaratory position of operating on the basis of 'neutrality,' impartiality and humanity. As long as the humanitarians are not in possession of their own private armies nor in control of any, they would therefore remain beleaguered to the extent that they have to rely on state actors, or other *de facto* political authorities, for their security, and a significantly state-centric decision-making structures,²²⁸ in the course of their operations.

²²⁷ The Daily Nation (August 2, 2000) "Sudan Order to Agencies" Story by Reuters. pp10

²²⁸ T.A. Aboum et al (1990) *A Critical Review of Operation Lifeline Sudan: A Report to the Aid Agencies*, pp 51

4.4 National Security in a Developing World: Lessons from Kenya 1989-2005

Many discourses on national security of developing countries have questioned the very existence of 'national security' in developing states given that many a developing country like Kenya has not done favourably well since the end of the Cold War in protecting their citizens. Developing world security analysts therefore have tended to view the 'security glass' of the developing countries in terms of it being 'half empty' rather than 'half full.' The amount of pessimism on this subject cannot be over-emphasized.²²⁹

However, the rationale for investigating the problem in this dissertation lies in the belief (also held by other scholars) that the developing countries have sets of national security issues that deserve investigation on the assumption that developing countries meet the very definition of statehood as enshrined in the Montevideo Convention on the Rights and Duties of States.²³⁰ These sets of national security issues could vary from one developing country to another. Where the national security issues appear to be similar, the lenses through which they are perceived could also be different and consequently the reactions to them could vary. Points of convergence in perception of threats do exist though. This explains why IGAD is considered to have been motivated by the members' national security concerns in its acceptance of humanitarian aid delivery to the conflict-

²²⁹ See for example: Kazah-Toure, T "Central Challenges Confronting the African State: Rethinking Its Role in Development" in *African Journal of International Affairs*, Vol. 9, Nos. 1 & 2, 2006, pp 46

²³⁰ Montevideo Convention on the Rights and Duties of States

<http://www.jus.uio.no/english/services/library/treaties/01/1-02/rights-duties-states.xml> (Accessed 16/01/2011)

stricken people of Sudan, as it geographically was before the cessation of the South in 2010.²³¹

What then is there to learn from Kenya's experiences as it offered a humanitarian aid transit corridor to Southern Sudan? Several issues emerged from the case study: indeterminate level of active involvement of Kenya in the internationally engineered humanitarian process, gaps in human resource capacity and availability particularly at the Lokichoggio airstrip *border*, merits of international cooperation and benefits of taking politico-diplomatic risks. These emerging issues will be explained below with due regard being given to the factors normally considered in the analysis of threats to national security, namely: the territorial integrity, political autonomy, internal stability and the soundness of a state's economy

According to the UN Plan of Action crafted in 1989, Kenya was to provide one of the humanitarian aid transit routes to Southern Sudan. It did. Kenya's consent to provide the corridor precipitated into the agreement dubbed "Agreement on Operation Lifeline Sudan Corridors for Relief Supplies and Humanitarian Assistance to War Affected Areas."²³²

While there was merit in taking up the offer to provide a humanitarian aid transit corridor, the implications of the presence and activity of a least-regulated group of actors²³³ on part of Kenya's territory might have been hurriedly thought out at first.

²³¹ The BBC *South Sudan Becomes an Independent Nation*, story by Will Ross <http://www.bbc.co.uk/news/world-africa-14089843> (Accessed 31/10/2012)

²³² Government of Kenya (1994, May 17). *Agreement on Operation Lifeline Sudan (OLS) Corridors for Relief Supplies and Humanitarian Assistance to War Affected Areas*

²³³ The assertion that the humanitarian agencies are least regulated was made by Schoeman and has been cited before. See: M. Schoeman, "Africa's International Relations" in McGowan P.J. et al (eds) (2009)

There were security implications for hosting the OLS, the degree of their impact notwithstanding. This observation is corroborated by Kenya's entry into the Agreement on Operation Lifeline Sudan Corridors for Relief Supplies and Humanitarian Assistance to War Affected Areas, five years after the birth of the humanitarian operation. Efuk, who has been quoted elsewhere in this thesis, argues that by allowing the international community to mount OLS, the Sudanese government was giving consent to the international community to "violate its sovereignty on humanitarian grounds."²³⁴ An analogous view could be raised here: by providing a humanitarian aid transit corridor to the same international community, was Kenya also allowing the 'violation of its sovereignty on humanitarian grounds'? How significant was this to Kenya's political autonomy and territorial integrity? In terms of attribution, this thesis did not find credible evidence to suggest that Kenya's territorial integrity was compromised by the presence of the humanitarian community serving the Sudan from Kenya. Questions about Kenya's political autonomy however emerge given its subordinating behaviour towards other actors during the humanitarian action in the Sudan and the feeling that it lacked deeply-penetrating coordination arrangements with the OLS-led humanitarian operations in Kenya from the beginning of the operation.

