UN HUMANITARIAN INTERVENTION IN SOUTHERN SUDAN: A CASE STUDY OF UNICEF – OPERATION LIFELINE SUDAN (OLS), 1989 – 2001

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DECLARATION

THIS DISSERTATION IS MY ORIGINAL WORK AND HAS NOT BEEN SUBMITTED FOR A DEGREE IN ANY OTHER UNIVERSITY.

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THIS DISSERTATION HAS BEEN SUBMITTED FOR EXAMINATION WITH MY APPROVAL AS UNIVERSITY OF NAIROBI SUPERVISOR

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DR. PHILIP O. NYING'URO

DEDICATION

This project is dedicated to the memory of Anne Ogolla, Serphine Vicky Aketch and Crispin Oluoch Aketch, my late siblings who would have wished to see me accomplish the onerous academic task.

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The road to writing this project paper has been long, rocky and tortuous. In the course of this gargantuan endeavour, more people than I can imagine mentioning here have lent me a hand in various ways.

Special and most unreserved gratitude, however, go to Almighty God for endowing me with the intellect, r obust h ealth, e nergy a nd e normous w illpower t o n avigate t his r ough course. That I would not have achieved much without the Almighty's blessings needs no emphasis.

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To be able to take care of me and my education from the formative stages to when I was able to take charge of my destiny, my brother Vincent Amuga must have denied himself and his young family many things. For your selflessness dear brother, may the Almighty Lord shower you with immense blessings.

My mother Teresia has always been a great inspiration to me. Despite her modest education, she has remained my beacon of hope, offering me wise counsel always, and being a role model by exhibiting tremendous organisational skills and diligence worth emulating. What more could I ask for?

For the members of my immediate family, my wife Elizabeth, our children Lynn and Marshall Omondi, and auntie Evelyn Auma, thank you very much for your every kind of support and for bearing the discomfort of my loss of regular income in order to engage in this noble academic pursuit. Marshall, despite being only a kindergarten boy, never tired of inquiring about my progress in 'school'.

Last but not least, fellow journalist and friend, Chaacha Mwita, may not know but the laptop that he borrowed me when mine broke down made all the difference in ensuring that I kept pace and sometimes even stayed ahead of the pack in my class.

Any errors, shortcomings or omissions in this thesis are my sole responsibility. I take the earliest opportunity to sincerely apologise for them.

ABSTRACT

This study examines the effectiveness of Operation Lifeline Sudan (OLS) as an instrument of the UN humanitarian intervention in Southern Sudan. The specific research questions the study seeks to answer are: What were the objectives of the OLS? What instruments has it used to accomplish these objectives and what have been the results? Since this is an on-going phenomenon and hence fluid in nature, the period under examination was restricted to from 1989, when the OLS was incepted, to 2001.

Data for the study was gathered from a wide variety of secondary sources as well as primary sources through interactive interviews. The interviewees were people who were either knowledgeable and/or had, in one way or another, been involved in the Sudan conflict.

The central assumption (hypotheses) of the study were that national interest impedes the effectiveness of humanitarian intervention and that humanitarian intervention lacks the capacity to provide a permanent solution to problems that prompt them.

Accordingly, the study established that the OLS has had a tremendous impact on ameliorating the state of the civilians in south Sudan. However, its effectiveness has been impeded a great deal by national interest and a clash of interest between the different organisations that form the OLS consortium. The above obstacles have undermined the capacity of the OLS to provide a permanent solution to the Sudanese crisis.

Consequently, the study recommends the broadening of the OLS mandate so that its operations are not encumbered by the veto power that Khartoum currently enjoys. The study further recommends a need for greater sense of collegiality among the OLS members and the rationalisation of their expenditures for more effectiveness.

LIST OF ABBREVIATIONS

CART:	Combined Agencies Relief Team
CRS:	Catholic Relief Services
CSI:	Christian Solidarity International
DRC:	Democratic Republic of Congo
FGM:	Female Genital Mutilation
GOS:	Government of Sudan
ICJ:	International Court of Justice
ICRC:	International Committee of the Red Cross
ICRC:	International Committee of the Red Cross
IDP:	Internally Displaced Population
IFRC:	International Federation of the Red Cross
IGAD:	Inter-Governmental Authority on Development
IMF:	International Monetary Fund
IPF:	Igad Partners Forum
LRA:	Lord's Resistance Army
NGO:	Non-governmental Organisation
NSCC:	New Sudan Council of Churches
NSWF:	New Sudanese Women Federation
NUP:	National Unionist Party
OAU:	Organisation of African Unity
OCHA:	Office for the Co-ordination of Humanitarian Affairs
OLS:	Operation Lifeline Sudan
OPEC:	Organisation of Petroleum Exporting Countries
RRC:	Relief and Rehabilitation Commission
SACDNU:	Sudan African Closed District National Union
SANU:	Sudan African National Union

SLC:	Sudan Literature Centre
SPLM/A:	Sudanese People's Liberation Movement/ Army
SPRA:	Special Relief Programme for Angola
SRRA:	Sudan Relief and Rehabilitation Agency
SWAN:	Sudanese Women Association in Nairobi
SWVP:	Sudanese Women Voice for Peace
TMC:	Transitional Military Council
UNDRO:	United Nations Disaster Relief Organisation
UNHCR:	United Nations High Commission for Refugees
UNICEF:	United Nations Children's Education Fund
UNO:	United Nations Organisation
UNREO:	United Nations Rwanda Emergency Office
USA:	United States of America
USAID:	United States Aid for International Development

LIST OF ILLUSTRATIONS

(ix)

TABLE OF CONTENTS

CHAPTER ONE

1.0   INTRODUCTION

The state of Sudan has for decades been the scene of numerous humanitarian interventions by the UN and other agencies. Precipitating this rather discomforting scenario has been a long running internal unrest with devastating ramifications that transcend the Sudanese borders. Several scholars and analysts have devoted their time and resources to shedding more light on Sudan's internal dynamics that have so exposed it to external "interference". This study hopes to contribute to this continuing endeavour.

Like other African states, Sudan as it exists today, is a legacy of European colonial powers, which in the 18th and 19th centuries apportioned unto themselves different parts of the continent. Sudan became independent from Anglo-Egyptian condominium rule on January 1, 1956. Within a year, a civil war that lingers on to date had broken out.

The Sudan civil war, which in its broadest sense pits the Arab Islamic North against the African and mostly Christian and traditionalist South, has its causes deeply rooted in the country's colonial past. Colonial authorities had emphasised separate development for the South and the North, yet left the country as a unitary political entity. Sudan's civil war has gone through various phases. Each phase has invariably left in its wake a trail of destruction, deaths, hunger and pestilence of Biblical proportions, necessitating an assortment of external intervention. The current phase, and the one around which this study revolves, dates back to May 1983.

Sudan, the most expansive country in Africa, lies on the eastern part of continent and boasts of a total area of 2,505,813 sqkm (967,500 sq miles). Sudan straddles the middle reaches of the Nile and is bordered by Egypt to the north, the Red Sea, Ethiopia and Eritrea to the east, Kenya, Uganda and the Democratic Republic of

Congo (DRC) to the south and the Central African Republic, Chad and Libya to the west

1.1   THE STATEMENT OF THE PROBLEM

In 1988, a severe famine devastated the war-ravaged Sudan, claiming an estimated 200, 000[1] lives mostly in the country's Bahr el Ghazal region. Though the immediate causes of this calamity were the adverse weather conditions that dealt the Southern Sudanese farming and pastoralist communities a deadly blow, the long-term cause was the country's protracted civil war.

Naturally, the Sudanese disaster pricked the conscience of many around the world, particularly those who subscribe to the spirit of international community. Concerted efforts by journalists ensured that the Sudanese disaster reached the farthest corners of the world. The United Nations Organisation (UNO), whose broad mandate is ensuring the general welfare of humankind, was put on the spot. To forestall a similar calamity in future, the UN moved in to found a relief arm for Sudan under the umbrella of the United Nations Children's Education Fund (UNICEF). The new body was aptly named UNICEF- Operation Lifeline Sudan (OLS).

OLS was borne out of a tripartite agreement between the UN, the Government of Sudan (GoS) and the Southern Sudanese People's Liberation Army/ Movement (SPLA/M) rebels. The SPLA/M was and still remains the most visible of many rebel groups operating in Sudan.

Unique in many respects, the OLS experience became an important milestone in the evolution of international humanitarian interventions, and set a precedent for conflict management and emergency assistance in other strife-torn parts of the world including Angola, Iraq, Somalia and Bosnia. The OLS was mandated to

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[1] Lam Akol, *SPLM/SPLA: Inside an African Revolution* (Khartoum: Khartoum University Press, 2001), puts this figure at 500, 000 people

provide humanitarian assistance to people in Southern Sudan a nd the internally displaced population (IDP) camps in Khartoum, majority of who are from the South. OLS monitors the Sudan situation on a daily basis through the United Nations Office for the Co-ordination of Humanitarian Affairs (OCHA). A ll t he operations for Southern Sudan are launched in the northwestern Kenya town of Lokichoggio[2]. Consequently, this formerly little known dusty and marginalised location in Kenya has evolved into modern day urban centre with a multiplicity of services. Lokichoggio is today a veritable melting pot of i nteraction f or p eople whose backgrounds are as diverse as their interests are. A milestone in Lokichoggio's rapid transformation was the recent opening by Total Kenya of a Shs100 million aviation depot and filling station. The aviation depot has storage capacity of 700,000 litres and the filing station for ground operations – both relief agencies and the growing resident population of Lokichoggio is geared to supply both duty free and duty paid fuels[3].

Now over a decade down the line, the OLS arrangement continues to be a subject of great debate. What has the OLS done so far, how has it done what it has done and with what impact? These are among the many questions begging for answers in relation to the unique initiative. Thus establishing the level of performance of the OLS is the basis of the inquiry for this study. The temporal scope of the study is from 1989, when the OLS came into existence, to 2001.

1.2 OBJECTIVES

(i) The major objective of this study is to assess the performance of OLS as machinery for UN humanitarian intervention in Southern Sudan.

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[2] Lokichoggio is found in Turkana District, in north western Kenya. The district, the largest in Kenya, shares international borders with Ethiopia to the north, Sudan to the north west and Uganda to the west. See also the map on page 4 Republic of Kenya: Office of the Vice President and Ministry of Planning and National Development. Ministry Turkana District Development Plan 1997-2001

[3] Total Group, established in 1925, has recently merged with Fina and Elf to become the fifth largest oil company in the world known as TotalFinaElf

(ii)   The sub-objective of the study is to help recommend strategies that can help make future UN humanitarian interventions more effective.

1.3   HYPOTHESES

(i)   National interest impedes success of humanitarian intervention.

(ii)   Humanitarian intervention lacks the capacity to provide a permanent solution to problems that prompt them.

1.4   JUSTIFICATION

At academic level, the study can be justified on the grounds that humanitarian intervention is an evolving field. As it evolves, the field is engendering issues challenging existing theories especially realism. Consequently, there is need for more theoretical explanation to fill the gap in knowledge created by the evolution. Indeed the discipline of International Relations has been dominated by the use of state as the basic unit of analysis. This paradigm has been under challenge and my study hopes to contribute to this challenge.

At policy level, the study hopes to help shed more light on the ambivalence that most UN humanitarian interventions have suffered from. Of particular concern is the fact that humanitarian intervention often becomes a statement about the legitimacy or authority of the affected region, eliciting reaction accordingly. In Sudan, manipulation of humanitarian aid has become an integral part of the strategies of the warring parties, though perpetrated more by the government relying on its sovereign right to control access to its territory. This study hopes to recommend measures that may be put in place to institutionalise the concept of unimpeded humanitarian access. No doubt, this is a complex issue that calls for a sensitive understanding about when and how the intervention should be effected as well as the more obvious difficulties of appropriate supplies and logistic support.

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1.5 LITERATURE REVIEW

Generally, anybody embarking on a study to examine the issue of UN humanitarian intervention in Africa is likely to be frustrated by the paucity of scholarly work in this critical area in general and, work done from the African perspective in particular. Humanitarian intervention in Africa historically has been a low research priority area. Many studies have tended to focus on such issues as the genesis, evolution, consequences of conflicts and disasters, and probably, measures to forestall similar calamities in future. The latter have been perceived to be of greater importance. In so doing, little has been done to correct perhaps the greatest danger inherent in humanitarian intervention. Poor understanding of otherwise well-intended relief initiatives can foster poorly devised policies that ultimately are destined to fail.

Little doubt exists that today's humanitarian emergencies are protracted and politically complex, and that there is an urgent need for a rethink of present efforts of the international community to meet the new challenges presented. The UN agencies, NGOs and private organisations must re-examine the models of humanitarian intervention currently in existence.

Like is the case with virtually every other subject, a combination of factors, among them inadequacy of resources, have worked to keep at their barest minimum the contributions by Africans to this potentially bountiful field of research. Thus, one of the reasons that have inspired this study is the need to supplement the little African input that does exist.

No less than UN itself recognises the complexity inherent in contemporary humanitarian intervention as it acknowledged in the Report on the 1994 Rwanda

Genocide[4]. The publication says that the calamity that befell Rwanda as a result of the 1994 genocide created a humanitarian crisis of unprecedented proportions. The UN system, in liaison with various governments and NGOs, struggled to respond to a highly complex and rapidly evolving situation, both within and outside Rwanda. Humanitarian operations in the tiny central African state had to contend with extreme danger, huge logistical challenges and often a lack of immediate resources. The operation called for US$434.8 million, to cover humanitarian requirements for the period from July to December 1994. The amount was only realised after a concerted inter-agency appeal. Sometimes deteriorating security situation necessitated the evacuation of international humanitarian personnel, leading to the temporary suspension of humanitarian operations.

Nevertheless, the UN report points out that many useful lessons were learned with regard to the need for co-ordination and at the end of the day, many lives were saved by the intervention. One of the lessons was certainly the need for better co-ordination, which led to the establishment of the United Nations Rwanda Emergency Office (UNREO). UNREO led the overall co-ordination of humanitarian relief efforts under the direction of the UN Humanitarian Co-ordinator. UNREO worked first from Nairobi and then from Kigali as from July 1994. One of UNREO's more lasting legacies was the securing of an agreement with warring factions. The principles of the agreement formed the broad guidelines for the delivery of emergency relief. One priority of the guidelines was to ensure the security of humanitarian personnel and the beneficiaries of relief assistance.

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[4] UNO, *The United Nations and Rwanda 1993- 1996* pg. 61.

That Southern Sudan has always suffered marginalisation requiring some kind external intervention comes out clear in Deng D. Akol Ruay's[5] work. He asserts that the British, in the colonisation of the Sudan, "commenced their work from scratch and what they did in the field of development makes up the unbridgeable disparity between the North and the South[6]". Ruay admonishes the British to play a leading intervention role in the search for solution to the Sudanese crisis when he says that "...it is hoped that Great Britain will spearhead the move to correct the mistake, which occurred on the Sudan political arena and which has led to the long suffering of people in Southern Sudan[7]".

This theme is also found in Peter Woodward's[8] work. Woodward attributes it to mis-governance of Sudan: "Under Numeiri, international politics was very vital for fortunes of government in Sudan. Having become 'semi-detached' from its civil society, it was dependent sometimes for survival and always for development. While Egypt was Sudan's closest ally with regard to security, the main sources of financial support, directly and indirectly were the Gulf Arab states, which were awash with money following the massive oil price rises in the early 1970s[9]."

Akol[10] discusses how repeated media reports in 1988 brought to the attention of the world the devastating famine in Sudan. He talks of an estimated 500, 000[11]

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[5] Deng, D. A Ruay, *The Politics of Two Sudans: The South and the North 1821-1969* (Uppsala: The Scandinavian Institute of African Studies, 1994), pp. 20- 35

[6] Deng, D. A. Ruay, *The Politics of Two Sudans: The South and the North 1821-1969* (Uppsala: The Scandinavian Institute of African Studies, 1994), pg. 35

[7] Deng, D. A. Ruay, *The Politics of Two Sudans: The South and the North 1821-1969* (Uppsala: The Scandinavian Institute of African Studies, 1994), pg. 179

[8] Peter Woodward, *Sudan 1898-1989: The Unstable State* (London: Lynne Reinner Publishers, Boulder, 1990) pp. 100-165

[9] Peter Woodward, *Sudan 1898-1989: The Unstable State* (London: Lynne Reinner Publishers, Boulder, 1990) pg. 165

[10] Lam Akol, *SPLM/SPLA: Inside an African Revolution* (Khartoum: Khartoum University Press, 2001) pg. 100

[11] This figure is in agreement with what Minear talks about in Larry Minear, *Humanitarianism Under Siege: A Critical Review of Operation Lifeline Sudan* (Washington DC, The Red Sea Press Inc., 1991) pg. 79

people losing their lives in this calamity induced by the country's protracted civil strife. The majority of the victims were children and the aged.

Accounts of UN humanitarian intervention elsewhere give invaluable insights for comparison and a better comprehension of the Southern Sudan situation. Such cases serve to confirm the idea of the world community. As Taylor and Groom[12] argue, "everyone depends ultimately in some way upon a wider recognition that there is a real and common heritage of mankind"

Kent[13] gives a detailed account of the chaos that characterised responses of the UN agencies to disasters in East Pakistan, Peru and Nigeria's Biafra in the late 1960s and early 1970s, which, unfortunately, have been replicated in several other regions. In all the above cases, the confusion stemmed from the UN's preoccupation with global security and stability, as opposed to being involved in disaster relief. The latter, it was thought, are supposed to be the responsibility of the specialised agencies, which form part of the UN family. With each agency having different and often overlapping mandates, Slim and Penrose[14] observe, the twin problems of lack of policy co-ordination and coherence inevitably creep in. The duo notes that the specialised agencies are neither effectively integrated nor co-ordinated by a central system. Indeed under the existing arrangements, the specialised agencies have constitutional independence from each other and from the centre. There is no central institution that lays claim to having legal authority over them. Interestingly, all these weaknesses have continued to plague the UN humanitarian activities despite a 1972 decision by member states to create a United Nations Disaster Relief Organisation (UNDRO), which was placed directly under the UN secretary-general.

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[12] Paul Taylor and A. J. R. Groom, "Introduction": in Taylor and Groom (eds), *International Institutions at Work* (London: Pinter Publishers, 1988)

[13] Randolph Kent, "The United Nations: A Suitable Place for Disaster?" in Taylor and Groom (eds), *International Institutions at Work* (London: Pinter Publishers, 1988) pp 130-149

Just how much the situation had changed by the time the UN intervened in Southern Sudan through the UNICEF-OLS is, no doubt, interesting to find out. Indeed part of the explanation for the unnerving situation characterising UN humanitarian intervention probably lies in Kent's[15] argument that; "from the very outset, UNDRO ran up against the entrenched positions of Specialised Agencies of the UN".

Least surprisingly, regions of UN humanitarian intervention often become a veritable battlefield for great power interests. Kent[16] could not have put it better when he posited that UN officials are often considered representatives of the world community but these same persons in daily activities of international institutions usually represent a particular national or ideological point of view. Such an unfortunate reality on the global arena undercuts the very conception of the role of the international civil servant. It also means that in some cases, international interventions have to contend with national approaches and prejudices. In a world of increasing humanitarian interventions, the above scenario spells a delicate calculation of who receives what kind of assistance, when and of course where.

Schraeder[17] captures this theme of power games with his illustration of how humanitarian needs in Ethiopia in 1984 were sacrificed at the altar of US political interests. The aloofness of the US amidst the crisis led critics into charging the Reagan administration with maliciously seeking to overthrow the Mengistu Haile Mariam regime by fostering the famine-induced events that led to the downfall of

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[14] Hugo Slim and Angela Penrose "UN Reform in a Changing World: Responding to Complex Emergencies" in Macrae, J. & Zwi, Anthony (eds), *War and Hunger: Rethinking International Responses To Complex Emergencies*. (London: Zed Books Ltd, 1994) pp. 194- 208

[15] Randolph, Kent, "The United Nations: A Suitable Place for Disaster" in Taylor, P. & Groom A. J. R (eds.), *International Institutions at Work* (London: Pinter Publishers, 1988) pg. 132

[16] Randolph Kent, "The United Nations: A Suitable Place for Disaster?" in Taylor and Groom (eds), *International Institutions at Work* (London: Pinter Publishers, 1988, pp 130-149)

[17] P. Shraeder, *United States Foreign Policy Toward Africa. Incrementalism, Crisis and Change* (Cambridge University Press, 1994) pp. 157-158

Emperor Haile Selassie. A more probable scenario was that Addis Ababa's requests were ignored at the highest levels of policy-making establishment because the US considered Ethiopia the responsibility of the Soviet bloc. Private relief organisations attempting to combat the Ethiopian disaster were the first to criticise White House inattention. The Catholic Relief Services (CRS), in particular, expressed frustration as early as August 1983. The turning point in the US relief efforts occurred only due to dramatic media coverage of the Ethiopian famine beginning in September 1984.

Then there is the touchy issue of sovereignty. As McMahan[18] observes: Intervention, "whether military or non-military has been thought to involve an imposition of an external will on the subject to it, usurping of the people's right to shape and direct their own collective life".

In December 1991 the General Assembly authorised the UN Secretary-general to appoint a humanitarian co-ordinator. The nomination and creation of the UN's Department of Humanitarian Affairs were expected to streamline future UN humanitarian operations yet little evidence exists about the progress made in the intended direction. It would therefore be interesting to examine some of these pitfalls in the Sudan situation. As Slim and Penrose[19] point out, experiences from Iraq, Bosnia and Somalia have demonstrated abundantly that while the international context of UN action has changed dramatically, major structural obstacles remain within the organisation which limit its capacity in humanitarian intervention. There remains a need for fundamental reform to tackle issues of mandate, co-ordination, resources and accountability within the UN system.

