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O L S

Operation Lifeline Sudan

A Review

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July 1996

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CONTENTS

ABBREVIATIONS

AAIN	Action Africa in Need
ACROSS	Association of Christian Resource Organisations Serving Sudan
ADRA	Adventist Relief Agency
AICF	Action International Contre le Faim
ARRS	Allied Relief and Rehabilitation Services (Wau)
BEG	Bahr el-Ghazal
CA	Civil Administrator (SPLA)
CAHW	Community Animal Health Worker
CART	Combined Agencies Relief Team (Juba)
CHW	Community Health Worker
CMA	Civil/Military Administrator (SPLA)
COD	Committee of the Displaced
COVA	Commission of Voluntary Agencies (GOS); merged with RRC as HAC in 1996
CRS	Catholic Relief Services
DHA	Department of Humanitarian Affairs (UN)
DOD	Department of the Displaced (Khartoum State)
FAO	Food and Agriculture Organisation (UN)
GOS	Government of Sudan
JRC	Joint Relief Committee (OLS Southern Sector)
HAC	Humanitarian Affairs Commission (GOS)
IARA	Islamic African Relief Agency
ICRC	International Committee for the Red Cross
IDP	Internally Displaced Person(s)
IGADD	Inter-Governmental Agency against Drought and Desertification
IIRO	International Islamic Relief Organisation
INGO	International Non-Governmental Organisation
IRC	International Rescue Committee
KSRC	Khartoum State Relief Committee
LOU	Letter of Understanding (OLS Southern Sector)
LRC	Local Relief Committee
MSF	Medecins Sans Frontieres
NCA	Norwegian Church Aid
NDF	National Development Foundation; formerly NPDF
NPA	Norwegian People's Aid
NPDF	National Peace and Development Foundation; renamed National Development Foundation
NSCC	New Sudan Council of Churches
OFDA	Office of Foreign Disaster Assistance (USA)
OLS	Operation Lifeline Sudan
PDF	Popular Defence Forces
PHCC	Primary Health Care Centre
PHCU	Primary Health Care Unit
RASS	Relief Association of South Sudan (SPLM/A-United/SSIM/A)
RC	Relief Committee (OLS Southern Sector)

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SUMMARY

The scope and depth of the Operation Lifeline Sudan Review has meant that any summary can only be partial. While attempting to draw out some of the key points, what follows cannot be interpreted as a substitute for the main text.

Introduction

This is the first comprehensive review of Operation Lifeline Sudan (OLS) in its seven year history. The Review is an entirely independent undertaking, funded by donor governments and supported administratively by the UN Department of Humanitarian Affairs (DHA). The main impetus for the Review came from OLS's growing difficulties, especially associated with access, during 1995.

The Review does not attempt an exhaustive evaluation of the impact of OLS, its individual agencies, or its various programmes. Its main focus, rather, is on the relationship between OLS's creation of humanitarian space, and the flow of assistance to war-affected populations. The Review therefore sets out to assess and analyse the effectiveness of the OLS modus operandi in meeting the needs of war-affected civilians.

International Significance

OLS has national, regional and global significance. Created in 1989, it was the first humanitarian programme that sought to assist internally displaced and war-affected civilians during an ongoing conflict within a sovereign country, as opposed to refugees beyond its borders. The experience of OLS has been important in the evolution of humanitarian policy and conflict management; it established a precedent for many humanitarian interventions that followed, for example in Angola, Iraq, Somalia, and Bosnia. As such, the Review has significance beyond Sudan, and complements other debates on humanitarian aid - for example, those stimulated by the Joint Evaluation of Emergency Assistance to Rwanda. In contrast to the Rwanda evaluation, however, the OLS Review examines a prolonged international response to a chronic political emergency.

While having organisational similarities, OLS is nevertheless distinct from many other integrated interventions. For example, OLS does not rely on the military protection of humanitarian aid and displaced civilians. Rather, access has largely been dependent upon the application of international pressure on the warring parties. Moreover, the ultimate sovereignty of the Government of Sudan (GOS) has not been challenged. Instead, there has been an equivocal and temporary ceding of sovereignty to the UN of parts of South Sudan that are outside government control. These characteristics mean that OLS can be regarded as an informal or negotiated safe area programme.

Review Team suspected, the actually existing development process in Sudan is linked to the war aims of the GOS.

Aware of this problem, but unable to tackle it directly, the reporting relations between Nairobi and Khartoum have been kept somewhat informal. While this has given UNICEF's lead agency role some protection, the relationship between UN agencies in the two Sectors is ill-defined. This, in turn, has exacerbated the overall lack of political cohesion and clarity of purpose in OLS. In delivering humanitarian aid in the midst of internal conflict such clarity is essential if humanitarian principles are to be upheld.

In terms of OLS as a potential model for negotiated safe area programmes, in its present state the Review Team regards OLS as flawed and non-replicable. While advances have taken place in the South, this has occurred, in effect, at the expense of war-displaced populations in the North. The unevenness of support for war-affected populations calls into question OLS as a model for internalising the effects of protracted political emergencies. The flawed nature of OLS in this regard led the Review Team not only to question its replicability, but also to wonder whether it can survive at all without internationally supported reform.

Southern Sector Operational Issues

From the end of 1992, there has been a significant expansion in the scope of OLS in the Southern Sector. The number and diversity of programmes has increased beyond the original concerns of food and health. Due to GOS restrictions and interfactional insecurity, since 1995 access has been steadily reduced.

As lead agency, the key functions of UNICEF are the provision of shared services and co-ordination. Participating agencies, primarily international non-government organisations (INGOs), sign Letters of Understanding (LOUs) with UNICEF that establish basic programme requirements and secure agreement on OLS humanitarian principles. Funded through the OLS Appeal, UNICEF for its part undertakes to provide free transport, essential programme support, and overall co-ordination. Logistics are largely handled from the UNICEF-managed camp at Lokichokkio.

Developing a security and evacuation system has also been an important task of UNICEF. Based upon free access to radios, and the co-operation of the Southern opposition movements through the Ground Rules, this system is a sophisticated and innovative response to working in conditions of ongoing and unpredictable warfare, and has demonstrated its ability to move staff according the changing dynamics of the conflict.

The expansion of OLS has tested the lead agency role of UNICEF, and exposed a contradiction between the need to provide co-ordination for all OLS agencies and, at the same time, support its own country programme. To a lesser extent, the same issue relates to all the UN specialist agencies involved in OLS. In a real sense, it reflects the

Geneva Conventions. More recently, this has enabled OLS to enter into direct dialogue with the movements when it has been felt that the Ground Rules have been violated. Unusual for a relief operation, this has meant that human rights and humanitarian aid issues have been brought together. By exploiting the need of Southern opposition movements for international recognition, the Ground Rules in effect represent a move toward making humanitarian aid conditional. In this regard, the Review Team felt the Ground Rules approach is a fundamental innovation in the field of conflict management, and one that deserves greater study.

The Ground Rules have provided a forum for dialogue between international aid agencies and the Southern Movements. Whereas in the North there has been a humanitarian impasse, in the South, especially within the past year or so, the quality of the dialogue between OLS and the Southern movements has improved. The attempt to deepen civil institutions, especially within the Sudan People's Liberation Movement/Army (SPLM/A), appears to have been influenced by the operation of the Ground Rules.

Despite the growth of the Southern Sector, however, the distribution of humanitarian assistance to affected populations has been uneven. There is a concentration, especially of INGOs, in the more secure areas such as Equatoria. Here, greater emphasis is placed on rehabilitation projects. In less secure and more vulnerable areas, such as Northern Bahr el-Ghazal and Upper Nile, the UN has remained the main lifeline, so to speak.

Northern Sector Operational Issues

In the Northern Sector, OLS as a humanitarian operation is distinguished by its perceived absence. The UN's approach of quiet diplomacy has achieved little beyond providing an impetus for the GOS to expand its mechanisms of control and regulation. In contractual terms, since 1993, INGOs function as little more than a mute extension of the Sudanese state. Indeed, the voluntary sector has no de jure or de facto existence in government areas.

In the Northern Sector, the scope and coverage of OLS is determined on the basis of GOS approval, rather than actual need. The Nuba Hills, for example, have long been excluded from OLS. Moreover, through the 1992 Relief Act, the government is able to establish legal control over OLS resources down to the level of beneficiaries. While WFP has sought to formalise contractual arrangements for relief distributions, GOS institutions largely determine the quality of international access. UN operationality is also constrained by government control over the choice of implementing partners. Within this regulatory regime, scope for the application of OLS principles in extremely limited.

Significantly, there has been a convergence of GOS and UN policy concerning the linking of relief and development in the North. There is a shared view that relief assistance should now play a developmental role. This view, however, underplays the

Food Aid and Food Security

Perceptions of the emergency in Sudan have changed over time. Initially, the emergency was viewed as an acute crisis of nutrition and mortality, and issues of food aid and food delivery predominated. Over time, agency views have gradually changed to encompass wider issues of food security, involving support for local food production. While there is ambivalence within the Southern Movements about the shift away from food aid, both Sectors have seen reductions in emergency food aid. This has been achieved by decreasing rations, limiting food aid to certain times of the year, and/or more specific targeting. In the North in particular, the government and UN agencies have encouraged this reduction as a measure of growing self-reliance and the move toward development.

