

Political Ramifications of Humanitarian Aid in the Hameshkoreb Area, 2000-2002

By Michael Medley¹

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Introduction

In 2000, the International Rescue Committee (IRC) started a programme of aid activities in the opposition-held areas of northeastern Sudan, working across the border from Eritrea. Its operation was notable as an example of what has been called the ‘New Humanitarianism’. I served as the Program Manager from September 2000 to May 2002. I shall, in this paper, tell part of that story. I think it is worth doing both as a case study contributing to current debates about aid work, and as a crosslight on the politics of the Hameshkoreb area and the Sudanese National Democratic Alliance (NDA).

To a great extent the material here consists of my personal testimony; not only about events that I witnessed, but also actions to which I contributed, and attitudes which I took. This approach obviously raises special questions about objectivity, but I believe it is important to produce and explore such narratives in order to obtain qualities of detail and realism that are often lacking in the literature on humanitarianism. I will try to make it clear in the paper the extent to which each assertion is vulnerable to claims of partiality or bias.

I shall do this by looking at the ways in which the practice of our programme violated – or complied with - various guidelines that have been set out for humanitarian action, in order to show what some of the difficulties are in using or adhering to those principles, and hence to suggest wider conclusions about the politics and ethics of aid work. In order to do this, I will first attempt to explain the general issues in modern humanitarianism that such guidelines are trying to cope with.

Current Humanitarianism

In the recent years the expression ‘New Humanitarianism’ has been used as a shorthand for a pattern that seems to have been emerging in relief work especially since the end of the Cold War (Relief and Rehabilitation Network 1998; Duffield 2001a; Fox 2001; Macrae 2002) (Other useful overviews of modern humanitarianism are: de Waal 1997; Macrae 2001; Rieff 2002). It is not a very well defined pattern or a universal one. Some agencies and intellectuals are resisting it, but it represents a noticeable shift in practices. It can be described in terms of two main trends. One is the merging of relief and development. The other is a devaluing of the sovereignty of states in favour of the human rights of individuals.

¹ Address for correspondence: Michael_r_medley@yahoo.co.uk

The Merging of Relief and Development

The distinction between relief and development has been questioned for a long time, and people often say it is meaningless, but it never seems finally to disappear. I do not think that it will disappear, since it has roots in different types of donor motivation, and therefore different constituencies and methods of funding. But in terms of field activities, relief and development have certainly become more linked. There are many reasons for this. It is partly because of an increased understanding of their interrelationship; both the developmental causes of relief crises (e.g. Sen 1982; Keen 1994) and the developmental effects of relief operations (e.g. African Rights 1997; Anderson 1999). It is also because of the changing organisational imperatives of aid agencies. They need to keep high media profiles and to cultivate brand reputations for comprehensive expertise. Most of the big ones have done this by combining relief, development, educational and campaigning functions, and creating global alliances rather in the same way that passenger airline companies do. They are increasingly reluctant to lose their position in any particular country when a major emergency finishes.

There has also been a change in the nature of the crises that relief agencies tackle. The early 1990s saw the identification of the phenomenon called Complex Emergencies (Duffield 1992; Macrae and Zwi 1994). These occurred in poor countries – especially in Africa - where famines were linked with conflicts, and both were associated with factors such as accelerating environmental degradation and retrenchments in state services. They resulted partly from the harsh world economic climate in the 1970s and 80s, with strategies of intensive agriculture that put pressure on traditional livelihoods, and fiscally austere structural adjustment programmes that were prescribed for Third World countries by their creditors. The syndrome was intensified as a result of the ending of the Cold War, which saw a reduction in military and economic aid to the governments of poor countries, and which eased the flows of information and the access of aid agencies. Because these emergencies were chronic, the agencies could not go in for a few months to deliver assistance, then withdraw and say their role was over. On the other hand they needed to sell their extended programmes to donors, and often they did this by making a claim to be tackling root causes of the problem, while reducing their costs by relying more on local staff and local partner organisations, and generally looking for what are called ‘sustainable solutions’. This fitted well with the radical ‘bottom-up’ or ‘people-centred’ view of development, and the tools for promoting it that had been developed during the 1970s and 80s (e.g. Freire 1972; Chambers 1983; Anderson and Woodrow 1989).

Challenges to Sovereignty

The merging of relief and development is one of the two main features of the New Humanitarianism. The other is a willingness to override the sovereignty of local governments. This, of course, is not entirely new either. Imperial powers have often justified their incursions in terms of the benefits to suffering populations. The modern history of aid agencies is marked by the Biafra crisis of 1967-8. After the government of Biafra state declared that it had seceded from Nigeria, a famine developed. Many church groups and other NGOs airlifted food and other supplies there in defiance of the Nigerian federal government. Afterwards it appeared that the assistance had been grossly manipulated by the Biafran leadership (Benthall 1993; de Waal 1997; Rieff 2002). In the late 1970s and 1980s, NGOs delivered relief across borders into Vietnamese-occupied Cambodia, Soviet-occupied Afghanistan and through the Eritrean and Tigrayan rebel movements fighting against the Ethiopian government of Mengistu Haile Mariam (Duffield and Prendergast 1994). These

operations were largely clandestine. When the Cold War began to thaw in the late 1980s, it became possible for the UN and donor countries sometimes to negotiate official access agreements for humanitarian assistance in areas where insurgencies were taking place. Operation Lifeline Sudan, set up in 1989, is the classic example.

The Gulf War of 1990-91 highlighted a potential for muscular interventions legitimated though moral arguments in resolutions of the UN Security Council. People began talking about a New World Order. In the early years of the decade, military action on humanitarian grounds took place with various forms of UN approval in Liberia, Iraq, Bosnia and Somalia (African Rights 1994; Griffiths et al. 1995). The last of these was disastrous in several ways. But the Rwandan genocide of 1994 and the ensuing refugee crisis in eastern Zaire suggested to many that an apolitical humanitarian approach could be even worse (de Waal 1997). Ways and precedents for combining of humanitarian and military operations were developed further in - amongst other places - Bosnia, Kosovo, Afghanistan, and Sierra Leone (Rieff 2002).