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[18]Jeff McMahan: "Intervention and Collective Self Determination" *in Ethics and International Affairs, 1996 Vol. 10*, pp. 1-25

[19] Hugo Slim and Angela Penrose "UN Reform in a Changing World: Responding to Complex Emergencies" in Macrae, J. & Zwi, Anthony (eds), *War and Hunger: Rethinking International Responses To Complex Emergencies.* London: Zed Books Ltd, 1994 pp 194- 208

McMahan[20], points out that standard delays of two months in processing permission for shipments even for basic food stuffs and medicines, have not only undercut the ability of UN organisations to respond in timely fashion, they have also injected political obstacles into their work.

Macrae and Zwi[21] point out that currently UN capabilities for effective humanitarian intervention have more limitations than strength. They single out the abolition in 1992 of an office for research and information with the responsibility for early warning as aggravating an already bad situation. The office was set up by Javier Perez de Cueller during his tenure as the UN Secretary General. But thanks to lethargy in the UN system, a proposal to establish observation centres in potentially explosive areas all over the world remains a pipe dream. Some of the interventions, opine the two authors, are never well thought out. A case in point is the 1993 Operation Restore Hope in Somalia in which a whooping US$2 billion was spent to protect less than US$50 million of effective relief. This intervention followed the collapse of the government of dictator Mohammed Siad Barre, which ushered in anarchy that the Horn of Africa state reels from to date.

On a more promising note, the authors point out some mechanisms that the UN has put in place to make humanitarian interventions more effective. In 1988, for instance, the UN passed a resolution No. 43/ 131 of humanitarian assistance to victims of disasters. The resolution invites all states to take advantage of international community's ability to provide aid and assistance. It further identifies the need for co-operation from national governments in co-ordinating and expediting aid to their nationals. The duo, however, point out that the resolution continues to be compromised by the primacy of government sovereignty and the usual requirement for government permission to mobilise humanitarian assistance. In 1988, for instance, the Sudan government refused to

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[20] Jeff McMahan: 'Intervention and Collective Self Determination' in Ethics and International Affairs, 1996 Vol. 10, pp. 1-25

allow international agencies to access war displaced communities in Southern Kordofan. The incident led to some of the highest starvation deaths rates reliably recorded according to the two authors. In an earlier incident in 1984, former Ethiopian strong man Mengistu Haile Mariam had refused the delivery of emergency into rebel-held areas of Eritrea and Tigray. In Angola, the government on a number of occasions blocked attempts to establish a safe corridor for relief supplies which traversed rebel-held areas, in accordance with the stipulations of the Special Relief Programme for Angola (SRPRA). The delay in implementing SPRA slowed the establishment of village-level relief operations, forcing communities to move to towns[22].

Macrae and Zwi[23] reiterate that failure to secure government consent obviously means that bilateral and multilateral agencies as well as NGOs are technically locked out of state borders no matter how desperate a case may be. If they insist on reaching the affected populations, they could face expulsion or other penalties. Use of a third party may be the only viable option. The Emergency Relief Desk (ERD) in Khartoum is an example of a third party channel for aid. ERD was used to channel assistance across the border into rebel-held territory in neighbouring Eritrea and Tigray from 1985- 1991. Organisations channelling aid through the third party conceal their identities for obvious reasons.

It is worth noting that it is not always the government that hinders humanitarian operations. In some instances it is the rebel groups that are guilty of the offence. This is particularly likely if a crisis coincides with a collapse or considerable weakening of government as happened in Liberia, Somalia and parts of Angola.

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[21] "Famine, Complex Emergencies and International Policy in Africa. An Overview" in *War & Hunger. Rethinking International Responses to Complex Emergencies* (London: Zed Books Ltd, 1994), pp 6-36
[22] Joanna & Zwi Anthony: War & Hunger. Rethinking International Responses to Complex Emergencies (London: Zed Books Ltd, 1994) pg. 12
[23] Joanna & Zwi Anthony, *War & Hunger. Rethinking International Responses to Complex Emergencies* (London: Zed Books Ltd, 1994) pp 111-124

Weiss[24] examines the issue of ethics in humanitarian interventions. He poses some hard questions:

(i)   Is it desirable to channel resources to those who can be saved rather than spreading them inadequately to as many suffering souls as possible?

(ii)   Does it make more sense to spend monies temporarily sparing the lives of those civilians who quite possibly will be eliminated subsequently by shelling or to help those in countries where belligerents have agreed to cease fire?

        The Sudan situation provides a perfect scenario for searching for answers to Weiss's two questions and many other related ethical issues in humanitarian intervention.

Giving credit where it is due, Weiss[25] says that it would be unfair to denigrate the courage and dedication of individuals involved in humanitarian operations, in most cases in very difficult circumstances. Taking cognisance of the duplication and competition that continue to mar humanitarian intervention in disaster hit regions; Weiss prescribes a clear and better division of labour among humanitarian actors as the panacea. He goes further to recommend that emphasis should now be placed on preventive policy frameworks and peace building rather than intervention in the management of conflicts once they have erupted. To this end, root causes of many conflicts- poverty, the unjust distribution of national resources as well as the legacy of colonial boundaries in multi-ethnic and multi-racial societies – should be addressed before they explode. Specific measures in tackling the above should include the expanded use of fact-finding human rights monitors and early-warning systems. Others are longer-term economic and social development reforms to distribute the b enefits o f f uture growth m ore e quitably and restructured global financial and trading systems.

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[24] Thomas Weiss, "UN Responses in the Former Yugoslavia: Moral and Operational Choices" in *Ethics and International Affairs* Vol. 8, 1994, pp 1-23
[25] Thomas Weiss: "UN Responses in the Former Yugoslavia: Moral and Operational Choices" in *Ethics and International Affairs* Vol. 8, 1994, pp 1-23

Graham Hancock[26] distinguishes himself as a merciless critic who sees every evil in every humanitarian aid initiative especially the UN operations. Hancock sees

much irrelevance and sometimes-dangerous idiocy in what that passes as humanitarian assistance. All these pitfalls, he argues, are nevertheless never publicised by the agencies for understandable reasons. "On the contrary, their press releases paint a rosy picture. Disaster victims, however, must live with the realities of relief[27]." Hancock cites several cases to drive this point home. One case involved Food for Hungry Inc., an American private voluntary organisation, which "arranged shipment of 19 tonnes of 'survival food and drug' to Kampuchea during the great famine there in 1979-80. The food was so old that San Francisco zoo-keepers had stopped feeding it to their animals and some of the drugs had expired fifteen years earlier[28]."In another incident, he says, huge quantities of slimming products were included in emergency-aid consignment sent to the under nourished residents of Somali refugee camps. Also found amongst the relief supplies were strangely inappropriate items, treatments for heartburn and electric blankets.

Even when appropriate in terms of content, humanitarian aid can still sometimes fail to achieve the intended objectives or cause more trouble than it is worth as Akol[29] illustrates. He cites a 1986 Christmas Day incident in Sudan. On the said occasion, a relief convoy left Khartoum for the Southern town of Wau where a famine caused by fighting and drought was wreaking havoc. The convoy had 200 tonnes of food when it set off. By the time it arrived in late January 1897, some 22 tonnes had mysteriously disappeared. A generator for the local hospital had been brought on one of the trucks but was found to have been cannibalised of

[26] Graham Hancock, *Lords of Poverty* (Nairobi: Camerapix Publishers International, 2001)
[27] See also Graham Hancock, *Lords of Poverty* (Nairobi: Camerapix Publishers International, 2001), pg. 12
[28] Graham Hancock, *Lords of Poverty* (Nairobi: Camerapix Publishers International, 2001), pg. 12
[29]Lam Akol, *SPLM/ SPLA: Inside and African Revolution* (Khartoum: Khartoum University Press, 2001), pg. 12

several vital parts. To add insult to injury, the fuel needed for the convoy's return journey had been stolen. Consequently, almost all the remaining food had to be sold to cover the cost of replacing it and to pay the wages of the troops who made up the convoy's escort.

So infuriated was Bishop Joseph Nykindi, the chairman of Wau town's relief committee that he wrote to donors: "We appreciate your efforts, but if this is what you call food aid we don't want it"[30].

Hancock[31] acknowledges that the absurdities in humanitarian intervention are not always deliberate or borne out of malice, but sheer ignorance on the part of the donors. He cites a study by the USAID relating to humanitarian intervention in Guatemala. Guatemala received 41,000 tonnes of food from sympathetic outsiders after it had suffered a devastating earthquake. Very little of the Central American country's own food supplies had been destroyed by the quake, however, and local farmers had just realised a record harvest. Rather than change the situation for the better, the humanitarian largesse occasioned the complete collapse of prices in the domestic grain market, greatly worsening the lot of the rural producers.

The need to establish the extent to which the above irrelevancies and problems have characterised the UN intervention in Sudan has also inspired this study greatly.

Keen[32] describes how unscrupulous traders and other merchants may seek to benefit from situations requiring humanitarian intervention. Drawing from the Sudan experience of 1988, the author explains how merchants paid bribes to

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[30]Lam Akol, *SPLM/ SPLA: Inside and African Revolution* (Khartoum: Khartoum University Press, 2001), pg. 12

[31] Graham Hancock, *Lords of Poverty* (Nairobi: Camerapix Publishers International, 2001), pg 15

[32] David Keen, "The Functions of Famine in Southwestern Sudan. Implications for Relief" in Macrae Joanna & Zwi Anthony, *War & Hunger. Rethinking International Responses to Complex Emergencies* (London: Zed Books Ltd, 1994) pp 111-124

railway workers so that they would not load relief onto trains at Babanusa in order to spare room for the merchants' goods. In another area called Meiram, there were complaints that relief was removing incentives to work, by providing for the hungry Dinkas who would otherwise have to sell their labour for survival.

Keen notes that on the whole, donors at the centre of humanitarian interventions often have a limited agenda. For one, they do not concern themselves with tackling the underlying processes of, say, famine, concentrating instead on reacting when mortality is severe. Such a reaction is normally founded upon the age-old desire to preserve state sovereignty. Yet there is abundant evidence that this importance of preserving state sovereignty can be dropped if donors choose to. Infringements of sovereignty in the name of the International Monetary Fund (IMF) and the World Bank packages are commonplace in the Third World.

Secondly, donors are often concerned with getting relief to what are considered accessible areas as defined by a government in question. Winston Prattley, a UN Special Representative in Sudan was expelled from the country in 1986 for his apparent defiance of this definition. Surprisingly, his expulsion drew minimal protest from major donors who were content with conducting their operations within the garrison town and their immediate environs. The Prattley incident, among other things, indicated to private relief agencies that operations in rebel territories would neither be tolerated by the government nor supported by the donors. Yet there were precedents in both Nigeria and Ethiopia, where donors had assisted rebel held areas without the consent of a sovereign government.

Consorting with the government in a situation of rebellion often provokes angry reaction from the government's opponents. Keen[33] uses the 1986 case of Combined Agencies Relief Team (CART) in Sudan to illustrate his point. When CART yielded to government pressures for military escort, amidst increasing

SPLA control in the South and the absence of adequate donor support, its position became untenable. The SPLA labelled the consortium a government sympathiser and regarded their personnel and centres legitimate military targets. Consequently, donors largely left the task of intervening in the rebel areas to the International Committee of the Red Cross (ICRC), which began negotiating with both sides in February 1988. Nevertheless, for most of 1988, efforts by the ICRC to get Sudan's warring parties to agree to its delivery of relief supplies were frustrated[34].

Another limitation that Keen identifies in the donors' agenda is their keenness to allocate relief without taking adequate steps to ensure that it is received by the intended populations. He observes that during the 1988 famine in Sudan, the donors kept silent in the face of the misuse of relief. Only weak or no support at all was given to those elements of the Sudanese administration that could assist in relief distribution, notably Relief and Rehabilitation Commission (RRC). RRC was by April 1988 operating with a skeleton staff of less than 10 expatriate advisers. There had been over 60 such personnel by late 1986. Perhaps the explanation lies in Minear's[35] assertion that food and other emergency supplies seldom reach all in need however determined those involved. To him, the solution lies in the cessation of violence as this allows civilians that ultimately must provide for themselves to begin to do so whether or not they are reached with outside aid.

1.6 THEORETICAL FRAMEWORK

As is required in every academic pursuit, every study employs theories as the basis for analysis and easy comprehension of the phenomenon in question. Theory

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[33] David Keen, "The Functions of Famine in Southwestern Sudan. Implications for Relief" in Macrae Joanna & Zwi Anthony, *War & Hunger. Rethinking International Responses to Complex Emergencies* (London: Zed Books Ltd, 1994) pp 111-124

[34] Larry Minear, *Humanitarianism Under Siege: A Critical Review of Operation Lifeline Sudan* (Washington DC, The Red Sea Press Inc. 1991) pg. 11

[35] Larry Minear, *Humanitarianism Under Siege: A Critical Review of Operation Lifeline Sudan* (Washington DC, The Red Sea Press Inc. 1991) pg. 146

provides a simplified and more comprehensive approximation of reality or a portion of a wider reality. The most powerful theories are thought to have descriptive, explanatory and predictive values. Theorising about the events unfolding on the international arena has invariably been characterised by controversies throughout human history. There is a constant lack of consensus on theories, mode of studying international relations as well as determinant of real power.

Competition between different theories, particularly realism and idealism has been the hallmark of debates in international relations. Whereas realism appears to have had an edge over the other theories in the pre-World War II period, it fails to explain some important factors that militate state behaviour besides power contest and its state centricity. Conspicuously absent in realism, are other actors who should not be ignored particularly with increasing technological advancement, democratisation and globalisation. International organisations[36], for instance, today touch upon the daily lives of all but a few of the world's population. An all inclusive study that takes cognisance of all levels of actors on the global stage has given rise to contending sub-theories and pre-theories that individually or collectively shed some light on segments of the field but fail to meet grades for an accepted general theory in international relations.

This particular study is based on interdependence theory. Interdependence theory is associated with Robert Keohane and Joseph Nye, who in 1977 published the book; *Power and Interdependence*. The work of the two authors expanded power to mean much more than military strength. Interdependence traces its origins to 1970s development associated with systems theory. Systematic thinking emphasises wholeness in looking at the patterns of interactions among various actors. In embracing interdependence, the state was willing to cede power to other actors, notably international institutions. Nothing demonstrated this willingness

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[36] Taylor and Groom, 1988, define international organisations as structures within, by and through which the systematic functions are performed

by the state to cede power more than the emergence of international organisations and international regimes formed by state. Interdependence propagates mix-actors' school of thought. This is because in certain areas, the cost of going it alone is much higher than the cost of collaboration.

According to Russett and Starr[37]; "A very simple definition of inter-dependence is that changes or events in any single part of a system will produce some reaction or have some significant consequence in other parts of the system, either physically or perceptually". Systems thinking, they add, emphasises that everything is related to everything else. Consequently, the complexity of our world includes the interconnectedness of global problems, the entire world's collective well-being and survival. Interdependence manifests itself when changes in one state informs significantly changes in one or several other states. Equally, the manifestation of interdependence comes to the fore when actions of one government are in some ways influenced by what other governments do.

Interdependence may have either positive or negative consequences that could either lead to co-operation or conflict respectively. Scholars of interdependence have since the end of World War II, argued that trans-border interactions have occasioned an exponential ascent in economic forces surpassing military options as instruments of foreign policy. Non-state actors have continued to wield more influence on global relationships giving rise to a web of interdependence among world states.

States of the world have become increasingly tied together by many different political and socio-economic strands. States have become interdependent to the extent that they need one another probably more than in any previous period in history to solve their own problems National planning, for instance, can no longer lead to meaningful economic recovery of any nation. Nations cannot fulfil their

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[37] B. Russett & Harvey Starr, *World Politics. The Menu for Choice*, 3rd edition (New York: W. H. Freeman and Company, 1989), Pg. 485

socio-economic goals by themselves. USA, for example, must consider the trends in Organisation of Petroleum Exporting Countries (OPEC) oil prices in its domestic planning. Western societies run largely on imported oil. The non-western countries on the other hand seek Western technology and manufactured products.

In the contemporary world, whether problems exist in the affluent West or the poorer nations with their overpopulation, widespread malnutrition, frequent threats of starvation and often inability to earn a living, the response in a world of increasingly finite resources is said to require global solutions. Problems such as inflation, currency instability and pollution transcend national frontiers, hurting almost everyone. Thus worldwide co-operation is not just desirable but a necessity if such goals as peace, political stability, human welfare and individual dignity are to be achieved on earth.

This study builds on the reality that humanitarian intervention is a function of human needs that are lacking within state borders. The need for intervention can arise anywhere in the world, courtesy of either natural or man-made causes. Conventional wisdom therefore demands that no territorial impediments should be tolerated whenever need arises for humanitarian intervention.

1.7   METHODOLOGY

This project was based on both primary and secondary data. Secondary data was gathered from a wide range of relevant sources, both published and unpublished. A rich variety of books, periodicals, encyclopaedias, special reports, newspapers, magazines as well as journals were contacted. The Internet too was contacted for additional valuable and up-to-date information.

Primary data was sourced from interactive interviews with relevant personalities. Targets in this category included Sudan and Kenya government officials, officials

of the SPLM/A and other southern rebel groups, personnel of the church with operations in Sudan, UN and NGOs with operations in Sudan. Also targeted were civilian Sudanese living in Kenya.

The obsession of the UN staff with confidentiality turned out to be a major bottleneck in the data collection. As for the Khartoum authorities (embassy in Nairobi) everything about south Sudan was invariably reacted to by either ignorance or out right hostility. In order to overcome the above bottleneck, I perused a wide variety of secondary information.

1.8 OPERATIONAL DEFINITION OF TERMS

Humanitarian: Concerned with or aimed at minimising suffering and improving the lives of people.

Intervention: Getting involved in a situation with a view to changing the cause of an event or stopping it altogether.

Humanitarian intervention: The term humanitarian intervention, according to Ian Brownlie[38], is used widely to describe diplomatic intervention o n b ehalf o f non-nationals or on behalf of nationals in matters which are in law within the domestic jurisdiction of the state of their residence or sojourn.

Anglo: British

South Sudan: In this study, the term South Sudan, unless otherwise stated, is used to refer to the three provinces of Bahr el-Ghazal, Equatoria and Upper Nile.

1.9 CHAPTER OUTLINE

This study is organised in form of five chapters. Each chapter lays a foundation for a reader's better comprehension of the subsequent one. Contained in chapter one are the general introductory elements requisite for a scholarly pursuit of this

nature. Chapter two traces the origins of Sudan as a political entity, then goes to great lengths to explain the genesis and evolution of the first phase of the Sudan conflict to 1972. Chapter 3 is devoted to the second phase of the Sudan conflict from 1983 to 2001, elucidating the attendant consequences of the war that have necessitated the massive humanitarian intervention in south Sudan. Chapter 4 is the main chapter and is devoted to the UNICEF-OLS humanitarian intervention in southern Sudan. In chapter 5 are the conclusions as well as the recommendations based on the findings of this study.

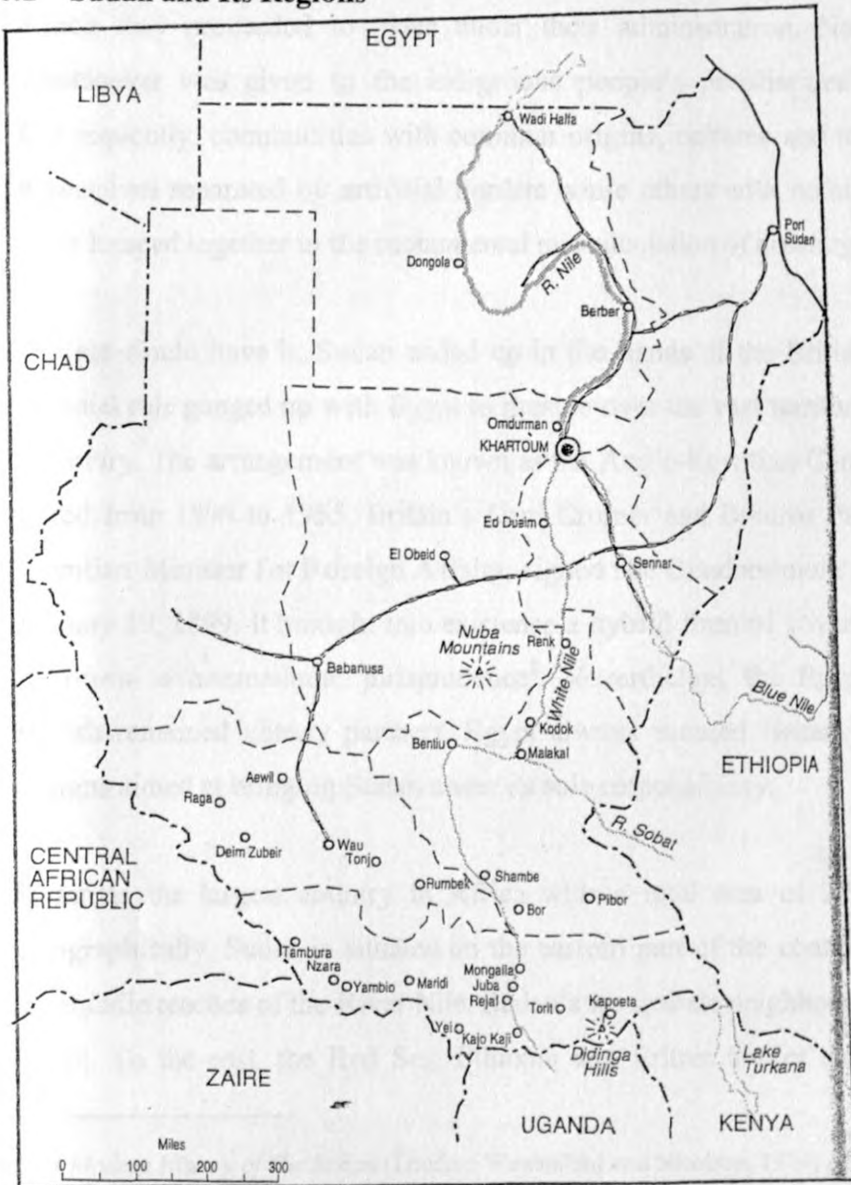[38]Ian Brownlie, *Humanitarian Intervention in Moore John, Norton: Law and Civil War in the Modern World* (Baltimore: The John Hopkins University Press, 1974), pp 218- 228

CHAPTER 2

THE GENESIS AND EVOLUTION OF THE SUDAN CONFLICT: FROM COLONIALISM TO 1972

2.0   INTRODUCTION TO SUDAN

2.0.1   Sudan and Its Regions

Source: Deng D. Akol Ruay, *The Politics of Two Sudans. The South and The North, 1821-1969*.