These strategies, however, cannot be justified on the basis of information gathered, especially in the Northern Sector. No evaluations of the effectiveness of food aid programmes or their impact have been conducted, nor has there been any systematic monitoring of inputs. Estimated needs are rarely reconciled with deliveries. Consequently, little is known about what exactly people receive. Monitoring is further hindered by unclear objectives: whether food aid is used to reduce hunger, prevent starvation, to support coping strategies, or promote self-reliance.

Of special concern to the Review Team was the apparent lowering of acceptable standards of nutrition in an effort to accommodate development thinking. Levels of malnutrition shown by nutritional indicators that would have prompted emergency intervention at the start of OLS, are now seen as somehow normal or acceptable.

Sudan is suffering from a chronic emergency. In this situation, options for the war-affected to improve their own food security are extremely limited. Crises have become recurrent. In the Northern Sector, the reduction of food aid appears aimed at overcoming so-called "relief dependency" by forcing vulnerable groups into non-sustainable labour relations. This is exacerbated by inadequate co-ordination mechanisms between WFP and UNICEF, and the absence of a coherent strategy for food security. Moreover, the reduction in food aid has not been matched by increases in production support.

People in Southern Sudan have survived within a contracting rural economy during the past thirteen years of renewed warfare. In part, this has been through labour migration, mainly to the North. Resource depletion, especially livestock, has also played a part. Networks of kinship exchange and assistance still operate, but at a much reduced level. OLS does not differentiate, however, between the different types and stages of coping strategies. Nor does it interpret what the adoption of certain strategies mean in relation to their possible detrimental effects.

Impartial assistance based on an objective assessment of need forms the basis of OLS neutrality. However, the identification of need is largely determined by the quality of access. Changes in assessment methodology over the course of OLS are a reflection of the differing quality of access in both Sectors. In the Southern Sector, the more liberal

household" or "widow". While such images have substance in relation to Western notions of the nuclear family and vulnerability, they have little meaning in the actual social context of South Sudan.

Despite problems of co-ordination and perception, however, OLS programmes have had an impact in the South. The move from famine alleviation to using food aid as a means of rehabilitation, while based upon limited information, appears capable of stabilising the rural economy. This process, especially in relation to the more vulnerable areas of Bahr el-Ghazal and Upper Nile, have to be set against pressures to transform the rural population of South Sudan into a marginalised agricultural labour force. Indirectly, OLS has contributed to maintaining the integrity of Southern socio-economic structures.

This is illustrated by reference to Northern Bahr el-Ghazal, an isolated and insecure area. For the Dinka here, the main effect of relief has been to enable them to return to their homes and reinvest in the subsistence economy. Northern Bahr el-Ghazal, however, has never been properly accessed by OLS, nor has it received food aid at the level of assessed need. Some commentators have questioned why, in areas like Northern Bahr el-Ghazal, there has been no return to famine conditions despite this short-fall.

Northern Bahr el-Ghazal illustrates the complexity of a rural economy under war-related stress. Famine has failed to emerge largely because past assessments did not take into account the variety of stress foods available, resource depletion, and labour migration. Regarding the latter, Northern Bahr el-Ghazal is an area in which the war has encouraged labour flight to the detriment of the rural economy. The initial exodus began in the late 1980s. The truce between SPLM/A and the Missiriya since this period has allowed for a freer circulation of Dinka between Northern Bahr el-Ghazal and the North.

Agricultural wage rates in the North are currently at subsistence levels. While labour flight may have prevented famine, it has been at the expense of subsistence agriculture in Northern Bahr el-Ghazal. As OLS access to this area began to expand during 1993, the situation began to change. Migrants started to return from the North in order to cultivate. In 1994, through the proliferation of bush-airstrips, OLS distributions were decentralised. By mid 1995, it was clear that the availability of food aid, albeit in small quantities, had encouraged labour retention and cultivation had increased. There was also a growing tendency for labour migrants to concentrate on short-term work that fitted the agricultural cycle. Less time was spent in gathering stress foods, and kinship networks were reinforced.

Since 1994, the activities of forces allied to the GOS - for example, Kerabino Kwanyin Bol, the Popular Defence Forces (PDF), and Nuer raiders - have undermined this modest recovery. At the time of writing, continuing restrictions on OLS activities in Northern Bahr el-Ghazal threaten to once again squeeze the region and promote labour flight. The increasing insecurity in the area has promoted aid agencies to develop a mobile team approach. This is especially the case in the health field.

In Ed Da'ein, the Review found that capacity of the UN and NGOs to sustain even minimum services has been eroded, both by a declining resource base for humanitarian operations, and by policies that have sought to reduce relief and promote self-sufficiency through agricultural production. In Wau, despite initial concern in 1992 that the formation of peace villages was clearly linked to military strategies, OLS policy has subsequently sought to support agricultural production.

Greater Khartoum has the largest concentration of war-displaced people in North Sudan. The prolonged crisis among this population, represents perhaps the greatest failure of OLS in the North. The incorporation of the Khartoum displaced under OLS has had little observable benefit. The UN strategy of combining emergency assistance, technical support to the government for urban planning, with advocacy and protection has failed to relieve the situation. In part, this is because the different components of the strategy are contradictory. In the absence of a coherent strategy, the UN has reached an impasse. In consequence, there has been a steady withdrawal and downgrading of UN involvement with the Khartoum displaced. The Review is concerned with this trend, especially given persistently high levels of malnutrition among the Khartoum displaced.

Cost Effectiveness

The issue of cost effectiveness has risen especially in relation to the Southern Sector's reliance on relatively expensive air transport. The GOS, in particular, has pressed the case for greater use of cheaper transport routes from the North, especially, the rail and river corridors.

In order to estimate the possible savings involved, the Review team developed a substitution model using 1995 distribution figures. Assuming free access, all cargo ex-Lokichokkio that could reasonably have been moved using Northern routes was substituted, and the whole operation re-costed. On this basis, it was estimated that possible savings of approximately 25% could be made on total costs. It should be emphasised however, that this is a hypothetical figure. For one thing, it assumes free access in a Sector where this is not the norm; indeed, restriction on access is the largest single factor increasing unit delivery costs. At the same time, the model makes no allowance for secondary distribution beyond rail and riverside drop-off points.

In the final analysis, the Review is of the opinion that under existing conditions the transfer of Southern Sector co-ordination activities to government areas would be tantamount to the cessation of humanitarian assistance to Southern Sudan.

1. INTRODUCTION

1.1 Outline Definition

Operation Lifeline Sudan is a political and organisational arrangement which allows humanitarian assistance to reach war-affected populations in an ongoing conflict. The political aspect of OLS is that the warring parties have conceded that this should happen, and that the UN should provide an umbrella under which relief activities can take place. Periodic assessments of need shape the organisational aspects of the operation. Under a process of negotiated access, the resulting requirements and delivery routes are agreed with the warring parties. Assessed need also constitutes the foundation of an annual appeal. This, plus the support raised independently by NGOs working within OLS, provides the funding for relief activities.

While formally under UN co-ordination in Khartoum, OLS is not a unified structure. Activities mostly take place within two distinct operational and contractual environments. The Northern Sector is representative of some government areas. Here, OLS activities are organised from Khartoum and fall within a managerial regime defined by the Government of Sudan (GOS). The Southern Sector pertains to most non-government areas in the South. Managed from Nairobi, it is a cross-border operation with a main logistical base at Lokichokkio in northern Kenya. Here, UNICEF is the lead agency and has been tasked with co-ordinating UN and NGO activities. It is in the Southern Sector that the identity of OLS as a body assisting war-affected populations is more in evidence. In government areas, the extent and quality of international access is relatively restricted.

OLS was established in April 1989. It was the first example of an increasingly common approach to internal war. Not only do aid agencies now work in ongoing conflict, the intention is to support displaced and war-affected populations in-country, as opposed to refugees beyond its borders. It is also now the longest running of such programmes. This Review is timely both in relation to the renewed difficulties currently facing OLS, and the wider significance of this general approach in framing international humanitarian policy.

1.2 Competing Demands and the Review

In September 1992, Jan Eliasson, the Under Secretary General for the newly formed Department of Humanitarian Affairs (DHA), visited Sudan. The reason for this visit was that OLS was in serious crisis. Already in existence for some three years, mounting restrictions on aid deliveries imposed by the warring parties had practically brought humanitarian activities in South Sudan to a standstill. A note prepared for the Eliasson mission summed up the polarised situation:

> The visit to Sudan is surrounded by conflicting expectations. The Government is looking for an endorsement of its humanitarian policies and activities with an emphasis on the need to shift from relief to recovery and development. The

Such conflicting demands arise from the fact that OLS is confronting an essentially political emergency. In this regard, OLS can be described as an "informal or negotiated safe area programme". It is informal since the ultimate sovereignty of the GOS has not been challenged. Moreover, while military protection tends to characterise most safe area operations, in the case of OLS, access has been maintained largely as a result of the vulnerability of the warring parties to international pressure and opinion. OLS started the trend in 1989 of working in ongoing conflict and internalising its effects. Today, it faces an equally pressing challenge - that of the longevity of such operations given the protracted nature of internal conflict.