As the principle of state sovereignty is challenged and eroded, there has been a resurgence of interest in human rights, especially the economic and social rights. Many aid organisations – donors, NGOs and UN agencies – have developed a rhetoric of human rights to explain their work, and a range of human rights policies and methods to guide it. (Simmons 1995; Eyben et al. 2000; Morago-Nicolás 2000; Slim 2001)

Criticisms of the New Humanitarianism

The New Humanitarianism is criticized on a number of grounds. At the most general level, it is perceived as a way in which relief agencies effectively help the rich world dominate the poor. Their developmental activities, although they ostensibly seek to empower the vulnerable, can alternatively be seen as making the behaviour of marginalised people more comprehensible and predictable for the West in an age that is increasingly concerned with international security (Escobar 1995; Duffield 2001b). The rhetoric of participation (Cooke and Kothari 2001), democracy (Abrahamsen 2000; Blaug 2002) and human rights (Duffield 2002; Pupavac forthcoming) too often becomes a way of disguising real power relations, locally as well as internationally, and making agencies complicit in systems of oppression.

The critics often seem to sense that something vital in humanitarianism is being lost. When eyes are on long-range visions or political scenarios, simple empathy and duty are overlooked (Slim 1997; Davis 2002). It then becomes easier to take the line that victims have deserved their fate in some way. As a result, real disasters have been inadequately addressed, and many who could have been helped have died (Stockton 1998; Fox 2001; Rieff 2002). Humanitarianism is losing its claim to a special respect, and when this happens, it becomes harder for agencies to gain access to needy people in safety (Slim 1997).

Reestablishing Principles of Humanitarian Action

A response to these perceptions and fears has been to try to reassert essential humanitarian values. Sometimes this takes the form of urging a return to the principle of neutrality. But neutrality now appears to be harder concept to grasp than it did in the cold war world. It is a recognised term in international law, but one without a simple definition. It seems that in order to be strictly neutral, assistance must conform to the following main conditions.

1. It must not constitute interference in an armed conflict or an unfriendly act. This condition is breached if the assistance is imposed by armed force, or uses armed escorts for protection against anyone other than bandits and common criminals.
2. The assistance must be of a purely humanitarian nature. It must aim at relieving the suffering of individuals, being guided solely by their needs, and give priority to the most urgent cases of distress. It may not be discriminatory.

Neutral assistance, however, does not necessarily require the approval of the State or other local authorities, and does not necessarily have to be given on both sides in a conflict (Plattner 1996). Nevertheless, the first of the two main conditions resists the New Humanitarian tendency to override state sovereignty. The second one blocks the impulse to combine development with relief.

Some have argued that these criteria should be amended to allow military protection of relief even against the state or other local authorities (Griffiths et al. 1995). This type of proposal usually seems to envisage the development of the United Nations system to become more capable of organising effective armed operations that can win broad international consent. In the current climate of the ‘war on terror’ such a prospect seems fanciful (Rieff 2002).

A slightly different approach has been to develop principles for humanitarian action that avoid using the particular term ‘neutrality’ (Leader 1998). Important examples are the Providence Principles (Minear and Weiss 1993), the Mohonk Criteria (Ebersole and WCRP 1995), the Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief (International Red Cross and Red Crescent Movement and NGOs 1994), and the Humanitarian Charter (McConnen 2000). These tend to defuse or bypass the more stringent demands of neutrality whilst adding a range of guidelines on other matters. I shall focus on the most widely used of them, the Code of Conduct.

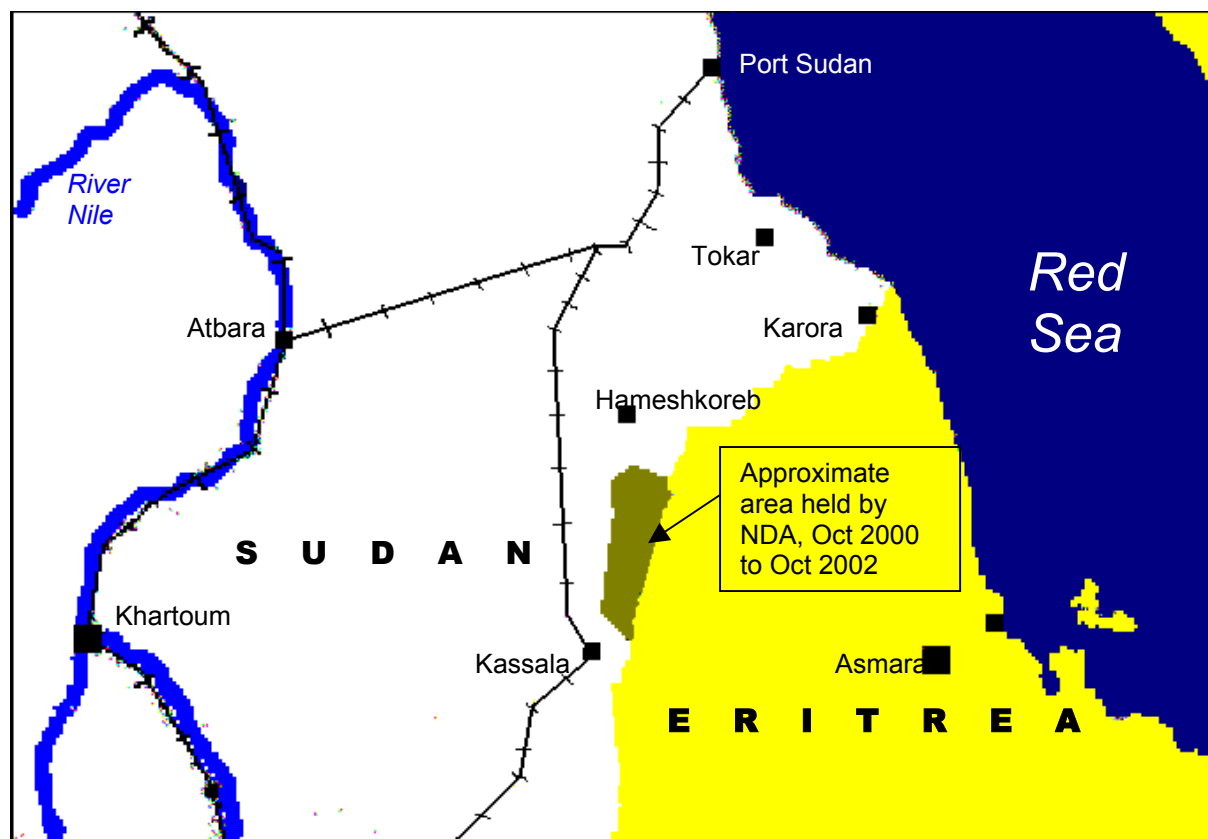
I must mention at the outset that the preamble to the Code of Conduct says it is to be ‘interpreted and applied in conformity with international humanitarian law’. This might suggest that the NGO signatories are submitting themselves to abide by the same strict conditions of neutrality as the ICRC. But the content of Code rather undermines that. It does seem compatible with neutrality as regards non-discrimination, since it reaffirms that the prime motivation of disaster response is to alleviate human suffering. Priorities will be calculated on the basis of need, and aid will not be used to further a particular political or religious standpoint. But the Code then introduces several additional goals that have not traditionally been considered as humanitarian. The main ones are to build disaster response on local capacities, and to reduce future vulnerabilities. These are longer-term considerations than those of simple relief; by most criteria, they would cross the line into the field of development. As regards sovereignty, the Code largely avoids the question of unagreed or armed intervention, but insists instead that agencies ‘shall endeavour not to act as instruments of [donor] government foreign policy’. (International Red Cross and Red Crescent Movement and NGOs 1994)