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Etymologically, the term Sudan has it's origins in the name *Bilad al Sudan*, which in English translates into "the land of the blacks". Holt[1] says that the medieval Muslim geographers gave the name of *Bilad al-Sudan* to the belt of African territory lying south of the massive Sahara Desert.

Like is the case with the rest of Africa, the state of Sudan as it exists today is a colonial legacy whose origins can be traced back to the infamous 19th c entury Scramble for Africa. Driven by a strong urge to dominate other peoples, European powers with colonial tendencies curved for themselves different parts of Africa, which they proceeded to place under their administration. No consideration whatsoever was given to the indigenous people's peculiarities and interests. Consequently, communities with common origins, cultures and traditions found themselves separated by artificial borders while others with nothing in common were lumped together in the monumental miscalculation of creating nation-states.

As fate would have it, Sudan ended up in the hands of the British who in their colonial rule ganged up with Egypt to preside over the vast territory for over half a century. The arrangement was known as the Anglo-Egyptian-Condominium and lasted from 1899 to 1955. Britain's Lord Cromer and Boutros Pasha Ghali, the Egyptian Minister for Foreign Affairs, signed the Condominium Agreement on January 19, 1899. It brought into existence a hybrid form of government hitherto unknown to international jurisprudence[2]. Nevertheless, the Egyptians and the British remained uneasy partners. Egypt always accused Britain of harbouring designs aimed at bringing Sudan under its sole responsibility.

Sudan is the largest country in Africa with a total area of 2,505,813 sqkm. Geographically, Sudan is situated on the eastern part of the continent, straddling the middle reaches of the River Nile. Sudan's immediate neighbour to the north is Egypt. To the east, the Red Sea, Ethiopia and Eritrea border the country. The

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[1] P.M Holt: *A Modern History of The Sudan* (London: Weidenfeld and Nicolson, 1974) pp 1-5

equally expansive Democratic Republic of Congo (DRC), Kenya and Uganda are Sudan's immediate neighbours to the south. To the west, the Central Africa Republic, Chad and Libya border Sudan. Sudan forms part of the region popularly known as the Horn of Africa. The latest estimates put the country's population at 31 million, a relatively low figure considering the country's vast size.

At independence, Sudan had nine provinces, with three in the South and six in the North. The provinces in the North were Northern, Khartoum, Blue Nile, Kassala, Kordofan and Darfur, while the South comprised of Upper Nile, Equatoria and Bahr-el-Ghazal. The issue of the provincial boundaries remains at the core of the country's protracted conflict with both the South and the North demanding a rethink of the same. The Nuba Mountains in Southern Kordofan and Southern Blue Nile, for instance, have in all but geography become part of Southern Sudan. The Government of Sudan (GoS), however, recognises their "northernness" while the Sudan People's Liberation Army (SPLM/A) asserts that people of these "marginalised areas" are part of its fighting force and thus excluding them from the southern cause would be tantamount to a betrayal.

To some scholars, Sudan is Africa in miniature owing to its huge size and infinite variations from sandy desert to sub-tropical forests. Sudan is the home to peoples of different origins, different ways of life, different religions and different tongues. Indeed one of Sudan's outstanding features is the heterogeneity of its population composition. Northern Sudan is with only few exceptions, Arabic in speech and its peoples are largely Arabised in culture and outlook. The indigenous inhabitants of this region are universally Muslim. A minority Arab-speaking Christians in Northern Sudan comprise the descendants of immigrants from neighbouring Egypt and the more distant Lebanon. Holt[13] describes the South as containing "a bewildering variety of ethnic groups and languages". A

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[2] Mohamed Omer Beshir, *The Southern Sudan: Background to Conflict* (London: C. Hurst & Co. 1968) pg. 17

[3] P. M. Holt, A Modern History of the Sudan (London: Weidenfeld and Nicolson, 1974) pg. 5

great majority of the Southerners are either Christians or adherents of the traditional African religion. Years of interaction with the North have seen some Southerners embrace the Islamic faith.

2.0.2   Sudan's Provincial boundaries in the 1960s
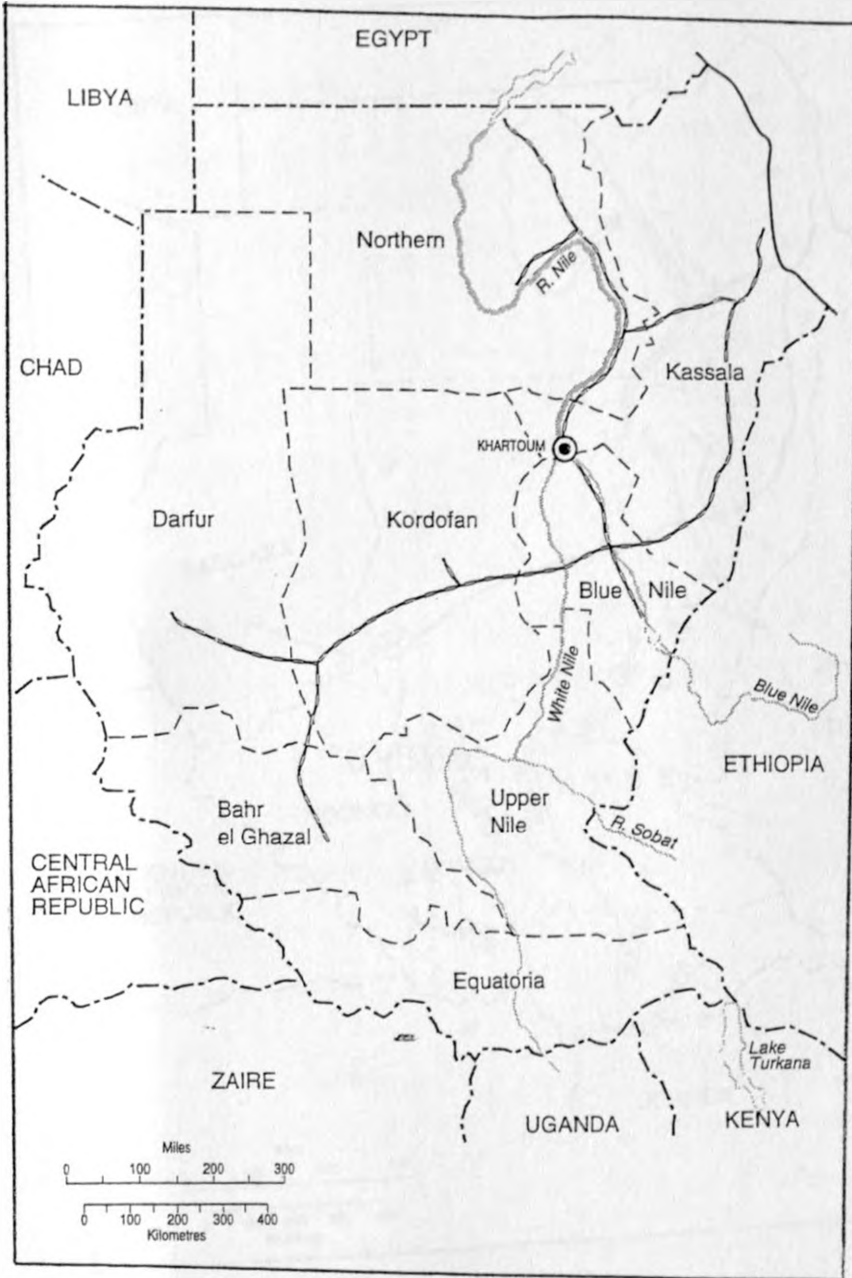
Source: Deng D. Akol Ruay, *The Politics of Two Sudans. The South and The North, 1821-1969*.

2.0.3 Location of some Sudanese communities referred to in the text
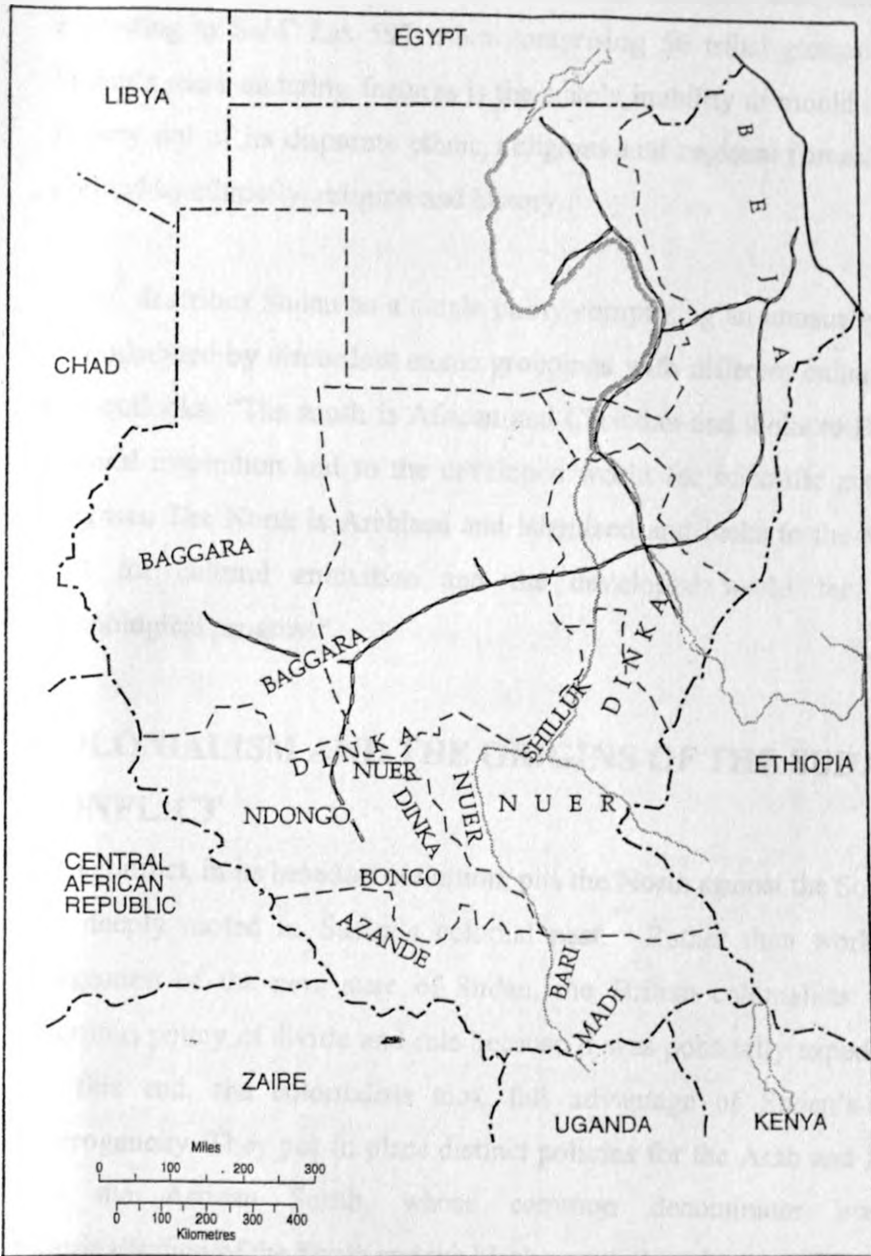
Source: Deng D. Akol Ruay, *The Politics of Two Sudans. The South and The North, 1821-1969*.

Among the Northern groups are the Baggara tribes (Rizeigat, Messeriya and Hawazma) and the Beja tribes of Hadendowa, Amarar and Bisharin. The Southern communities include the Dinka (Sudan's largest ethnic group), Nuer, Acholi, Jur, Bongo, Zande, Lango, Baka, Fur, Lotuho, Shilluk, Bari and Madi. Sudan, according to Said[4] has 597 tribes comprising 56 tribal groups. Indeed, one of Sudan's more enduring features is the state's inability to mould a viable national society out of its disparate ethnic, religious and regional forces. Sudan remains divided by ethnicity, religion and history.

Ruay[5] describes Sudan as a single polity comprising an unusually large territory and inhabited by discordant ethnic groupings with different cultural traits, creeds and outlooks. "The south is African and Christian and looks to Black Africa for cultural inspiration and to the developed world for scientific and technological progress. The North is Arabised and Islamised and looks to the Middle and Far East for cultural animation and the developed world for scientific and technological progress".

2.1 COLONIALISM AND THE ORIGINS OF THE SUDAN CONFLICT

This conflict, in its broadest definition, pits the North against the South. Its origins are deeply rooted in Sudan's colonial past. Rather than work towards the integration of the new state of Sudan, the British colonialists employed the infamous policy of divide and rule because it was politically expedient for them. To this end, the colonialists took full advantage of Sudan's demographic heterogeneity. They put in place distinct policies for the Arab and Islamic North and the African South, whose common denominator was, however, marginalisation of the South and the black populations in general.

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[4] Beshir Mohammed Said, *The Sudan. Crossroads of Africa* (London: The Bodley Head Ltd, 1965) pg. 12
[5] Deng D. Akol Ruay, *The Politics of Two Sudans. The South and The North, 1821-1969* (Uppsala: The Scandinavian Institute of African Studies, 1994) pg. 173

Said[7] captures this polarisation when he says: "The unhappy memories of slave trade were deliberately revived and kept alive. In the church, in the school, in the bush, in the road, in the government, practically everywhere, it was the calculated policy of both the British and the missionaries to remind the Southerners that they were different from the Northerners and the latter were the sons of the slave trader."

Beshir[8] corroborates the above by asserting that as late as 1947, in an official publication, the colonial government reminded the Southern Sudanese that the Arab tribes in the North still harboured the idea of slavery in their minds, and warned that kidnapping of the Southerners by the nomadic Arabs was still a reality. It was the express policy of the government to encourage Greek and Syrian traders rather than Northerners in the South. Southerners were brought up in an atmosphere of fear and great suspicion for Northern domination. Indeed the Northern Sudanese traders were encouraged to relocate from the South and force was used whenever it was deemed necessary.

All development efforts were concentrated in the North as the South, with all its natural endowments, suffered virtual total neglect. Using such draconian pieces of legislation as the October 1922 Passports and Permits Ordinance, which empowered the Governor-General to declare any part of the Sudan as a "Closed District", the colonial government effectively cut off the South from the North. Southern Sudan as a whole became a closed region, which meant that no outsiders could enter the region without government permission. However, missionaries were encouraged to venture there.

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[7] Mohammed Beshir Said, *The Sudan. Crossroads of Africa* (London: The Bodley Head Ltd, 1965) pg. 20
[8] Mohamed Omer Beshir, *The Southern Sudan: Background to Conflict* (London: C. Hurst & Co. 1968) pg. 22

Much as they tried, the missionaries' development initiatives could not keep pace with the government's undertakings in the North for several reasons, including the fact that the former's principle objective is evangelisation. A cocktail of environmental problems and a combination of political intrigues and religious bigotry further compounded the situation for the religious. For instance, the colonial rulers decreed that different religious groups operate in different designated areas, an arrangement that ensured no co-ordinated approach to development initiatives, encumbered the free growth of the church while also denying the Sudanese their inalienable right to belong to a faith of their choice. British Governor General Reginald Wingate (1899- 1916) introduced the sphere system according to which each mission would operate without overlapping into another mission's territory. In his mind, such a system would safeguard against missionary wars. It is possible that Wingate was trying to protect the British Church Missionary Society from unnecessary competition but missionary wars were also a reality. In Uganda, different Christian groups had joined forces to drive out the Muslim rulers but later fought each other soon after the British had taken over[9].

The Catholics, for instance, were apportioned the area to the west of the Nile-particularly Bahr el Ghazal. The Presbyterian Church, founded by the American Mission, was the dominant church in Upper Nile. The area eastwards from the Nile to the Ethiopian border was, however, open to any denomination. All one needed to do was to convince the government that it had something to offer. Such flawed policies only worked to further dismember Sudan and never contributed to its integration as one nation.

To further widen the wedge between the two distinctive demographic lots, the British tacitly encouraged the Northerners to look down upon the southerners, whom they regarded as slaves and plundered at will. In the minds of the British,

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[9] Wingate (1861-1953) was chiefly responsible for laying the administrative foundations for the British rule in Sudan

Uganda, another British colony to the south of Sudan, was supposed to incorporate Southern Sudan, leaving the North to develop as a separate entity. However, Uganda in particular and the East African territories in general, were not enthusiastic about any plans of a union with this vast, undeveloped and largely unproductive land.

In the South itself, little, if anything, was done to integrate the different ethnic groups into a state. Lack of education and general infrastructure over the years bred tribal bigots to whom the idea of a nation with cultural and linguistic diversity made little sense. Little wonder, many Southern communities remain at war with each other, and often betray each other to gain some form of favour from their common enemies. For the British, tribalism was the most cost effective way of running local affairs and also augured well to their grand divide and rule plan. Successive regimes in Khartoum have always taken full advantage of the unfortunate situation to maintain a stranglehold on the Southerners.

Mr. Telar Deng, a lawyer and a member of the New Sudan Council of Churches (NSCC), reckons that for a long time, while growing up in Bahr el Ghazal, he had no idea that communities other than his Dinka ethnic group existed in Sudan. Dr Cirino Hiteng, an Assistant Professor of Political Science, was equally oblivious of the existence of other Sudanese apart from his own Lotuho group as he grew up in the Eastern Equatoria region. Dr Hiteng says that he was not even aware of the other communities that existed in his immediate environment of Equatoria. Yet this is the home to numerous communities with a lot of cultural commonalties.

2.2   THE JUBA CONFERENCE AND THE ROAD TO SELF RULE

As a prelude to bringing to an end the Condominium rule, the Juba Conference[10] was convened on June 12-13, 1947 to deliberate the future of Sudan. Whereas the North was represented by well-educated people with a better grasp of the political issues of the moment, semi-illiterate junior government officers represented the South. Little wonder, the wish of the Northerners carried the day against a popular demand by the Southerners that the latter be given ample time to catch up with their Northern compatriots before Sudan's self rule. The Juba Conference confirmed the abandonment by the colonial government of "Southern Policy" and the region's integration with the North. From then on, there was no turning back and despite the wrangles between the British and the Egyptians, constitutional steps towards self government were accelerated.

It is worth noting that even the churches were opposed to the idea of one united Sudan at this point in time. Through secretary J. Spencer Trimingham, The Church Missionary Society stated: "We knew that the slogan of 'one Sudan' voiced by the Northern intelligentsia, has no foundation. It is but the accident of Western rule that has brought peoples so completely different under one rule[11]"

The missionaries' stance was informed partly by their conviction that the Northerners were intent on making Islam the state religion and thus curtailing religious freedom. They also feared that education in the South would be put under state control. As if to confirm the above fears, Arabic was soon introduced into all schools above elementary level as one measure towards inculcating a feeling of nationalism among Sudanese. Critics were, however, quick to view the move as yet another attempt at further Arabising Sudan.

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[10] For details on the Conference, see Mohammed Beshir Said, *The Sudan. Crossroads of Africa* (London: The Bodley Head Ltd, 1965) pg. 46. He gives the names of the delegates to the Conference as well as the resolutions.

[11] See a quote from Trimingham, The Christian Church in Post War Sudan. (London: 1949), as contained in Mohamed Omer Beshir, *The Southern Sudan: Background to Conflict* (London: C. Hurst & Co. 1968) pg. 32.

As a demonstration of the government's new resolve to develop the South, the first secondary school in Southern Sudan was opened in Rumbek in 1948. The Rumbek Secondary School was to remain the citadel of academic excellence in the South till the beginning of the current phase of the Sudan conflict in May 1983. Its bits that survived the artillery fire were converted into military barracks for government soldiers till 1997[12]. A list of Rumbek Secondary School's old boys reads like who is who among the Southern Sudan elite. It includes Mr. Abel Alier, a lawyer and Sudan' Vice President from 1972-83.

For purposes of ushering in self-rule, a Transitional Constitution was adopted. This, among other things, transferred the Governor General's powers to a Supreme Commission made of five Sudanese. Only one member of the Commission was a Southerner. In 1953, elections were held resulting in victory for the Northern National Unionist Party (NUP). A year later, Sudan's first parliament opened with Isma'il al-Azhari as the head of the NUP government.

Southern political consciousness was on a steady rise as manifested by a number of developments. The Southerners formed a Political Committee in Juba in 1952. Two years later, The Southern Liberal Party was formed. Meanwhile, a number of Southerners joined parties in the North in which they honed their political skills. The Southerners were becoming increasingly convinced that their regional interests were of greater value than the association with the Sudan as a whole.

2.3   THE EQUATORIA CORPS MUTINY

The accelerated political developments were a perfect recipe for turning Southern Sudan into a battleground against Arabs, Islam and the Northern Sudanese in general. It was therefore not surprising when a group of Southern soldiers in the Equatoria Corps in Southern Sudan mutinied in August 1955. The mutiny broke out in the morning with nobody claiming its leadership. It was not until the

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[12] The school has since 2000 been rehabilitated with funds from United States Aid for International Development (USAID) directed through Catholic Relief Services (CRS).

afternoon of August 19 that Second Lieutenant Renaldo Loleya assumed the command of the mutineers. The Southerners expressed their intention to establish an autonomous South, linked only to a federation with the North. The mutineers surrendered on August 27 by which time disorder had spread throughout the Southern provinces and many Northerners had been killed. In essence, the Sudan civil war, as it is known today, had effectively began.