1.3 OLS and the War

Faced with conflicting demands, the Review has attempted to maintain its objectivity by letting the evidence speak for itself as far as possible. Given the humanitarian role of OLS, this has meant discussing the effects of the war. The Review Team realises, however, that for many readers this will be sufficient to render the Review biased and slanted. There are some who regard the proper role of humanitarian aid as a purely technical function, and to provide assistance blindly without concern for cause or intent. This view sits ill at ease with current international expectations of OLS, however, especially since the main casualties of internal war are civilians.

The present expectation is that OLS alleviates the disaster producing activities of its major counterparts - the GOS and the Southern Movements. In the war zones affected by direct fighting, the Sudanese Army, the Popular Defence Force, the SPLA factions, and all of their allied militias, have repeatedly targeted civilian populations. During the early phases of the war (1984-1988) such activities were intended to deny the opposing side supplies or civilian support. Hence, the rural subsistence economy and its assets were the primary target for attack. Since 1991, interfactional fighting within the SPLA (SPLA, SPLA United, SSIA) has intensified the asset stripping character of such attacks. In addition, relief inputs have also become targets. Since 1994 especially, food drops, primary health care facilities and OLS agency compounds have invited attack.

All of these activities have produced widespread displacement, as specific populations have been denied the opportunity or means to feed themselves, and as groups of people have fled areas of conflict seeking refuge elsewhere. Both parties to the conflict have also organised forcible relocations of populations at different times during the war. In the North, outside of the conflict zone, the demolition of displaced settlements and the relocation of the populations involved continues to be a major source of disruption.

In attempting to complete its work, the Review Team has been guided by the humanitarian principles which form the foundation of OLS. These principles, notably those of free access to war-affected populations and the neutrality of humanitarian assistance, form the only yardstick with which to measure the competing demands that have been unleashed.

North. Through GOS and SPLM/A restrictions, the whole of Bhar el-Ghazal and Jonglei were effectively closed to aid agencies.

1.4.2 The Present Phase (1992 - 1996)

Although established in 1989, OLS's present form largely took shape in response to the malaise that had developed by 1992. In the North, relations between the GOS and the international community were at a low ebb. At the same time, OLS had not been able to keep pace with the changing military landscape in the South. If OLS was to be revitalised, not only did its humanitarian role need to be restated, a more flexible and continuous mode of access needed to be established (UN, 1992, Sept 3).

An important characteristic of the present phase is that of a growing formality. Rather than being ad hoc, OLS became a continuous operation with administrative arrangements to suit. At a time of growing international pressure on the GOS, the involvement of DHA in September 1992 in the role of overall OLS co-ordinator helped shape this process. The following year, a Special Envoy for Humanitarian Affairs was created to liaise between the between the warring parties on access issues. The high point of this development was in 1994, when a tripartite agreement was signed, giving the UN access to war-affected regions. This emerged in association with the IGADD peace process.

Compared to the initial phase, the nature of OLS agreements have changed. Since 1992, there has been an increasing tendency to see UN co-ordination as confined to South Sudan only. In the North, the government has been defined as the main regulatory body for humanitarian matters. From being based on a principle of access to war-affected populations whatever their location, in practice OLS has increasingly become an area programme. Not only has this confirmed the earlier separation between Northern and Southern Sectors, it has encouraged the administration of relief in each area to take on a different institutional dynamic. In GOS areas, after a history of competing ministerial responsibility for relief matters, a process of organisational consolidation and deepening was inaugurated from 1992. Likewise, in the Southern Sector, UNICEF's development of Ground Rules in relation to the opposition movements has stimulated the attempt to broaden civil structures and relations.

Compared to the initial phase, in the Southern Sector especially, there has been a marked programme expansion. Since the end of 1992, the international community has spent more than half a billion dollars through OLS and its participating agencies. From six or seven NGOs being involved during 1992, this number has increased to nearly 40 NGOs. A growing programme complexity has also resulted. From a programme aimed primarily at nutritional support, OLS has evolved to include a wider range of rehabilitation and institutional support work. Assessments have also become more sophisticated.

None of these developments, however, would have been possible without a significant innovation in relation to working in unresolved conflict. Initially, through "corridors of tranquillity" OLS attempted to gear its activities to fixed routes obtained through

a short mission to Khartoum, Nairobi, and New Cush, South Sudan in November - December of 1995. This was to prepare for the main review, which began at the end of March 1996.

A preparatory visit of this type had not been initially planned. By default, however, it proved to be a useful exercise. It allowed a start to be made on the collection of basic documentation, especially in relation to OLS assessments and quantitative information. Members of the Review Team began a preliminary analysis of this material between January and March. In addition, it helped a more informed Work Plan to be produced, especially regarding the selection of case studies. Prior to departure for Sudan, the Team assembled at Birmingham University for a two day briefing and orientation session. The basic issues were explored, and team members began to define their responsibilities and areas of enquiry.

The Review Team travelled to Khartoum on March 23, 1996, and departed five weeks later from Nairobi on April 27, 1996. Apart from the diplomatic and supporting role of the Team Leader, the approach was to have a division of labour between the seven other team members. That is, a three person Joint Team looking at comparative issues such as access agreements, assessments, food security, relief economics, and logistics, while the remaining four team members divided into a North and a South Team. Their role was fieldwork in case study locations in government and non-government areas, respectively. After a number of days in Khartoum, the Team began to separate according to these functions. Roughly speaking, while the Joint Team divided its time between North and South Sudan, via Kenya, the field teams worked independently in these areas and so maximised their time.

The basic methodology pursued was that of open-ended and semi-structured interviewing, and documentary collection and analysis. The types of questions to be pursued in interviews were largely formed through a process of group discussion and documentary analysis. Within the framework of examining the modus operandi of OLS, while not exhaustive, the case studies were chosen to illustrate the range of OLS activities and operating conditions. The North Team, for example, mainly looked at issues connected with the war-displaced, especially around Khartoum and in Ed Da'ein, South Darfur. In addition, the team visited the garrison town of Wau in Bahr el-Ghazal. The South Team also examined internal displacement in one location, Lobone in Eastern Equatoria, as well as visiting the relatively stable environment of Ler in Upper Nile, and the relatively unstable environment of Akon in Northern Bahr el-Ghazal.

After four weeks, the Joint and South Teams departed Nairobi and returned to Khartoum. Here, the Review Team reformed, and for three days debriefed and produced a thematic outline to guide the documentary analysis and writing-up phase. On April 24, a short presentation was made to invited government, donor, and agency personnel concerning the current state of the Review. Apart from describing what had been done, this mainly involved sharing some tentative results of an initial cost-savings analysis, this being the only detailed information that the Review Team felt confident in sharing at such an early stage of analysis. The following day, the Team

social impact in the Southern Sector (chapter 6) and the Northern Sector (chapter 7). More quantitative material on technical and administrative matters such as information management, funding, logistics, and cost effectiveness are presented at the end of the Review (chapter 8).

2. THE POLITICAL STRUCTURE OF OLS

This Chapter analyses the institutional structure of OLS, describes its key features, and considers its managerial and political weaknesses.

2.1 OLS - An Informal Safe Area Programme

In terms of humanitarian assistance, one of the main innovations following the end of the Cold War has been a new-found political and organisational ability to support war-affected populations in situations of ongoing conflict. OLS has the distinction of being the first operation of this kind. Since 1989, when OLS was established, supporting displaced and conflict-affected populations within war zones, as opposed to refugee populations outside of war zones, has become a notable trend in humanitarian policy (UNHCR, 1995: 19-56). As a result, the international attitude toward large-scale refugee movements has hardened.

The aim of the new approach is to internalise war-induced displacement. Of necessity, the new approach is usually implemented in situations where governance is contested, and where conflict is unresolved; this, in turn, has led to the questioning of sovereignty in relation to humanitarian issues. Since the end of the Cold War, humanitarian interventions, such as those in Iraq, Somalia, Bosnia, and Rwanda, have contributed to an uneven process of change within international law. Concerning human rights, this process has:

> ...potentially contributed to the challenge and gradual erosion of traditional connotations linked up with "state sovereignty" as a more or less absolute concept (Verwey, 1996: 4).

Most recent examples of internalising displacement have taken place with the help of military protection. Military protection - often called military humanitarianism - has been associated with the development of "safe areas" for displaced or conflict- affected populations within war zones. The challenge to absolute sovereignty that such interventions represent has been obscured, however, by a number of factors, including the collapse of central authority, and the general turmoil that tends to precede this type of international involvement.

From the end of 1992, following the involvement of the Department of Humanitarian Affairs (DHA), OLS has developed into a form of safe area programme in South Sudan. In place of military protection, however, access has depended on the vulnerability of the warring parties to international pressure. In the case of the GOS, this has largely been the wish to avoid punitive diplomatic action. For the opposition movements, the courting of international recognition has been central.

Hence, international pressure has been crucial for the continued operation of OLS, and is a distinguishing feature of the operation in terms of the replicability of the OLS model. Another distinguishing feature of OLS is that, in contrast to many other contexts, the operation has developed in a situation where central authority has not collapsed. Rather,

understanding. Although the absence of signed agreements was felt to be a problem at the time (Carlton, 1990: 17-18), it was not until March 1994 that the first signed agreement was reached. The informal approach, with less success, was replicated in OLS II after James Grant ceased to be directly involved.