The year 1999 incident where Kenya had to request for the constitution of both a security and a technical committee to review security issues at the Lokichoggio airstrip and to

Power, Wealth and Global Equity: An International Relations Textbook for Africa, 3rd edition, (eds) pp 257

²³⁴ S.O., Efuk (2001) *Operation Lifeline Sudan 1986-1996 Unpublished PhD Thesis* Institute of Politics and International Studies, University of Leeds, pp. 51

define the role of OLS respectively suggests, among other things, that Kenya's prior understanding of OLS, or the humanitarian politics behind it, was either inconclusive or that the OLS operation as it expanded could hardly be guided by the 1989 UN Plan of Action alone.

The committees' call for better staffing at the Lokichoggio facility²³⁵ indicates that there had been gaps in human resource availability at the Lokichoggio airstrip *border*. The import of this observation is that either the government of Kenya was ill-prepared to support the humanitarian operations at the facility or that the expansion of OLS operations at the facility had not been adequately communicated to the government. The human resource gaps at the Lokichoggio airstrip arguably impacted on the quality of traffic management at a time prompting the Kenya government though late in the day to intervene.²³⁶ That had perceived implications on national security for Kenya and the Sudan as well as the threat perception, particularly Sudan's perception of Kenya as a possible confluence of suspect Samaritans shipping their purse to the Sudan.

By examining the complex web of dominance-subordination relations that parties engaged in during the humanitarian action in the Sudan, it can be concluded that there is merit in international cooperation. Cooperation in international relations is a liberalist tenet. By drawing this lesson from the case study, a case could be argued that realism, which provided the theoretical underpinnings around which the current research problem was framed, does not exclusively provide the explanations for all international interactions. Realism however is redeemed in this regard to the extent that international

²³⁵ The East African (March 15-21, 1999), *Move to Improve Security at Lokichoggio* Story by Dennis Onyango pp 8

²³⁶ Ibid

cooperation was not achieved on the basis of equality among actors during the humanitarian action: power relations determined the nature of cooperation.

States are dutifully-bound to attempt to *right-estimate* the threats to their national security. Arguably, over-estimating such threats could have unnecessary cost implication while under-estimating them would most likely leave a state more vulnerable to sources of external threats. Right-estimating threats, on the other hand, means that states would exert sufficient effort to enhance or maintain their national security. However, right-estimation of external threats is challenging to achieve given that threat perception is quite often a subjective process. Kenya's security behaviour during the period under study was characterized by the predisposition to take considerable risk in its 'near-abroad' foreign relations particularly with the Sudan. The decision to host the OLS, non-OLS NGOs and partner institutions from the SPLA/M such as the SRRA as well as the SPLA/M's top leadership meant that Kenya was willing to live with the consequences of that decision.

It was found from the case study that the Sudan was jittery about the cross-border OLS-Southern Sector humanitarian action mounted from Kenya. The reservations held by the Sudan were informed partly by the suspicion that either the humanitarian agencies in Lokichoggio could have been involved in, or influenced to get involved in, extra-humanitarian activities in Southern Sudan or that the outcome of their humanitarian effort was giving both a political and military advantage to the SPLA/M, the other party to the conflict. Kenya therefore risked being viewed as partisan.

Historical accounts will show that some humanitarians have tacitly or openly supported parties of their liking during conflicts. Whereas the contexts of such accounts were different from the Sudan's, Sudan's concerns were not without a basis. Because of having favoured the delivery of food and weapons to the rebels, the context of the Biafran War, for example, was or is still considered to have been

“...an operational disaster, a logistical nightmare and a political failure.”²³⁷

In the case of the Sudan, cases of the violation of ground rules which acted as the guiding principles while operating in the rebel-controlled areas and which were partly founded on international legal instruments such as the Convention on the Rights of the Child 1989 and the Four Geneva Conventions of 1949 and the two Protocols additional to the Geneva Conventions of 1977 were reported.²³⁸ Between July 1995 and 1998 for example the aggregate number of violations of ground rules violations by both the OLS persons and the OLS counterparts amounted to 77.5% of total violations.²³⁹ While this aggregate does not distinguish between the number of violations by the Khartoum-backed and the SPLA/M backed counterparts, it does indicate that political infighting between the OLS counterparts was evident. Such violations were arguably the germ or consequence of Khartoum's suspicion of the UN-led humanitarian operation mounted from Lokichoggio.