How applicable are principles and guidelines like these? How might they be made more useful? I shall explore these questions through our practical experience in the Hameshkoreb programme, a programme that was characteristic of the New Humanitarianism both in the mixing of relief and development, and in defying state sovereignty.

Principles in Practice

The Opposition-Held Territory

The main area of our programme activity (see map) was a strip of Sudanese territory along the Eritrean border, beginning twenty or thirty kilometres north of Kassala, and extending northwards for about a hundred kilometres. From east to west the strip was about 40 kilometres deep. We accessed it across the border, having established a logistical office in Asmara. This territory was controlled by joint forces of the National Democratic Alliance (NDA). I shall refer to it as Hameshkoreb area, even though for most of the period the town of Hameshkoreb itself was under Government control. At this time also, the Government controlled most of Tokar area, on the northern border of Eritrea, though the NDA had held a considerable amount of territory there in the late 1990s.



The NDA had been formed in October 1989 from political parties and trade unions that were banned by the Bashir regime after the coup which brought it to power in June of that year. It included all the main political parties that had been represented in parliament, with the exception of the National Islamic Front (which had more or less formed the new government). The Sudanese People's Liberation Movement/Army (SPLM/A) joined the NDA in March of the following year. At first, the NDA tried to organise the overthrow of the regime using political means. But in the mid-1990s when Eritrea's relations with Sudan collapsed, it decided to open a military front in the northeast. Most of the member parties provided at least one unit of fighters. The most significant contributions were by the Beja Congress, using its close links with the local population, and the SPLA, which brought in experienced soldiers from the South and the Nuba Mountains, besides attracting recruits from southern migrants that had been in Khartoum and other parts of the North. Another important member of the coalition has been the Sudan Alliance Forces (SAF), formed largely from members of the old

Sudan army who were purged or who refused to serve under the new regime. But by 2000, the main armed involvement of SAF was in the Blue Nile area where it organised its operation unilaterally. There was also a group of Rashaida, known as the “Free Lions Forces” manoeuvring in the area south of Kassala, but unable to hold territory securely. By contrast, in Hameshkoreb area, military activities were shared and coordinated among the forces of the various NDA parties.

The Beja Population and Humanitarian Needs

These areas have been populated for many thousands of years by Beja people. The Beja of Hameshkoreb are almost all pastoralists, owning goats, sheep and camels. Many of them go seasonally as migrant labour to the big farms of the Gash near Kassala. Compared with Beja in other parts of northeastern Sudan, they are relatively untouched by modern education or infrastructure. They still mainly use their ancestral language, *To-bedawi*, and many of them cannot speak Arabic. They have adopted Islam, but on the whole are not thought of as very devout or knowledgeable in religion. The gap between the lives of male and female is extreme. Men are excluded from the family home during daytime, and women may not normally go out of it.

The livelihoods of the rural Beja have been squeezed over a long period, by the loss of the most fertile areas to agricultural schemes owned and run by outsiders (Verney and others 1995). The fighting since 1995, and the consequence security measures, have sharply reduced their opportunities for migrant labouring, transhumance and trade. The very meagre facilities for healthcare, schooling, veterinary services and provision of clean water have all but disappeared. A household survey carried out by IRC in 2001 came up with a crude death rate of more than three people per thousand per month, a figure that is about three times as high as the one given for Sudan as a whole, by the UN Population Division (UNICEF 2003). The rate of under-five mortality seemed to be nearly ten per thousand per month; far higher than the target rate set by the SPHERE project in its Minimum Standards in Disaster Response (McConnen 2000). Females were dying much quicker than males, largely as a result of poor conditions and practices for giving birth. 94% of the people surveyed had received no primary schooling; for females the figure was 99%.

Even making allowance for a wide margin of inaccuracy in this data, it is plain to me that there was – and continues to be – a great amount of suffering in the population. Almost automatically one would say there are severe needs. But the concept of need – a lynchpin of the Code of Conduct and of institutional humanitarianism generally – should be looked at more closely. Ivan Illich makes a radical critique in which he suggests that the discourse of needs dehumanises and disempowers people by turning them into cases to be managed (Illich 1992). It characterises suffering as being about gaps that we can arrange to fill; a simple picture, yet at the same time a vague one. In their easy appeals to *need* as the prime mandate and guide for intervention, humanitarians perpetuate a naïve idea of what they are about, and at the same time give themselves a lot of room to justify whatever actions they may undertake.

The simple, gap-filling, model of relief is least misleading where a crisis is created by short-term factors. The scene of suffering in Hameshkoreb, however, is typical of a complex emergency in being chronic. Even if the NDA were to leave, and fighting to stop, the rural Beja would still be in a bad plight.

