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The Politics of Humanitarianism: Perspectives from South Sudan

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Acronyms

AU	African Union
CPA	Comprehensive Peace Agreement
CRP	Conflict Research Programme
CSRF	Conflict Sensitivity Resource Facility
DFID	Department for International Development
HCSS	Hybrid Court of South Sudan
HPN	Humanitarian Practice Network
INGO	International Non-Governmental Organisation
IOM	International Organization for Migration
JSRP	Justice and Security Research Programme
LSE	London School of Economics and Political Science
NSS	National Security Service
ODI	Overseas Development Institute
OLS	Operation Lifeline Sudan
POC	Protection of Civilians
SLRC	Secure Livelihoods Research Consortium
SPLA	Sudan People's Liberation Army
SPLM	Sudan People's Liberation Movement
UN	United Nations
UNMISS	United Nations Mission in South Sudan
USIP	United States Institute of Peace
VOA	Voice of America

Introduction

South Sudan has for forty years been a crucible of experimentation in the field of humanitarianism in situations of conflict. Humanitarian operations have been critical in saving lives, providing essential medical care, documenting the plight of South Sudan's people, and connecting South Sudanese with the international community. South Sudanese and foreign humanitarians have shown courage, commitment and professionalism, and have achieved much of which they can be proud. At the same time, the pitfalls of extended humanitarian assistance in such situations have been hotly debated, not least because large-scale humanitarian operations have become an integral part of the politics, economy and society of South Sudan.¹ Over the course of generations, humanitarian activities, in their most practical sense of providing life-sustaining material aid, have become deeply embroiled in complicated ways with the political economy of organised violence. Aid operations have also become woven into the daily lives, languages and cultures of South Sudanese people. Both scholars and humanitarian practitioners need to continue to explore and respond to these complex dynamics.

The manner in which humanitarian assistance has become embedded in society has also played a role in shaping power relations between international and local actors. It has implications for the dignity and agency of people affected by war, hunger and deprivation. Most of the academic and policy-related knowledge on South Sudan is produced by foreigners and for the consumption of foreigners. Therefore, external institutions and agendas tend to overshadow or distort local initiatives by South Sudan's community of scholars, researchers and activists. South Sudanese intellectuals and thinkers have no platform to correct powerful misconceptions. South Sudanese are also drastically under-represented at the policy making and senior management levels in the aid industry, despite their generations-long experience of working alongside emergency aid.

This is a missed opportunity for utilising human capital and social resources available among South Sudanese academics and experts. Many humanitarians are deeply

aware of the complicated contexts of their work but struggle to access the in-depth knowledge they need while also grappling with the practical challenges of implementing programmes. At the same time, ignoring South Sudanese expertise risks a deep and lasting disempowerment of South Sudanese citizens with respect to one of the more important and enduring governance challenges for their country. South Sudan's humanitarian needs are serious and urgent, but they have also proven persistent.² South Sudanese researchers and scholars need new opportunities and forums to develop their own ideas and agendas in response, and to influence humanitarian policy.

This paper offers reflections from a panel of twelve prominent South Sudanese scholars, academics and activists. The panel discussion took place during a three-day meeting in Arusha, Tanzania under the auspices of the Conflict Research Programme (CRP), a UK Department for International Development (DFID)-funded initiative at the London School of Economics (LSE).³ The panel's aim was to review and reflect upon the research and policy recommendations of the CRP; to create a novel space for debates between South Sudanese intellectuals; and to develop policy-relevant insights. The panel was informed by historical precedents, recalling that Sudanese scholars were previously at the forefront of knowledge production on refugee studies. South Sudanese intellectuals are working to regenerate and amplify the flow of ideas from South to North.

Several panellists have direct policy-making experience through roles in the South Sudanese government, the United Nations (UN) and other organisations. These individuals' research and professional work during the 22-year civil war (1983-2005) has shaped foundational assumptions of how to approach more nuanced programming in the humanitarian sector. The panellists continue to play important roles in shaping the way humanitarianism is understood through their research and teaching at South Sudanese universities and through their work with conflict-affected communities on the ground.

Recent research has highlighted the importance of

¹ The first activities by international NGOs in southern Sudan date back to the post-Addis Ababa Agreement rehabilitation programmes in the 1970s. International NGOs took over responsibility for service delivery in entire districts, to the extent that Torit was nicknamed 'Little Norway' due to Norwegian Church Aid's programming in the area.

² This is reflected in development indices. South Sudan ranks at 187 out of 189 at the bottom of the Human Development Index. <http://hdr.undp.org/en/composite/HDI>

³ The CRP aims to understand why contemporary violence is so difficult to end and to analyse the underlying political economy of violence with a view to informing policy. In addition to South Sudan, the CRP is conducting research in Iraq, Syria, Somalia and the Democratic Republic of Congo. For additional information, visit the CRP page on the LSE website at <http://www.lse.ac.uk/international-development/conflict-and-civil-society/conflict-research-programme>.

making better use of South Sudanese expertise in shaping contemporary approaches to humanitarian aid. An unpublished report by the Overseas Development Institute (ODI) and the United States Institute of Peace (USIP) on the humanitarian response in South Sudan advised humanitarians to proactively seek the advice of South Sudanese experts, as well as international experts, on how to strengthen humanitarian operations.⁴ This panel provides an opportunity to reflect on the potential contributions that South Sudanese experts could make in the current context.

