WHY HUMANITARIAN AID IN DARFUR IS NOT A PRACTICE OF THE 'RESPOSIBILITY TO PROTECT'

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*The opinions expressed in this volume are those of the author
and do not necessarily reflect the views of Nordiska Afrikainstitutet.*

Contents

Acknowledgements

List of Abbreviations

ARS	Area Rehabilitation Scheme
DRC	Democratic Republic of Congo
HAC	Humanitarian Assistance Commission
HLP	High Level Panel
HRW	Human Rights Watch
ICC	International Criminal Court
ICISS	International Commission on Intervention and State Sovereignty
ICRC	International Committee of the Red Cross
IDPs	Internally Displaced Persons
IFIs	International Financial Institutions
IHL	International Humanitarian Law
INGOs	International Non-governmental Organisations
MSF	Doctors without Borders
NGOs	Non-governmental Organisations
OCHA	UN Office for the Coordination of Humanitarian Affairs
ODI	Overseas Development Institute
OLS	Operation Lifeline Sudan
R2P	Responsibility to Protect
R2PCS	R2P-Civil Society
SRCS	Sudan Red Crescent Society
SUDO	Sudan Social Development Organisation
UK	United Kingdom
UN	United Nations
UNAMID	UN/African Union Mission in Sudan
UNDP	United Nations Development Programme
UNDPKO	UN Department of Peacekeeping Operations
UNHCR	UN High Commissioner for Refugees
UNICEF	UN Children's Fund
UNMIS	UN Mission in Sudan
WFM-IGP	World Federalist Movement-Institute for Global policy
WFP	UN World Food Programme

Foreword

This Discussion Paper posits that the delivery of humanitarian aid in Sudan and Darfur in particular should not be seen as a case of the practice or application of the 'Responsibility to Protect' (R2P). The relevance of R2P, a framework considered significant for preventing and responding to conflict-related mass atrocities, to a critique of 'new' or post-Cold war humanitarianism is the main focus of the paper. It provides compelling evidence that linking R2P to humanitarianism is based on non-existent, or at best, tenuous grounds. This conclusion is predicated on the position that while humanitarianism is non-political, non-ideological and focuses on providing care for victims of natural disasters or war, R2P reflects a high level of politicisation as a state-focused and -led initiative.

This paper also shows how international relief/humanitarian operations are increasingly being embedded in international war strategies, with adverse consequences for people living in conflict areas. Such incorporation of 'humanitarian assistance into the toolbox of political intervention' provides a context for 'the pursuit of domestic and foreign policy/national interests by key donor, especially Western states.' Among the adverse consequences of politicised humanitarian aid are the targeting and killing of aid workers, as well the exploitation of humanitarianism by some NGOs, states and actors in the international community.

The case study of Darfur primarily provides empirical support for the argument that humanitarian operations in the area are not, despite the rhetoric, essentially based on R2P policies. The analysis highlights the activities of Operation Lifeline Sudan (OLS) in Darfur to reinforce this point. Drawing on firsthand observations and interviews with critical actors, the author provides deep insights into the contradictions between humanitarian aid operations in Darfur and R2P, including the negative consequences for the local people directly affected by conflict. It is also shown that donor states, international NGOs and the Sudanese state have taken advantage of humanitarian aid to advance their agendas, while such interventions have in some regards worsened the conflict and undermined the local Darfurian economy.

The paper explores new frontiers and is relevant to scholars, activists and policy-makers with a keen interest in understanding the interface between international humanitarianism, peace and development in Africa.

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Introduction

This paper provides explanations of why the delivery of humanitarian aid in Darfur should not be seen as a case of the practice or application of the 'Responsibility to Protect' (R2P). R2P is a policy framework considered significant to the prevention of, and a response to conflict-related mass atrocities. This framework was first conceptualised following the 2001 report by the International Commission of Intervention and State Sovereignty (ICISS). The R2P framework was, however, modified and subsequently endorsed by UN member states at the 2005 UN Summit. Paragraphs 138 and 139 of the 2005 UN Summit document set out the normative benchmark for the prevention of and for responses to four conflict-related atrocities, namely genocide, war crimes, ethnic cleansing and crimes against humanity (sometimes referred to as 'R2P-crimes'). R2P reinforces the role of the state in protecting its population from these crimes. It further provides normative benchmarks for international assistance (including possible military intervention through the UN) if a state lacks the capacity or seems unwilling to protect its population from the 'R2P crimes.'

There have been numerous attempts to clarify, operationalise and implement R2P since its UN endorsement (Bellamy 2009; Evans 2008; Thakur 2006). An important component of the development and praxis of R2P is its association with the activities of humanitarian NGOs. Some NGOs have firmly embraced R2P and have been called upon by R2P protagonists in the UN to provide significant inputs towards transforming R2P from 'words into deeds.' For example, NGOs such as Human Rights Watch, Oxfam International, International Crisis Group and Refugees International made significant contributions to the 2009 UN Secretary-General's report on implementing R2P. Edward Luck, the UN Special Advisor on matters relating to R2P has used various platforms to reiterate the integral role of NGOs in the praxis of the R2P (Luck 2008b; Luck 2008a). This paper reflects on attempts to embed humanitarian activities within the R2P framework with specific reference to the delivery of humanitarian aid in Sudan, Darfur in particular.