An Instrument of US Foreign Policy

The process by which IRC decided to set up a programme in the NDA areas opens it to a suspicion that it contravened Article 4 of the Code of Conduct (to which it is a signatory). This article says: ‘We shall endeavour not to act as instruments of government foreign policy’, and goes on to explain:

NGHAs [non-governmental humanitarian agencies] are agencies which act independently from governments. We therefore formulate our own policies and implementation strategies and do not seek to implement the policy of any government, except in so far as it coincides with our own independent policy. (International Red Cross and Red Crescent Movement and NGOs 1994)

Now it is important to note that the programme I am talking about was not part of Operation Lifeline Sudan. OLS is an institution that facilitates humanitarian access to many of the opposition-held areas through a tripartite agreement between the United Nations, the Government of Sudan, and the Sudan People’s Liberation Movement/Army (SPLM/A). Agencies under OLS thereby make an acknowledgement of governmental sovereignty in the place where they have their field activities, though the nature and depth of this recognition is the subject of continual struggles. And it only applies in southern Sudan, and not to all of the agencies working there. IRC was a member of OLS with regard to its activities in the South.

Within the global organisation of IRC it was the South Sudan office, based in Nairobi, that supervised (and apparently initiated) the programme in the NDA areas. In doing so, I believe it was responding to encouragement from people in the SPLM/A, the United States Agency for International Development (USAID), and at least one political official in the Clinton administration. That official was John Prendergast, at the time a Special Advisor to the Under-Secretary of State for Africa, Susan Rice. Prendergast has been writing on aid and politics in Sudan since the late 1980s, working for NGOs like the Centre for Concern, and Human Rights Watch. He maintains an affable style of relationship with many other NGO workers in the area. His writings have consistently articulated an open dislike of the Bashir government, combined with an advocacy of using aid policy to put pressure on the regime and for social engineering of democracy and grassroots peace in the opposition areas (Prendergast 1989; 1994; 1997; 2002). It was in 1997, when Prendergast was brought into the Clinton Administration as Director of African Affairs at the National Security Council, that the White House prompted USAID to set up a substantial programme of development aid in SPLM/A held areas of Sudan, involving support for civil administration, human rights and democratization (USAID 2002). The programme was called STAR, or Sudan Transitional Assistance for Rehabilitation.

STAR had a three-year funding cycle. At the end of the first cycle, in 2000, USAID issued a Request For Applications (RFA) from NGOs or other contractors, to implement the next phase. This RFA specifically asked for proposals to work in opposition areas outside the South ‘such as Eastern and Northern Regions’ (USAID 2000). The administration apparently wanted to find ways of helping the NDA develop politically as an ethnically diverse forum, a possible model for democratic unity in Sudan (United States Institute of Peace 1997; Prendergast 2002). Some USAID staff were, I believe, unhappy about being made a mechanism to implement this plan, but once the decision had been made, they needed to ensure that a suitable NGO would respond with an appropriate project proposal after the RFA was published. A problem was that there were very few international NGOs with knowledge

of the NDA area. The best-known one was Dutch Interchurch Aid (DIA), which was channelling aid via the humanitarian wing of the Beja Congress, namely the Beja Relief Organisation (BRO). But it is likely that USAID wanted more options, ideally with American organisations. IRC was certainly aware of the tenor of the RFA long before it was issued, in August. In April IRC organised an exploratory mission to the Hameshkoreb area, and in July they contracted me to make an appraisal for a project there. This led to the proposal with which IRC responded to the RFA, and which was successful in obtaining funding.

The advance knowledge about the RFA was natural enough. Since 1993 there had been a subset of the humanitarian agencies working in the SPLM/A areas which was interested in capacity-building, including close engagement with the civil administration of the SPLM/A (African Rights 1995; Karim et al. 1996; African Rights 1997). USAID was a patron of that group. IRC became one of the leading members, particularly through its commitment to a health programme in the South that aimed to be part of a comprehensive system owned and run by the local population. In this group there were frequent cordial meetings between local officials of the NGOs, Unicef, USAID and the SPLM/A. I believe there was thus a causal connection between political decisions in the US administration, and the creation of the IRC programme in the NDA area.

An Instrument of Eritrean Foreign Policy

There are also grounds for saying that IRC allowed itself to be an instrument of foreign policy for the government of Eritrea. The case is less clear than in the case of the US, since the role of the Eritrean authorities was less one of *making* something happen than of *allowing* it to happen. Clearly this cross-border operation could not have taken place without their knowledge and at least a conscious acceptance at a high political level.

The Eritrean government is formed by the sole political party, the People's Front for Democracy and Justice (PFDJ), which is the continuation of the Eritrean People's Liberation Front (EPLF), the winners of the country's independence in the early 1990s. Historically the Front has had little use for the principle of humanitarian neutrality. The Ethiopian regime against which it struggled in the 1970s and 1980s, had manipulated international aid egregiously for its own military and political ends (Africa Watch 1991). During its fight, both the EPLF and the people under its care benefitted from aid supplied by the Emergency Relief Desk (ERD) consortium of international agencies, but the Front always insisted on controlling the supplies within its territory (Africa Watch 1991; Duffield and Prendergast 1994). After independence, the PFDJ seemed exceptionally conscious of the potential loss of sovereignty resulting from the activities of foreign NGOs; sometimes it excluded them *en masse*. This politically utilitarian attitude persists up to the present², though it appeared to diminish somewhat after the national trauma of May 2000, when Ethiopia succeeded in occupying for a while an important swathe of Eritrean territory.