The paper examines humanitarianism across four thematic areas:

- **Accountability.** The first section looks at a range of issues relating to accountability in the humanitarian sector, including starvation crimes under international law and the use of customary justice mechanisms to address disputes that arise as a consequence of severe hunger.
- **Activism.** The second section discusses humanitarian activism and describes instances in which South Sudanese have demonstrated resilience and heroism in the context of an intense and protracted war.
- **Authority.** The third section assesses the ways in which the humanitarian intervention affects the legitimacy and responsiveness of public authorities at various levels of governance.
- **Access.** The fourth section focuses on humanitarian access and seeks to understand the interests and motivations of state and non-state actors who engage with humanitarian operations.

The conclusion summarises the key points and offers a series of recommendations for humanitarian actors to consider in their efforts to design and implement programmes in a highly fluid context.

⁴ This paper was circulated to international donors and selected others. The paper was made available to the South Sudanese scholars who attended the panel, but it also raises important questions about restrictions upon the flow of ideas and knowledge.

⁵ For analysis of the growing importance of political decision and military tactics in creating famine, see Alex de Waal, *The end of famine? Prospects for the elimination of mass starvation by political action*, *Political Geography*, Vol. 62 (Jan. 2018), <https://www.sciencedirect.com/science/article/pii/S0962629817302871!>

⁶ Francesco Checchi, Adrienne Testa, Abdihamid Warsame, Le Quach, Rachel Burns. *Estimates of crisis-attributable mortality in South Sudan, December 2013–April 2018*. London School of Hygiene and Tropical Medicine, September 2018.

Humanitarianism and accountability

The famine declared in Leer and Mayendit counties in February 2017 demonstrated the extent to which hunger has become a weapon of war in South Sudan.⁵ By June 2017, the extreme famine in that pocket had eased, but hunger continued to grow in other parts of the country. Demographic estimates are that 383,000 people have died of violence, hunger and disease since the outbreak of war⁶—a massive humanitarian disaster under any definition. 5.3 million South Sudanese were severely food insecure in January 2018, a 40 percent increase from January 2017.⁷

Casualty rates among humanitarian workers shed further light on abuses in the humanitarian sector. At least 100 humanitarian workers have been killed since the start of the conflict, and South Sudan has been the most dangerous country for humanitarian workers for several years running.⁸ Although humanitarians of all backgrounds have been killed it is notable that the majority of these deaths have been among national aid workers.⁹ This is a further manifestation of the complex power politics at play.

The subsections below explore opportunities for accountability at various levels of governance and the implications that access to information has for prospects for accountability. A key objective in this regard is to try to reset the moral compass of the political and military establishment so that famine and severe hunger are once again seen to be morally abhorrent.

Opportunities for accountability

Several opportunities present themselves for accountability at the regional, national and local levels. Globally, there have not yet been any criminal prosecutions for starvation crimes, but international practice is now heading in that direction with the adoption of UN Security Council Resolution 2417 in May 2018.

<https://www.lshtm.ac.uk/newsevents/news/2018/war-south-sudan-estimated-have-led-almost-400000-excess-deaths>

⁷ How to declare a famine: A primer from South Sudan, IRIN (5 Mar. 2018), <https://www.irinnews.org/analysis/2018/03/05/how-declare-famine-primer-south-sudan>.

⁸ *Aid Worker Killings Rise, Fueled by Conflict in South Sudan, Syria*, Voice of America (VOA) (13 Aug. 2018), <https://www.voanews.com/a/aid-worker-killings-rise-south-sudan-syria/4526853.html>.

⁹ According to the Aid Worker Security Database, 100 aid workers have been killed in South Sudan since December 2013, including 95 national and 5 international aid workers. See Humanitarian Outcomes, *Aid Worker Security Database*, (2018), <https://aidworkersecurity.org/>

Resolution 2417 expresses the international community's concern with the threat of conflict-induced famine and calls on states to conduct investigations into the use of starvation as a method of warfare and take action against those responsible.¹⁰ Since starvation crimes are recognised as war crimes and crimes against humanity, the African Union (AU) would have a right to intervene under Article 4(h) of its Constitutive Act.¹¹ There may also be opportunities for the Hybrid Court of South Sudan (HCSS), if and when it is established, to bring such cases. Starvation crimes have not been documented to the extent that other international crimes have, and pose specific difficulties for legal recourse, so there will be a need for additional efforts in this area to allow for such prosecutions in the future.

National justice institutions in South Sudan should, theoretically, also be able to hold individuals and groups accountable for starvation crimes, although the lack of independence of these institutions would likely present an insurmountable obstacle to such efforts in the short-term.¹² If criminal prosecution through the national courts is not feasible, other sorts of initiatives could be explored. For example, Harriet Kuyang, a lecturer at the Juba University College of Law and Institute of Peace, Development and Security Studies, argues that existing practices and local knowledge of justice and reconciliation, which tends to adopt a reparative approach that prioritises the rebuilding of relationships and repairing of harms to victims rather than the punishment of perpetrators, could play an important complementary role in shaping transitional justice processes in South Sudan.¹³ Another precedent for reparative approaches can be seen in the notions of community land ownership and 'taking towns to the people' that arose in the context of the negotiation of the Comprehensive Peace Agreement (CPA) and were framed as a means of recognising the sacrifice that rural communities made during the long liberation struggle. Memorials to victims of famine crimes could provide yet another means of

recognising their sacrifice and promoting norms against such conduct by armed groups.

Various forms of political accountability could also serve as an alternative if criminal accountability mechanisms are inaccessible. For example, if severe hunger results from acts of neglect or incompetence caused by the misappropriation of public resources and the consequent failure to pay salaries for public servants, criminal accountability may not be appropriate but political accountability should still apply. In other contexts, for example, the people responsible would likely lose their positions if such misconduct were exposed.