2.4 THE END OF COLONIAL RULE AND THE PERSISTENCE OF CONFLICT

On January 1 1956, Sudan became independent. The British left the country leaving in charge of entire Sudan the Arab speaking Muslim Sudanese, who as Holt[13] says, were;' "for the most part new to the higher responsibilities of administration." Furthermore, the Northerners were particularly at a disadvantage in dealing with the South, from which they had been virtually excluded until less than ten years previously. This new administration was to all intents and purposes, a successor rather than a sup planter of the Condominium rule.

Indeed Northern Sudan was also beset with myriad problems. Political intrigue among rival parties was the order of the day, leaving little room for political stability in the entire state. First change to the top leadership in the independent Sudan occurred on July 5, 1956 when Abdallah Khalil, the leader of the Umma Party was elected Prime Minister against Azhari. Strange as it was, the change was hardly surprising. Azhari's popularity and the increasingly secular character of his government had caused much disaffection among Sudan's more radical Muslims hell bent on Arabisation and Islamisation of the country.

Those who imagined that a formula for durable stability had been ushered in by the change in leadership were in for a rude shock. A combination of problems saw a military take over in Sudan on November 17, 1958. General Ibrahim Abboud,

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[13] P. M. Holt, *A Modern History of the Sudan* (London: Weidenfeld and Nicolson, 1974) pg. 168- 169

the leader of the new government, announced that the objective of the army seizing power was to restore order for the good of the general populace. He further promised that the army would streamline the administration and stamp out corruption. Those more schooled in Sudanese politics knew better. Abboud's promises were no more than similar lofty promises that would invariably accompany every military take over of the newly independent African states. Ruay[14], for instance, points out that the real reason for the coup was the long-term grand design for a united Sudan through forced Arabisation and Islamisation. Since the parliamentary government had proved too weak to undertake such an onerous task, the military, or so it was thought, provided the most viable option.

The military take over introduced a new dimension to the already complex Southern problem. Like its predecessor, the new government had neither plans nor specific programmes aimed at solving the Southern problem. Instead it stepped up Arabisation and Islamisation of the region in the mistaken belief that this would achieve unity in the entire country. For obvious reasons, several intermediate Islamic institutions were established in Southern towns of Maridi, Yei, Raga, Juba, Kadok and Wau. A secondary Islamic institute was also opened in Juba. Numerous mosques were hurriedly erected and every new Southern convert was persuaded to worship in them. Both coercion and persuasion were used to win the Southerners into the Islamic faith. Ruay[15] describes two examples of persuasive methods:

"A District Commissioner calls in.... a Southern chief to his office, and addresses him by a Muslim name, congratulates him for now being a live part of the government whose religion is Islam, raises his salary as a token of the step taken in embracing Islam and tells him finally that his name and conversion will be

[14] Deng D. Akol Ruay, *The Politics of Two Sudans. The South and The North, 1821-1969* (Uppsala: The Scandinavian Institute of African Studies, 1994) pp 93-98

[15] See quote from Oduho and Deng: pg. 56 in Deng D. Akol Ruay, *The Politics of Two Sudans. The South and The North, 1821-1969* (Uppsala: The Scandinavian Institute of African Studies, 1994) pg. 102

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announced by Radio Omdurman. Into the hands of the new convert are thrust 10 Sudanese Pounds for the purpose of purchasing the required religious outfits and the chief leaves the office more confused than amused."

"As for the Christian children, their foreheads were rubbed with sand, washed with soap and then told that the sign of the cross having been erased they should now embrace Islam."

The clamp down on anti-government elements- both real and imagined- reached new scales, forcing m any S outherners i nto e xile e specially i n t he n eighbouring states of Kenya, Uganda, Ethiopia, Congo, DRC and Central Africa Republic. The mass exodus of the Sudanese from their m otherland generated a l ot o f a dverse publicity for the government, which sought to counter it by claiming that the so-called refugees were only fleeing from the floods of the River Nile. Undeterred by their fate, some of the exiles mobilised themselves into associations to continue with their struggle from outside Sudan. The leading lights in the associations were former Members of Parliament[16]. Two such associations were the Sudan Christian Association and the Sudan African Closed District National Union (SACDNU), Southern Sudan. The former was based in Uganda while the latter was based in the Congo. In 1963, SACDNU changed its name to Sudan African National Union (SANU). It also shifted its headquarters from Leopoldville to Kampala. Its objectives remained the same.

SANU consistently petitioned both the United Nations Organisation and the Organisation of African Unity (OAU). In 1963, for instance, SANU petitioned the UNO on their demands for an independent South Sudan. Little evidence, if any, exists about any fruits from the two organisations. The inactivity from the OAU was anything but surprising considering its mandate that a dvocated a hands-off policy regarding domestic affairs. The Article 111 of the OAU Charter, entitled;

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[16] For the names of these political activists, see Mohamed Omer Beshir, *The Southern Sudan: Background to Conflict* (London: C. Hurst & Co. 1968) pg. 83

Principles, contains seven principals, the first, four of which are replica of what is contained in the Charter of the UN. In them, the member states "affirm and declare their adherence to... the sovereign equality of all member states, non-interference in the internal affairs of states, respect for the sovereign and territorial integrity of each state and for its inalienable right to independent existence, peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration"[17].

Not even schools were spared in the government clamp down on rebels. Many students who were old enough especially in Rumbek and Juba fled into the bush and across the borders. Whichever direction they headed, the youngsters more often than not chose the military option as the best way to championing the Southern cause. Also bearing the brunt of the new military regime were the churches. In 1961, the government slapped a ban on all gatherings for prayers, safe for those held in a church. At the same time, all missionaries who happened to be out of the country were banned from returning to Sudan. Those in the country were encouraged to leave. Additional restrictions on missionary activities included a moratorium on their personnel and a ban on distribution of religious publications without the permission from the Council of Ministers. Friday, and not Sunday, was declared the official day of worship in accordance with Islamic doctrine. A number of missionaries were arraigned in court on trumped up charges.

The Christians were dealt a further blow when on February 27, 1962; the Ministry of Interior announced the expulsion of all Christian missionaries from Southern Sudan. This, the ministry explained, was because the missionaries were engaging in activities that threatened the unity of Sudan. The military government was particularly unnerved by the persistent criticism of its religious policy that appeared in Christian publications outside Sudan. Among the victims were 272 Catholics belonging to Verona Fathers Order and 28 Protestants.

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[17] See C. O. C. Amate, *Inside OAU* (London: Macmillan Publishers, 1986) pg. 61

Like the Southerners, the missionaries vehemently clamoured at their persecution, maintaining that they (missionaries) were apolitical. The missionaries insisted that they only reminded the Christians of their inalienable right to exercise their powers in the political sphere. Furthermore, the missionaries pointed out, they did encourage the Christians' participation in their capacity as individual citizens and not as members of the Church.

2.5 THE EMERGENCE OF THE ANY-NYA AND INTENSIFICATION OF WAR IN THE SOUTH

The government's draconian measures, it would appear, only worked to harden the resolve of the Southerners. Indeed the rebellion was getting more organised as confirmed by the emergence of the Anya-Nya group in 1963. The name Anya-Nya[18] is a Madi terminology for snake venom, which the Southern fighters used as a symbol of their determination to destroy Northern administration in Southern Sudan. Its membership comprised mostly ex-soldiers of the Equatoria Corps and ex-convicts who had been gaoled for their perceived anti-government activities. The forces behind the Anya-Nya declared that: "Our patience has now come to an end and we are convinced that only use of force will bring a decision...From today onwards we shall take action...We do not want any mercy and we are not prepared to give it"[19]

The Anya-Nya lived up to their promise, directing their wrath to not only the Northerners but also their fellow Southerners perceived to be sympathetic to the Northern cause. Ruay[20] lays bare their atrocities: "Any person refusing to co-operate with the Anya-Nya would in nine cases out of ten, have his property

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[18] Deng D. Akol Ruay, *The Politics of Two Sudans. The South and The North, 1821-1969* (Uppsala: The Scandinavian Institute of African Studies, 1994) pg. 106

[19] See a quote from Evidence before the OAU Committee for Refugees pg. 8 in Mohamed Omer Beshir, *The Southern Sudan: Background to Conflict* (London: C. Hurst & Co. 1968) pg. 84

[20] Deng D. Akol Ruay, *The Politics of Two Sudans. The South and The North, 1821-1969* (Uppsala: The Scandinavian Institute of African Studies, 1994) pg. 107

confiscated, and any person co-operating with the government forces was made to dig his own grave then buried alive."

At the beginning, the Any-Nya suffered considerably from lack of firearms. They relied on crude traditional weapons such as machetes, swords, spears and bows and arrows. The 1964-65 political turmoil in the Congo turned out to be a blessing in disguise for the nascent Sudanese rebel group. A variety of arms belonging to Congolese rebels passed into the hands of the Anya-Nya, empowering them to launch more effective assaults on the government. Each successful ambush provided additional arms and strengthened the Anya-Nya further. In January 1964, the Anya-Nya took their hitherto most daring action in attempting to capture Wau. Bernadino Mau, a former army officer, led the onslaught. Though unsuccessful, the raid sent a clear message to the government about the determination of the Anya-Nya.

The bad economic situation in the South was becoming worse courtesy of the raging war, forcing some conscientious and visionary Northern elements to express their concern. Al-Sadiq al-Mahdi, a leading light in the Umma Party condemned the use of force and called for a political solution instead. Among the specific measures he proposed were an end to discrimination among the Sudanese and the redrawing of provincial boundaries in the entire country. Others were that the Northern leaders learn the local languages in the South and that the economic development of the South be stepped up.

Probably taking heed of al-Mahdi, the military regime formed a Commission of Enquiry in September 1964 to investigate the cause of the unrest in the South. The Commission was made up of 19 Southerners and 13 Northerners. SANU dismissed the Commission as a mere public relations' gimmick. It raised concern that half the Southern representatives were illiterate chiefs with little if any grasp of the political dynamics of the time. SANU further questioned the rationale of

the government's decision to ignore Southern politicians in seeking a solution to an essentially political problem.

The coming to power of Umma Party's Mohammed Ahmed Mahjoub on June 9, 1965 only worked to complicate the Southern problem. Unlike his predecessor, the new Prime Minister's policy for the South was anything but peaceful. He on July 22, 1965 issued firm instructions to the army to deal with the Southern rebels without any mercy: "I have given instructions to the army to use force and disarm the mutineers...The army cannot just keep stationary at a time when some of the Southern leaders have issued their instructions to the mutineers to hold on to their arms for the coming five years."[21]

Under Mahjoub the degree of suffering by the Southerners reached unprecedented levels[22]. They had little room for escape as everyone of them was branded either *mutamarid* (a mutineer) or *mutaawin* (accomplice). The situation was further compounded by the deadly threat posed by the Anya-Nya. The latter planted spies everywhere and anyone suspected of collaborating with the enemy was executed.

On July 27, 1966, Sadiq el Mahdi replaced Mahjoub via a majority vote in the Constitutional Assembly. For the Southerners, nothing better could have happened. The new Premier was generally perceived to be progressive and supportive of a peaceful solution to the Southern problem. By this time, the Anya-Nya were in control of most of the countryside in the South. The torture of Southern civilians by the rebels had toned down considerably as the latter increasingly recognised the Anya-Nya authority. At the same time, the government's ruthlessness in dealing with the rebellion left the Southerners with a clear direction to take in choosing between the two evils.

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[21] See quote from minutes of the 12-man committee, chairman's copy pg. 4 in Deng D. Akol Ruay, *The Politics of Two Sudans. The South and The North, 1821-1969* (Uppsala: The Scandinavian Institute of African Studies, 1994)

[22] See quote from minutes of the 12-man committee, chairman's copy pg. 4 in Deng D. Akol Ruay, *The Politics of Two Sudans. The South and The North, 1821-1969* (Uppsala: The Scandinavian Institute of African Studies, 1994) pg. 153

The perception about el Mahdi soon changed as he increasingly distinguished himself as a committed promoter of Islamic and Arabic supremacy. The use of force by the government heightened and the Southern rebels reacted accordingly. The government was losing more than just on the military front. Shops owned by the Northerners were burnt to ashes and taxes ceased to be collected from the local government agents. Little wonder, el Mahdi's reign came to an end after only nine months.

Interestingly, it was Mahjoub who came back to power in May 1967. He was to hang on till May 1969 when his government was ousted in a military coup. A young military officer, Jaffar Numeiry, led the coup. At this time, the war in the South had worsened and was consuming an estimated 30 per cent of the region's annual budget. The change in leadership did not scale down the war. The Anya-Nya's military strength had grown tremendously courtesy of experience and new military gear from the troubled Congo. Mercenaries from South Africa, France and Germany were also actively involved in training the Anya-Nya. Not to be left behind were the Israelis who contributed immensely to the reorganisation of the Any-Nya outfit. Indeed the Israeli's hand-picked Mr Joseph Lagu and facilitated him to the position of the Commander-in-Chief of the Anya-Nya.

The instability in the North continued and culminated in another coup on July 19, 1971, led by Hashim al-Ata. Numeiry and a host of other government officials found themselves out of power and behind bars. Their misfortune was, however, short-lived as external intervention restored Numeiry's rule. Several coup plotters were executed as the government embarked on what equalled a general witch-hunt of those opposed to it.

Faced with a raging rebellion in the South, an unstable army and no allies in the civil society, Numeiry was hard put to think of the way forward. He lived up to the challenge, proving his worth as a pragmatic and flexible leader when he set in

motion constitutional arrangements that would guarantee peace. Fortuitously, the Any-Nya were coming under pressure from new Uganda ruler Idi Amin Dada[23]. Amin was keen to restrict Anya-Nya exploit in return for Numeiry expelling his nemesis ex-president Milton Obote and his followers from Southern Sudan.

The moment could not have been riper for a peaceful settlement to the Sudanese crisis. Other African states, particularly those bearing the burden of hosting refugees from Sudan also provided encouragement. The West was also said to be keen on helping Numeiry consolidate his power as a reward for his emerging anti-communism leanings.

2.6   THE ADDIS ABABA AGREEMENT AND 11 YEARS OF PEACE

Those who had all along worked for a peaceful solution to the Sudan problem were alive to the realities of the time, which they took full advantage of. Canon Burges Carr, the Secretary General of the All Africa Council of Churches, an affiliate of the World Council of Churches, chaired negotiations between the Sudanese warring factions in Addis Ababa, Ethiopia.[24] The result of the negotiations was the January 1972 peace agreement between the North and the South. The Southern Provinces Act of 1972, otherwise popularly known as the Addis Ababa Agreement, ushered in an uneasy peace in Sudan that was to survive 11 years. The peace deal was given a seal of approval of the OAU in the presence of its Chairman Emperor Haile Selassie. It granted the South regional autonomy as enshrined in the Southern Provinces Regional Self-Government Act of March 3, 1972, and later incorporated into Sudan's first Permanent Constitution in 1973.

Throughout the Agreement's existence, the North- South suspicion ran deep. President Numeiry persistently ignored the stipulations of the Act and the

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[23] Amin, reputed for his buffoonery and disregard for human life, was ousted in 1979 by the help of Tanzanian forces. He escaped into exile in the Middle East where he lives to date.
[24] Peter Woodward, *Sudan 1898-1989: The Unstable State* (London: Lynne Reinner Publishers, Boulder, 1990) pg. 142

dissenting voices persistently voiced their concern. As Woodward[25] puts it; Numeiry's edifice had become more personal and less institutional with passage of time. By 1980, the situation was ripe for full-scale rebellion. The former Anya-Nya officers, more than any other lot, felt that the regional government had abundantly failed to meet their expectations. Economic decline aggravated social unrest in the entire Sudan, which reached its height with widespread demonstration in several towns in 1982. The government showed no mercy in dealing with dissent.

To keen Sudan watchers, it was just a matter of time before there was a fresh flare up in the country.

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[25] Peter Woodward: *Sudan 1898-1989: The Unstable State* (London: Lynne Reinner Publishers, Boulder, 1990) pg. 156

CHAPTER 3

LAYING THE FOUNDATION FOR THE OLS INTERVENTION: EMERGENCE OF THE SPLM/A AND THE SECOND PHASE OF THE SUDAN CONFLICT

By 1983, mutinies were almost routine in the Sudanese military. The most significant one took place at Bor in the south on May 16 1983.[1] Lieutenant Colonel John Garang de Mabior, a Dinka from Bor, attempted to mediate but was quickly persuaded into joining the ranks of the disenchanted soldiers. Garang eventually led the rebellious group across the border to Ethiopia where he was swiftly established as leader of what became the Sudan's People's Liberation Movement/Army (SPLM/A). Drawing their inspiration from the Bor incident, hundreds of Southern police, prison officers and game warders abandoned the government service and opted to fight it. This marked the beginning of the current phase of the Sudanese conflict that rages on to date.

Akol[2] says that contrary to widely held view, the emergence of the SPLM/A was characterised by much confusion and power wrangles. He explains that whereas there was widespread discontent among the Southerners, there was nothing like a united political, or even military group that directed their anti-government activities. In his view, the Southerners had no clear strategy guiding the revolt if and when it happened. What is clear, however, is that once the rebellion broke out, the Southerners coalesced around one organisation, the SPLM/A. Akol[3] asserts that Dr Garang had to resort to use of force to seize the leadership of the movement, and that contrary to Garang's later propaganda, the first bullet was not shot at the separatists but at competitors over power and top position in the movement.

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[1] The mutineers, who were Southerners, were protesting their mass transfer to Northern Sudan. They read a hidden agenda in the move in the context of the long running North- South mistrust

[2] Lam Akol, *SPLM/SPLA: Inside an African Revolution* (Khartoum: Khartoum University Press, 2001) pp 203-205

[3] Lam Akol, *SPLM/SPLA: Inside an African Revolution* (Khartoum: Khartoum University Press, 2001) pp 203-205

Nyaba[4] describes the SPLM/A as a socialist organisation launched to champion an armed struggle against the unjust Sudan government. The SPLM/A, he says, aimed at creating a united socialist Sudan that would accommodate the multiplicity, diversity and commonalties of all Sudanese. Due to its communist leanings, the SPLM/A attracted support from Ethiopia, Libya and Cuba. It was thus able to evolve into a well-equipped and formidable guerrilla outfit that proved a nightmare to the Sudanese government.

In September 1983, Numeiry confounded both friend and foe when he announced the introduction of Islamic Law (*Sharia*) in Sudan. With the enforcement of *Sharia*, thousands of litres of alcohol were poured into the Nile River, at least 150 men were condemned to execution and amputation and members of the government and crowds of the faithful were encouraged to witness the sentences. Those not able to do so could follow the development on government radio and television channel that gave them wide coverage.[5] The near invincibility of the SPLM/A became more apparent when it forced the cessation of the work at the Jonglei Canal and the oil field at Bentiu by the end of 1984.

3.0 THE FALL OF NUMEIRY FROM POWER

Numeiry's government was finally ousted in April 1985, not by the SPLA but by the Northerners. For the SPLM/A, the struggle was therefore far from over. The system and particularly the army that was at the centre of their grievances, was still intact. The army came up with the idea of Transitional Military Council (TMC), to fill the power vacuum created by Numeiry ouster. The TMC extended an olive branch to the SPLM/A, culminating in the March 1986 Koka Dam Declaration. This called for a new Sudan devoid of racism, tribalism, sectarianism and all causes of discrimination and disparity. Steps were also taken to dispense with the infamous *Sharia*.

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[4] Peter Adwok Nyaba, *Politics of Liberation in South Sudan: An Insider's View* (Kampala: Fountain Publishers Ltd, 1997) pg. 59

Elections were held in Sudan in March 1986 to facilitate the transfer of power from the TMC. Umma Party's Sadiq el Mahdi became the Prime Minister in a power-sharing formula necessitated by the emergence of no clear victor. The new coalition was to collapse only a year after it took office only to bounce back to power soon after. It collapsed again in August 1987. In May 1988, the radical National Islamic Front was included in the ruling coalition, thus introducing a new dimension in the relations between the government and the South. NIF's' Hassan el Turabi became the Attorney General and Minister of Justice and underlined his intentions to see *Sharia* remain on the statute book.

In the face of the political arithmetic, it was abundantly clear that the government lacked both the capacity and the willpower to resolve the Southern problem. Garang demanded the immediate repeal of *Sharia* while the government favoured a more gradual approach it considered acceptable to both Muslims and non-Muslims. In the meantime, the war continued with the SPLM/A making major gains especially during the wet seasons from March to October.

3.1   SOUTHERN SUDANESE IN MENGISTU'S ETHIOPIA

The war was taking its toll on the children as much as the adults as the government fought tooth and nail to contain the SPLM/A. Arab militias (Muraheliin), with tacit support of the government, descended on the their African compatriots and plundered them with wild abandon. Many men and male youth were butchered like flies while several of their sisters were forced into early marriages and sex slavery by the Arab compatriots.

The SPLM/A was contending with numerous teething problems and cases of indiscipline within its ranks were rife. Safety for the civilians was secondary to either of the warring factions as some died in the hands of the SPLM/A on mere suspicion of being government sympathisers. Worried about their survival, huge

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[5] Peter Adwok Nyaba, *Politics of Liberation in South Sudan: An Insider's View* (Kampala: Fountain Publishers Ltd, 1997) pg. 157

groups of civilians, mostly children, in 1986 embarked on a long treacherous journey to Ethiopia in search of a safety haven. Accompanying the lot on the move was Catholic priest Fr. Benjamin Madol[6] who recalls doing his best to encourage the people in the difficult circumstances. A long the way, thousands perished from the ravages of the war, hunger and exhaustion. Some drowned in a desperate attempt to cross the massive River Nile as wild animals feasted on others. Vagaries of weather only added to the woes of the poor souls that were least prepared for the unprecedented trek.