In practice, "agreement" comprised the parties involved simply allowing the operation to proceed. That is:

> ...the distribution to the destined populations is effected as an agreement between the Government of the Sudan and donor governments (UN, 1989, March 14: 7).

This initial time-limited approach was based on the belief that all emergencies are short-term. It established the basis of international access as being dependent on a continuous process of renegotiation.

Although originally conceived as a one month operation, OLS I ran between April and August 1989. Its Plan of Action sets out the general principles upon which the operation was to be based. Over time, the humanitarian principles of OLS have been distilled to a set of statements covering independent access, neutrality, and transparency. However, in the original agreement, the principles also included a range of actions to be undertaken by the GOS and the international community within a specific Plan of Action. Such considerations form the majority of the points raised in the original agreement.

Regarding access, the Plan of Action (UN, 1989, March 14: 2-4) sets out the following points:

- the "neutrality of humanitarian relief" should be recognised,

- free access should be guaranteed to UN, donor, and NGO personnel participating in relief activities, enabling them "to reach all civilian non-combatant populations in need of emergency relief throughout the Sudan",

- aid convoys will only carry humanitarian assistance.

The idea of "transparency" finds no mention at this stage. Most of the other principles cover the various organisational roles and responsibilities of the GOS and the international community in completing the Plan of Action. GOS, for example, was expected to: prepare sites for relocating the displaced, facilitate the work of international NGOs, establish RRC-led consultative relief committees and improve its monitoring and reporting, provide a favourable exchange rate to aid agencies, establish a civilian radio network through the RRC, create a high level ministerial committee, and so on. For its part, the international community was to strengthen the role of the RRC and help it meet delivery targets.

With the notable exception of its relocation programme for the displaced and the establishment of local relief committees, the GOS acted on few of the points in the Plan of Action. Building on earlier tensions, relations with international NGOs (INGOs), for example, have remained problematic throughout the whole period of OLS. Moreover,

Another important position established at this time was that of NGOs working in the Southern Sector. Under the OLS II agreement, the following was established in this regard:

> ...the UN, jointly with the Government, will provide an operational framework for all OLS II relief personnel, institutions and NGOs, in all areas, including registered NGOs working in areas under the control of the SPLM. To this effect, letters of association will be signed between all NGOs and the UN, listing the principles of OLS, operational modalities and a declaration that all parties agree to work within these principles and modalities (UN, 1990, March 28: 7).

This ambiguous statement has been interpreted by the UN as meaning that letters of association (now termed Letters of Understanding) between INGOs and UNICEF are sufficient as a means to register INGOs in non-government areas. The ability of the UN to act in this manner is held to be the embodiment of its impartiality and neutrality. Moreover, it is only on this basis that the operation has been accepted by the opposition movements. Following the end of OLS II in December 1990, however, the GOS has persistently claimed that this arrangement is insufficient, and that unless all INGOs register in Khartoum, they are operating illegally (O'Reilly, 1991, March 29)).

As the first crisis deepened, several attempts were made to revive the operation. In February 1991, for example, a mission by Under-Secretary General James Jonah resulted in the GOS reaffirming its commitment to OLS principles. Despite this, however, there was no subsequent agreement for an OLS III, and relief activity continued on an ad hoc basis (UN, 1992, September 3).

2.2.2 DHA Involvement and the Current Phase

During its initial phase, OLS documentation gives the impression of a UN-coordinated operation that has access to all war-affected populations, whether in government or non-government areas. Although this was a fiction, especially in government areas, it nevertheless meant that the warring parties were at least agreeing to the principle of free access. Following the revitalisation of OLS from the end of 1992, however, a change is noticeable. Although access to war-affected populations wherever their location continues to be mentioned, it is qualified by other statements which suggest that UN coordination is confined to those non-government areas that the GOS is willing to agree are both "war-affected", and beyond its control.

In agreements from the end of 1992 forward, the position concerning access is ambiguous, and has led to competing interpretations. This ambiguity is clear from DHA's first involvement. In September 1992, following a meeting between President el-Beshir and Jan Eliasson - the new UN Under-Secretary General for Humanitarian Affairs - a joint statement was issued accepting OLS principles and indicating that:

> ...the Government of Sudan and the UN reaffirmed the critical importance of access to all people in need of humanitarian assistance **wherever they may be,**

geographical zones has persisted. During proximity talks in Nairobi in January 1994, the UN, GOS, SPLA/M, and SPLA/M United reaffirmed their commitment to ensuring:

> ...relief assistance to all people, irrespective of who controls the locations in which they live (GOK, 1994, January 21).

In March 1994, these points were directly incorporated into the first signed OLS agreement, linking GOS, SPLA/M, and SPLA/M United, and witnessed by IGADD member states (GOK, 1994, March 23). They were subsequently ratified in May in a tripartite implementation agreement between the GOS, the opposition movements, and the UN (GOK, 1994, May 17). DHA's Special Envoy for Humanitarian Affairs signed on behalf of the UN.

Not only are these the only signed agreements between concerned parties in OLS, the documents still operate as OLS's formal reference point. Following renewed calls by the GOS to close the Southern Sector operation, and its abrogation of a tripartite approach, attempts to renegotiate existing access agreements have proved unsuccessful. Given the status of these agreements, it is worth quoting what is said, and noting again their ambiguity. The March agreement (GOK, 1994, March 23) makes three main points:

> The delivery of relief assistance to all needy populations regardless of their locations.
>
> Humanitarian assistance shall benefit only civilians, and shall not be used by warring parties.
>
> All humanitarian actions and activities shall be transparent and carried out with the full knowledge of all parties.

The objectives of these principles was to prevent unnecessary hunger, lower high levels of morbidity and mortality, assist civilians to re-establish traditional coping mechanisms, and restore basic social services. Moreover, regarding implementation, the agreement permitted:

> ...the United Nations/Operation Lifeline Sudan (OLS) the free movement of food and non-food relief by air, land, river and rail as agreed by the UN/OLS and the concerned parties (GOK, 1994, March 23).

While the text of the March and May 1994 agreements appears to endorse the principle of international access to war-affected populations whatever their location, the titles of both agreements indicate that they relate only to "War Affected Areas."

The GOS has consistently used the ambiguity within what can be called the DHA agreements to push for a geographical delimitation of OLS activities. Following the May 1994
agreement, for example, it was pointed out with reference to the North that:

first case of an area denial (Saunders and Harvey, 1996, April 11). Together with the abrogation of the 1994 tripartite agreement, this new development may herald a period of increasing area restriction of OLS within South Sudan.

2.2.3 A Comparison of OLS Agreements

Apart from allowing a growing operational duality, it should be noted that the DHA agreements (1992 - 1994) differ from the OLS I and OLS II agreements (1989 - 1990). OLS I and OLS II documents are essentially plans of action associated with time-limited relief operations. UN and donor support for GOS institutions detailed within them is related to securing the conditions to fulfil these plans. The DHA agreements, on the other hand, were reached in a different situation. Relatively fixed "corridors of tranquillity" were in the process of being abandoned in favour of flexible access in the context of an ongoing war. Moreover, the plan of action approach was developing into a more continuous operation, based on regular assessments.

Rather than concentrating on operational detail, the DHA agreements are shorter documents concentrating on modalities and access corridors. Undertakings to support GOS institutions, or the move to rehabilitation and development work, are fewer and are discussed in relation to more general UN resolutions, rather than being discussed as specific undertakings in the context of the agreement itself. In fact, the signed agreements of March and May 1994 make no mention of institutional support or development work.

In allowing for a growing operational duality in OLS, the DHA agreements have had a profound impact on the organisational structure of the OLS operation, considered in the next section. In terms of containing a set of humanitarian principles open to international regulation, they have proved inadequate in the Northern Sector especially. More generally, while the DHA agreements reflect the highly politicised nature of the operation, the ambiguity within them has exacerbated conflicting interpretations of OLS, without providing a mechanism for arbitration that such conflicting intepretations require. Indeed, a mechanism to monitor compliance with the DHA agreements, and to abjudicate disputes, is noticeable by its absence. In this regard, the Review Team noted that any new agreement for OLS must be based on a much more carefully crafted set of documents than presently exists.

2.3 Lack of Mangerial Cohesion Within OLS

2.3.1 The Organisational Division of OLS

Documentation for the initial phase of OLS does not indicate the actual division of Sudan that had occurred as a result of the war. The OLS I Plan of Action, for example, makes no mention of either the Southern Sector or the SPLM/A (UN, 1989, March 23), and the OLS II Plan of Action (UN, 1990, March 28) is only marginally better in this respect. Rather, in the initial phase, OLS is misleadingly presented as an operation

logistical and political problems between the GOS and the SPLM/A. A weakness in this approach, however, was that it was only geared to a single, time-limited operation; hence, all arrangements made were informal and ad hoc.

2.3.2 UNDP and the Conflict of Interests

While the planning for OLS II began in November 1989, a GOS flight ban between then and April 1990 seriously curtailed relief activities. It was not until the following month that OLS II operations properly restarted.