As one panellist pointed out, at the local level in South Sudan, a very different sort of accountability mechanism is also available in the form of customary norms that recognise the right to food. In Bahr-el-Ghazal during the 1990s, for example, customary courts would often hear cases relating to the distribution of food items. Following up this observation, the CRP conducted research in Bahr-el-Ghazal in July and August 2018 and confirmed that customary courts continue to play a similar role in the current context. The customs of many groups in South Sudan place moral obligations on relatives or community members to provide for the hungry and to prevent undignified death. In famine-prone areas they may recognise the right of a starving person to acquire food even if it means taking someone else's crops or livestock. The Dinka chiefs' courts in Bahr-el-Ghazal rely on the ability to shame people for failing to provide for their families. Additional research can help to clarify the role and extent of existing institutions and norms in promoting accountability and mitigating harms at the local level.¹⁴

Besides the political accountability of national actors, the donors and implementers of external assistance (multilateral organisations and NGOs) have a share in accountability not only to their constituencies but also to the recipients of aid. International actors need to be attentive to, and held accountable for, their potential to

¹⁰ UNSC Resolution 2417 (2018), U.N. Doc. S/RES/2417, https://www.securitycouncilreport.org/atf/cf/%7b65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7d/s_res_2417.pdf.

¹¹ AU Constitutive Act, Art. 4(h) (2000) (stating that the AU shall have a right 'to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity'), https://au.int/sites/default/files/pages/32020-file-constitutiveact_en.pdf.

¹² See e.g., American Bar Association, *Assessment of Justice, Accountability and Reconciliation Measures in South Sudan: Final Report and Recommendations* (Jun. 2014), https://www.americanbar.org/content/dam/aba/directories/roli/sudan/aba_rolisudan_assessment_final_report_0614.authcheckdam.pdf; International Commission of Jurists (ICJ), *South*

Sudan: An Independent Judiciary in an Independent State? (2013), <http://www.refworld.org/pdfid/530cb3604.pdf>.

¹³ Harriet Kuyang, *Exploring Linkages of Traditional and Formal Mechanism of Justice and Reconciliation in South Sudan* (Jan. 2018), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3102242.

¹⁴ For a discussion of the role of customary courts during the conflict see e.g. Rachel Ibreck and Naomi Pendle, *Customary Protection? Chiefs' Courts as Public Authority in United Nations Protection of Civilians Sites, South Sudan*, Justice and Security Research Programme (JSRP) (Sep. 2016), <http://eprints.lse.ac.uk/84472/1/JSRP-34.Ibreck.Pendle.pdf>. Documentation of the 'hunger courts' has been started within the CRP.

exacerbate as well as alleviate hunger. Research on the 1998 Bahr-el-Ghazal famine showed that international partners could contribute to increased vulnerability to famine.¹⁵

Access to information

There is a close correlation between access to quality information and the prevention of famine and humanitarian emergencies. A free press, for example, is a critical means of alerting the authorities of an impending crisis and calling to account those responsible for failures to prevent or mitigate starvation. As Amartya Sen famously proclaimed, 'No famine has ever taken place in the history of the world in a functioning democracy.'¹⁶ The lack of access to information in the humanitarian sector has had real consequences in South Sudan. During the famine in Bahr-el-Ghazal in the late 1990s, for example, the response was slow in part due to a lack of data to show that severe hunger was leading to famine. Similar criticisms have been made of humanitarian responses in the current situation.¹⁷ For example, in 2018, humanitarians were slow to realise the scale of hunger in parts of Gogrial.

Access to information suffers from numerous constraints in the South Sudanese context. Public authorities often demonstrate an extreme sensitivity to criticism and an unwillingness to accept facts that do not serve their interests. Plus, there is a tendency among many humanitarian actors to fund research only for their internal consumption without a commitment to publish or publicly share the understanding acquired. Research that is being publicly funded by taxpayers in donor countries is not being made available for public benefit, raising ethical concerns. In addition, the lack of quality information impedes civic mobilisation efforts and undermines the development of an environment that is conducive to accountability in the humanitarian sector.

Among the factors contributing to the lack of reliable information is the under-representation of South Sudanese in the humanitarian sector. For example, panellists were only able to name two South Sudanese country directors of international NGOs (INGOs) in South Sudan. For a large-scale humanitarian intervention that is several decades old, the lack of South Sudanese at the

senior management level suggests that donors have given insufficient priority to building this capacity. The scarcity of senior South Sudanese in these positions raises the question of whether there is a mismatch between the modus operandi of international aid agencies and local socio-political realities. In addition, the scarcity of South Sudanese in leadership positions needs to be understood in the context of previous Sudan People's Liberation Movement and Army (SPLM/A) policies and practices, including historical failures to expand access to education and active efforts to discourage such employment, with particularly acute and lasting impacts in some regions. During the first three years of Operation Lifeline Sudan (OLS), South Sudanese were prevented from working with aid agencies by the SPLM/A out of fear that it would encourage desertion from the frontlines.

The problem of lack of information in the humanitarian sector is compounded by the large turnover among foreign staff, most of whom do not stay for more than one or two years in the country. There is also often a spatial and social disconnectedness between humanitarian agencies and the populations that they serve. This is exaggerated in times of conflict as there is a trend towards the remote management of emergency operations. These and other factors contribute to a lack of reliable intelligence and a tendency to opt for the less risky options even if they are likely to result in unintended consequences that undermine accountability.