Nevertheless, thousands managed to reach the 'Promised Land', Ethiopia. The long-standing hostility between Khartoum and Addis Ababa worked to the advantage of the Sudanese who were readily settled in camps at Dima, Funyudo and Itangi in southwestern Ethiopia. Though safe from gunfire, life for the refugees was a veritable nightmare as Fr. Benjamin Madol recalls. Nothing had been prepared on the ground for their resettlement. There was no shelter, no medicine and people had to hunt for water and food. Humanitarian agencies and church groups were yet to extend their helping hands to the massive population.

As if nature had conspired with politics, the Ethiopian dictator was ousted in a military coup in 1991. With his exit, Ethiopia was no longer safe for the Sudanese as the new rulers associated them with the fallen dictator. It was also widely expected that Khartoum would warm up to the new rulers who had ousted their enemy. It was time to move again to a destination that many had no idea about. Upto 370, 000[7] Sudanese refugees were expelled from Ethiopia in June 1991.

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[6] At the time of the interview, Fr. Madol was in charge of Yirol Parish, Diocese of Rumbek in the Bahr el Ghazal region

[7] See Andrew Wheeler: "Church Growth in Southern Sudan 1983- 1996: A Survey of Present Understanding" in Andrew Wheeler (ed.), *Land of Promise* (Nairobi: Paulines Publications Africa, 1997) pp 11-36

For lack of alternative, the Sudanese returned to their motherland to be met by the inevitable... conditions still too hostile for their survival. It was against that background that some of them took a detour south to the Kenyan border town of Lokichoggio. As their numbers rose, it became imperative to settle the Sudanese in a designated area. Consequently, Kakuma Refugee Camp, about 92 kilometres to the east of Lokichoggio and about 200 kilometres north of Lodwar, was established. An unspecified though negligible number of the minors were reunited with the members of families who also fled the war to Kenya. Others were not so lucky and have to date never been re-united with their families. A section of this lot was from the Year 2000 re-settled in the USA and come to be referred to as the "Lost boys"[8].

3.2 THE RISE OF RADICAL NIF TO POWER

In 1989, al Mahdi was ousted in a military coup led by NIF's Mohammed Hassan Omer Bashir. NIF's radical stance left little room for reconciliation with the SPLM/A and it is a little wonder that, the war continues to date despite many peace initiatives aimed at bringing it to an end.

Meanwhile, the SPLM/A suffered a major fallout in August 1991 when Commander Dr Riek Machar, a Nuer from Western Upper Nile, broke with Garang and attempted a coup. Machar, based at the time in Nasir in Eastern Upper Nile near Ethiopia border, made his battle cry democratisation, human rights and a promotion of commanders based on ability as opposed to ethnicity. His political goal was a separate and independent South in contrast to Garang's goal of a united secular[9]. Also in the Nasir faction was another top Commander Dr Lam Akol[10]. This initial split in the SPLA ranks weakened the movement a great deal

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[8] The concept of the Lost boys is borrowed from Scottish author James M. Barre's story Peter Pan, in which young orphans are assisted to find new homes

[9] William O. Lowrey: "Passing The Peace. The Role of Religion in Peacemaking Among the Nuer in Sudan" in Andrew Wheeler (ed.) *Land of Promise* (Nairobi: Paulines Publications Africa, 1997) pp 129- 150

[10] Dr Akol, a Shilluk, would later part ways with Dr Machar to found his own faction. He has since re-defected to Khartoum and become a cabinet minister as Dr Machar has closed ranks with Dr Garang. It is worth noting that the domination of the SPLM/A was and remains a contentious issues in the struggle

and has since seen many more factions emerge, mostly along tribal lines, much to the d elight o f K hartoum. T hese s eemingly i ncessant divisions that have visited upon ordinary Southern Sudanese untold suffering, have worst affected the Nuer of the Upper Nile. Their homeland is blessed with rich oil resources, which the government seeks to exploit without any gains for the South. The government has continued to arm tribal militias in an effort to contain the mainstream SPLM/A, among them the Nuer in the Upper Nile, the Murle in Equatoria and the Rezeigat and Messariya in Southern Kordofan and Darfur.

3.3   THE SPLM/A AND SOUTH SUDAN TODAY

The definition of what constitutes Southern Sudan remains one of the most controversial issues in the raging conflict. This is because both the Northerners and the Southerners have insisted on adjustments to provincial boundaries as left by the colonial government. The g overnment has, for instance, since the 1970s insisted on changing the provincial boundaries ostensibly to improve the efficiency of administration. The Southerners and the SPLM/A reject such a move as ploy aimed at further dividing them along ethnic lines and transferring some resources particularly the oil-rich regions in the South to the North. The SPLM/A wants the Central regions of the Nuba Mountains in Southern Kordofan and Southern B lue N ile t o b ecome p art of Southern Sudan. The SPLA insists (and rightly so) that people of these "marginalised areas" are part of its fighting force and thus excluding them from the Southern cause would be tantamount to a betrayal. The Government of Sudan, however, recognises their "northernness" and refuses to accede to the SPLM/A demands.

Nyaba[11] reckons that the conspiracy to use the oil to further subjugate the Southerners, goes back to the Numeiry days (1969-1985), when the oil was first discovered in Sudan but the government chose to be vague about its exact

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[11] See Peter Adwok Nyaba, *Politics of Liberation in South Sudan: An Insider's View* (Kampala: Fountain Publishers Ltd, 1997) *Dr Nyaba is a geologist by training

location. It then went ahead to replace the African names of the oilfields with Arab lexicon to permanently erase any Africa claim to these locations. His compatriot, Joseph Mabior[12] who points out that Heglig (Arabic), for instance, was previously known as Panthou (Dinka) while Unity State was previously known as Bentiu, corroborates Dr Nyaba's claims. Another measure that the government took following the discovery of oil in Bentiu in 1978, and which aroused the suspicion o f t he s outherners, w as t he r eplacement o f 1 30 S outhern soldiers in the region's garrison with some 600 others from the North. The replaced southerners were then under the command of Captain Salva Kiir, now Dr Garang's number two.

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[12] Mr Mabior is a public relations man with the Catholic Diocese of Rumbek, Bahr el Ghazal region

3.3.1 Sudan and its regions

— SUDAN AND ITS REGIONS —

Map information provided by Dr A. Trilsbach, Department of Geography, University of Durham

Railways ++++++++   Canal ~~~~~~~~   Tribes NUBA

0   Miles   200
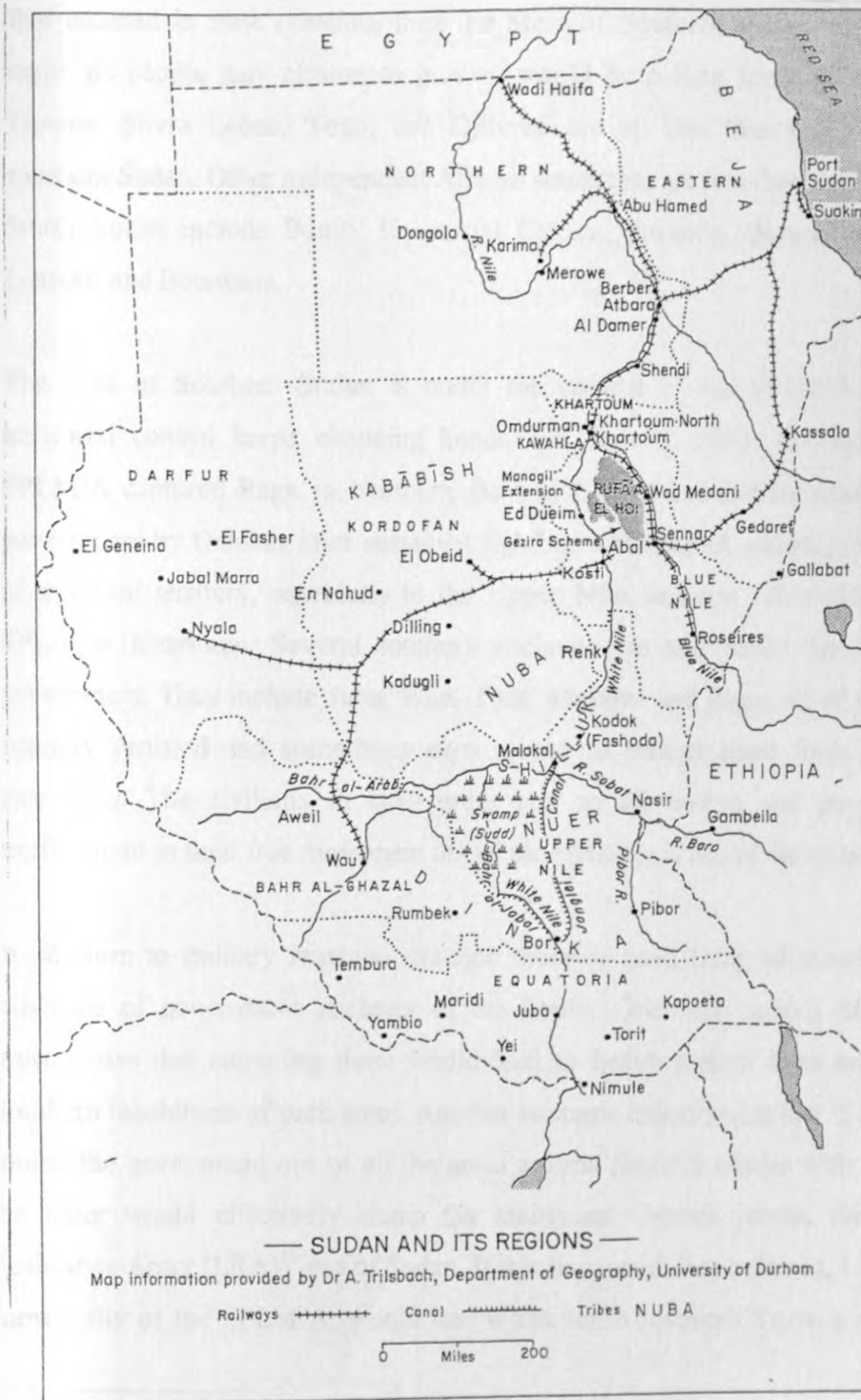
Whatever the definition, the South is a vast territory that is much larger than several independent African states. So vast is the South such that if size were all that counted in state creation, then the State of Southern Sudan, or whichever name its people may choose to give it, would be a long foregone conclusion. Tunisia, Sierra Leone, Togo, and Djibouti are all less than half the size of southern Sudan. Other independent African states that are less than half the size of South Sudan include Benin, Equatorial Guinea, Rwanda, Burundi as well as Lesotho and Botswana.

The bulk of Southern Sudan is under the control of the SPLM/A, although territorial control keeps changing hands. On June 2, 2001, for instance, the SPLM/A captured Raga in Northern Bahr el-Ghazal but lost its control to the government by October after sustained fighting. Other rebel groups control parts of this vast territory, especially in the Upper Nile, and are either allied to the SPLA or Khartoum. Several southern enclaves are still under the Khartoum government. They include Juba, Wau, Torit, Malakal and Raga, all of which are strongly fortified and sometimes even mined to protect them from SPLM/A incursions. The civilians in such areas are, to all intents and purposes, in confinement as their free movement out of the enclaves is out of the question.

In addition to military reasons, strategic theories have been advanced for the existence of government enclaves in the South. One such school of thought presupposes that capturing them would lead to heavy loss of lives among the Southern inhabitants of such areas. Another strategic theory holds that if SPLM/A routed the government out of all the areas around Sudan's border with Uganda, the latter would effectively stamp the malignant Uganda rebels, the Lords' Resistance Army (LRA)[13] out of Sudan. If this happened, it is believed, Uganda, a known ally of the SPLM/A, would lose w hatever m otivation i t n ow h as i n t he

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[13] The LRA is a guerrilla group led by Joseph Kony. It has been operating in Uganda's Acholiland since 1997. For details, see Prof. Gilbert Khadiagala's *unpublished paper titled: The role of the Acholi Religious leaders Peace Initiative in Peace-Building in Northern Uganda*

Sudanese crisis. Such a development would definitely work to the disadvantage of the SPLM/A.

3.4 SPLM/A'S ADMINISTRATION STYLE AND MAJOR CHALLENGES IN THE CONTEMPORARY SOUTH SUDAN

Sudan, is to all intents and purposes, a mere geographical expression. Whereas the UN recognises it as one independent political entity, the situation on the ground is quite the opposite. The North and the South Sudan are totally different states and realities. The SPLM/A is a complete set-up with its various organs and an administration system, quite distinct from the one in Khartoum. It is a no-go zone for Khartoum authorities. Not even the president of Sudan can venture into the region under the rebel control without great risk to his life.

The only time the Southerners feel the presence of the government is when there is a military offensive. These are launched both from the air and on the ground, with the former being more lethal as the SPLM/A has virtually no answers to the aerial raids, mostly conducted by the Russian made Antonov aircrafts. The ground offensives are mostly prevalent in the dry seasons from November to May when movement is easy.

Whether on political or non-political missions like evangelisation, a visitor to Sudan must be well aware of this reality and keep to either of the territories. Those on humanitarian missions and visitors from powerful Western states, however, may find it easy to go to both sides, perhaps Khartoum's and rebels' strategy to be seen in good light by the powerful nations.

Police, judiciary and other organs of the government all exist in the SPLM/A territory but in most rudimentary form. Personnel who have little or no qualifications execute their responsibilities in threadbare offices. Their salaries, if any, are a pittance and irregular, leaving plenty of room for abuse of office. For instance, cases of arbitrary arrest or harassment of foreign personnel by those in

authority over trumped up charges are rampant. Sometimes the officers issue decrees bordering on the absurd. SRRA field monitor in Yirol County issued one such decree on June 15, 2000[14]. It banned foreigners from having sexual relationships with local women.

Generally, Southern Sudan is a war zone and continues to bear the brunt of an egregious conflict. It is a zone of no meaningful development whichever way one approaches it. Here, images of destruction dominate the landscape and uncertainty about the future looms large every second. The GOS continues to visit upon the local inhabitants misery from both the air and on land. Factional fighting is commonplace, adding to the people's misery and isolation. The bad situation is further compounded by the operations of government militias. The militias from the Baggara Arabs, for instance, constantly raid the Dinka in a tradition that the government has perfected over the years. Armed and riding on horse backs, the Murahiliins as they are popularly known, make incursions into the neighbouring Dinka community, killing the men and driving away livestock, women and children with them. While acknowledging the Murahiliin raids amidst international censure, the GOS describes them as abductions and not acts of slavery. The government insists that such "abductions" have existed from time immemorial even among the Southern communities themselves, especially between the Dinka and the Nuer.

Naturally the raiders never escape unscathed in these raids. A case in point was in February 2001 during which many of them and their horses fell in the hands of the SPLM/A. The Catholic Bishop of Rumbek Caesar Mazzolari summed it thus in his special appeal to the world:

"The massive military confrontation around the general area north west of Malwalkon in early February has caused the death of many Murahiliins and

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[14] See Memo to UN agencies/ NGOs from SRRA field monitor, Yirol County, June 15, 2000. *The SRRA is the SPLM/A's humanitarian arm

soldiers plus their horses and several SPLM/A combatants. The corpses of both soldiers and horses are still being buried hurriedly in shallow graves and with the coming of the rainy season, these corpses will become exposed causing serious contamination and the spread of epidemics and diseases such as cholera and other maladies."

Once in the North, all the captives are forced to convert to the Muslim faith and observe Muslim rituals including clitoridectomy or Female Genital Mutilation (FGM). Reports of gang raping of the female captives are as common as they are despicable and so are cases of some of the slaves being sold to merchants from other countries such as Chad, Libya and Saudi Arabia. Some "lucky" women end up being taken in as concubines by their Arab masters who use them to breed a generation that is not entirely black and one with little or no sympathy to the cause of the Southerners.

There are no definite estimates on the number of slaves being held in Sudan, but most knowledgeable foreign observers in the region guess the number is between 5,000 and 20,000. Equally controversial has been what to do about the vice. Those who advocate buying back the freedom of slaves such as Mr John Eibner of Christian Solidarity International (CSI) maintain that it is the best way out, while their opponents posit that nothing can be more dehumanising to a person than attaching a price tag on his neck. Further, they argue, it encourages the slave raiders to capture more victims since the men of the dollars provide the market. Fears have also been expressed that sometimes middlemen who assemble unsuspecting children for their monetary games dupe those who come to liberate the slaves. Slavery in Sudan, others argue, occurs in the context of the war. A lasting solution to the problem therefore rests with the termination of the war.

3.4.1 Ethnic animosity and insecurity in the south

The colonial legacy of ethnic animosity in Southern Sudan lives on to date, contributing immensely to the inability of the Southerners to take full charge of

their socio-economic and political destiny. All too often, the Southerners at best fail to agree on matters of common interest and at worst resort to ugly and bloody confrontations. Sometimes the animosity is along clan lines and often transcends political borders to refugee camps hosting Sudanese. A case in point occurred in April 2001 at the Kakuma Refugee Camp in northern Kenya. A fight between rival groups of the Dinka community-one from Bor in Upper Nile and another from Bahr el Ghazal- left at least seven Sudanese refugees dead while 42 others were admitted to various hospitals. Another 150 were wounded. A UNHCR official in Kenya, Mr. Rainier Thiadens, said the fight started after two families picked a quarrel over a water trench in the Kenyan camp. The disagreement soon widened in scope resulting into the seven deaths and forcing the camp authorities to temporarily suspend all activities except provision of water and health services.

Another example of the Southerners rising against fellow Southerners occurred at the Kenya camp in 1999. Five people were killed and more than 200 seriously injured in a fighting between the Dinka and Didinga communities residing in the camp. Sources at the camp said tension rose following news of the killing of an SPLM/A commander, Mr. Deng Akwang (from Dinka community) in an ambush in Chukudum in Sudan area, about 12 kilometres from the Kenya Sudan border. The murder allegedly resulted from a banditry attack by Didinga community. The then head of Kakuma[15] camp, Mr. Z. Azam, said more than 300 houses belonging to members of Dinka community were set ablaze in the skirmishes. Similar clashes have commonly erupted at Adjumani Refugee Camp for the Southern Sudanese in northern Uganda.

Security or lack of it is an issue of great concern in the entire Southern Sudan. The level of insecurity emanating from the GOS and its affiliates, however, varies from one area to another. Yambio in Western Equatorial, for instance, has not

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[15] Kakuma Refugee Camp has an estimated population of 86,000 refugees of different nationalities. The Sudanese are the majority with the others drawn from Somalia, Ethiopia, Eritrea, DRC, Uganda, Rwanda and Burundi. It was established in 1992.

suffered any military confrontation in more than a decade whereas Yei in neighbourhood is one of Khartoum's favourite targets for aerial attacks. On November 18, 2000 Yei suffered one of the bloodiest bombardments of civilians in the history of the war. A bomber who struck the market at its busiest hour in the evening left 18 people dead and several others injured. Local Catholic Bishop Erkolano Lodu Tombe called for the trial of President Hassan el-Bashir before the International Court of Justice (ICJ).

Bishop Tombe attributes the frequent attacks on Yei to, among other factors, its commercial and agricultural importance, which Khartoum is no longer able to benefit from. Yei serves as one of SPLA's prime bases, a home to many top commanders and military equipment.

The insecurity in northern Bahr el Ghazal stems from its proximity to the government territory. In the Upper Nile area, the insecurity revolves around the oil exploration operations. The government-has also instigated factional fighting among the Nuer community turning their naturally endowed homeland into a principle source of the Internally Displaced Populations (IDPs) in recent times.

3.4.2   A case of run-down infrastructure

The SPLM/A territory has no infrastructure worth taking about, courtesy of systematic marginalisation by the colonial and successive governments in Khartoum. Roads connecting what are supposed to be major commercial and administrative points are no better than cattle tracks and are only usable during dry seasons. Some are just but huge gulleys created by torrential rains. There is no railway system under the control of the SPLM/A and neither does the movement control any international airport.

But for the efforts of the church in general and the Catholic Church in particular, UN agencies and NGOs (both international and indigenous), many activities (education and health) in the SPLM/A territory would have long ground to a halt.

With extremely limited sources of funding and the more urgent need to fund war efforts, the SPLM/A is most ill placed to provide such needs. Of course, corruption that has eaten into the fabrics of practically every African government, is not absent in the SPLM/A ranks. Not every cent that comes across the administration's way is used appropriately. No post office or other conventional system of communication exists in the SPLA territory, locking millions of Sudanese out of today's world of communication. No radio station or newspaper operates in the area keeping the Sudanese in a sea of almost irredeemable ignorance.

A handful of households have radio sets with which they tune in mostly to the British Broadcasting Corporation (BBC) station for reliable news. Newspapers reach the area once in a while courtesy of travellers arriving from Kenya or northern Uganda. There is no central bank to regulate currency and trade and business in the SPLA territory is conducted in an assortment of currencies depending on such factors as the specific geographical location, presence of NGO or just what the local administration dictates. Barter trade is still widespread.

3.4.3   Education, health and the status of women

According to SPLM/A sources, there are more than 2,000 primary and 15 secondary schools in the region[16]. The Catholic Church in particular has played a leading role in providing education, which has won the faith of many with an interest in education. Nevertheless, the learning institutions remain threadbare, few and far apart. The teachers have little or no training at all and the remuneration leaves a lot to be desired. Some are mere volunteers while others barter their services with basic necessities such as second hand clothes, salt, sugar, shoes or blankets.

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[16] The information was sourced from a speech Dr John Garang delivered on SPLA Day. May 2001

There is no uniform school curriculum for the entire region with different regions going for different system for different reasons. In Eastern Equatorial, for instance, the Catholic sponsored schools offer the Kenyan system. In Western Equatorial, m ost s chools t end t o g o f or t he U ganda s ystem s ince m ost o f their graduates are likely to seek further education in Uganda. Hopes for harmonisation of the education in the region lie with the Nairobi-based Sudan Literature Centre (SLC). Established in 1988, SLC has within its ranks a New Sudan Curriculum Steering Committee charged with the responsibility of producing a uniform curriculum for the SPLM/A territory. SLC has so far produced over a million pieces of literature for Sudanese schools and churches.