OLS II, however, had some important organisational differences with its predecessor. In September 1989, Michael Priestly replaced the exiting UNDP representative to become the Under-Secretary General for Humanitarian Affairs's Special Coordinator based in Khartoum, and James Grant ceased his go-between role as Personal Representative of the Secretary General. As a UNDP appointment, with special responsibility for the relief activities of OLS, the arrival of Priestley represented a normalisation of the situation in UN terms. Since UNDP is mandated to work through recognised governments, however, this was viewed by some as returning more control to the GOS (Aboum, 1990, October: 13).

The Special Coordinator was still regarded as the Secretary General's point of contact between the warring parties (UN, 1990, March 14). In relation to the SPLM/A, however, this role was in practice given to UNICEF's OLS Coordinator based in Nairobi (UNCERO, 1990). In effect, at the same time that OLS II returned more control to the GOS, there was a downgradinig of the level of UN linkage to the SPLM/A. The change was not was not lost on the opposition movement, and created an atmosphere of mistrust (OLS, 1990, May 19).

With regard to access, however, the situation was reversed. While more formal control of the operation was returned to the GOS in the Northern Sector, international agencies made the most headway on the ground in the Southern Sector. Although receiving scant mention in the OLS I and II documentation, UNICEF had taken effective responsibility for establishing an OLS Nairobi coordination office. A sectoral programme in the South quickly developed, and established a reputation as being able to "set a faster pace" than operations in the North (Aboum, 1990, October: 16).

Although it still lacked definition, by the time of OLS II, the basis of the organisational division of labour within the UN had begun to take shape. Within the Southern Sector, UNICEF was establishing an innovative programme of aid coordination in an ongoing conflict. In the Northern Sector, formal control had been returned to UNDP. During the early 1990s, relations between INGOs and the GOS deteriorated, as the attitude of the GOS to international humanitarian activity became more restrictive. At the same time, the UN was perceived to be offering INGOs little support (INGO, 1992, September 5).

been formally charged with maintaining OLS, and resolving the periodic crises which have emerged. In this regard, the creation of the post is indicative of the greater sense of continuity that has developed within OLS since 1992. This continuity and formality exists, however, in the midst of a diffuse and compartmentalised UN managment structure.

2.3.3 Implications of An Informal "Safe Area" Approach

The effective confinement of OLS to South Sudan following DHA involvement has already been noted. Compared to the initial phase of OLS, as the Southern Sector develops, it is the Northern Sector which tends to slip from sight. The implicit division of Sudan, or, more specifically, the limitation of OLS to certain non-government areas in the South, represents a de facto adaptation of the OLS operation which has benefited both the UN and the GOS. In effect, this adaptation was a political, rather than managerial arrangement.

Given the level of government opposition to OLS, the political seperation of the programme into distinct Sectors has been the secret of its survival. Parts of the UN have been able to trade the continuation of Southern Sector operations for the lack of serious challenge to GOS restrictive practices in the North. For example, despite their ambiguity, the government has never been publically pressed by the UN on its failure to implement OLS access principles. For its part, the GOS has been able to treat the Souther Sector operation as a temporary phenomenon, and, in the meantime, refine its own regulatory and contractual apparatus for aid work in the whole of the country, according to this model.

From the end of 1992, the non-government areas of South Sudan emerged as a form of "safe area". While lacking military protection - for example, through UN Peacekeeping troops - a sophisticated security apparatus has nevertheless emerged which monitors the level of insecurity for humanitarian operations in the conflict zones. This monitoring has allowed for the development of a system of flexible access for humanitarian aid in the context of ongoing warfare. In place of military protection, access has been maintained through the vulnerability of the warring parties to international pressure. In the case of the GOS, this has largely been the fear of punitive diplomatic action. For the opposition movements, the courting of international recognition is involved.

Such pressure was variously maintained throughout 1993 and, with the involvement of regional governments in the IGADD process, during 1994. Since the begining of 1995, however, it has begun to dissolve. This, in turn, has enabled the GOS to restate its established objections to OLS, and to assert the temporary nature of OLS's existence.

An informal "safe area" approach to South Sudan has allowed humanitarian assistance to reach many people who might otherwise not have been helped. Indeed, during 1993 and 1994, the Southern Sector underwent a major period of expansion. The number of NGOs involved, for example, roughly trebled. The structure of OLS is such, however,

More generally, the links between UN agencies in Khartoum and Nairobi have also become less well defined. With regard to UNICEF, until recently Nairobi had a reporting relationship to Khartoum on UNICEF matters. This was more "collegiate" than formal, however (O'Brien, 1995, December 2). The current OLS Coordinator/UNICEF Chief of Operations in Nairobi reports to UNICEF's Middle East Desk in Amman, Jordan, rather than UNICEF Khartoum. With regard to WFP, although WFP Khartoum is technically in charge of all OLS matters, the Southern Sector operation is handled from WFP's regional Nairobi office. Further, since WFP operates a single Sudan grant, administered by headquarters in Rome, headquarters-field office relations also intervene.

The result of this informal separation between the two Sectors has been a managerial structure which minimises the potential for UN interference from the North. In a stituation characterised by ambiguous agreements which do not challenge the sovereighty of the GOS, informal seperation is, in effect, the only protection for UNICEF's lead agency status in the Southern Sector. It has also given OLS a lack of coherence and political definition, however. Apart from regular procedures for flight clearance, for example, UN agencies in the Northern and Southern Sectors have developed a good deal of autonomy from each other. With the limited exception of periodic visits from the Special Envoy for Humanitarian Affairs, there is no single UN clearing house for deciding wider policy issues on a continuous basis. Rather, important decisions potentially affecting all aspects of OLS are often taken on a local and ad hoc basis in both Sectors. In a highly politicised crisis, where attempts to manipulate aid by the warring parties is a possibility, the lack of political coherence is both a weakness and a liability.

Although some remedial steps have been taken, they have mainly been at the level of the UN personnel exchanges. For example, since the beginning of 1966 WFP has embarked on a programme of exchange visits of food monitors. Although the Review Team regards such measures as useful, they do not address the lack of senior level managerial and political coherence within OLS. A new OLS agreement should take steps to strengthen the overall coordinating role of DHA, provide greater politcal cohesion for OLS, and establish clear lines of authority and competance between OLS agencies.

2.4 Criticisms and Concerns of the Warring Parties

It is perhaps not surprising that OLS agreements are ambiguous, or that an ill-defined managment structure has emerged. The war in Sudan has rendered humanitarian aid highly politicised; in such a context, pragmatic adjustments and decision making are inevitable.

In this regard, the views of the warring parties are also important, since they shape the political environment in which OLS works. By 1992, the basic criticisms from warring parties concerning OLS were already well established. Rather than being subject to significant change, these views - often mirror images of each other - have been re-emphasised and embellished in recent years.

> ...the Sudan believes that the Nairobi office of the OLS should be demoted, moving the OLS Headquarters to Khartoum to cope with the strategy of the gradual shifting of operations to Khartoum, Malakal and El Obied (RRC, 1992, September 17: 1).

This move would also facilitate donor demands for cost savings by maximising the use of surface transport. Since the opposition movements were alleged to be the main culprits in restricting relief supplies, such a move would also help guarantee access.

This set of views, plus the demand that OLS move from relief to development, have subsequently been embellished and reinforced. Regular allegations of OLS violations of sovereignty and neutrality in South Sudan have been made. In October 1993, there was a request by the GOS to station a government representative at the UN logistical camp at Lokichokkio in Kenya (Awad Khalifa Musa, 1993, October 12). In the event, the Kenyan government has not been supportive of this request.

During the course of the IGADD peace process in 1994, which produced the first written OLS agreement, GOS concerns continued to be voiced (Traxler, 1994, January 27). More specifically, the GOS claimed that SPLA areas were receiving more aid than was warranted, and that consequently there was a need to reduce the Kenya operation. Incidentally, the IGADD process was unable to secure any agreement on cross-line modalities for road convoys, since this would have involved transferability to maps, and would have contradicted GOS territorial claims (O'Brien, 1994, August 1).

Throughout 1995, GOS criticisms of OLS continued. Although none of the allegations have been proven (Jaeger, 1996, March 30), they form the background to a growing pattern of aircraft and flight restrictions, and increasing attempts to manage the Southern Sector from Khartoum. These moves have helped to precipitated the second crisis of OLS. In July 1995, the earlier demand that the Southern Sector be closed and its activities transferred to government areas - in this case, Malakal - was restated (GOS, 1994, July 27). Further, to counter the relative autonomy that had grown within the Southern Sector, all OLS activities should be placed directly under UNCERO in Khartoum.

The GOS position on OLS, and the alleged irregularities within it, were made clear to the Review Team in November 1995. Two new developments, however, have taken place. First, arising out the visit of the Special Envoy on Humanitarian Affairs in November 1995, it was indicated that GOS was now unwilling to regard OLS as a tripartite agreement. In effect, this means that the signed agreement of 1994 was being unilaterally abrogated. The government would no longer tolerate being put on an equal footing with rebels; rather, the GOS now wished to revert to the type of bilateral arrangement which had characterised earlier agreements (Ministry of Social Planning, 1996, March 31).