A related problem concerns the lack of national researchers in the production of knowledge about South Sudan. Whether research commissioned by humanitarian agencies, or journal articles that are produced and peer reviewed outside the country without input from South Sudanese academics, most knowledge production rests in the hands of foreigners. As a result, research often fails to prioritise matters of interest to South Sudanese audiences and contributes to the information gaps around key issues, such as the efficacy of existing systems in providing support during times of severe hunger or famine. South Sudanese ideas are also critical to finding a lasting political solution to the conflict, and the lack of resources to enable this thought leadership may help explain the lack of imagination in recent peace processes.

¹⁵ Luka Biong Deng, *The Sudan Famine of 1998: Unfolding of the Global Dimension*. IDS Bulletin. Vol 33(2) (2002), <https://core.ac.uk/download/pdf/43539715.pdf>

¹⁶ Amartya Sen, *Democracy as Freedom*, Oxford University Press (1999).

¹⁷ For more on the discomfort that information systems have in

dealing with conflict and its impact on food security, see Daniel Maxwell et al., *Constraints and Complexities of Information and Analysis in Humanitarian Emergencies: Evidence from South Sudan*, Feinstein International Center (Jun. 2018).

Humanitarian activism

Humanitarian activity in the context of armed conflict is, at best, damage mitigation. True relief from humanitarian crisis is possible only in the context of peace and a political settlement that addresses the issues that lead to war. Nonetheless, activists can play an important role in creating conditions that are conducive to such a settlement. Given the vulnerability of international agencies to political pressure, much of the more visible activism in the humanitarian sector is undertaken by national actors, including civil society, the church, traditional authorities, and individual citizens. Such efforts to alleviate suffering and build peace at a very local level are often overshadowed by national or international peace processes that focus on securing political settlements among small groups of elites.

The subsections below explore a number of areas in which donors and humanitarian agencies could be more creative in supporting efforts to promote peace and alleviate suffering at a very local level. They suggest that humanitarian agencies could think more innovatively about how they engage with ‘the institutions that are really meaningful in people’s lives,’ such as kinship networks, clan and age-set systems, churches and schools, rather than simply approaching the problem through the lenses of their own institutions, the state and narrow definitions of ‘civil society.’¹⁸

Importance of local champions

Among the issues that do not receive the attention that they deserve are the heroic efforts by South Sudanese in every walk of life to provide support to their fellow citizens in the midst of conflict.¹⁹ One of the panellists recounted how when the conflict first broke out, he raised \$6,000 dollars and went to the Protection of Civilians (POCs) site every day with supplies targeting pregnant women. Another story that has become popular relates to the

heroic actions of a chief from Jebel Dinka who protected many of his Nuer neighbours when the conflict broke out in Juba in December 2013. These types of stories abound in South Sudan. As Freddie Carver has argued, if humanitarian agencies can find ways ‘to invest in increasing the resources available to ordinary South Sudanese independently of [militarised] authorities,’ then they might be able to change the incentives that drive people to support armed groups.²⁰

One of the challenges in this regard is the channelling of funds away from civic actors and towards large international humanitarian agencies. After the outbreak of the conflict in December 2013, a number of large programmes assisting civil society were cancelled or dramatically scaled down. These changes in funding priorities have far-reaching impacts on civic actors and suggest a failure to appreciate the important roles that civil society, faith-based institutions and traditional authorities play in providing local, spontaneous responses in times of humanitarian emergency.²¹ International donors had mistakenly perceived civil society’s role to be limited to building political liberty in times of peace and state building. However, such civil authorities have much more far reaching roles. For example, through the training of community paralegals and the monitoring of justice sector, institutions at the local level can help to contribute to civilian protection and social cohesion even during times of conflict.²² With relatively little financial input as compared to the broader humanitarian intervention, donor funds can help to protect the integrity of these systems and build resilience among conflict-affected populations.

Humanitarianism in the education sector

Panellists had particularly moving stories to share about their experiences with humanitarianism in the education sector. Their stories illustrate how educational institutions provide spaces of protection, struggle and change, where

¹⁸ Freddie Carver, *A ‘call to peacebuilding’: rethinking humanitarian and development activity in South Sudan*, Humanitarian Exchange, No. 68, Humanitarian Practice Network (HPN) and Overseas Development Institute (ODI) (Jan. 2017). In South Sudan, civil society tends to be used principally to refer to NGOs.

¹⁹ *Missed Out: The role of local actors in the humanitarian response in South Sudan*, Christian aid, Cafod, Troicair, Oxfam and Tearfund (Apr. 2016), https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/rr-missed-out-humanitarian-response-south-sudan-280416-en.pdf. For a counter-argument that questions the assumption that NGOs are particularly well-equipped to deliver assistance in emergency situations, see Sofronio Efuk, *‘Humanitarianism that harms’: A critique of NGO charity in Southern Sudan*, *Civil Wars*, Vol. 3 (20 Sep. 2007),

<https://www.tandfonline.com/doi/pdf/10.1080/1369824000840244>.

²⁰ Carver, *A ‘call to peacebuilding’*.

²¹ See e.g., Mark Massoud, *Work Rules: How International NGOs Build Law in War Torn Societies*, *Law and Society Review*, Vol. 49, No. 2 (2015).

²² See Rachel Ibreck, *Sexual violence is rife in South Sudan – but a new female head chief could help bring change* (11 June 2018).