Eritrea has openly supported the NDA in its struggle against the Government of Sudan since 1994, when it broke off diplomatic relations with the latter and allowed the former to occupy the Embassy building for some years. The breach between the two countries was partially repaired in 1999, but Eritrea continued to host the NDA. Its reason for doing this seems to be primarily the fear of radical Islamism in a country whose population is fairly evenly divided

² It is seen, for instance, in the mid-2003 decision to force out the Halo trust, until then the largest landmines clearance NGO in the country (Fisher 2003).

between Muslims and Christians. It has encouraged the NDA to develop a manifesto – expressed in the Asmara Declaration of 1995 – in which the state would not be run on religious lines. Meanwhile, the NDA appears to play a physical role in Eritrea's security. By occupying some of the neighbouring Sudanese border areas it reduces the possibilities of infiltration by members of the Eritrean Islamic Jihad movement and other armed groups which are thought to be supported by the Sudan government. The NDA may also provide a way of punishing the Sudanese government. While Eritrea denied Sudanese claims of direct military involvement in attacks such as those on Kassala in September 2000 and Hameshkoreb in October 2002, the Eritrean government could presumably at least have prevented them, if it had wanted to. (Woodward 1996 125; Lesch 1998 196; FAS-IRP 1999; Johnson 2003)

I can bear witness that the IRC operation required specific approval at a very high level within the Eritrean government. Our work on setting up the programme was stopped by the Eritrean Relief and Rehabilitation Commission (ERREC) until this approval had been made clear. What I cannot say is whether the foreign policy makers involved considered the matter to be one likely to have any important political effects. Most likely, they were motivated by a wish to cooperate with the United States and their friends in the NDA. They probably also take the view that humanitarian assistance from Eritrea is one way of strengthening links with the border populations.

Impracticality of the Code on Avoiding Dependence

The above evidence that IRC was an instrument of US and (to a lesser extent) Eritrean foreign policy suggests that there was a violation of Article 4 of the NGO Code of Conduct. However, I am not saying that IRC's action was morally unjustifiable. IRC can make a strong case that it is responding to very acute human needs. (I shall say more about the needs and the response to them later.) There seems, then, to have been a contradiction between the demands of Article 4 and those of Article 1. Article 1 says:

The Humanitarian imperative comes first

The right to receive humanitarian assistance, and to offer it, is a fundamental humanitarian principle.... As members of the international community, we recognise our obligation to provide humanitarian assistance wherever it is needed.... When we give humanitarian aid it is not a partisan or political act and should not be viewed as such. (International Red Cross and Red Crescent Movement and NGOs 1994)

How to resolve this conflict? It might be held that Article 1 takes precedence over Article 4, especially in view of the emphasis put on the primacy of the humanitarian imperative. This argument could be reinforced by observing that Article 4 does not state 'We shall not act as instruments of government foreign policy' but only 'We shall endeavour' not to. In other words, suffering must be relieved at all costs, and as far as possible this should be done in a way that is independent from foreign governments. In the present case however, faced with an evident humanitarian imperative to aid the people of Hameshkoreb (something that will be discussed later in this paper), IRC was highly dependent on the political interest of the US for the funding of a programme to assist, and of Eritrea for physical access.

Financially, IRC is in general very much dependent on grants and contracts from institutional donors. In the twelve months from October 2000 to September 2001, 82% of its worldwide

income came from such sources (IRC 2002)³. This type of funding is normally tied to specific projects⁴. Most if not all of the untied funds would have been needed for structural costs such as ongoing administration. This means that it is very difficult for IRC to set up a new programme without getting a definite donor commitment first. And when the new programme involves establishing offices and bases in an entirely new geographical area, the start-up costs are high, and it is especially hard to find grants that will cover them. The STAR grant was unusually accommodating in this way. Only 23% of the funds for a three year program were allocated for direct assistance to the needy populations; the balance of about \$630,000 was available for purposes like salaries, rent and equipment (IRC 2000). The project was thus an indispensable first step for IRC to begin establishing a wider programme in NDA areas and Eritrea. I must make clear that the agreement of the STAR project immediately made it possible for IRC to transfer some of its health programme funding from southern Sudan to the Hameshkoreb area.

The problem of access to the needy people of Hameshkoreb created an even greater dependence on the patronage of state authorities. The political stance of Eritrea determined the whole existence and strategy of the programme. In a world of ideal humanitarian neutrality one might imagine relief transport moving in and out of countries, and crossing lines of control, bearing red crescents or other symbols to mark them as immune from interference. In reality this almost never happens without an immense amount of negotiation and usually political pressure in the background. As far as I am aware, the idea was never seriously considered for Hameshkoreb. Practically, in the short run, all that IRC could do was to seize an opportunity that depended on a convergence of political interest between the governments of the United States and Eritrea, and the NDA itself.

The Code of Conduct contains an acknowledgement of its own inapplicability in the face of such conditions.

The implementation of...a universal, impartial and independent policy, can only be effective if we and our partners have access to the necessary resources to provide for...equitable relief, and have equal access to all disaster victims. (ibid. Article 2)

Before considering the implications of this more deeply, there are other aspects of the Code that must also be taken into account.

The Problem of Host Government Sovereignty

The Code of Conduct takes a slightly different tack in dealing with the relationship of NGHAs with host country governments. It does not explicitly lay a duty on NGHAs to avoid dependence on - or political collaboration with - local authorities. Rather it assumes that the non-governmental label on aid and agencies creates a separate realm for them by definition. The vision it presents is of the agency as the essential responsible intermediary between donors and the people who need assistance (ibid, Article 9). The role of the host government is to maintain a suitable environment for such action, and to waive normal civil regulations such as visa and customs procedures (ibid, Annex 1). While this might be a picture that is

³ Of this, more than half came from US Government Sources, and almost half of the latter amount came from the State Department, apparently due to IRC's role in assisting refugees within the US.

⁴Some institutional donors allow a percentage of the project cost to be untied, in the form of Internal Cost Recovery (ICR). The ICR rate is fixed across the whole of the organization. IRC uses a lower ICR rate than most other organisations; during the period in question it was less than 10%.

ideologically important, it is very far from being a realistic model of the way that aid is controlled, either in government- or opposition-held areas of Sudan. In practice, agencies always have to deal with both official requirements and informal pressures from local authorities, who maintain that their sovereignty allows and necessitates a relatively close involvement and regulation of the aid process. The difference between this position and the ideal of neutrality tends to create both practical struggles and real ethical quandaries. The NGHHA can hardly argue that its host has no sovereign rights at all over the aid operation. The problems are: How far do these rights extend? Are there limits beyond which their exercise is morally unacceptable? and What should a humanitarian agency do in a case of unacceptable constraint or interference?

A guiding principle for dealing with these problems, both in the Code of Conduct and in humanitarian law is the primacy of human needs. Aid agencies may regard as unacceptable any actions of a host authority which unreasonably obstruct the meeting of those needs, or which make relief go to people who are not the worst suffering. However, this principle in practice leaves a lot of room for disagreement. When does an obstacle become unreasonable? Who is suffering the most?