Generally, girl education is not popular with many communities especially the pastoralist groups such as the Dinka, Nuer, Lokoro, Didinga and Toposa. Girls are often married off as soon as they show signs of puberty in these communities where polygamy is largely popular. Brides can fetch as many as 200 long-horned indigenous cattle in terms of bride price. The need for cattle to be paid as dowry remains a major factor in the numerous cattle raids among different ethnic groups. This often spills across the border to Kenya, U ganda a nd Ethiopia. Among the boys, however, education has gained immense acceptance. Hundreds of young Sudanese boys are known to have opted for life in exile as a means to accessing education.

A host of diseases, some of them easily preventable, continue to wreak havoc in the war-ravaged region. Medical institutions are few and far apart and so are the medical personnel. A negligible fraction of Southern Sudanese has access to medical facilities of any nature. Sleeping sickness or trypanosomiasis, for instance, is widespread in Western Equatoria; guinea worm is a nightmare in Bahr el Ghazal while the deadly malaria reigns supreme across the stretch of the land particularly in the swampy Upper Nile region.

The war situation has left most households headed by women. However, the failure to empower them through education continues to weigh heavily on them. A great majority of women still have their roles revolving around domestic chores and child bearing.

A handful of Southern Sudanese women have survived the misfortune of early marriage and acquired education to reasonable levels. They are active at various levels in trying to shape the future of their country. A number of them who reside in Nairobi have formed several associations to give impetus to their contribution. These include Sudanese Women Voice for Peace (SWVP), New Sudanese Women Federation (NSWF) and Sudanese Women Association in Nairobi (SWAN). The Nairobi-based Sudanese women are equally active in advocacy role under the umbrella of New Sudanese Indigenous NGOs (NESI-Network).

3.4.4   Environment and food security

As would be expected, environmental management has largely been ignored in the war situation. Land adjudication system is loose at best and absent at worst, leaving plenty of room for wanton destruction of the country's fauna and flora both out of necessity and sheer ignorance. Khartoum has aggravated the situation by excessive exploitation of natural resources in any part of the South it happens to occupy. In particular, the government is held responsible for the destruction of huge hectares of forestlands for timber, which is eventually ferried to the North. Bush fires that burn thousands of hectares of land are commonplace particularly during the dry season. Many communities use fires to clear the ground for cultivation.

The many pastoral communities in the region have meant huge presence of livestock. From the Dinka in Bahr el Ghazal to the Nuer in the Upper Nile, the emphasis has traditionally been on quantities rather than quality. The Toposa and the Lokoro of the southeastern regions too believe in owning huge numbers of livestock, their quality notwithstanding.

Famine is commonplace every year in most areas due to combination of adverse climatic conditions and the ravages of the long running war. Only minimal cultivation is possible in the war situation, a problem that is further compounded by the pastoralist tendencies of many communities in the region. Other food items are scarce as there are neither industries nor modern day trading activities in the regions. There is great dependence on relief provided by the UN agencies, NGOs and the church, though Western Equatoria[17] stands out as an exception.

3.5 VISION OF THE SOUTHERNERS AND THE CONTINUING SEARCH FOR ELUSIVE PEACE

For a great majority of the Southerners, secession is the only viable solution to the protracted c onflict. However, this school o f t hought f aces s tiff o pposition f rom among others Dr Garang who believes in "liberating" the entire Sudan. To an average Southerner, the standard term of reference for a Northerner is not a compatriot but an enemy or/and Arab, raising serious questions about the prospects of ever having a one united Sudan.

One Southern Sudanese, M r. Baak Wol[18], maintains that; "Southerners do not trust Northerners (me included). We have been a divided people for too long, and most Southerners do not feel at home in the one million square miles that is Sudan".

Sudan's northern neighbours, Egypt and Libya, are equally opposed to the secession of the South. For Egypt, the position is mainly because of her interests in the Nile waters. Egypt, a desert nation that depends almost entirely on Nile for its survival, dreads the prospects of the Nile traversing two nations hostile to each

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[17] This region produces food surpluses due to its exceptionally rich soils t hat a re c onducive f or a wide variety of crops, plenty of rainfall throughout the year, local communities (Azande, Balanda, Avukaya, etc) are t raditionally c rop f armers u nlike t heir c ompatriots i n B ahr e l G hazal a nd E astern Equatoria and the relative peace that most parts have enjoyed for over a decade
[18] Mr Wol expressed the sentiments in an e-mail interview in March 2003

other. Libya's opposition to the secession could be both a function of President Muammar Gaddaffi's dream for a united Africa and a show of solidarity with Islamic brothers in Khartoum. Gaddafi, having suffered isolation for many years, is also known to be eager to play trouble-shooter role everywhere every time.

Leading the campaign for a peaceful solution to the Southern crisis is the Inter-Governmental Authority on Development (IGAD). Established in 1993, IGAD comprises seven member nations, namely Kenya, Sudan, Ethiopia, Eritrea, Somalia, Djibouti and Uganda. Igad has its headquarters in Djibouti and a secretariat on Sudan in Kenya[19].

Igad embarked on a search for a peaceful solution to the Sudan conflict in 1994. At that time, there were two key protagonists in the conflict. This explains why the GoS and the SPLM/A are only two parties to Igad negotiations, even though there are now several warring factions especially in the south. A desire by other countries to get involved in the Igad negotiations without compromising the regional nature of the initiative, saw the formation of Friends of Igad, which later evolved into Igad Partners Forum (IPF). Until mid 1999, Igad process consisted of short meetings between GoS and the SPLM/A. With the founding of the Nairobi Secretariat, t he n egotiations h ave b ecome an o n-going p rocess a s opposed to a series of sporadic meetings.

Libya has ganged up with Egypt to initiate a peace forum on Sudan, parallel to the Igad initiative.

Desirous to get the civil society involved in the reconciliation of the Southern Sudanese communities, the New Sudan Council of Churches (NSCC) initiated the People-to People peace process. To date, two major reconciliation conferences have been held under the NSCC initiative. The first was in March 1999 at Wunlit

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[19] Kenyan Ambassador Daniel Mboya was the first head of the secretariat. He has since October 31, 2001 been replaced by another Kenyan, career soldier, Lazarus Sumbeiywo.

and the second at Liliir, on the east Bank of the Nile. The Wunlit conference was aimed at reconciling the Dinka with the Nuer while the Liliir conference, better known as the East Bank Nilotic People-to-People Peace and Reconciliation Conference, sought to establish harmony and peace among the Anyuak, Dinka (Bor and Padang), Jie Kachipo, Murle (Boma) and Nuer (Gawaar and Lou). It was inspired by the success of West Bank Dinka –Nuer Conference of Wunlit.

CHAPTER 4

THE OPERATION LIFELINE SUDAN INTERVENTION IN SOUTHERN SUDAN

4.0 ORIGIN AND STRUCTURE OF OLS

Operation Lifeline Sudan is a consortium of five UN agencies and 41 NGOs (international and indigenous) working with the people of Sudan, whose survival, protection and development is jeopardised by the complex war that has ranged in the country since 1983. OLS was created in 1989 to provide emergency relief in the aftermath of the international humanitarian community's inability to prevent the death of an estimated 300,000 people in the 1988 war related famine of Bahr el Ghazal. Akol[1] says the figure could be as high as 500,000, mostly children and the aged. Its creation was based on negotiated access with the GoS and the SPLM/A.

The timing could not have been more appropriate. With the suffering of the civilians worsening, more attention was directed by private aid groups to helping people on one side only. Such efforts were, however, highly susceptible to the activities of both the SPLM/A and the government, with the former being the more frontal on the assault on relief efforts. The SPLM/A directed its anger at some vehicles on humanitarian missions ostensibly because they ferried military wares. "In. 1986, the SPLM/A downed a UNICEF plane in March, attacked an overland convoy in June, shot down a civilian airplane in August and attacked a barge convoy in December[2]."

The following year, the SPLM/A attacked barges in March, a commercial aircraft in May, relief aircraft in August and a convoy of food trucks in September. In 1988, the SPLM/A attacked truck convoys in February, June and September,

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[1] Lam Akol, *SPLM/A: Inside an African Revolution* (Khartoum: Khartoum University Press, 2001) pg. 100

barges in February and relief flights in February, March and September, bringing down another civilian aircraft in November. The government on its part maintained that relief could only be provided in the areas it controlled, where it supervised relief activities closely and withheld permission to operate elsewhere.

The Sudan protagonists endorsed OLS when it was clearly in their political and military interests to do so. Indeed, the OLS was launched at a time when each side for different reasons needed a reprieve. As Minear[3] notes, the initiative came in handy as a reprieve on the battlefield and a chance for the warring parties to regroup politically as well. Sometimes military officials were seized by relief needs than were civilians. Minear[4] talks of one occasion in Wau when the Sudan army sent civilians to collect relief from aid officials on its behalf.

Equally keen on the launch of the OLS were external forces. That the emergence of OLS coincided with the end of the Cold War was no big wonder. The easing of Cold War tensions greatly reduced the perceived benefits of shielding a 'friendly' Sudanese government from criticism. Sudan was an important strategic ally for the West. In fact it was the new international and domestic pressure that forced Sudan's then Prime Minister Sadiq el Mahdi to agree to the proposed OLS. The US, from which many other governments have traditionally taken their cues in matters relating to humanitarian aid, refugees and development, was the most prominent state in pressing for the creation of the OLS. The Dutch were equally supportive of the initiative and as Minear[5] says, if they had their way, OLS would have probably been established well before the US began to push for it.

[2] Larry Minear, *Humanitarianism Under Siege: A Critical Review of Operation Lifeline Sudan* (Washington DC: The Red Sea Press Inc., 1991) pp 11-12
[3] Larry Minear, *Humanitarianism Under Siege: A Critical Review of Operation Lifeline Sudan* (Washington DC: The Red Sea Press Inc., 1991) pg. 66
[4] Larry Minear, *Humanitarianism Under Siege: A Critical Review of Operation Lifeline Sudan* (Washington DC: The Red Sea Press Inc., 1991) pg. 70
[5] Larry Minear, *Humanitarianism Under Siege: A Critical Review of Operation Lifeline Sudan* (Washington DC: The Red Sea Press Inc., 1991) pg. 77

For Kenya, humanitarian interests converged with the country's political and economic interests. Like Uganda, Kenya was bearing the brunt of Sudanese cattle rustlers, refugees and air raids. Additionally, economic ties to the landlocked but vast SPLM/A territory stood to benefit Kenya. For some elements in the Kenya government, the SPLM/A rebels were allies deserving assistance of black African states against Arabs and Muslim adversaries.

The then UN Secretary General Javier Perez de Cuellar named Mr. James P. Grant[6], the Executive Director of UNICEF, to take charge of organising a special relief operation in Sudan. The decision followed concerted media reports detailing the many lives lost due to the famine induced by war. After the ground had been set, the OLS was officially launched in April 1 1989 when Mr. Grant flagged off in Nairobi the first convoy of trucks loaded with relief for the Southern Sudanese towns of Kapoeta and Torit. The convoy was to pass through Kenya- Sudan border base camp of Lokichoggio. OLS's initial investment in Lokichoggio camp was $336, 000 with a monthly operating cost of $46, 0000[7].

The first target were the estimated two million civilians still in grave danger of starving to death. The strategy was to get some 100, 000 tons of food into Southern Sudan over a six-week period before the onset of the rains that would make the roads impassable. The cost of this initial operation was put at US$132 million[8]. The OLS annual budget today is estimated at about US$150 million[9].

Much scepticism greeted the launch of the OLS. Journalists, for instance, questioned the wisdom of attempting to deliver more than 100, 000 tons of relief over a disproportionately vast area in a short time. Their doubts were reinforced

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[6] Mr Grant was perhaps OLS's single most influential force. He made eight trips to South Sudan in seven months to launch the OLS and keep it moving. He handed over the reins to Michael J. Priestley

[7] Larry Minear, *Humanitarianism Under Siege: A Critical Review of Operation Lifeline Sudan* (Washington DC: The Red Sea Press Inc., 1991) pg. 52

[8] Lam Akol, *SPLM/A: Inside an African Revolution* (Khartoum: Khartoum University Press, 2001) pg. 103

[9] This figure is based on the Consolidated Inter-Agency Appeal 2002- Sudan by the Unite Nations (New York/ Geneva). Details of the same can be sourced from http/:www.olssudan.org

by a host of Nairobi-based NGOs, some of them veterans of the southern Sudan. To Norwegians People's Aid's Egil Hagen[10]; OLS was no more than a publicity stunt.

Defying many odds, OLS became the first humanitarian programme to be established inside a sovereign country for providing relief to war affected people displaced internally by an ongoing conflict. Its establishment became an important milestone in the evolution of international humanitarian interventions, and set a precedent for conflict management and emergency assistance in other strife-torn parts of the world including Angola, Afghanistan, Bosnia, Iraq and Somalia.

4.2   BASIS OF THE OLS AGREEMENT

The agreement was negotiated principally by the UN and the GoS and finalised at a meeting in Khartoum. The SPLM/A was then taken on board and agreed to the plan of action with only minor changes. The SPLM/A recognised the OLS as a serious attempt to deal with humanitarian needs of its territory.

A number of terms formed the basis of the OLS agreement. Firstly, the UN has an obligation to deal with all parties to the conflict that control ground through which relief items pass or which they are delivered. Secondly, the parties to the conflict committed themselves to the safe and unrestricted passage and delivery of relief items to the needy populations. Thirdly, the UN, as a neutral body, was to co-ordinate the operations with the parties to the conflict.

The ultimate sovereignty of the state of Sudan continues to be recognised by OLS. Although the UN does not confer recognition of any kind to the Sudanese rebels, it had to deal with them to facilitate access to the needy populations. Indeed the choice of UNICEF as the lead agency in the arrangement was in part meant to re-

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[10] Hagen is quoted by Minear as expressing the sentiments in Nairobi. For details, see also See also Larry Minear, *Humanitarianism Under Siege: A Critical Review of Operation Lifeline Sudan* (Washington DC:

emphasise the non-recognition of the SPLM/A while dealing with it on humanitarian undertaking.

The UN Secretary General, it is worth noting, cannot intervene in a country 's internal affairs without the consent of the recognised government. He may, however, respond to a request for assistance. That is what he did when he received an appeal from Sudan government in 1988. The UN had to design an initiative, which elicited the consent of the Sudan rebels without implying formal recognition of them[11]. Within the UN family, only UNICEF has a recognised mandate to assist in civil war settings. The mandate is largely *de facto* and is based on previous involvement in civil wars in China, Nigeria, Mozambique, Angola, Uganda, Afghanistan, Cambodia, Sri Lanka and El Salvador.

A UN official who led the OLS negotiations believed that it would have been difficult to mount OLS operation before 1989. "Politically, the time was not ripe," Minear[12] quotes UN Under Secretary General Abdulrahim A. Farah as remarking a year after the launch. In 1989, however, when the warring parties realised the tragic impact of the drought and the tremendous loss of civilian life, they were willing to bury the hatchet- or at least the sharp part of the hatchet.

Currently, the OLS provides humanitarian assistance to people in Southern Sudan and the IDP camps in Khartoum[13]. For purposes of executing its mission, OLS monitors the prevailing operating environment on a daily basis through the United Nations Office for the Co-ordination of Humanitarian Affairs (OCHA). OCHA is the secretariat to the UN Humanitarian Co-ordinator, who is in charge of overall

The Red Sea Press Inc., 1991) pg. 26
[11] Larry Minear, *Humanitarianism Under Siege: A Critical Review of Operation Lifeline Sudan* (Washington DC: The Red Sea Press Inc., 1991) pg. 107
[12] Larry Minear, *Humanitarianism Under Siege: A Critical Review of Operation Lifeline Sudan* (Washington DC: The Red Sea Press Inc., 1991) pg. 80
[13] Sudan has the highest number of IDPs in the world, currently estimated at four million people

co-ordination of humanitarian activities in Sudan. Two Deputy Humanitarian Co-ordinators support the Humanitarian Co-ordinator, based in Khartoum. The Deputy Humanitarian Co-ordinator (North), based in Khartoum is also the WFP Representative and Country Director. The Deputy Humanitarian Coordinator (South), based in Nairobi also functions as the Chief of UNICEF Operations in Southern Sudan.

It is note worthy that several organisations operate outside OLS codes of conduct, having been allowed to do so by the warring parties. The most prominent of them is the International Committee of the Red Cross (ICRC). Others include NPA, Christian Aid, Concern, Eco'terra International and Sudan Health Association. Some of these organisations see the UN's requisite subservience to sovereignty endangering the humanitarian space within which they wish to operate. For the NPA, working under the UN is almost out of the question. A relief organisation of the Federation of Trade Unions and the Social Democratic Party in Norway, the NPA has a tradition of helping the underdogs and endorsing their causes, regardless of their geographical location.

4.3 GEOGRAPHICAL REGIONS OF OPERATION

OLS-Southern Sector was originally meant to operate in SPLM/A territory in the provinces of Equatoria, Bahr el Ghazal and Upper Nile. Continuous negotiations between the warring parties have seen the area expanded to include the Nuba Mountains in the Kordofan Province. Despite their northern geographical location as per the original provincial boundaries, the SPLM/A insists that the Nuba Mountains and Southern Blue Nile are parts of its fighting force, which must never be excluded from the Southern cause. The GoS on the other hand recognises their "northernness" and has resisted compromising this stance[14].

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[14] Refer to the earlier mention of the same issue in Chapter One

While each NGO has responsibility for a particular area of the country, the OLS co-ordinates the work of most of the NGOs. It works closely with the local Sudanese authorities on either side of the conflict, conforming to strict codes of conduct or "ground rules", based on neutrality. OLS has provided an air-bridge for emergency relief supplies in regions where road access is impossible, either because of landmines, or simply because the roads do not exist.

4.4   OLS'S INSTRUMENTS OF INTERVENTION

These involve both longer term aid, including help with agriculture, fisheries, and livestock programmes and also emergency relief for those areas of the country that have been caught up by war, drought, or flooding. The humanitarian intervention by OLS in Southern Sudan is executed in various varied ways. These include delivery of tents for temporary shelter for displaced persons, drilling of boreholes, establishment of health facilities, provision of blankets, mosquito nets, and lines and hooks for fishing. Others are monitoring the human rights situation, facilitating repatriation and resettlement, implementing programmes of technical assistance p articularly i n t he area of administration of justice and provision of human rights education.

OLS's involvement in rehabilitation and development is, in one way, exemplified by the reconstruction of Rumbek Senior School by USAID through CRS. Education is considered as one of the most effective means of restoring normalcy to the children in war-disrupted communities. It is also the most powerful means for raising the aspirations of the victims of civil strife. In peace building, the OLS is active among the disparate southern Sudan communities as manifested by the initiation of the People-to-People Peace Process. In the area of natural resource management, the OLS has taken measures to bridge the gap between emergency relief and development. Here the emphasis is on trade, marketing, agricultural production and research[15].

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[15] CRS- USCCB: Sudan Program, 2001 Annual Public Summary, pg. 7

In the health and sanitation sector, activities focus on provision of health services and water resources, community health education and improvement of people's diets. In 2001, for instance, the CRS organised workshops for over 10,000 people on water and sanitation, hygiene and malaria prevention and HIV/AIDS[16].

OLS further co-ordinates vaccination programmes against measles, mumps, rubella, and polio to the war affected populations. By November 1989, for instance, OLS had facilitated the provision of shots to more than 115,000 children against measles, polio, diphtheria and tuberculosis, and to 30,000 women of child bearing age against tetanus in the SPLM/A territory[17]. Over the years, the destruction of infrastructure in the country has meant that the provision of basic health care has been seriously hampered.

To be able to execute its multiple roles, the OLS is on the ground composed of multi-disciplinary teams from many different countries around the world, including doctors, nurses, nutritionists, educationists, hydrologists, veterinarians and agriculture experts. In some areas of the country, OLS is co-operating with the SPLM/A humanitarian wing, the Sudan Relief and Rehabilitation Agency (SRRA) in landmine clearance. Although an estimated 5,000 landmines have been cleared, there is much work to do, since, with the advent of each rainy season, the existing mines are washed away to new locations, rendering any previous landmine location map useless.

4.5   OLS SOUTHERN SECTOR: MISSION AND HUMANITARIAN OPERATING ENVIRONMENT

The operating environment in Southern Sudan refers to the access that humanitarian agencies have to populations in need of assistance, the regulatory

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[16] CRS- USCCB: Sudan Program, 2001 Annual Public Summary, pg. 8
[17] Larry Minear, *Humanitarianism Under Siege: A Critical Review of Operation Lifeline Sudan* (Washington DC: The Red Sea Press Inc., 1991) pp. 26 - 33

mechanisms under which agencies operate or security issues. Agencies' ability to work easily and without constraint is dictated by the degree of control that both the GoS and the SPLM/A and other movements exert over humanitarian organisations[18]. The ultimate sovereignty of the state of Sudan continues to be recognised by OLS. For operational reasons in the south, a distinction is made between areas controlled by the government, and those controlled by non-government forces. This is aimed at adhering to the provisions of the unique tripartite agreement between the government of Sudan, the UN and the SPLA, the dominant rebel movement in the south.

OLS Southern Sector is guided by the principles of the International Federation of the Red Cross- IFRC/NGO Code of Conduct in Disaster Relief. In summary, these are:

(i)   The humanitarian imperative comes first.

(ii)   Aid is given regardless of the race, creed or nationality of the recipients and without adverse distinction of any kind. Aid priorities are calculated on the basis of need alone.

(iii)   Aid will not be used to further a particular political or religious standpoint.

(iv)   Parties involved shall endeavour not to act as instruments of government foreign policy.

(v)   Parties involved shall respect culture and custom.

(vi)   Parties involved shall attempt to build disaster response on local capacities.