<https://www.independent.co.uk/news/world/politics/south-sudan-sexual-violence-new-female-chief-rebecca-nyandier-chatim-womens-rights-a8383861.html>. The work of lawyers and paralegals during the conflict in South Sudan and their contributions to humanitarianism will also be addressed in a forthcoming book by the same author.

South Sudanese can come together without placing their political or ethnic identities at the forefront. In that regard, educational institutions are among what Eddie Thomas and Natalia Chan have called the 'positive spaces where civic values still have relevance.'²³ This field tends to be neglected in research and policy agendas during conflict, but the vignettes drawn from the lived experience of South Sudanese panel members indicate the scope for further research and action.

One panellist recalled returning to his university after the outbreak of conflict in 2013 to find that several of his students were missing, to the extent that it became too painful for the class to take the register. Over time, some of the missing students returned to class, but they had been traumatised and were not themselves. Yet although the students had been exposed to ethnic discourses and violence, they were determined to continue their learning and often offered each other support. This story illustrates how educational institutions have become nodes of conflict and peace where resilience can be nurtured.

Another panellist recalled her efforts to try to secure higher education for displaced students in the POCs. In the early days of the conflict, students were not able to travel to the university without risking threats or violence from armed men. With the support of an international organisation, the panellist helped to establish a centre in the POCs that would allow them to communicate with their lecturers.²⁴ In 2015, they were able to graduate 20 students and more have graduated since. The panellist has worked with the United Nations Mission in South Sudan (UNMISS) to establish two secondary schools in the POCs and she was able to convince the Minister of Education to allow several students to sit for their exams in the POCs. In many respects, the education sector is among the hardest hit by the conflict. For example, South Sudan is reported to have the highest percentage of children out of school in the world.²⁵ However, despite the toll that the conflict has taken, people are working to navigate these hostile environments and build the human resources that can help to build resilience and stabilise the situation.

Additionally, several innovative programmes to provide education opportunities to senior military officers have been initiated in recent years. At the Juba University

Institute of Peace, Development and Security Studies, for example, professors initiated a programme to allow military officers whose educational careers were interrupted by the 22-year war to finish their degrees. The curriculum included in-depth study of national and international law, including South Sudan's national security policy. Although they have faced some resource constraints, the Institute is still trying to maintain the programme.

Humanitarianism and authority

The impact that humanitarian interventions have on public authority raises a number of familiar questions and dilemmas. Among the central tenets of humanitarianism is that assistance should be provided in an impartial and independent manner based on need alone, but is it possible to adhere to this principle in a highly politicised conflict situation? When people lack even the essential requirements to satisfy their daily needs, is it not inevitable that more powerful actors will seek to manipulate humanitarian assistance to their advantage? Perhaps these are problems without solutions and humanitarian actors should just focus on saving lives and not overly concern themselves with the unintended consequences of their actions. But if the unintended consequences include legitimising state and non-state actors that stand accused of grave violations of international human rights and humanitarian law, undermining the government's accountability to its citizens, and possibly even prolonging the conflict, can humanitarian actors afford to continue with business as usual?

The subsections below delve into several of these questions from a more pragmatic viewpoint that recognises the inherently political nature of humanitarian interventions and considers how humanitarian actors might limit the negative consequences of their actions.

Impact on legitimacy and accountability

Among the critiques of large-scale humanitarian interventions is that they serve to legitimise state and non-state actors, provide them with material resources, and undermine their accountability to citizens. A number of narratives are typically used to explain this relationship:

²³ For additional advice on humanitarian investments in 'spaces of hope', see Eddie Thomas and Natalia Chan, *South Sudan: wrong turn at the crossroads?* Humanitarian Exchange, No. 68, HPN and ODI (Jan. 2017).

²⁴ While experts have recommended the adoption of longer-term funding cycles that seek to build resilience among displaced populations in the POCs, translating that into practice

has been a challenge. See Michael Arensen, *'If we leave we are killed': Lessons Learned from South Sudan Protection of Civilian Sites 2013-2016*, International Organization of Migration (IOM) (Jan. 2016), https://publications.iom.int/system/files/pdf/if_we_leave_0.pdf.

²⁵ Global Initiative on Out of School Children.

- The channelling of aid through Juba and the control that the state exerts over where support goes confers legitimacy on a government that has been implicated in very serious violations of international human rights and humanitarian law.
- The government is able to claim credit for allowing aid to reach populations in need, even as it fails to deliver public services and goods to the people. Since it does not have to pay for service delivery, state resources can be channelled to security, corruption cartels and other sectors that are less accountable to the people.
- Humanitarian assistance increases the power of state and non-state actors, whether indirectly by allowing them to invest more in security or more directly through taxation, the diversion of humanitarian assets, and market interactions between political elites and humanitarian agencies. This increase in power in turn confers its own form of legitimacy.

A central dilemma for humanitarian actors is that they are trying to convince the government of its responsibility to address the needs of its citizens even as they are providing services in its place.

As noted in the introduction, large-scale humanitarian operations in South Sudan date back to the 1970s and their impact on public authority has long been discussed. However, the relationship between the government and the international community has taken on a different tone in the current conflict. In the previous war, OLS channelled humanitarian assistance through the SPLM/A. Efforts to establish mechanisms such as the humanitarian principles were undercut in the mid-1990s when the United States made a political decision to support the SPLM/A in its struggle against the regime in Khartoum, mainly on account of the latter's sponsorship of terrorists, after which the SPLA's diversion of humanitarian assets and obstruction of aid were systematically overlooked or downplayed.