4.5 Conclusion

Chapter four flagged up four issues that emerged from the previous chapter and subjected them to critical analysis that was more open than restrictive in terms of reflection on the

²³⁷ M-A. P. De Montclos, 'Humanitarian Aid and the Biafra War: Lessons Not Learned' in *Africa Development*, Vol. 34, No. 1, 2009, pp72

²³⁸ M. Bradbury. "The 'Agreement on Ground Rules' in South Sudan" *HPG Report 4: Study 3 in: The Politics of Principle: the principles of humanitarian action in practice*, March 200 pp 60-61

²³⁹ Ibid

relationships between the humanitarian action as it were during the period of study and other issues within the international system. Emphasis on state behaviour being fluid during humanitarian action was made and various behavioural patterns involving complex dominance-subordination relations examined. Various forms of rewards and or punishments originating from the international system were probed further, with the interests of various actors being considered in the light of how the pursuit of those interest enhance their potentials to earn rewards or predisposes them to get punished by the system. A 'second look' at the structure and function of the non-state humanitarian actors was made. This was tied to how well the structure and function of these actors mesh or does not mesh into the national security concerns of developing countries such as Kenya. In the final chapter, the summary of the study is given, as are the key findings. The chapter also ends by giving key recommendations.

CHAPTER FIVE

OVERALL SUMMARY, THE FINDINGS & RECOMMENDATIONS

5.1 Overall Summary

Chapter one began by identifying the overall objective of the study: to investigate the impact of the provision of humanitarian aid transit corridors on national security with special focus on Kenya during the internationally-supported humanitarian action between 1989 and 2005 in the Sudan. The chapter also foreshadowed the likely findings of the study by giving three likely scenarios that were expected at the end of the study. By giving a background to the study, the chapter also presents a holistic picture of major developments in both the structural and functional nature of the international system and how those developments impacted on the humanitarian business particularly after the Cold War. The Sudanese conflict is briefly contextualised within this fluid international system. The chapter also identifies the often ignored area of research on humanitarianism which unfolds outside of the conflict area and its possible impact on national security.

Both the overall and general objectives were identified in chapter one too. The chapter noted that the study specifically aimed at: evaluating the role of national and international politics in the establishment and opening up of the northern Kenya humanitarian aid transit corridor to Southern Sudan, investigating the impact of the provision of the northern Kenya humanitarian aid transit corridor to Southern Sudan on Kenya's national security as well as exploring possible linkages between the provision of humanitarian aid transit corridors and national security.

Under the literature review section of this introductory chapter, the dissertation reviewed relevant literature segmented into four areas. First, literature on humanitarian aid with focus on: the politics underpinning it, its growth, the international coordination of humanitarian aid and challenges encountered in its dispensation, the philosophy of humanitarianism, international and the legal basis of humanitarianism. Secondly, a brief snapshot review of literature on the provision of humanitarian aid transit corridors and the scope of their use as recorded in history is given. Literature on national security is also given with a review of competing perspectives on the appropriate unit of analysis, the degree of co-existence between 'national security' and 'human security.' This part of the literature review also considers debates on threat perception and the factors that are considered to influence it. The literature review wound up with a brief review of Kenya-Sudan interactions in the diplomacy of conflict management as well as the literature gap identified, which formed the basis for the current study.

Three hypotheses were also given in chapter one namely: National and international politics played a role in the establishment and opening of the northern Kenya humanitarian aid transit corridor to Southern Sudan, the provision of the northern Kenya humanitarian aid transit corridor to Southern Sudan impacted on Kenya's national security and that there are linkages between the provision of humanitarian aid transit corridors and national security. The major tenets of realism, the theory that informed this study were also reviewed. The self-centredness of states, an important underpinning of realism, was evident in the outcome of the analysis of state behaviour during the period that this dissertation covers.

The justification for the study as well as the research methodology are also highlighted in chapter one. The study was conducted based on a triangulation approach which incorporated the use of both primary and secondary data well as various forms of data collection including minimal observation, use of structured questionnaires and content analysis. A chapter outline caps this chapter.

Chapter two fractionated the historicity of the humanitarian action since the beginning of the 20th century into three separate periods: the first 47 years of the 20th century in humanitarian discourse, period between 1948 and 1989 and the period beginning 1989 to date. Across these periods, it was gathered that there was a rise in the growth in the number of humanitarian actors as well as the complexity of conflicts requiring humanitarian action. Significant development of the international humanitarian system was also witnessed despite the challenges posed by issues relating to sovereignty claims and poor inter-agency coordination. The statutory basis in Kenya is also examined with the linkages between both international and Kenya's municipal law being considered. Early reflections on the conceptualisation of national security before and after the cold war are also captured under this chapter. Those reflections led us to successively examine Kenya's national security *architecture* before and after the Cold War with focus again being given to Kenya's association with other states because of security considerations. The relevance of realism within the context of humanitarian aid-national security nexus ended the discussion of this chapter with emphasis being given that the political nature of Eastern African context during the period of the study lends credence to the theory.