(vii)   Ways shall be found to involve programme beneficiaries in the management of relief aid.

(viii) Relief aid must strive to reduce future vulnerabilities to disaster as well as meeting basic needs.

(ix)   Humanitarian organisations should hold themselves accountable to both those they seek to assist and those from whom they accept resources.

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[18] http://www.olssudan.org

(x)   In their information, publicity and advertising activities, the humanitarian organisations shall recognise disaster victims as dignified human beings, not objects of pity[19].

Whereas in some areas, agencies c an e asily a ccess populations in need, use all kinds of technology and other equipment to fulfil their mandates, experience little intimidation o r c rime, a nd a re relatively s afe f rom h arm, t heir access by air to other areas is severely restricted. Sometimes the agencies are not allowed to use certain kinds of equipment, and their staff run the risk of being relocated at short notice because of threats to their personal security.

Air access to Southern Sudan is critical because the roads that exist are in a very poor state, heavily mined, prone to attack by bandits and by militia in certain areas such as Eastern Equatoria, and, owing to the frequent rains, they are impassable for most of the year. To fly into Southern Sudan, OLS must receive permission from Khartoum month by month. The OLS agreement was clear that Sudan's warring parties would only block humanitarian deliveries when there were pressing and fundamental security concerns[20]. This, however, has not been the case as the government repeatedly and the SPLM/A occasionally have abused the provision. In abusing the provision, the g overnment invokes its sovereignty and uses tact to avoid international censure.

OLS provides the necessary air transport and security for NGO operations, and central to OLS operations are strict codes of conduct or "ground rules" in order to maintain high standards and impartiality in the delivery of humanitarian assistance to civilians in areas controlled by the various warring factions. This has taken on greater importance recently, since aid workers in other conflicts areas, such as those in Angola, Burundi, and Cambodia, have been the targets of attacks.

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[19] Adopted by the OLS Southern Sector Consortium, Machakos, Kenya, January 30, 1997. See also **http://www.olssudan.org** for details
[20] International Crisis Group, *Ending Starvation as a Weapon of War in Sudan. An ICG Report*, November 14, 2002, pg. 2

The UN presence in OLS renders it legitimate under internationally brokered agreements. The OLS/UNICEF structure makes it possible for the various NGOs to interlink their aid programmes in a constructive and cohesive way, both with one another, and with the UN-funded agencies, such as the WFP, which carries out aerial food drops to areas of acute need.

4.6 RESTRICTIONS IMPOSED ON OLS OPERATIONS BY THE WARRING PARTIES

The banning of OLS flights is hardly a rare phenomenon. As Christian Aid report[21] points out, they happen routinely and are only occasionally motivated by genuine security considerations. Locations given the greenlight by OLS's own security office are frequently put out of bounds by the government. Some locations in Western Upper Nile that have consistently been denied access are Duar, Ganyiel, Gumriak, Leer, Mankien, Nhialdiu, Toy and Wicok.

Indeed, even the ground operations have not been insulated from a host of dangers. Akol[22] reveals that such impediments are as old as OLS itself since its very first OLS convoy suffered an attack. Having been flagged off from Nairobi on April 1, 1989, the convoy travelled the long journey to Kapoeta without any hitch. When it left for Torit on April 8, 1989, disaster struck. People suspected to be armed Toposa tribesmen ambushed the convoy killing five people. One person was unaccounted for while four were wounded. The wounded were two SPLM/A soldiers and two drivers. Naturally, the incident created the first major adverse publicity to the highly publicised operation. The SPLM/A acted expeditiously to reassure the world that it was an isolated incident[23].

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[21] Christian Aid, *The Scorched Earth: Oil and War in Sudan*, pg. 12

[22] Lam Akol, *SPLM/A: Inside an African Revolution* (Khartoum: Khartoum University Press, 2001) pp. 100-107

[23] Lam Akol, *SPLM/A: Inside an African Revolution* (Khartoum: Khartoum University Press, 2001) pg. 104

To minimise the adverse effects of flight bans on needy civilians; OLS often resorts to a system of alternative airstrips to be able to enforce its mandate without open confrontation with Khartoum. Unfortunately, however, such airstrips are often far from the target populations, who tend to flee along clan lines to traditional relief centres. A 2000/2001 WFP needs assessment report indicated that some people walked for as many as 10 hours to reach a relief location. However, such a feat is only possible in the dry seasons.

The manipulation, diversion and denial of humanitarian access to the South by the GoS is, partly informed by the government's wider calculation that a dispirited and enfeebled population is unlikely to lend a hand to it adversaries. The magnitude of the problem is emphasised by Human Rights Watch, which has recognised that the refusal of the government of Sudan to permit OLS humanitarian access to several locations has been a greater obstacle to relief delivery than actual military activity[24]. This goes contrary to the humanitarian law, which bars belligerents from employing the object of war to destroy or weaken their adversaries. It is also in contravention of the August 12, 1949 Fourth Geneva Convention on the Protection of Civilian Persons in Time of War. Sudan ratified this Convention on September 23, 1957[25]. Making no claim that it can put an end to the scourge of war, the humanitarian law aims to attenuate the unnecessary harshness of war. The reciprocal interests of the belligerents also impel them to observe certain 'rules of the game' in the conduct of hostilities[26].

Unfortunately, it would appear, Sudan's sovereignty has been allowed to trump pressing humanitarian needs with depressing and deadly regularity[27]. SPLM/A's abusive policies have taken the form of stealing of relief, taxation forcibly levied

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[24] International Crisis Group, *Ending Starvation as a Weapon of War in Sudan. An ICG Report.* November 14, 2002 pg. 9

[25] See **http://www.icrc.org.int.nsf/.**

[26] Jean Pictet, *Development and Principles of International Humanitarian Law* (Dordrecht: Martinus Nijhoff Publishers, 1985), pg. 61

[27] International Crisis Group, *Ending Starvation as a Weapon of War in Sudan. An ICG Report.* November 14, 2002, pg. 3

on civilian goods (including relief supplies), diversion of humanitarian supplies to military and the displacement of civilian population in vulnerable locations in order to attract additional relief supplies. Tales from aid workers and Human Rights Watch are replete with cases of people in authority who have become rich through trafficking in relief foods. A number of these dramatic cases are documented by *The Human Rights Watch*:

"In the 1994-97 period, the SPLA used its veto on occasion to prevent OLS from landing in places controlled by Kerubino. And on numerous occasions the SPLA and SSIA have declared particular places insecure and in danger of attack requiring OLS to evacuate staff. When the staff left, these forces have, more than once, looted the abandoned aid compounds of items of value[28]. *"*

"A fifty-year-old man who had fled to Wau in search of food complained that after the Arab raiders stole all his cattle, the little he had to eat was stolen by everyone including the rebel soldiers [29]. *"*

"Aid workers said that in some areas where the SPLA did not have widespread support, it demanded 10 to 20 per cent of the food given to needy families[30].

Paul Malong, SPLA Commander of Northern Bahr el Ghazal, denies the accusations. He reckons that sometimes the international media have accused the SPLM/A of diverting relief supplies when the latter only used bags for relief supplies to carry their belongings. He also says that at the end of the day, the military personnel are part and parcel of the wider South Sudanese community and it is nothing out of the ordinary if their family members share with them relief supplies.

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[28] Human Rights Watch, *Famine in Sudan, 1998, The Human Rights Causes* pg. 118.
[29] Human Rights Watch, *Famine in Sudan, 1998, The Human Rights Causes* pg. 118.
[30] Human Rights Watch, *Famine in Sudan, 1998, The Human Rights Causes* pg. 119

James Duku, former Nairobi-based SRRA liaison officer concurs with Commander Malong, noting that when civilians in an area qualified for a relief food, their soldier relatives also benefited. In any case, the SPLM/A, like other rebel groups in Africa, uses as soldiers boys as young as 13- 14 years.

Factional rivalry among the Southerners has also continued to disrupt aid activities. Deserters from SPLM/A often attack positions of humanitarian agencies sometimes forcing the evacuation of humanitarian workers. The Upper Nile area has been particularly prone to such incidents that have turned the region into a principle source of the IDPs in recent times. An assessment by the WFP in February 2001, identified some 23, 000 displaced Nuer people from Upper Nile scattered mostly in Dinkaland in Bahr el Ghazal, where they hoped to get humanitarian support. Some of the people, according to Father Fernando Gonzalez, a Mexican Catholic priest formerly in the area, had moved into Dinkaland in pursuit of education, health and such other facilities.

Besides diminishing the capacities of the local populations for self sustenance, the general state of insecurity in their ancestral land has scared away agencies that would otherwise provide the much sought after services and facilities. Fr Gonzalez a nd h is t wo m issionary c olleagues, f or i nstance, p reviously s erved at Nyal, which was destroyed in February 2001 by factional fighting. They then relocated to Ganyiel in the neighbourhood only for the latter to succumb to same forces two months later in April. The terror in area revolved around Commander Paulino Matip, who was allied to Khartoum and Commander Peter Gatdet, an ally of the SPLM/A.

The SPLA has also used the provision of aid to manipulate population movements and patterns of displacement. A major controversy erupted in 1999 between the SPLM/A and the relief community over a Memorandum of Understanding the SPLM/A wanted the humanitarian organisations sign that would govern the latter's field operations.

4.7 A DEVASTATING FAMINE IN 1998 PUTS OLS'S EFFECTIVENESS TO QUESTION

The Bahr el Ghazal region in south western Sudan experienced a severe famine in 1998, which was brought about by a combination of prolonged drought and the influx of many thousands of displaced persons from the battle for important government-held garrison towns such as Wau and the surrounding rebel-held areas.

Like the 1988 catastrophe, the 1998 famine affected hundreds of thousands of people, a sizeable number of which died. Early warnings about the looming famine had gone largely unheeded. It was not until July 1998 when the UN put the affected population at 2.6 million Sudanese that serious action began[31]. The 1998 humanitarian disaster, like no other, put into sharp focus the role of OLS whose principle objective is to prevent famine in Sudan. To many people, the very fact that the famine did occur was a testimony to the failure of the multi-million dollar UN initiative.

OLS oversaw a concerted international relief effort to supply major feeding camps through airlifts of food and supplies from the UN base camp in northern Kenya. Later in 1998 and during 1999 other areas of the country experienced flooding and, again, the relief efforts were coordinated by OLS through airlift programmes.

Despite the criticism, the OLS intervention seemed to have made a difference. Within a year of its concerted efforts to combat the famine, the humanitarian situation in the Sudan had improved tremendously. Most of the emergency feeding camps, which were opened in response to the crisis, had been closed down and many of the internally displaced persons had returned to their homes.

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[31] Charles Omondi, "Mass Starvation Looms in Rebel-held S. Sudan", Daily Nation, Tuesday, July 25, 2000, pg.6

There were some good harvests in 1999 and the people of Bahr el Ghazal were generally beginning to regain a measure of self-reliance.

4.8   THE OLS AND THE SPLM/A MOU

The delicate nature of OLS- SPLM/A relations came to the fore in early 2000. The SPLM/A issued a Memorandum Of Understanding (MOU) spelling out the conditions under which international organisations would henceforth operate in its territory. Among other things, it gave rules under which relief organisations would have to pay the SPLM/A charges such as fees and others for the issuing work permits and visas. The MOU also provided for the SPLM/A carrying out administrative and regulatory functions, co-ordinating and regulating the work of the international NGOs in its territory. The rebel group reckoned that it had become abundantly clear that the affluent international organisations aimed to misuse the Sudanese people's dependence on external aid to foist their conditions on the movement.

This document was the culmination of nine months of fruitless negotiations on a mutually acceptable formula for the humanitarian organisations –SPLM/A relations. The SPLM/A demanded that all the affected organisations sign the MOU by February 29, 2000 or cease operations in the SPLM/A territory altogether.

The international NGOs reacted swiftly. Some said signing the memorandum would betray 'humanitarian principles,' and being forced to take a decision under the pressure of an ultimatum was unacceptable. To them, the SPLM was trying to profit from the plight of the civilian victims of a civil strife.

Eleven NGOs big and financially strong organisations refused to sign the document saying they neither wanted to nor could sign the sign the MOU. Consequently, they ceased their operations and evacuated their non-Sudanese employees and equipment before the ultimatum's deadline. They were Care

International, Oxfam, Medecins Sans Frontieres, Medecines du Monde, Save the Children, World Vision International, Healthnet, Veternaires Sans Frontieres (Belgium and Germany) and the Carter Center. In an apparent show of solidarity with the disenchanted organisations, the European Union, through its humanitarian arm, ECHO, suspended aid to the region. A memorandum of understanding had turned out to be a memorandum of misunderstanding.

The sudden withdrawal of several NGOs from OLS operations raised serious concerns for food security and health among civilian populations in some areas. More importantly, the inability of the NGOs to speak with one voice regarding the MOU left no doubt that they see themselves as agencies with operational tasks to perform, as opposed to organisations embodying a set of humanitarian principles. Consequently, they are perpetually unable to deal effectively with direct challenges to their integrity.

The SPLM/A, through the then SRRA Executive Director, Elijah Malok, defended their position strongly. Malok recknoed that despite Southern Sudan boasting the largest number of NGOs in the world, there was little on the ground to prove their effectiveness, hence the need for more stringent regulation of their operations. Of particular concern was the fact that the international NGOs put too much emphasis on relief, as opposed to building the capacities of the local people. The scenario, he said, had created a dependency syndrome in Sudan[32].

4.9 STAKEHOLDERS TURN TO DIALOGUE FOR MORE EFFECTIVE FUTURE OPERATIONS

The persistent abuses of the OLS provisions by both the GoS and the SPLM/A prompted a review of the UN relief operations in 1996. This identified the denial of humanitarian access as the main cause of OLS's cost inefficiency. The review recommended the strengthening of OLS's bargaining power for flight access in

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[32] The parties later reached a compromise and most of the NGOs resumed operation in South Sudan

areas of need in Southern Sudan. Of course the 1998 famine, which claimed an estimated 200,000 lives, had brought into sharp focus the OLS, with its harshest critics dismissing the organisation as a total failure.

The UN, the GoS and the SPLM/A met in 1999 in Geneva to discuss humanitarian access under the auspices of Technical Committee on Humanitarian Assistance. This culminated in the belligerents signing the "agreement on the Implementation of Principles Governing the Protection and Provision of Humanitarian Assistance to War Affected Civilian Populations"[33]. The agreement provided for free and unimpeded access for all humanitarian agencies accredited by the UN to all war-affected populations in need of assistance and all war affected populations for purposes of assessing their humanitarian needs.

Predictably, not much respect has been shown to the new provisions. The subsequent three years saw the government flout the 1999 agreement with impunity through abuse of its veto power and other manipulation of relief deliveries to the advantage of its military strategy. As Norwegian Refugee Council reported, between 1999-2001 the government denied on average, flight access to 20 locations per month. After June 2001, this increased to 35 per month. The victims of the government impunity were upto 50% in Leech (Upper Nile) and upto 100% in Ruweng County as identified in the OLS 2002 Annual Needs Assessment[34].

The Sudan situation has been characterised by policy division on the part of the UN Security Council, a situation that has worked against humanitarian intervention a great deal. As the ICG[35] fears, a draft resolution seeking to

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[33] International Crisis Group, *Ending Starvation as a Weapon of War in Sudan. An ICG Report,* November 14, 2002, pg. 9
[34] OLS 2002 Annual Needs Assessment for details

strengthen OLS could as well find US and UK on one side, with China and Russia on the other and France perhaps seeking a middle way.

4.10   AN ASSESSMENT OF SOME OF THE OLS MEMBER ORGANISATIONS

4.10.1 CRS: The largest member of OLS

A pioneer member of the OLS consortium, CRS was founded in 1943 by the US Catholic Bishops. Its objective was to assist the poor and disadvantaged outside the US. The organisation is administered by a Board of Bishops selected by the Episcopal Conference of the US. Its staff comprises people committed to helping those in need. To this end, CRS assists persons on the basis of need as opposed to creed, race or nationality.

CRS has been active in Sudan since 1972. It currently works with several partner organisations and operates 11 field offices in the Equatoria and Bahr el Ghazal provinces[36]. Like most other members of the OLS, CRS Sudan headquarters is in Nairobi, K enya. It h as a l ogistics o ffice i n Lokichoggio. In Uganda, CRS runs logistical support offices in Kampala and Arua, and warehousing facilities in Kitgum and Gulu.

CRS, in partnership with both international and indigenous organisations, supports initiatives focused on local institutional capacity building, economic rehabilitation, education, emergency relief, health and agriculture. It is equally actively involved in areas of peace, justice and gender, all of which are incorporated into all its project activities. By 2001, CRS activities reached an estimated 400,000 Sudanese[37].

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[35] International Crisis Group, *Ending Starvation as a Weapon of War in Sudan. An ICG Report,* November 14, 2002, pg. 12
[36] Catholic Relief Services- USCCB, *Sudan Program, 2001 Annual Public Summary,* pg. 3
[37] www.catholicrelief.org

4.10.2 The Catholic Relief Services Projects in South Sudan

Legend:
- CRS Clean Water Program
- CRS Title II Food Distribution Sites
- CRS Title II Food Warehouses
- CRS Base Camps
- CRS Supported SMC Clinics — SMC
- CRS Supported DOT Clinics — DOT
- CRS / NCA Agriculture Program — NCA
- CRS Title II School Feeding Support
- CRS Privately Funded Education Project — i
- CRS Rumbek Emergency Response Project — R
- CRS Grant Making/Capacity Building Project Locations — GMCB
- CRS Diocesan Capacity Building / Justice & Peace — †
- CRS Prevention Mitigation Preparedness Plan — PMPP
- CRS SOAR Educational Support Program — SOAR

Source: CRS-USCCB, *Sudan Program, 2001 Annual Public Summary*, pg. 3

4.10.3 NSCC: A consortium within consortium

The NSCC is an ecumenical body whose membership comprises five Christian churches, namely, Roman Catholic Church, Episcopal Church of Sudan, Presbyterian Church of Sudan, African Inland Church and Sudan Interior Church. The NSCC was founded in 1989 as a sister council of churches in Sudan. This was necessitated by the fact that the realities of the Sudan conflict made it impossible for the Khartoum-based Sudan Council of Churches to function in the rebel-held territories in the south of the country.

Headquartered in Nairobi, the NSCC envisions a new Sudan that cherishes full and equal development for all people. Towards that end, the NSCC works to uphold the unity and fellowship of member churches and among diverse peoples of Sudan, advocates for human rights, responds to human needs through holistic development. It promotes and maintains a close and healthy relationship with partner organisations.

NSCC's supreme authority is the General Assembly. This plans, discusses and approves the policies and programme of the Council in accordance with its overall objectives. The General Assembly elects the Chairman, Vice Chairman and the Executive Secretary. It meets once every two years.

4.11 OVERALL ASSESSMENT OF THE PERFORMANCE OF OLS

From the foregoing chapters, it is abundantly clear that the OLS has contributed immensely in ameliorating the situation of thousands of southern Sudanese. In particular, the initiative is credited with putting in place better co-ordination, improvement in intervention, awareness creation, prevention, preparedness and joint efforts. This became apparent particularly during the 1998 famine. Much as the reported death toll was a staggering 200, 000, analysts believe that the situation would have been worse without the OLS intervention.

OLS has succeeded at least in the international attention it has mobilised to hold protagonists to their promises. Despite actions that have t hreatened t o s abotage the principle altogether, the warring parties have never repudiated it. OLS has taken the lead to galvanise world public opinion, spearheading global fundraising and providing international presence. Today, both admirers and detractors credit the OLS with putting the Sudan crisis on the world map. Previously, the extent of suffering was not widely known beyond relief agency personnel and keen Sudan watchers[38].

All humanitarian agencies operating in southern Sudan, whether or not associate with OLS, have benefited from its resource mobilisation efforts. ICRC, for instance, credits it with having enhanced a nd reinforced the latter's fundraising activities. Most other NGOs too believe that sizeable increases in their own levels of receipts from 1989 reflected broader public awareness stimulated by OLS.

Nevertheless, it would be a fallacy to posit that the intervention has been perfect. For some, the whole idea of humanitarian intervention is misplaced. As Warah[39], observes, like hyenas who watch from afar as lions eat their kill, and then help themselves to leftovers, humanitarian agencies, (including OLS), have the unenviable task of waiting on the sidelines and going in only after the catastrophe is over. Warah[40] notes that the relationship b etween h umanitarian a gencies a nd causes of distress is paradoxical. On the one hand, they advocate peace and development, on the other, it is this chaotic and impoverished world that provides them with their *raison d'etre* and gives them legitimacy.

Quoting author David Rieff, she notes that humanitarianism is by definition an emblem of failure, not success. Humanitarianism happens when the refugees have

[38] Larry Minear, *Humanitarianism Under Siege: A Critical Review of Operation Lifeline Sudan* (Washington DC: The Red Sea Press Inc., 1991) pg. 34
[39] Rasnah Warah, "What Future for Humanitarian Agencies in Bush-Ruled World?" in The EastAfrican, March 31- April 6, 2003
[40] Rasnah Warah, *"What Future for Humanitarian Agencies in Bush-Ruled World?"* in *The EastAfrican*, March 31- April 6, 2003.

already began crossing borders, when the earthquake has already destroyed buildings, when the flood waters have subsided or when the drought has turned into famine. Where would humanitarian organisations be without the poor, the dispossessed, the victimised or the tortured? Indeed, humanitarian operations are everywhere encumbered by lack of clout necessary for pushing their agendas. If humanitarian agencies had more clout, the kind wielded by the World Bank and the International Monetary Fund[41], wars such as the current one in Sudan might be averted. No multi-lateral or international agency apart from the latter has had the power to dictate to nationals what to do or not to do within or outside their own borders.