The second new development was presented to the Review Team in The Document of the Government of Sudan on the OLS Review (GOS, 1996, April). The main

UN and the international system, the Secretary General of the SRRA noted that within OLS:

> ...GOS has retained and exercises a veto on the ability of the Southern Sector Operation to deliver humanitarian assistance to any given location. The GOS is therefore able to manipulate the provision of relief/humanitarian assistance according to its military and political aims, and not according to the needs of the civil population (Mour Muor, 1995, November 27: 1).

The opposition movements have also added a new element to this criticism. That is, that since the signed agreement of 1994, the GOS veto has been exercised in violation of the OLS principles to which GOS is signatory (DHA, 1995, May 4: 2). This view has been strengthened by the success of UNICEF/OLS in incorporating humanitarian principles within its Ground Rules in the Southern Sector. These Ground Rules have been endorsed by the SPLM/A and SPLM/A United. By extension, GOS flight and access restrictions are seen as a violation of the same Ground Rules (SPLM/A, 1995, September 21: 7). Moreover, in not opposing such restrictions, the UN is seen as complicit in this abrogation:

> This manipulation of humanitarian assistance by the GOS, and the silent acquiesence of the UN/OLS, are violations of humanitarian principles, the OLS tripartite agreement, and subsequent IGADD agreements (Mour Muor, 1995, November 17: 2).

According to the SPLM/A, access restrictions, and the inability of the UN to oppose them, has eroded the effectiveness of OLS. Failure to again access to movement-held areas of the Nuba Hills is presented as a prime example.

Concerns from opposition movements have also been extended to operational matters, such as the extent of the cooperation of OLS with Sudanese institutions, the high cost of the operation, and the quality of programming. These criticisms are extensive; some salient points are noted here. Reflecting GOS claims that OLS has not supported government institutions, the SPLM/A claim that the level of coordination and joint planning with the SRRA and civil bodies is unsatisfactory (SPLM/A, 1995, September 21 and November 27). Rather than civil authorities identifying needs and priorities, it is UNICEF/OLS that does this. While the Ground Rules make for a capacity building undertaking, this has not been adequately honoured. OLS agencies, moreover, show a distinct preference to employ Ethiopian and, especially, Kenyan staff rather than Southern Sudanese. A valuable training opportunity is therefore being lost.

In relation to cost effectiveness, the opposition movements, like GOS, have long supported the use of cheaper forms of surface transport. Rather than corridors from the North however, the preference is for new cross-border road routes from Ethiopia, Zaire, and the Central African Republic. The SPLM/A has also commented on what it claims are the unacceptably high administrative costs of OLS. It is widely held, for example, that only 5% of all the money spent actually reaches beneficiaries (Mour Muor, 1995, November 27: 3). This view is partly based on perceptions of the Lokichokkio Camp; that is, high paid aid workers enjoying a relatively high standard

indirectly supporting the rebels. For SPLM/A, however, it is precisely OLS's neutrality which is said to be preventing a solidarity movement from developing. At the same time, the oppositoin movement feels that OLS is incapable of preventing GOS exercising its sovereignty, based on its veto capacity with regard to access.

This contrast in views between the warring parties is, in part, related to the differential interpretation of OLS agreements. The government claims that commitments toward funding and institutional support within the OLS agreements have not been honoured. Meanwhile, the SPLM/A argues that the GOS - and the UN - are violating OLS agreements by not allowing, or adequately pursuing, free access. In this respect, the GOS has concentrated its attention on the early unsigned agreements, especially OLS I and II (GOS, 1996, April), while the 1994 signed agreement which incorporates free access is ignored. Since this has direct bearing on GOS sovereignty, this is not surprising. On the other hand, upholding the 1994 agreement, arguably a factor which has prompted the current process of institutional reform within the SPLM/A, has become a main concern of the movement.

Both the government and the opposition movement want radical changes to the present structure of OLS. The GOS would like to close the Southern Sector operation, and move all OLS activities within government areas. The movement wishes to separate Northern and Southern Sectors, taking the latter out of the political control of Khartoum. The approach to improving the cost effectiveness of OLS in similarly polarised. Both the GOS and the SPLM/A have embraced the donor call to improve cost effectiveness by promoting surface transport. For GOS however, this has been aimed at promoting land and river corridors from the North, together with means of transport such as rail and barge, over which it can exercise control. For the SPLM/A, it has been expressed as a need to open new cross-border routes from Ethiopia, Zaire, and Central African Republic.

There are also a range of issues on which the government and the opposition movement agree. Both are dissatisfied with the level of support OLS is giving to indigenous institutions and organisations. A shared concern on cost effectiveness is that too much money is spent on overheads, the assumption being that if this was reduced, more would go to project expenditure. At the same time, both the government and the opposition want to see a move from relief to rehabilitation and development work, meaning that OLS resources should be used to support longer term and wider ranging activities. In other words, while both warring parties have serious reservations about OLS, they are nevertheless seeking to secure and capture more OLS resources.

2.5 The External Environment

Given the critical views of the warring parties concerning OLS, it is worth considering why they have - if only reluctantly - agreed to its operation. This has largely hinged around questions of donor pressure and perceived gain, including that of the political recognition that a negotiated access programme confers. Such factors are central to

regional neighbours in the IGADD mediation process, political weight continued to be applied.

Since the IGADD process has stalled, however, during the course of 1995 Sudan's relations with its neighbours has deteriorated. At the same time, the new realism that followed the UN experience in Somalia, Bosnia, and Rwanda has muted donor rhetoric concerning a New World Order.

2.5.2 Recognition as an Issue in Relation to the Government

While the question of OLS and political recognition is usually thought of in relation to the opposition movements, a similar political spin-off can be seen in relation to the government. In November 1992, after the DHA mission, the RRC Commissioner made a statement to the UN General Assembly which set the tone of GOS response to international criticism; namely, that the government's agreement to OLS could be used as a means of deflating attacks on its humanitarian record.

On this occasion, the situation in Sudan was described as resembling "increasingly complex emergency situations" in other parts of the world. Sudan, in other words, had a multi-causal crisis, of which the war was only one factor. Moreover, the government noted that:

> It is because of these constraints, and above all, because of the priority accorded to assisting those in need, especially in the conflict zones, that the Sudan Government has elaborated with the UN, since 1989, a new approach to respond to emergency situations. This novel approach, called Operation Lifeline Sudan, is based on a new form of cooperation with the UN and the international community to facilitate the delivery of humanitarian assistance to those trapped in the war zones (GOS, 1992, November 16).

In the face of such a commitment, the government has dismissed all criticisms as unworthy, and as originating in Western bias against the government's embrace of an Islamic political agenda. Since the end of 1992, most government statements at the UN General Assembly have assumed this pattern. Following the government's revival of the agricultural economy, this position has been augmented, among other things, by the periodic offer of surplus sorghum for the relief effort.

This position is well represented in the GOS submission to the Review Team (GOS, 1996, April), which lists the government's record of support for OLS and its activities. The thrust of the argument is that Sudan is unique; a government has voluntarily relinquished part of its sovereignty for humanitarian purposes. This gesture, however, is being abused by OLS in the operation's failure to honour its commitments, and its bias toward the rebels. Moreover, donor governments and aid agencies continually fail to acknowledge what the government has done.

It is worth noting that some donors and aid officials in Khartoum agree with the substance, if not the detail, of these attitudes from the GOS.

At the same time, however, the breakaway SPLM/A United was pressing for FRRA to become a full OLS counterpart member, which included access to institutional support. This pressure highlighted the fact that hitherto, OLS's relationship with SRRA and RASS had largely evolved on the basis of custom and practice basis; hence, there were no established guidelines or criteria for including new factions within OLS. Toward the end of 1994, the SPLM/A United was contesting the unfairness and irrationality of OLS with regard to its continued organizational exclusion (Lam Akol, 1994, November 11). The fact that OLS had included RASS following the 1991 split in the SPLM/A was pointed out. (Note: In October 1994, the Riak wing of the SPLM/A United changed its name to the Southern Sudan Independence Movement/Army (SSIM/A). Rass continued to operate as its humanitarian wing).

Subsequently, efforts were made within OLS to develop criteria for judging whether a faction or group should be included within the OLS structure or not. These criteria included that the humanitarian organisation can demonstrate effective coordination on the ground, can demonstrate a commitment to UNICEF/OLS's Ground Rules, has coherent policies within key welfare sectors, has qualified personnel, and so on (Levine, 1994, November 24). While the question was debated, no move was made to formally incorporate FRRA.

In April 1995, SPLM/A United forces boarded a WFP barge travelling through Western Upper Nile and temporally abducted 22 people. The movement subsequently claimed that this incident was rooted in the failure of OLS to recognise FRRA (UNICEF/OLS, 1995, May 16-17). An OLS-chaired meeting on the issue only produced a re-confirmation that OLS was willing to deliver relief supplies to the area, however, and little more. Failure to agree on the issue also hinged on question of providing financial support for FRRA, including rent for a Nairobi office. To illustrate the ramifications of this type of support, it was noted that a Nairobi office would have allowed SPLM/A United to apply for formal registration in Kenya, and thereby push for inclusion in the IGADD mediation process then underway (UNICEF/OLS, 1995, May 16-17).