The crux of the dissertation was presented in chapter three. This chapter examined data from various sources, part of which was subjected to content analysis and another to statistical analysis. The rich variety of sources became useful in: framing the context of the northern Kenya humanitarian corridor into Southern Sudan, classifying actors, effecting a cross-sectional analysis of the inter-play between national and international politics during the execution of humanitarian response activities and in assessing the impact of the provision of humanitarian aid transit corridors in terms of beneficial and detrimental effects. Impact assessment considered the intensity of international relations in Kenya's 'near-abroad' relations during the humanitarian action in the Sudan and how those relations were affected by other relations in the wider international system. The investigation found out that there is some correlation between the provision of humanitarian aid transit corridors and national security; the latter derives part of its attribution from the former. However, the study noted that the substantive significance of the impact of the provision of humanitarian corridor is considerably low. This chapter also identified cross-over political roles of states and relevant non-state actors in times of humanitarian action and in addressing national security issues as the common link between the two issues.

Chapter four flagged up four issues from the case study (which was addressed in chapter three) and subjected them to critical analysis. It gave a re-appraisal of state *actor-ship* and behaviour during complex emergencies and the pivotal role of international politics in determining the nature of reward given and or punishment meted out to a state for its relative compliance or non-compliance to the dictates of the international system during

complex humanitarian emergencies. By re-examining the functional and the structural character of international non-state humanitarian actors and the extent to which their being is a function of state behaviour, chapter four notes that this group of actors is to the extent that their survival depends on states a beleaguered group. The chapter finally gave reflections on the lessoned learnt from Kenya's 'conveyor-belt' role during the response to the humanitarian emergency in Southern Sudan. The observations that Kenya's initial understanding of the scope of the OLS-led operation was in doubt and that the border point of Lokichoggio airstrip was initially undermanned featured prominently. The merits of international cooperation in terms of security implications was also re-examined in this chapter.

5.2 Key Findings

Aboum et al observed in a report that the OLS (the leading consortium of UN agencies and [I]NGOs during the humanitarian action in Sudan since 1989) was structurally in favour of governments to whom questions of national sovereignty are crucial.²⁴⁰ They further observe that not all NGOs that operated under the OLS umbrella shared in the same recognition of sovereignty.²⁴¹ These analytical views corroborate the findings of the current study.

The key independent variable in this study [the provision of humanitarian aid transit corridors] was thought to have an impact on the key dependent variable [national security]. The investigation of the thesis problem against the theoretical issues earlier

²⁴⁰ T.A. Aboum et al (1990) *A Critical Review of Operation Lifeline Sudan: A Report to the Aid Agencies*.

pp 13
²⁴¹ Ibid

raised led the researcher to conclude that, first: within the context of a developing country, there is a correlation but of less substantive significance, between the provision of humanitarian aid transit corridors and perception of external threats by states which themselves influence a state's national security orientation.

This study also confirmed that national and international politics have historically played an important role during the Sudan's humanitarian emergency in terms of shaping the response behaviour of the relevant actors who were involved during the humanitarian operation. The study drew further evidence from the fact that the creation of a 'humanitarian space' to allow the humanitarians dispense their aid is a political process and the outcome of a political process bears the hallmark(s) of politics.

5.3 Recommendations

The current study puts into perspective the contours of threat perception among states when confronted by a man-made humanitarian emergency that requires international response. The regular forms of intercourse among various actors do come into play when these actors are involved together in humanitarian emergency responses either as donors, providers of humanitarian routes or as recipients. This study brings to bear the fact that states, and particularly the developing states, have options to choose from, limited as they may be, in their quest to enhance their national security. The options range from militaristic to diplomatic.

From the point of view of Kenya, there is need to develop -through consultation with the relevant stakeholders- a comprehensive policy whose scope should be limited to issues pertaining to the provision of humanitarian aid transit corridors. Such a policy document would be helpful in the establishment of the terms of engagement with the relevant (international) humanitarian actors should there arise complex humanitarian emergencies that require long-term use of Kenya's installations. Such a policy should also be publicized within the context of Kenya's approach to international conflict management.

The option of engaging in cooperative non-military strategies such as improving diplomatic negotiations both at bilateral and multilateral levels, particularly during complex emergencies, with other actors should be explored. This minimizes the risk of being viewed as a potential source of threat by virtue of Kenya's decision to host humanitarian agencies operating (a) cross-border operation(s).

It is instructive to note that the current study limited its scope to one issue area that impact on national security- the role of an otherwise useful humanitarian agencies. The study of national security however is broad and encompasses many inter-disciplinary issues and whose usefulness could be spacio-temporally determined individually or collectively by relevant actors. But even with focus on the provision of humanitarian aid transit corridors alone, there is need to fractionate the types of humanitarian aid and investigate how the specific types of humanitarian aid, which define the area of competence of individual or related cluster of humanitarian actors, impact on threat perception among states in a developing world such as the East African region.

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