From its inception, the OLS reflected the UN's structural bias toward governments. It was negotiated principally with the Sudan government and finalised at a meeting of governments in Khartoum, the seat of the Sudan government. This UN's failure to treat the SPLM/A as a full partner remains a serious liability in OLS with potentially major consequences for the future[42]. Indeed some NGOs have hesitated to work fully under the OLS since they see the UN's requisite subservience to sovereignty endangering the humanitarian space that they credit OLS with having opened and sustained[43]. What probably needs to be give a serious consideration is the fact that forces of change sweeping across the globe are now calling into question the traditional concept of sovereignty and the arbitrary national borders as well as unrepresentative political structures it is frequently invoked to protect.

The OLS, like other UN agencies, is a self-perpetuating bureaucracy, which sometimes appears to be obsessed with its own survival. Like anybody in gainful employment, OLS personnel are concerned about safeguarding their own salaries

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[41] These two institutions are most remembered for the force with which they pushed for the implementation of the Structural Adjustment Programmes in the Third World from the 1980s
[42] Larry Minear, *Humanitarianism Under Siege: A Critical Review of Operation Lifeline Sudan* (Washington DC: The Red Sea Press Inc., 1991) pg. 97
[43] Larry Minear, *Humanitarianism Under Siege: A Critical Review of Operation Lifeline Sudan* (Washington DC: The Red Sea Press Inc., 1991) pg. 113

and benefits, a feat that can only realised by maintaining the status quo in Sudan. This has led to sycophancy, inefficiency and corruption in various departments.

Furthermore the OLS intervention has been characterised by persistent clash of interest between the different humanitarian agencies and their sponsors. All too often, there is little indication of unity of purpose and co-operation between the different members of the OLS. Yet like is the case with other interventions, the overall performance of the OLS in South Sudan hinge upon the various member agencies' ability to work effectively with each other in crises. Such synergy say Slim and Penrose[44] is traditionally worked out on a case-by-case basis, through a combination of mechanisms including the nomination of Special Representatives, lead agencies and inter-agency groups to oversee the UN response in any given emergency. A miffed Sudanese observer notes that individual donor governments have clear preference for NGOs based in their own country, while those NGOs themselves are not fully committed to strengthening their Sudanese counterparts.

Like the UN itself, the OLS was not constituted as a supranational authority and has since its inception been encumbered by the problem of poor policy co-ordination and incoherence. The OLS is essentially a body of agencies with different and often overlapping mandates. These agencies are neither effectively integrated nor co-ordinated by a central brain. Indeed each member has a constitutional independence from the others and from the centre and there is no central institution with overall legal authority.

Minear[45] acknowledges the OLS's limitation in the areas of co-ordination. It was not a structural entity but an ad-hoc creation, designed for a brief two-to-three

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[44] Hugo Slim & Angela Penrose Angela, "*UN Reform in a Changing World: Responding to Complex Emergencies*" in Macrae, J. & Zwi, Anthony (eds.), *War and Hunger: Rethinking International Responses To Complex Emergencies*. (London: Zed Books Ltd, 1994) pp 194- 208

[45] Larry Minear, *Humanitarianism Under Siege: A Critical Review of Operation Lifeline Sudan* (Washington DC: The Red Sea Press Inc., 1991) pg.49

month period. OLS was a centre of energy linking UN agencies involved in the Sudan, not a command post with clear lines of authority and accountability.

The position of the USA is another critical issue in the OLS arrangement. As Warah[46] points out, in the current uni-polar world order, the political and development a genda i s u nfortunately not to be determined by multi-lateral and international development organisations or by world leaders, but by the US and its allies. A case in point is Afghanistan. Before the US led coalition's invasion in 2001, humanitarian agencies in the country were largely ignored. They struggled to survive on shoestring budgets in an extremely harsh environment. Ju st t hree months after Kabul fell, some 20 UN agencies, over 60 NGOs and a sizeable number of bilateral agencies had descended on Kabul to map out potential areas of activity in the country. The European Union, Japan, Saudi Arabia and US pledged a total of $4.5 billion to rebuild the Asian state[47].

In a politically charged environment as Sudan's, political impartiality is paramount for any meaningful intervention. The extent to which the OLS has passed this litmus test remains doubtful. Indeed this has consistently set the OLS and its constituent members at variance with the warring protagonists, with each side a ccusing t he O LS o f b eing m ore s ympathetic t o i ts a dversaries. C ertainly, there are many political difficulties that engender the overall humanitarian crises in Sudan, making many long-term issues remain unresolved. It is also clear from the OLS experience that the provision of aid in war zones may itself foster inequalities, as it is rare to be allowed access to civilians on both sides of a conflict. If access is not granted to both sides in a conflict, aid agencies can be accused of political bias and perhaps, of providing the means of perpetuating man-made disasters, through supply of food and more importantly, money, which may be misappropriated by the governing authorities or rebel factions. This is

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[46] Rasnah Warah, *"What Future for Humanitarian Agencies in Bush-Ruled World?"* in *The EastAfrican,* March 31- April 6, 2003.
[47] See also Rasnah Warah, *"What Future for Humanitarian Agencies in Bush-Ruled World?"* in *The EastAfrican*, March 31- April 6, 2003

fundamentally different from circumstances of natural disasters. It is not difficult to defend the provision of humanitarian aid in circumstances of flood, earthquake, or hurricane.

For certain political reasons the neutrality of the OLS has repeatedly been compromised. For one, the war rages on and the underlying causes of war— economic exploitation, marginalisation of communities, unfair political representation, a nd s ystematic v iolence a nd abuse r emain unsolved. As already mentioned, the warring factions have all too often brought some OLS operations in south Sudan to a standstill, just as much as the clashes between the government and the rebels.

The international community through the UN, must demonstrate total commitment to the success of the OLS. I t is disturbing that each t ime S udan's warring parties have failed to adhere to the tripartite agreement of OLS, the international community has failed to apply corrective pressure. The international community must of necessity take a long; co-ordinated stand to institutionalise the concept of unimpeded access. It is instructive that there has never been a UN Security Council Resolution condemning or s anctioning t he GOS f or p ersistent breaches of international law or even the 1999 agreement on unimpeded access. Yet precedents abound. I raq, Rwanda and the former Yugoslavia have all been censured by the Security Council for violating international law and for targeting civilians during armed conflicts. The Security Council passed Resolution 706 of 1991 on Iraq and Resolution 1333 of 2000 on Afghanistan, protesting denials of access to war affected and displaced civilians[48].

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[48] Report of the Secretary General of Security Council on the Protection of Civilians in Armed Conflict , http://www.reliefweb.int/library/ documents/civilian .html

The Sudan situation has been characterised by policy division on the part of the Security Council. As the ICG[49] fears, a draft resolution seeking to strengthen OLS could as well find UK and US on one side, with China and Russia on the other and France perhaps seeking a middle way.

It would appear that by failing to embrace military issues in its mandate, the OLS arrangement overlooked one of the most critical determinants for its success. As Robinson[50] suggests, there is an agent need to bring to bear external political pressure to get the respective combatants to negotiate and, less probably, an undertaking by countries of the developed world not to continue to supply arms. In addressing the cause of peace, the critical issue of supply of arms to the warring parties in Sudan must be addressed. Only when other countries that profit from arms deals to the Sudan stop their supply of weapons, will the protagonists be forced to concentrate on seeking a peaceful way of living together. At present, this seems a forlorn hope.

John Ashworth[51], a British expert on Sudan, describes the OLS's negotiating agreed access for humanitarian aid as a commendable milestone. He, however, points out that the arrangement is by itself inadequate to handle the humanitarian needs in southern Sudan. The non-OLS sector is also necessary. Ashworth identifies several weaknesses as being inherent in the OLS arrangement, principle of which is the manipulation of the access agreement by the GoS.

"OLS arrangement allows the warring parties; in particular the GoS to ban access to particular locations for spurious security reasons. OLS treats GoS as a more senior partner than the SPLM/A, much as it is a tripartite agreement that is supposed to accord its signatories equal status."

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[49] International Crisis Group, *Ending Starvation as a Weapon of War in Sudan. An ICG Report, November 14, 2002*, pg. 12

[50] S.D Taylor-Robinson, *Humanitarian Assistance – Sudan* in *Journal of Medical Ethics, Feb 2002, Vol. 28 Issue 1*, p49

[51] Interview conducted on-line on April 10, 2003

Commenting in confidence, another observer noted that due to the OLS bureaucracy and 'diplomatic service' to the GoS, a lot of pro-active intervention has been hampered.

For reasons that are not very clear, operating within the OLS arrangement is an excessively costly affair and a cause of disenchantment for most member organisation. A return flight from Lokichoggio to Akon often on an old rickety aircraft (about 1,200 km), for instance, costs US$840[52] while a return journey from Nairobi to Amsterdam costs US$600. In this way, OLS is, in the eyes of many, a hindrance to humanitarian operations. It is only tolerated for the legal status it enjoys before the Sudanese warring factions. One analyst says it cheaper for a group of 10 to charter a plane to Akon rather than use OLS flights and pay a whooping US$8, 800. In addition, he observes, any OLS transaction involves a lot of paper work resulting into delays and additional financial costs.

To many Sudanese, OLS is a white man's club where others are only accommodated to play peripheral roles. One of the holders of this opinion said that any black person seeking a job with the OLS is either deemed over qualified or unqualified. It is only on extremely rare occasions that such a person meets the OLS job criterion. Drawing from personal experience, he lamented that highly qualified Africans, some with more than one degree work under white nurses in areas the latter are least qualified in. The Africans are paid peanuts while their less qualified bosses draw huge salaries and other perks. Consequently, most of the finances channelled through the OLS find their way back to Europe and America. However, as some of the Western staff reckon, in Sudan, just as in other areas of UN operations, trade-offs are unavoidable. Local staff are easily available and cheaper, are more knowledgeable about local realities and raise fewer anxieties among the political authorities. Outsiders on the other hand are well

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[52] These were the charges as at March 28, 2003 and may have changed over time. The information was made available by the NSCC office in Nairobi

versed in the workings of the aid agencies and bring with them an added international dimension and experience from crises elsewhere.

Ashworth raises doubts about the commitment of some OLS agencies to the cause of the southern Sudanese. In his view, some aid agencies consider their agendas or those of their sponsors a priority over the Sudanese people they are supposed to be assisting. Little wonder, the OLS operations are bedevilled by gross inefficiency and waste. For this kind of ambivalence, said Eunice Muhavi[53] of ECOTTERA International, some organisations from the very beginning chose to stay out of the OLS arrangement in order to safeguard their mandates. They could not agree to be a party to any entity being above the decision making body of their own board. In this way, they felt that they would be more dedicated to the people in need of their services and never shall they abandon them just because certain forces demanded that they do so.

There is overwhelming evidence that under the OLS arrangement, there is overspending in non-priority areas particularly administration. Many observers say the OLS donors seem more intent on spending money in administrative rigmarole in Nairobi offices as opposed to field-based activities.

The fact that OLS is inflexible and unwilling to change with times has not made things any better. Furthermore, the arrangement does not cover the entire war zone.

For its effectiveness to be enhanced, Ashworth says, the OLS must of necessity, embrace better co-operation and consultation with the Sudanese actors including churches and civil society. "Unfortunately, such a change may require no less than a shift in the entire aid culture...something that goes way beyond OLS."

Interview conducted in Nairobi on April 16, 2003

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

5.0   CONCLUSIONS

The formulation and testing of hypotheses in a ny s tudy aim a t e stablishing t he relationships between two variables. These then make it possible to draw appropriate conclusions from the study.

The preceding chapters have analysed in details the factors that have made humanitarian intervention in southern Sudan necessary, the manner in which the intervention has been executed as well as the success and the failures of the process. In so doing, the study has established that the country's long running war, whose causes are deeply rooted in Sudan's colonial past, has made it impossible for the Sudanese to realise their full potential, hence the need for humanitarian intervention. In examining the OLS in details, the study has been able to highlight the major strengths as well as limitations of this unique mechanism, hence p roviding a c lear r oute m ap f or m ore e fficient h umanitarian intervention.

From the data gathered, it has been established that humanitarian intervention minimises the suffering of civilians in situations of distress. It has been equally established that national interest has a great potential for impeding the success of humanitarian intervention.

One of the conclusions that can be drawn from this study is that the OLS intervention has been constrained a great deal by its limited mandate that failed to adequately embrace the political dynamics of Sudan. Humanitarian action can never be divorced from politics, which may both constrain and enhance responses to human needs. The clash between humanitarian interests and state sovereignty

in Sudan continues to impact negatively on the OLS operations. The veto power on the part of the government has been abused and will continue to be abused.

Humanitarianism, it can be concluded from this study, has implications that well transcend the realm of the programmes humanitarian agencies administer. Preoccupation with humanitarian operations to the exclusion of broader concerns for peace, human rights and development is untenable in the long run. As Minear[1] notes, the root causes of suffering, which necessitate humanitarian intervention, require a more conscientious and creative balance between providing aid and building on its potential and addressing much broader concerns.

The study also leaves no doubt about the need for co-operation in executing humanitarian intervention. In a situation involving many parties, a spirit of collaboration is necessary among humanitarian organisations that encourages respect and distinctive roles of each. Such collegiality should take cognisance of the comparative advantages of the different players. Indeed the Sudan experience has demonstrated abundantly that humanitarian concern is the common property of the international community, not the exclusive preserve of the economically advanced societies or any one religious or cultural tradition. Equally note worthy is that outsiders do not have a monopoly on concern for human suffering. Ordinary indigenous people have an indispensable role in humanitarian action. Their coping skills offer more hope for survival than the wizardry of relief specialists.

Closely related to the above is the scale of humanitarian support. International resource mobilisation should not overwhelm indigenous capacity. Humanitarianism on world stage needs to support in-country responses appropriate to local needs, sensitivities and constraints.

Larry Minear, *Humanitarianism Under Siege: A Critical Review of Operation Lifeline Sudan* Washington DC: The Red Sea Press Inc., 1991) pg. 53

In t he S udan c ase, e nding t he d ual class sy stem o f O LS and non-OLS groups, could enhance the efficacy of the intervention. It is better to adopt a sectoral field-based co-ordination and support. The distinction between the OLS and non-OLS places unnecessary restrictions on humanitarian operations in south Sudan.

It is also clear from the study that the various members of the OLS have not rationalised their expenditures. Of particular concern is the fact that huge proportions of their annual budgets are committed to administrative functions in Nairobi as opposed to programme implementation in southern Sudan.

For a lasting solution, the OLS and by extension UN must play a greater role in finding a peaceful resolution to t he S udan c onflict. S uch e fforts a re p aramount and form a vital platform for the economic and social recovery of the c ountry. Initiatives by the Igad c ountries as w ell a s E gypt a nd Libya h ave a ttempted t o bring government and rebel sides to the "peace table". In addition, UN sponsored conferences have taken place in Kenya, in order to find common ground on peace and a vision for the future for all the Sudanese people. It is not clear, however, that more of the same attention will be forthcoming as the world attention shifts to the reconstruction of Iraq as dictated by the USA.

In addressing the cause of peace, the critical issue of supply of arms to the warring parties in Sudan must be addressed. Only when other countries that profit from arms deals to the Sudan stop their supply of weapons, will the protagonists be forced to concentrate on seeking a peaceful way of living together. At present, this seems a forlorn hope. In the absence of durable peace, the provision of humanitarian aid will remain. Questionable. The requirement for daily airlifts to remote parts of the country will continue for many years. It is only with the advent of peace that landmine clearance and road building may begin in earnest, thus allowing land access to parts of the country that a re otherwise c ompletely isolated.

In any humanitarian disaster caused by war, humanitarian personnel must remain alive to the reality that their presence, however well intentioned, can prolong political conflicts, either because the negotiations that allow NGOs to operate can legitimise warring factions, or more nefariously, because aid money can become misappropriated into non-civilian channels. An even-handed approach to aid distribution to all sides in a civil war is warranted, both in terms of emergency response and with respect to longer-term aid. It is important before rushing headlong into humanitarian aid operation, for those involved to understand the cultural, political, social, and religious tensions that lead to war in different parts of the world.

After several years of attracting aid from outside, part of Southern Sudan today suffer from acute dependency syndrome. It is important for donors to be aware of the right mix of aid required, and to have sensitivities to local cultural expectations. Longer-term aid in the form of the provision of agricultural techniques, the supply of clean water, and the teaching of basic hygiene may be more important than direct support such as provision of food and medicines in many instances.

How to deal with the media in a situation of humanitarian intervention is another important lesson that can be learned from the OLS experience in South Sudan. It is easy to project personal bias at an individual or organisational level—which can be fed by the Western media—onto the developing world. The model of OLS in the Sudan is a useful one in that both long term and emergency aid is provided to all sides and encompasses both UN and NGO efforts in a cohesive fashion.

When all is said and done, the political situation in Sudan remains fluid and a threat to continued aid efforts remains a reality.

5.1   POLICY RECOMMENDATIONS

This study leaves no doubt that the OLS intervention in south Sudan has had tremendous impact on ameliorating the suffering of the civilians in the region. However, the intervention has been encumbered a great deal by a number of factors , which if rectified, could see it realise its full potential.

First, the issue of OLS's limited mandate that has persistently failed to resolve the clash between humanitarian interests and state sovereignty should be addressed. A more successful humanitarian intervention must, of necessity, be backed by a more elaborate mandate. In particular, such a mandate should be so well thought out so that it does not stand the risk of being compromised by state sovereignty. The veto power that Khartoum continues to enjoy in the case of Sudan should provide ample lesson about the need to institutionalise access on permanent basis. At the same time, executioners of any humanitarian intervention should be more innovative to avert over reliance on one strategy. Alternative strategies should be devised to improve the efficiency and viability of humanitarian assistance. Taking a cue from the unfortunate precedents, planning for worst case scenarios should be undertaken.

Another policy recommendation that can be drawn from this study is the need for enhanced co-operation in executing humanitarian intervention. In a situation of multi-party intervention, a spirit of collaboration is necessary among the different players that encourages respect and distinctive roles of each. Such collegiality should take cognisance of the comparative advantages of the different players. Indeed the Sudan experience has demonstrated abundantly that humanitarian concern is the common property of the international community, not the exclusive preserve of the economically advanced societies or any one religious or cultural tradition.

Equally worth recognition is the role of the indigenous populations in situations requiring humanitarian intervention. Outsiders do not have a monopoly on

concern for human suffering. Ordinary indigenous people have an indispensable role in humanitarian action. Their coping skills offer more hope for survival than the wizardry of relief specialists. It is thus imperative international resource mobilisation should not overwhelm indigenous capacity. Humanitarianism on world stage needs to support in-country responses appropriate to local needs, sensitivities and constraints.

Success humanitarian intervention also calls for rationalisation of expenditure. It is also clear from the study that the various members of the OLS have not rationalised their expenditures. Of particular concern is the fact that huge proportions of their annual budgets are committed to administrative functions in Nairobi as opposed to programme implementation in southern Sudan.

5.2 ISSUES FOR RESEARCH

This study has attempted to use the theory of interdependence to explain the UN humanitarian intervention in south Sudan. It has established that humanitarian intervention is an evolving field that can hardly be explained exhaustively by a single theory. As an evolving field, humanitarian intervention continues to engender issues c hallenging e xisting t heories. T here i s t herefore n eed f or m ore theoretical explanation to fill the gap in knowledge created by the continuing evolution.

APPENDICES

APPENDIX I

Member organisations of the OLS Southern Sector

UN agencies

1. OCHA
2. UNICEF
3. WHO

4. WFP
5. FAO

OLS NGOs

1. Action Against Hunger- USA
2. Africa Educational Trust
3. Agency for Co-operation and Research in Development
4. Adventist Development and Relief Agency
5. Amref
6. AMURT (Switzerland)
7. Aktion Afrika Hilfe
8. American Refugee Committee
9. Association Napata Volunteers
10. Bahr el Ghazal Youth Development Agency
11. Care International
12. Carter Center
13. Comitato Collaborazione Medica
14. Catholic Relief Services
15. Christian Mission Aid
16. Co-ordination Committee for Voluntary Service
17. Diocese of Torit
18. Hope Agency for Relief and Development
19. Healthnet International
20. International Aid Sweden
21. International Medical Corps
22. International Rescue Committee

APPENDIX II

OLS Donors

1. Australian High Commission
2. Belgian Embassy
3. British High Commission
4. Canadian High Commission
5. Danish Embassy
6. French Embassy
7. German Embassy
8. Italian Embassy
9. Japan Embassy
10. Netherlands Embassy
11. Norwegian Embassy
12. Swedish Embassy
13. Delegation of the European Commission
14. ECHO Flight
15. ECHO Horn of Africa
16. Finnish Embassy
17. Swiss Embassy
18. US Embassy to Kenya
19. USAID FEWS Sudan
20. USAID Regional Food for Peace
21. USAID Office of Foreign Disaster Assistance

APPENDIX III

OLS NGO Forum Steering Committee

Membership comprises the following:

1. Programme Director of Tearfund

2. CARE Country Director

3. Programme Director SC-UK

4. Programme Representative OXFAM –GB

5. ACF-USA, Programme Co-ordinator IRC

6. Technical Advisor, Carter Center/ Global 2000

7. OLS Forum Administrator.

APPENDIX IV

Non OLS NGOs

1. Association of Christian Resource Organisations Serving Sudan (ACROSS)

2. Christian Aid

3. Church Ecumenical Action in Sudan (CEAS)

4. Concern

5. Diocese of Rumbek

6. Ecoterra International

7. Goal

8. International Crisis Group

9. International Committee of the Red Cross (ICRC)

10. Lutheran World Federation/ Department for World Services (LWF/ DWS)

11. Medecins Sans Frontieres – Belgium

12. Medecins Sans Frontieres – France

13. Medecins Sans Frontieres – Holland

14. Medecins Sans Frontieres – Swiss

15. MEDIC

16. Norwegian People's Aid (NPA)

17. PACT

18. Pharmaciens Sans Frontieres

19. Save the Children – UK (SC- UK)

20. South Sudan Operation Mercy (SSOM)

21. Sudan Health Association (SUHA)

22. Skills for Southern Sudan

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