In the current conflict, the expectations of humanitarian actors have changed, and the international community is

closely scrutinising misconduct by state and non-state actors.²⁶ At the same time, there remains a high degree of continuity among the South Sudanese authorities, many of whom have similar expectations of humanitarian actors as during the last war. These diverging expectations account for some of the daily tensions between the government and humanitarian actors. The government feels as though humanitarian agencies do not respect its authority and that they are acting with little oversight or accountability. The government responds by placing onerous regulatory requirements on humanitarian actors and intimidating them into silence on matters of public interest.²⁷ Regulations are often interpreted as money-making activities and an excuse to extract NGO money. When the warring parties are able to control the actions of humanitarian agencies it reinforces their authority as important political actors in the eyes of the people.

Impact on relationships among people

A related question concerns the impact that humanitarian interventions have on reciprocal relationships within and between communities. Decades of foreign aid have reshaped responses to war and famine. For example, in the 1970s, following the Addis Ababa Agreement, aid was known as '*totin*', literally meaning national resettlement. Over the last forty years, the meaning of the word has come to encompass much broader ideas including 'free food' or food without an owner. It is now used in conversations about hoarding or failing to share food.

Hunger does not always push people apart – it can also strengthen social relations. As Luka Biong, a former director of the Center for Statistics and Evaluation (now the National Bureau of Statistics) that established the livelihood early warning system in the war-affected areas of South Sudan in the 1990s, and currently a professor at the Africa Center for Strategic Studies, has demonstrated, during times of hardship, the natural tendency is for people to come together to support one another.²⁸ Among the Shilluk, for example, if a house is seen without fire for a few days, it serves as a sign that the people inside are unable to feed themselves and someone will arrange to bring food to them. One panellist recalled from her youth

²⁶ Daniel Maxwell *et al.*, *Questions and Challenges Raised by a Large-Scale Humanitarian Operation in South Sudan*, Secure Livelihoods Research Consortium (SLRC) (13 May 2015), <https://securelivelihoods.org/wp-content/uploads/Questions-and-Challenges-Raised-by-a-Large-Scale-Humanitarian-Operation-in-South.pdf>.

²⁷ Lindsay Hamsik, *A thousand papercuts: the impact of NGO regulation in South Sudan*, Humanitarian Exchange, No. 68, HPN and ODI (Jan. 2017), [https://odihpn.org/wp-](https://odihpn.org/wp-content/uploads/2017/01/HE-68-web.pdf)

[content/uploads/2017/01/HE-68-web.pdf](https://odihpn.org/wp-content/uploads/2017/01/HE-68-web.pdf).

²⁸ Luka Biong Deng takes this analysis deeper and shows how the strengthening of social ties is particularly pronounced when the source of the threat is outside of the community. See *Changing Livelihoods in South Sudan*, Humanitarian Exchange, No. 57, HPN and ODI (May 2013), <https://odihpn.org/magazine/changing-livelihoods-in-south-sudan/>.

how her father would leave out barrels of *medida* ('porridge') for people. One day, a woman came with her children and collapsed in front of the house and they had to spoon feed her.

Extreme and persistent deprivation, coupled with decades of humanitarian assistance, have undermined social safety nets such as these and given rise to an expectation that when conflict breaks out, outsiders will come to provide support.²⁹ These unintended consequences do not necessarily imply fault on the part of the humanitarian actors involved; to a certain extent, they are an unavoidable result of externalising responsibility for support during emergencies. The challenge for humanitarian agencies is to approach their interventions in such a way that they minimise harmful impacts and contribute to the strengthening of existing systems whenever possible.

Once again, the lived experience of South Sudanese can shine a light into some of the important social dynamics of a society under extreme stress and identify agendas for more systematic research and creative support.

One of the panellists related a story from Juba University that provided a simple illustration of how humanitarian assistance can strain reciprocal relationships. After the outbreak of violence in Juba in July 2016, a government official in the Ministry of Humanitarian Affairs who happened to be a student at Juba University was able to arrange for one of the departments to receive 60 bags of rice. At the time, staff had gone for months without salaries and faced serious difficulties supporting their families. However, when a driver went to collect the aid, he had to flee without receiving the rice because serious confusion had broken out among the crowd at the distribution point, among people who had been excluded from the list of recipients. Within the University, there were also tensions as some departments did not receive any assistance. In this instance, a university in an urban setting was in need of support and yet the distribution of food aid strained relationships at a sensitive time.

Another panellist recounted dynamics surrounding the distribution of food from the hub of Ajiép in Bahr-el-Ghazal during the famine of the 1990s. People would compose songs against those who were targeted to receive food,

calling them the 'compound people'. Whereas Dinka custom emphasised people's obligation to provide food to one another during times of hunger, to the extent where someone suffering from hunger has the right to kill and eat a cow that does not belong to him, the provision and targeting of outside assistance served to undermine this sense of social responsibility and resilience.³⁰

Another story from the 22-year war illustrated a more direct impact on local authorities. One of the panellists recounted that the targeting of food aid through relief committees during the 1998 famine in Bahr-el-Ghazal made women vulnerable by asking certain women to select a limited number of recipients from the larger population. They subsequently took the blame for those who were excluded. One chief lamented this food aid targeting system by saying:³¹

"It started when *kawaja* (white person) started asking who keeps grain?... He was told women keep grain... *Kawaja* then asked who keeps cattle?... He was told men keep cattle... Then *kawaja* said the women should be the ones to distribute and keep relief food and men with cattle...and you chiefs should keep away from food distribution... and leave it for women...The food distribution is now confused as women started selecting their relatives."