International humanitarian law suggests two other ways in which neutrality should make a separation between relief aid and the local authorities. One is the general precept that such relief should not constitute interference in warfare. The other is the more specific injunction against using armed protection, except against common criminals.

I take it that these principles can be applied to an NGO's relations with opposition movements, when these are the *de facto* local authorities. Strictly speaking, the organisation's legal position may be different in a rebel area compared with a government one, but this is not something that ever comes before a court of international law, as far as I know. In effect, the principles are merely ethical; guides to action and terms in which to argue about them.

IRC did not formulate a clear justification for its apparent violation of the territorial sovereignty of the Government of Sudan during this period. The drive for the programme appeared to come, as I have said, from the Nairobi office. Nairobi formulated the project proposal, and, working hastily against a deadline, sent the final text to IRC headquarters in New York just a few hours before formally submitting it to USAID. I do not know exactly how high up or how thoroughly the project concept was discussed in the organisation at this stage of decision, but during my time as manager I was several times warned that the programme was threatened by enemies within IRC. The clearest of these seemed, understandably, to be the Director of IRC's programme in government-held areas of Sudan. His position must have been extremely difficult. Although he did not officially tell the government what we were doing, they of course knew all the same. It seems he was told unofficially that his own programme might be penalised if IRC did not withdraw from the NDA areas, or at least restrict itself to more purely humanitarian activities. (I shall discuss the question of how purely humanitarian it was later.) This Director complained to more senior IRC staff. It was decided among them that a serious problem existed which needed to be resolved in a meeting of all concerned, in New York. This meeting kept being postponed, and did not take place in my time with the organisation.

Meanwhile I was told that my programme must keep a low profile. This meant not putting organisational logos on our office and cars, not talking about the programme much within the aid community in Eritrea, and trying not to let compromising written information get into the

wrong hands. I found this aura of secrecy uncomfortable and inconvenient. I was worried my sense of the impulse behind it. Although it was sometimes presented as a matter of protecting our physical security, this idea made little sense to me. It would not have been difficult for anyone in Asmara to find out the outlines of what we were doing, if they wanted to. In fact I thought our security was probably reduced by the sense of institutional embarrassment about the programme. If anything happened to us it seemed IRC would be inhibited in pursuing the consequences of the incident. In this way, the unresolved ethical problem of decisively justifying intervention in this opposition area had the practical effect of reducing the morale, and perhaps the safety, of project staff. It also probably led to a greater reliance on the NDA forces as the guarantors of our security in the field.

Dependence on Local Authorities: Security and Personnel

The security of the NGO – its staff, equipment and supplies – is not a merely subsidiary problem in the question of how to provide humanitarian assistance. In risky environments, it is a major determinant of the character and effectiveness of the aid that is given. Our greatest fear in the Hameshkoreb area was of landmines, and we did suffer an incident of this type. There was also danger of bombing or other aerial attack, ambush by infiltrators or other possible isolated elements in the area, or maybe being caught up in a sudden land battle. Aid workers have been exposed to all of these in southern Sudan. And from our point of view Hameshkoreb was a less predictable environment, because we had less experience there, and because there was no OLS security network.

This being the case, we felt dependent for our safety on the NDA military forces. We learned not to make any journeys in the field without consulting them. In order to get to some areas we had to request a convoy and special deployment of troops. We routinely accepted soldiers as guides in our vehicles and as guards around our field compound. This was clearly a violation of one of the criteria for strict humanitarian neutrality; the one forbidding use of armed protection except against common criminals.

We also depended on the NDA authorities for personnel. All workers in effect needed the blessing of the NDA in order to work with IRC in the field (though there was not a standard formal procedure for giving approval). For most of the time there was only one international staff member working at field level, namely myself. For the next level of management, and for skilled professionals - such as doctors and vets – our recruitment was limited to people affiliated to the NDA parties. The NDA did not want us even to consider Eritreans for these posts. For less skilled jobs, we employed people who were resident locally; some from the Beja population, but more who had come to area with the NDA forces in the previous five or six years. It was hard to find Beja who were interested and capable of taking jobs in the organisation. Very few had received more than a year or two of formal education, and such people were usually already playing important roles in their own communities.

Besides employed staff, it is essential to recognise the importance of people in local institutions for carrying out the projects. When distributing relief, they were the ones who identified the beneficiaries, made lists of them, publicized and regulated the way that items should be collected or handed out. It was local community members who were the village health workers, para-vets, and teachers. This type of work was not salaried.

Figure 2: Scheme of Project Field Workers and Motivational Factors

Class Name	Examples of Jobs	Home	Local Affiliation	Monthly Salary	Benefits
International Staff	Programme Manager, visiting consultants	Not Sudan or Eritrea	Relatively weak	\$2500+	Many, including all accommodation, accident and health insurance
Regional Staff	Junior managers, doctors, vet, teacher trainer, logistician	Sudan, but not project field area.	Members or nominees of NDA parties	\$300-\$1500	Meals and accommodation when on duty.
Local Staff	Drivers, field compound cook, cleaners, labourers	Project field area (H'koreb)	Local social structures and/or NDA parties	\$0-\$300	In some cases meals, accommodation, clothing
Partners	Village health workers, teachers, para-vets, local leaders and clerks (distributing items)	Project field area (H'koreb)	Local social structures and/or NDA parties	None	Various formal and/or informal incentives. Possibly purely altruistic motivation in some cases.

Frankly, it is hard for a foreign manager in such a situation to control – or even know - exactly who gets the benefits of the aid. Lacking an intimate knowledge of the local society, a network of social relations with its members, or even adequate knowledge of its languages, I had to rely on understandings not only with the narrow interface of local leaders, but also with my own subordinates in the NGO. The latter, as well as the former, no doubt had strong affiliations outside the NGO, and different sets of priorities. The mechanisms that managers commonly use for monitoring and controlling staff – indeed the very organisational culture within such technologies can operate - are of course comparatively undeveloped and weak in a situation where a new and unusual programme is set up, using personnel who for the most part have little experience of working with such an agency.