At the same time, however, the basic question remains: why should OLS work formally with some organisations and not others? This question is mademore difficult by the fact that there may be few differences between organizations. On this important issue, it would seem that DHA has not been able to supply any help. By the middle of 1995, the situation regarding FRRA had reached deadlock. OLS, although fully aware of the dilemma, was reluctant to include FRRA through fear of promoting further factionalisation and competing claims. In August 1995, the SSIM/A split and a faction under Peter Adwok also raised the question of formal OLS incorporation for the RASS Ad Hoc Committee. This issue appears to have been largely resolved, however, due to the alliance between the breakaway SSIM/A and the SPLM/A, and an eventual inclusion of the SSIM/A area within the sphere of SRRA.

Clearly, the situation with regard to the incorporation of opposition movements and factions is unsatisfactory. Within the Horn of Africa, the history regarding this issue is remarkably similar. The Emergency Relief Desk (ERD), which coordinated the

the activities of international aid agencies. The Relief and Rehabilitation Commission (RRC) was established in 1985 as an independent body charged with the technical coordination of INGOs. The actual control of INGOs, however, has always been conceived in terms of their registration with a specific ministry.

Prior to the involvement of DHA, the regulation of INGOs had been characterised by ministerial competition and succession. In the mid-1980s, established ministries such as the Ministry of Foreign Affairs and the Ministry of Health vied for INGO registration. In 1988, the Ministry of Social Welfare and Zakat temporarily took the lead role. At this stage, many NGOs had agreements with a number of different ministries and government agencies. In 1989, the formally independent RRC was incorporated within the short-lived Ministry of Relief and Refugee Affairs. Following its disbanding, during the early 1990s, the RRC was placed under the Ministry of Commerce.

Relations between INGOs and the GOS worsened during the early 1990s. Apart from restricted access, delays in issuing permits, importation of goods, and so on formed the background to growing complaints. International pressure grew to streamline government coordination. The need to establish a single ministerial focal point, for example, was part of Eliassion's mission brief in September 1992.

This pressure, however, coincided with a period in which the government was embarking on a major phase of political change and consolidation. Earlier in the year, the Peace and Development Foundation was established to address the rehabilitation and development needs of the newly retaken areas in the South. At the same time, the RRC signaled the move from relief to development as a cornerstone of government policy (RRC, 1992). The revival and expansion of the agricultural economy, however, was only one aspect of a comprehensive social programme that was taking shape. This programme also involved a strategy of relocation for the displaced, and the promotion of national - especially Islamic - NGOs in place of INGOs (Donor Group, 1992, November 17).

When Lamuniere of DHA visited Khartoum in November 1992, the idea of the joint GOS/UN/NGO conference the following January was agreed, as a means of tackling the problems affecting INGO and government relations. Rather optimistically, given that donors were cutting development assistance at the time, Lamuniere argued that an improvement in these relations would help restore development funding (Lamuniere, 1992, December). In the event, GOS astutely used the January 1993 conference as a platform for its emerging social policy and, following pressure for a single focal point, to rationalise its regulatory apparatus.

Since the move from relief to development was a central policy strategy of the GOS, it is worth considering how this was formulated. In presenting reasons for the shift, the RRC noted that:

> As a result of irrational exploitation of nature due to overgrazing and misuse of available resources especially in fragile marginal areas, the traditional sector which is mainly composed of nomads and subsistent farmers, lost efficiency.

> such assistance to reflect in the media as distorted and demeaning to the dignity of the country or its citizens (GOS, 1993, January: 1).

It is clear form the Code of Conduct that the GOS regards humanitarian work as purely a technical activity; in other words, an activity that is both blind and deaf to context or cause. This is a very restrictive requirement, and sits ill at ease with international expectations in this area. It is difficult to see how INGOs - many of whom raise public money on the basis of campaigning on issues of rights and justice - could accept such a code. The expansion of mechanised agriculture in Sudan, for example, has traditionally involved land disputes and allegations of dispossession. It is perhaps significant that land in the South is one issue that has been specifically barred to INGOs (GOS, 1994, April 12). This is an area that the Review Team felt needs further research.

For INGOs, the Code's stipulation that the laws of Sudan should be followed mainly relates to the Country Agreement which the January conference introduced (GOS, 1993). This new agreement, for purposes of general registration, abolished the existing need for INGOs to annually re-register. Reflecting INGOs concerns about short termism, this reform was linked to the specific incorporation of the move from relief to development within the Country Agreement (GOS, 1994, April 12: Item 4). In terms of marking out a specific policy goal, the new agreement was also different from annual agreements that had preceded it, which often gave the appearance of collecting information about INGOs for information's sake, with little or no programme direction being given.

The striking feature about the Country Agreement, however, is the very tight regulatory framework that it establishes; a framework, moreover, that is geared to increasing the power of the state. Indeed, if all clauses in the agreement were to be enacted to the letter, INGOs would become simply state extensions; in other words, they would take on a parastatal role similar to that adopted by Islamic NGOs. The Country Agreement also seeks to limit the number of INGO expatriate staff to an absolute minimum; as many posts as possible should be filled by Sudanese. All recruitment has to be done through the Ministry of Labour, which issues permission to advertise and receives, sorts, and comments on all applications. Moreover, the aim of INGO presence in Sudan should be to strengthen local and national capacity by working in cooperation with governmental and national non-governmental partners (GOS, 1994, April 12: Item 1). In this regard, the aim is that of "twinning" INGOs with national NGOs in order to provided support and build capacity.

The January conference also set in train the creation of the Commission of Voluntary Agencies (COVA) in March 1993. Initially, COVA was under the Ministry of Interior, but was transferred in July to the newly formed Ministry of Social Planning. During a notable period of institutional stability, COVA remained there until changes introduced toward the end of 1995. During this period, COVA was the lead agency for the Country Agreement. The RRC, which had been incorporated within COVA, was in charge of issuing technical agreements with INGOs. These are still being issued on an annual basis today.

number of movement jurisdictions, the lead agency can quickly find itself playing a different role. Providing coordination in such circumstances easily transforms into playing a quasi-governmental role.

In effect, UNICEF had little choice but to fill the vacuum left by the absence of effective government (O'Brien, 1995, November 26). This has been done through a systematic development of OLS's humanitarian principles. Since 1990, these principles have formed part of the Letters of Association (now Letters of Understanding) signed by INGOs with UNICEF. In exchange for UN logistical and programme support, these letters commit the INGO to neutrality in the conflict, and to only providing humanitarian assistance to needy civilians. Given that they also contain details of agency programme needs and requirements, Letters of Understanding have also been developed as a coordination tool.

2.6.4 Ground Rules and Working in Conflict

The development of UNICEF/OLS's Ground Rules has been most significant in relation to the opposition movements, however.

The Ground Rules first emerged in response to the need to improve the security of aid workers. In September 1992, four aid workers were killed by SPLA forces near Nimule in Eastern Equatoria. Other than temporarily suspending operations, this tragic incident revealed that OLS lacked a framework for dialogue with the opposition movements (O'Brien, 1995, November 26). At the same time, it brought to a head a wider change within OLS.

The initial phase of OLS had been premised on "corridors of tranquillity" linked to temporary cease-fire arrangements. This formula quickly proved to be to inflexible in relation to an ongoing war, however (Note for the Record, 1990, December 12). Apart from renewed fighting, the split within the SPLA further complicated matters (UNICEF/OLS, 1991, October). By mid-1991, rather than fixed corridors, OLS was having to define access on an ad hoc basis (UN, 1992, July: 2). In this regard, it was felt that a system of continuous dialogue with the warring parties based on an "open corridors" approach would have to develop if the operation was to keep pace with the changing military landscape (Janvid, 1992, July 2).

Spurred by the deaths of aid workers, this issue was tackled through the development of the Ground Rule concept. A set of requirements were developed aimed at minimum standards of conduct, to be agreed between the UN and the opposition movement; agreement on these standards would render the movement, or at least its humanitarian wing, eligible for OLS assistance. While the Ground Rules would fully incorporate humanitarian principles in 1994, when they first appeared in early 1993 they were mainly concerned with improving the security of aid workers.

The first step in improving security for aid workers was to employ a security advisor to assess the situation. This work formed the basis of a flexible and, in terms of its track record, an effective security system. In March 1993, crisis management teams

eight people - the number that can be evacuated on a single Buffalo aircraft. To keep the system simple, it works on numbers. All occupied locations in the Southern Sector have daily radio contact at specified times; communications from the field are preceded by the number of aid personnel at that location and its security grading. Through the medium of routine fight rotations, NGOs also give pilots written reports for the security advisor on local developments. Aside from field personnel, a security level of three or four can be ordered from Nairobi or Lokichokkio.

In the event of an orderly airstrip evacuation not being possible, each location has a number of mapped escape routes. These routes are also numbered and logged with WFP in Lokichokkio. In the event of a sudden emergency, all that need be communicated by radio is that an immediate evacuation is taking place, the number of people involved, and the number of the escape route. All NGO personnel are equipped with "run-packs" containing water and other essential supplies. There have been several cases of rescue aircraft landing in the bush to pick up aid workers after such an event.