This food aid targeting system took authority and social obligations away from the chiefs who would normally make these sorts of decisions during food crises and placed them with a woman who would then have to go back to her community and face questions about why she chose to give food to one person and not another. The humanitarian aspiration to empower women and recognise their role in providing food was admirable. However, as a result of the deeply engrained nature of gender inequalities in this context, such decisions could increase a woman's vulnerability.

While the examples above demonstrate instances in which humanitarian assistance undermined social cohesion, instances may also arise in which it has the opposite effect. During the 22-year war, the chiefs used humanitarian assistance to pay taxes to the SPLA. On the one hand, this is a clear example of diversion that served to benefit one party to the conflict. On the other, the payment of taxes allowed chiefs to assert their authority

²⁹ There is also a body of research that contends that dependency on food aid tend to be exaggerated in South Sudan. See e.g., Sarah Bailey and Simon Harrigan, *Food Assistance, Reintegration and Dependency in South Sudan*, London: ODI (2009).

³⁰ Luka Biong Deng, *Famine in the Sudan: Causes,*

Preparedness and Response: A Political, Social and Economic Analysis of the 1998 Bahr el Ghazal Famine. IDS (1999),

<https://opendocs.ids.ac.uk/opendocs/handle/123456789/13867>

³¹ *Ibid*, pp 85.

and create spaces of relative cohesion and security by avoiding arbitrary abuses by the SPLA.³² Additional research could help to reveal the double-edged nature of humanitarian assistance and develop more nuanced approaches that account for such dynamics.

Impact on gender relations

Humanitarian emergencies and interventions have significant implications for gender relations. Times of emergency can highlight the most vulnerable in South Sudan, and in South Sudan these are often women and especially women who do not have close male relatives. It is also clear that women have suffered extreme sexual violence during the current and previous wars. As Jok Madut Jok's work shows, violence against woman began to escalate in the 1990s, alongside the militarisation of notions of masculinity.³³

Distribution methods can also have gendered impacts that prevent humanitarian assistance from reaching those who are most in need. A panellist recalled airdrops in Akobo in the late 1990s and how the community would gather the food items and take them to the local commander who would in turn distribute the food through male heads of household. Since the society was polygamous and the food was not enough for everyone, the system privileged men and many women were left out. With the support of the church, they were able to lobby the commander to instead register the women.

The dominance of male humanitarian workers and their role in distributing relief can leave women more vulnerable. Because of this male dominance, women are potentially more susceptible to gender-based violence when they seek to access humanitarian assistance.³⁴

At the same time, proximity to international values and employment, as well as necessity in times of emergency, can help to positively reform social norms in favour of the

equality of women. During the wars of the 1990s, women who were in exile often had new educational opportunities. This has helped empower them and increase their autonomy.³⁵ This is especially the case in times of crisis when NGO employment opportunities increase. Many of the most prominent women nationally in South Sudan first gained authority when working for national NGOs that were funded by the international humanitarian response in the 1990s. Jok Madut's work recorded the role of the SPLA in forging a women's role in the liberation struggle.³⁶

Humanitarian access

The current conflict is generating many of the same barriers to access that people grappled with in the 22-year war.³⁷ Restrictions on flight clearances, roadblocks, centralised distribution methods, and other constraints on access are forcing entire communities to move in search of food, as they have in the past.

The subsections below explore these issues in greater detail with a focus on what drives competition for humanitarian assistance among armed groups and problems associated with centralised distribution of humanitarian resources.

Competition among armed groups

Competition for humanitarian assistance among armed groups is among the factors driving them to control where humanitarian access is provided. There is a tendency among the warring parties to treat people as commodities; they compete to have more people under their control in part because it brings more humanitarian supplies. As Joshua Craze has observed, competition for humanitarian resources is 'part of a broader political economy of plunder and redistribution that typifies southern Sudan during times of war.'³⁸ Among the first

³² Chirilo Madut and Naomi Pendle, *Wartime Trade and the Reshaping of Power in South Sudan: Learning from the market of Mayen Rual*, Rift Valley Institute (2018) <http://www.refworld.org/docid/5bae251a4.html>

³³ Jok, Madut Jok, *Militarization and Gender Violence in South Sudan*, *Journal of Asian and African Studies*, Vol.34(4) (1999), pp.427-442.

³⁴ For more on how dominant discourses of sexual violence in South Sudan have disregarded the historically violent civil-military relations and structural violence connected with local political economies that commodify feminine identities and bodies, see Alicia Luedke and Hannah Logan, 'That thing of human rights': *discourse, emergency assistance, and sexual violence in South Sudan's current civil war*, *Disasters*, Vol. 42, Iss. S1 (27 Dec. 2017), <https://onlinelibrary.wiley.com/doi/full/10.1111/disa.12273>.

³⁵ Grabska, K. (2013) *The Return of Displaced Nuer in Southern*

Sudan: Women Becoming Men?, *Development and Change*, 44 (5), pp. 1135-1157.

³⁶ Jok, Madut Jok (1999), *Militarization and Gender Violence in South Sudan*, *Journal of Asian and African Studies*, Vol.34(4), pp.427-442.

³⁷ See e.g. Christine Monaghan, 'Everyone and Everything Is a Target': *The Impact on Children of Attacks on Health Care and Denial of Humanitarian Access in South Sudan*, *Watchlist on Children and Armed Conflict* (Apr. 2018), https://watchlist.org/wp-content/uploads/watchlist-field_report-southsudan-web.pdf.