The experience of our health programme illustrates this. The initial strategy of the programme entailed setting up about ten primary health clinics in villages throughout the area. These were to be run by health care workers resident in the villages and supported by the local population. A big problem was finding suitable workers. Those who were appointed generally had very little training in diagnosis and prescription, and some were barely literate. IRC needed to provide further training and regular supervision, besides delivering medical supplies to the clinics.

The programme plan also involved support to hospitals in the area. During the period in question, however, it turned out that the only working hospitals were ones created and run by the military forces of the NDA, particularly the SPLM/A. We were told that these were available to be used equally by the Beja civilians, but in practice the number of these treated did not nearly approach their proportion of the population. In particular, very few women and girls were taken there. This may not have been due to the civilian/military divide as such. More important factors were probably the lack of transport opportunities, the strong tradition of female seclusion, and the general cultural differences between the Beja and the hospital staff, who were mainly southern Sudanese. IRC agreed to provide medical supplies,

equipment, training and supervision in these hospitals on the understanding that special civilian and women's facilities would be developed.

The manager of our health programme was a doctor seconded by the SPLM/A. Clearly, from a purely humanitarian point of view, there was reason to fear that he would devote too many of the programme resources to the military hospitals and not enough to the civilian clinics. As his line manager, I tried to set various targets, guidelines, budgeting procedures and stock management systems. But these things were hard to develop and monitor. I didn't have the time to do it thoroughly. For a supervisor in this situation, key questions are how much to trust the employee to work independently, and how far to bear with his (or her) apparent difficulties and errors. My way was fairly trusting and non-confrontational. I preferred to seek a gradual development of understandings and capabilities. The outcome after a year or so certainly did not satisfy the donors of our medical supplies (ECHO – the humanitarian aid office of the European Commission), and my bosses criticized and eventually overruled my approach. What ever the detailed rights and wrongs of this, it seems clear to me that in order to be confident that aid was distributed in a purely humanitarian way, a much greater amount of money would have had to be spent on management and monitoring. It would probably have included the employment of many more expatriate staff. And this in turn would have involved donor governments providing more pressures and incentives towards the NDA. Neutral space it seems has to be purchased with some combination of money and overarching political power.

The Capacity-Building Approach and Participatory Democracy

When a shortage of resources makes humanitarian neutrality unattainable, the paradigm of capacity-building may provide an alternative set of values around which to build a programme. The capacity-building approach puts a premium on the virtue of transferring the management of aid to local people and institutions. There tends to be some ambiguity about the motivation of this; how far it is a matter of increasing cost efficiency, and how far it is driven by commitments to sustainable development, or ideologies like anti-racism. A suspicion is that by positing a complex set of goals, the capacity-building approach may distract agencies' attention from the fact that they are failing to relieve the most basic forms of suffering.

The part of the *Code of Conduct* that explicitly deals with 'local capacities', Article 6, is rather uncontroversial. Here capacity-building is equated with: employing local staff, purchasing local materials, trading with local companies, and co-operating with local organisations and government. All these things are to be done 'where possible' or 'where appropriate'. The next article, however, is much more ambitious.

Ways shall be found to involve programme beneficiaries [sic] in the management of relief aid (Article 7)

The reason given is that assistance is thought to be more effective when there is community participation. I am not sure what the evidence is for this, but the idea can easily be translated into propositions that have a commonsense appeal, for instance:

- If you ask people what they want, you are more likely to give them what they want.
- Local people are more likely to deliver assistance in culturally acceptable ways.
- Local people know who is neediest.

There can also be more cynical interpretations.

- The greater the community participation, the less blame falls on the agency if things go wrong.
- Community leaders want control of aid in order to maintain their own positions, and are able to create trouble for agencies if they do not get this.
- At the same time, if local leaders or governments are seen as obstacles by agencies, the rhetoric or reality of popular mobilization may be used as a countervailing force.

The STAR project in Hameshkoreb took the discourse of community participation a step further by focussing on the concept of democracy. USAID's headline objective for the STAR programme was '[t]o increase participatory democracy and good governance practices in opposition-held areas of Sudan while reducing heavy reliance on relief'. The IRC project plan for Hamshkoreb aimed, among other things, '[t]o enable the development of a central social service administration (SSA) which is responsive and accountable to the general resident population' (IRC 2000).

The thinking behind this included an element of testing the NDA politically. As a 'Democratic Alliance', how deep was its commitment to democracy? IRC's original project proposal made this aspect explicit.

The NDA has espoused principles of democracy, human rights and equal development, and bitterly criticized the Government of Sudan for its failings in those areas. However, some of the members of the NDA – particularly in the DUP – have played a part in previous regimes, and others – particularly in the SPLM/SPLA may be accused of not doing everything possible to promote such values in the areas that they control. It is sometimes suspected that the NDA's policy statements on governance are empty; that the existence of the alliance itself is mainly tactical, and not genuinely reflective of a coalition of vision and principle among diverse groups.

The present situation in the jointly-held NDA areas of northeastern Sudan seems to provide a unique opportunity for the NDA to substantiate some of its democratic and humanitarian aspirations. In any radically New Sudan it will be necessary for members of different ethnic groups and political factions to find ways of working constructively together; developing institutions and principles that enable them to trust each other sufficiently, rather than mainly manoeuvring for sectional advantages. Here there may be a microcosm; the possibility of building a model and a body of experience that can make a useful contribution to the much larger challenges of peacebuilding, good governance, economic development and social service policy-making that lie ahead. (IRC 2000)

These paragraphs were drafted by myself as a consultant for IRC in August 2000. IRC retained them in the proposal document which USAID accepted as a basis for funding the project. I must acknowledge that the preoccupation with this issue from the beginning was largely my own, and personal curiosity played a considerable part in it. But it evidently also fitted in with the institutional workings of IRC and USAID, and, beyond that, the strategic concerns of the US Government.