The security system that has developed is well adapted to the modalities of conflict in South Sudan. Based on a network of contacts and free access to radios, a sensitive and responsive system has emerged. Owing to the fact that opposition movement and militia forces usually move on foot, in many cases it has been possible to establish a one to three day lead time on specific locations coming under threat (Harvey, 1996, April 13).

The evacuation and relocation of aid workers, on a few occasions with only minutes to spare, is now a routine event for OLS. As a consequence, humanitarian assistance closely follows the dynamics of the conflict. This adaptability has increasingly come into its own, for example, as areas of Bahr el-Ghazal and Upper Nile became more insecure from the end of 1994. Here, the system has supported the development of mobile aid teams, enabling workers to remain on the ground for shorter periods, but covering wider areas.

Apart from the fact that many would like more than one adviser, praise for the security system is one factor that unites the aid agencies working within OLS. Without it, fear of attack or being stranded in a war zone would have kept away many of the NGOs currently working in South Sudan.

2.6.6 Ground Rules and Civil Society

In mid-1994, UNICEF/OLS re-opened discussions with the opposition movements in connection with expanding its Ground Rules. Following the signing of the tripartite OLS agreement in May 1994, OLS's humanitarian principles were fully incorporated within the Ground Rule framework (UNICEF/OLS, 1994, June). Apart from retaining the clause relating to security, this represented a significant enlargement over the first version.

(UNCEF/OLS, 1995, August 6-8). This was thought to be a reprisal for an earlier SSIM/A attack on Akot. The attack was particularly brutal, with over 200 people reported as killed. An investigation was mounted and, through the SRRA, a dossier of evidence placed before the SPLM/A. In March 1996, a series of raids on villages in the Yirol, Tonj, and Gogrial areas was carried out by what were believed to be SSIM forces (Young, 1996, April 18). Apart from the looting of a considerable number of cattle, many people were killed or abducted. Again, this incident was investigated by the Humanitarian Principles Unit.

Given that both opposition movements are signatory to the Ground Rules, such actions can be seen as being in breach of this agreement. It is in this spirit that the evidence collected has been brought to the attention of alleged perpetrators. Although UNICEF/OLS is acting in a quasi-governmental role in South Sudan, unlike a conventional state it has few sanctions it can apply. Apart from the suspension of OLS assistance, which may penalise innocent people, the approach through the Ground Rules is an attempt to exploit the opposition movements' need for recognition and legitimacy. Collecting evidence on violations is one way of attempting to maintain pressure for internal reform and the development of an effective civil code.

The use of the Ground Rules in this manner is still under development. The Review Team is therefore not in a position to comment on the extent of its success; there is certainly a need for further research on the issue. At the same time, the Review Team noted that, by the very fact that it is one of the few programmes in South Sudan that is actually documenting how the war is being fought and attempting to do something about it, the use of Ground Rules deserves special mention. Indeed, the use of Ground Rules has achieved a rare thing in relief work. Whereas usually aid agencies disregard human rights as the price to be paid for access, the Ground Rules have brought human rights and humanitarian aid together.

2.6.8 Contractual Regimes Compared

Compared to the Southern Sector, the contractual regime in the North is highly restrictive. In this respect, the government's Code of Conduct bears direct comparison with OLS's Ground Rules. While the former seeks to extent state control, the latter seeks to establish a set of mutually agreed obligations and responsibilities. In light of this basic difference in contractual regimes, the Review Team felt it would be difficult - if not impossible - to see the types of programmes currently in existence in non-government areas being administered from the North.

This can be illustrated by examining the nature of the security and evacuation system currently in operation in the South. First, the system is dependent on the full cooperation of the opposition movements and their related agencies. Second, it depends on access in the widest sense of the term; that is, the unhindered movement of agency personnel in and out of the war zone, the ability to talk to military commanders, free use of radios, and so on. Finally, under the terms of the Ground Rules, the opposition movements are obliged to provide information bearing on the safety and security of aid workers. In the North, while access for INGOs has improved

supporting evidence has been produced, the ban on heavy lift aircraft has remained. This has restricted OLS's delivery capacity.

While OLS retained a potential access to over a hundred flight locations for most of the period from 1994 forward, a slowly increasing pattern of flight denial to areas controlled by the SPLM/A has emerged (UNICEF/OLS, 1996, April). From an average of four denials per month in 1994, there was an increase to ten denials per month in 1995, and twelve denials during the early months of 1996. In July 1995, following an attempt by non-OLS INGOs to access the Nuba Hills by air from the South, the government called for the removal of the UNICEF/OLS Coordinator, the closure of the Southern Sector, and the basing of all Southern Sector activities at Malakal.

In November, as a result of a unilateral flight ban imposed by the GOS, more than 250 agency staff were stranded without warning in South Sudan. Most of these were Kenyan nationals. Apart from the disruption to programmes, the question of possible medical emergencies, and so on, the flight ban was tantamount to a hostage situation. In the event, for those emergencies that did occur, ad hoc special arrangements were made.

The consequences of flight bans for the modus operandi of OLS have already been discussed., including the ability granted to the GOS to divide the South into "war zones" and areas "affected by war", and, with the agreement of UNCERO, to restrict UN access to the former. This resulted in the first imposed no-go area in the South, in Western Equatoria between December 1995 and March 1996.

Following the lifting of the flight ban, the GOS has made increasing demands for information on OLS activities, with a view to controlling more of the Southern Sector operation from Khartoum. During the early part of 1996, rather than accepting a list of destinations, this largely concerned demands for information on the cargoes being carried into South Sudan. In April, a request was made by HAC that in future all flight requests should be accompanied by an Advanced Information Table (UNHCU, 1996, April 1). This table should include information on: the number of beneficiaries, the method of assessment used, the author of the assessment, the amount and type of relief, the cost of the commodities, the number of relief personnel, the method and cost of transport, and so on. In the opinion of one aid official, such demands are not only impractical, they indicate a growing pressure from the GOS to manage all OLS activities from Khartoum.

The UN position in the face of such demands has been to supply as much information as reasonably possible. This is fully in accord with the principle of transparency. However, the provision of information aimed at enhancing transparency does not imply an invitation for greater government control. Rather, the enitre basis for UN neutrality in South Sudan rests upon its ability to coordinate OLS activities in an impartial and an effective manner; any reduction in this ability would threaten the existence of OLS.

In the development of these lines, OLS has lost ground in Northern Bahr el-Ghazal, Upper Nile, and northern Jonglei areas. In Northern Bahr el-Ghazal, Kerabino's use of lorries and radios to mount attacks on aid locations has undermined OLS's security apparatus (Saunders and Harvey, 1996, April 11). Since mid-1995, within less than 48 hours of aid workers being on the ground, security incidents have occurred. Increasingly, evacuations have been last minute affairs. As a consequence, continuous agency presence has been withdrawn from Northern Bahr el-Ghazal. A similar development has occurred in Upper Nile. No agency personnel have returned to the Waat area since February 1995, following a hostage incident.

During 1995, there emerged no-go areas associated with territories disputed by the factions. Continuous OLS presence has tended to gravitate to the south, to the more secure areas of Equatoria. In Bahr el-Ghazal and Upper Nile regions, at best, OLS has developed a mobile presence. This development can only accentuate the uneven development within South Sudan. Already, largely due to its accessibility, the Equatoria area is relatively better supported than other areas of South Sudan.

The change in the nature of the conflict, and especially the emergence of areas disputed between factions, has affected the pattern of aid obstruction on the ground. In February and May of 1995, in a new trend, there were two serious hostage incidents in the Upper Nile region (UNICEF/OLS, 1996, April). At a rate of one serious incident a month, acts of theft, looting, and the intimidation of aid workers have also occurred. For most of 1995, barge access has been blocked by the failure of the SPLM/A United to allow passage. Apart from routes in Eastern Equatoria, many road routes have been blocked by the SPLM/A. While the SPLM/A has on occasion denied flight access, by March 1996, SSIM I and SSIM II were also denying flight access to each other's areas.

2.8 Conclusion

OLS is an example of a growing trend in humanitarian policy in relation to internal war. This trend aims at assisting internally displaced and war-affected civilians within the country concerned, as opposed to assisting them as refugees in neighboring countries. While OLS reflects this trend, it has important differences that make it distinct. While other operations have often involved the military protection of humanitarian aid and displaced civilians, OLS has not involved this kind of military humanitarianism.

Rather, OLS is best described as an "informal" safe area programme. It is informal for two reasons. First, apart from an equivocal, temporary, and partial ceding to the UN, the sovereignty of GOS has never been challenged. Second, in the absence of military intervention, access has depended on the vulnerability of the warring parties to international pressure and opinion.

Since 1989, a key OLS principle has been that of access to war-affected people irrespective of who controls the territory in which they are located. This principle has

this is the system of Ground Rules agreed between it and the opposition movements. Based on the principles of free access and the neutrality of humanitarian assistance, the Ground Rules seek to establish a framework of agreed standards to govern mutual behaviour. As a result, the extent and quality of access in the South is much greater than in the North, and a broader range of programmes and approaches have been able to develop.

In essence, the critical weakness of OLS is that, through the astute exercise of its political authority one of the warring parties has retained and augmented its ability to define the humanitarian space that OLS occupies. It is this issue that indicates the extent of the challenge of reform of OLS in future.