³⁸ See e.g., Joshua Craze, *Displacement, Access, and Conflict in South Sudan: A longitudinal perspective*, *Conflict Sensitivity Resource Facility (CSRF)* (May 2018), <https://www.southsudanpeaceportal.com/wp-content/uploads/2018/06/CSRF-Research-Displacement-Access-and-Conflict-in-South-Sudan.pdf>.

acts for new armed groups is to establish a humanitarian wing in order to exercise authority over aid in territories under their control. Humanitarian access touches on a number of issues regarding the perceived legitimacy of state or non-state actors and serves as a nodal point around which hard bargaining for legitimacy occurs between armed groups and humanitarian agencies.

These contests for legitimacy place the entire humanitarian operation on a knife-edge and become something humanitarians have to struggle with on a daily basis. When armed opposition groups are able to access humanitarian resources, the government blames humanitarian agencies for providing support to the enemy. But if the agencies deny access to rebel-held areas to please the government, then opposition groups will escalate conflict and squeeze humanitarians to extract more concessions. This nexus between access, power and legitimacy is among the issues driving the threat against humanitarian workers. The 2016 NGO Act and 2014 National Security Service (NSS) Act can also be seen as an attempt through regulation to control humanitarian actors and ensure that assistance flows in a manner that supports the government's military strategy.

Drawbacks of centralised distribution

Centralised methods of distribution can serve to heighten risks for recipients of humanitarian assistance. Several panellists noted the manner in which humanitarian agencies tend to organise their response around the centralised distribution of humanitarian assistance. Recipients of aid have to travel large distances in order to access enough assistance, which increases their exposure to violence and hunger. During the famine of the late 1990s, many people died simply trying to walk to the distribution centre at Ajiep. When people leave the distribution centres, they can also become targets for armed actors. Panellists recalled in the 1990s visiting SPLA storage facilities in Bahr-el-Ghazal that were full of food relief supplies; even as people were dying trying to access the distribution centre in Ajiep, SPLA commanders were taking half of the rations that each person received. The situation may have been even worse in government garrison towns.

Similar dilemmas have been reported in the current conflict. In recent years in Leer and Mayendit, people have had to walk long distances between various feeding centres in order to get enough food. Humanitarians were confronted with the practical impossibilities of delivering aid closer to people's homes, and the knowledge that the

alternative would force people to travel significant distances. However, consequences were exaggerated when, on occasion, the amount of food distributed by humanitarians in a single site fell significantly short of what was needed for survival. In addition, often for reasons beyond humanitarians' control (such as armed conflict), distributions did not always happen regularly, encouraging people to try to store up food aid. Therefore, many people tried to survive by walking between feeding centres and often registering more than once in order to receive adequate food. The way food was distributed, whether as a result of policy choices or difficult circumstances, effectively forced people who were close to starvation to walk significant distances across difficult terrain. The full impact that these long walks and periods away from local support networks have had on hunger, starvation, and people's vulnerability to armed actors is yet to be fully understood.

Conclusion

The humanitarian sector in South Sudan is under immense pressure from all sides, whether from the dictates of the warring parties or budgetary constraints in donor capitals. It may seem perverse to expect the sector to undergo extensive reforms even as it is grappling with one of the world's most complex emergencies. But perhaps a better way of approaching the problem is to recognise that humanitarian actors may continue to increase efficiency and impact by making further efforts to understand how aid interacts with politics, economics and social dynamics in South Sudan and using that understanding to develop more nuanced programmes.

The panel discussion demonstrated the wealth of knowledge and experience possessed by South Sudanese academics and activists on humanitarian questions from both professional and personal perspectives, and the relevance of this for addressing humanitarian crisis. Despite the diverse political viewpoints among the panellists, they were able to offer common perspectives, which speaks to the ability of South Sudanese to rise above their differences and chart a collective way forward when given the chance. While efforts have been made to engage South Sudanese experts in discussions about humanitarianism in the past, they have tended to be on an individual and ad hoc basis. A more concerted effort would help to bridge the divides between international assistance and the lived experience of South Sudanese and contribute to a better understanding of how the challenges of humanitarianism can best be addressed.

Recommendations

- **Establish a regular forum of South Sudanese humanitarian experts for open exchanges with international practitioners and experts.** The forum would meet regularly and focus on key humanitarian issues with an agenda informed by both sets of participants.
- Develop strategies for and investment in connectivity between humanitarian leaders and grassroots communities in order to improve the responsiveness of humanitarian agencies to extreme hunger and famine, and to help humanitarians navigate complex social and political dynamics.
- Examine in greater detail the role of customary mechanisms and chiefs' courts in promoting accountability for hunger both historically and in the current context, including through such mechanisms as hunger courts.
- Identify where pockets of local humanitarian activism arise and how they can best be supported, with particular attention to schools and higher education. This would include increasing recognition that educational institutions and civil society can make a humanitarian contribution.
- Scrutinise honestly the consequences of current aid distribution patterns so that humanitarians can ensure that they have learnt from the devastating mistakes of the 1990s.
- Examine the social and cultural impacts of humanitarianism, their differential impacts on men and women and their implications for the dignity and autonomy of individuals, families and communities.
- Support journalism and media to expose hunger-related abuses in the interests of accountability. Increase programming that supports the flow of public information on these issues.
- Examine the implications of current recruitment practices, and the forms of knowledge and skills that are valued in a humanitarian actor. Better appreciate the implications of these practices on programme design and the power relations between South Sudanese including between men and women.

Notes



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