Nonetheless I want to contend that the interest in democracy and institution-building was also strongly related to a desire to provide effective relief to those who were suffering. I have outlined above some of the practical difficulties of controlling aid managerially under conditions of limited resources in an underdeveloped and war-affected environment I have

suggested that a large part of the problem for an expatriate manager is getting an accurate picture of what is going on. But if there exists a capable local authority that is publicly accountable and responsible to ordinary people, isn't that likely to be more sensitive in prioritizing assistance, and more effective in administering it? It is a big 'if'; normally much too big for humanitarian NGOs. But in this situation I felt hopeful because of the existence within the NDA of a variety of parties, cooperating with each other yet, I thought, capable of acting as a check on one another. My optimism turned out to be excessive, perhaps culpably naïve. In the next section I briefly trace the history of our democracy approach, in an attempt to identify the nature of its failure.

The Attempt at Participatory and Democratic Aid in Hameshkoreb

The NDA's highest body was a Leadership Council, made up predominantly of the heads of its main member organisations. The council was mostly concerned with national-level politics, especially in formulating an NDA position on current peace processes. Since the leaders could not meet more than a few times each year, the council mandated an Executive Committee, based in Asmara. This was comprised of a delegate from each of the main parties, and each of them was given a particular area of responsibility. Most significantly from the point of view of this paper, the Beja Congress member, was designated as the Secretary for the Liberated Areas and Humanitarian Affairs. This meant that he was IRC's main official contact with the hierarchy of the NDA. It is also significant in that the Beja Congress had special responsibility for overseeing the civil administration in the Hameshkoreb area.

The NDA Executive was happy with IRC's intention of supporting a Social Services Authority for the Hameshkoreb area, but it had difficulty identifying any existing institution in the field that could fulfil this role. The first candidate that it put forward was a relief committee recently formed at its main military base in the area. This was soon nominally upgraded to become the 'Committee for the Liberated Areas' (CLA). Like the Executive, this committee consisted of a representative from each of the main NDA parties. An important difference was that these people were resident in the field. IRC began discussing with this body strategies for prioritizing and addressing the humanitarian needs of the population. To it we delivered non-food relief items, such as clothing, blankets and water containers, for distribution among recently displaced families. After a few months, however, the Secretary for Humanitarian Affairs himself denounced the CLA, saying that its members were soldiers and that they had favoured the military in their relief distributions. This surprised me, because he was accusing an institution for which he was supposed to be personally responsible; indeed a committee of which he himself was the chair. It was a dramatic act. Superficially it vindicated my hope that the NDA parties could act as a check on each other. But then, why had it not been possible for disagreements to be discussed and overcome within the regular workings of the committee?

IRC was now instead encouraged to work in partnership with someone who was introduced to us as the civil commissioner (*muhaafiz*) of Hameshkoreb area. This was Mohamed Tahir, the eldest son of Sheikh Suleiman Ali Betay. Sheikh Suleiman was the most revered religious leader among the Beja of Hameshkoreb. Until 2000 he had been living in government-held Sudan, but in May of that year, when the NDA temporarily captured Hameshkoreb town, he found himself in rebel territory, and accepted a place on the NDA's Leadership Council. Mohamed Tahir had been living in the NDA area before this, and had already become the *muhaafiz*. We were told that he had been elected by the general population of the area, so he and his team did seem a promising candidate for the democratically responsible Social

Services Administration that we were looking for. And we were much more comfortable working with an institution that was not so obviously part of a military apparatus. Our work began to be oriented to regular meetings of an area council that the *muhaafiz* organised every two months or so. In principle, this council was composed of a representative of every village in the area. As part of the meetings, IRC would report on all its recent activities, seek approval for its plans, and ask for guidance on its priorities. Much of the implementation of the assistance activities that were decided was carried out by the *muhaafiz* and his assistants. From our point of view, this mechanism offered a very pleasing picture of participatory aid and democratic governance. True, the people participating were all men, and we had very little idea how they had been selected within their village, or what determined which village representatives would turn up, or even exactly what a village was. But I felt that, given the existence of a working structure, these matters could be understood and refined over time.

As it turned out, there wasn't time. Less than a year after we had started to work with the *muhaafiz*, the Secretary for Humanitarian Affairs informed us that the Beja Congress, as the responsible party within the NDA, had relieved Mohamed Tahir of his duties. This took us by surprise, though it would not have done if we had been paying more attention to a higher level of power politics. A rift had been growing between the leaders of the Beja Congress and Mohamed Tahir's father, Sheikh Suleiman. Fundamentally they were in competition for the loyalties and governance of the local population. It is tempting to represent this competition as emblematic of a clash between traditional and modern modes of power; one more personal, the other less so. There were rumours that the Sheikh had attempted to instigate a coup within the Beja Congress, by winning over its army. It also seems that he explored ways of taking the Hameshkoreb area - or even a larger swathe of Beja land - out of the war, by trying to broker an agreement between the governments of Sudan and Eritrea, to treat it as a neutral territory under his own administration. But in these things he failed and, no longer trusted by the NDA, he returned to Khartoum at the end of 2001.

Both parties in the struggle between Sheikh Suleiman and the Beja Congress accused the other of corruption and the abuse of humanitarian aid. The Beja Congress said that Mohamed Tahir had made sure that the IRC assistance benefited the supporters of his father. The Sheikh for his part denounced the Beja Relief Organisation (BRO) as a mere tool of the political movement. BRO, incidentally, received most of its resources through Dutch Interchurch Aid (DIA). DIA was a channel from big donors such as USAID and ECHO, as well as church organisations and individuals. In my opinion the monitoring of neither IRC nor DIA was strong enough to provide a credible refutation of these claims of bias and corruption, though this is not to say that the aid failed to bring humanitarian benefits as well.

On the dismissal of Mohamed Tahir, the Secretary for Humanitarian Affairs asked IRC to take its guidance in the field from a Beja Congress official. We protested at this change, on the grounds that we had been told Mohamed Tahir was democratically elected. What legitimacy was there, then, for his removal? The main response was that he had finished his term of office. I did not find this quite convincing, since there had been no mention of an end to his term before the event. Although the Beja Congress said it was organising new elections, the preparation for these dragged on for more than the four months that I remained with the programme. I could never get a clear account of the electoral process that corresponded with observable facts. Yet the Beja Congress did appear to be holding plenty of consultations at village and sub-district level. It appears to me that it was interested in popular participation in much the same way as an aid agency; making itself more responsive to public opinion, but without giving up a great deal of control.

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