The Darfur crisis highlights an important paradox. Despite debates and problems associated with the pattern of international response (Slim 2004; Agbakwa 2005), and in particular the application of R2P to the Darfur crisis (Badescu and Bergholm 2009; Bellamy 2005; de Waal 2007), there has been a persistent flow of international humanitarian aid to the region. The humanitarian operations there have in fact been characterised as one of the largest in the world (OCHA 2009). There is substantial evidence to support this assertion. For example, between 2003 and 2009, total US humanitarian assistance to Darfur was estimated to be over US$250million (USAID 2010). There are analyses that have sought to portray the flow of humanitarian assistance in Darfur as a fulfilment of R2P (Pantuliano et al. 2006).

This paper argues that the delivery of humanitarian aid in Darfur is not a practice of R2P. This assertion is informed by two main considerations. First, humanitarian practitioners, especially those in field missions in Darfur, have little knowledge of and/or remain opposed to linking humanitarian activities with R2P. Such opposition is primarily because these humanitarian workers often perceive R2P as a highly political and contested concept driven by states. This view contrasts with attempts to depict humanitarian assistance as an elemental aspect of the conceptualisation and operationalisation of R2P (Luck 2008a; Luck 2008b).

Second, subsuming humanitarian activities within the R2P framework does not significantly address the problems associated with contemporary humanitarianism. The concept and practice of humanitarian assistance has historically evolved and has been challenged especially in the post-Cold War era. The popular historical narrative of contemporary humanitarianism is often linked to Jean-Henri Dunant. In 1859, Dunant founded the ICRC and framed humanitarianism primarily in terms of a 'de-politicised' duty of care. The delivery of aid, according to that perspective, should be based on the ICRC principles of humanity, impartiality, neutrality, independence, voluntarism, unity and universality (ICRC 1996). These principles have been embraced by most NGOs working in disaster areas. Since the late 1980s, however, there has been a deepened politicisation of aid architecture. The dominance of what is often referred to as the 'new humanitarianism' involves the broadening of humanitarianism beyond mere provision of relief. It also entails the expanded promotion of human rights and development agendas.

The need for new humanitarianism is often attributed to the scale of humanitarian crises and the internationalisation of risks following the changed pattern of post-Cold War conflict, sometimes described as 'new wars' (Kaldor 2001). New humanitarianism is now overtly deployed as a foreign policy tool, especially by Western states. While such features date back to US President Woodrow Wilson, the US-led war against terror since the 9/11 attacks has led to an overtly declared 'humanitarian war' (Woodward 2001), as evidenced in the wars in Afghanistan and Iraq. The promotion of this new humanitarianism has divided the humanitarian community. There are those who support (O'Brien 2004) or repudiate (de Torrenté 2004) the deeper political character of the new humanitarianism. Within the academic literature, there are strong criticisms of new humanitarianism (Anderson, 1999; Cooley and Ron 2002; Duffield 2002; de Waal et al. 1997; Terry 2002). The patterns of aid delivery in Sudan and in recent times in Darfur reflect the opposing views within the humanitarian discourse and highlight the problems associated with the new humanitarianism.

Sudan has been a major beneficiary of humanitarian assistance, especially the provision of relief, for decades. The persistence of humanitarian crises caused by

wars, especially between the government of Sudan and the Sudan People's Liberation Army/Movement (SPLA/M) in Southern Sudan, was mainly responsible for the persistent flow of humanitarian aid to Sudan. This is perhaps why Sudan has been described as being in a state of permanent emergency (Duffield 2001). Yet the delivery of aid in Sudan has also demonstrated how the aid architecture in general has radically transformed itself into an increasingly politicised enterprise. Specifically, the establishment of Operation Lifeline Sudan (OLS) in 1989 represented a significant change in humanitarianism. OLS involved negotiating access with the government of Sudan and the SPLA/M in order to deliver relief supplies to civilians. It was the first official relief programme in which a government negotiated or partially suspended its sovereignty in order to allow for the delivery of food aid to civilians in rebel-held areas. The implementation of OLS, however, revealed how international agencies contributed to, and certainly failed to understand the role of such programmes in the dynamics of conflict. It has been argued that OLS was manipulated by belligerent parties, especially the government of Sudan, to bolster and advance their political and economic dominance (Bradbury 1998; de Waal et al. 1997). Similar difficulties and challenges are manifested in the delivery of humanitarian assistance in Darfur. The problems of delivering humanitarian assistance in Sudan and more recently Darfur can be linked to the emergence of the new humanitarianism in the post-Cold War era. As the case of Sudan demonstrates, new humanitarianism is in a state of crisis. Embedding humanitarian activities within R2P, therefore, does not meaningfully resolve the problematic nature of the new humanitarianism.

Responsibility to Protect

The development of the concept of R2P was in response to the tension between proponents of humanitarian intervention and defenders of the traditional notion of state sovereignty. Humanitarian intervention refers to the use of force to prevent or end the widespread violation of human rights without the consent of the government of the country in question (Holzgrefe 2003: 18). Defenders of state sovereignty argue that there is a legal (Farer 2003), moral (Knudsen cited in Atack 2002: 282) and political (McCarthy 1993) obligation on the international community to refrain from interfering in the internal affairs of a state. This sovereignty-humanitarian intervention dilemma continues to undermine attempts by the international community to prevent and effectively respond to mass atrocities. In the 1990s, for example, the international community was unable to prevent and effectively respond to conflict-related atrocities in Rwanda and Bosnia. There was also a lack of international consensus on the NATO-led military intervention in Kosovo. The birth of R2P was, therefore, an attempt to reconcile and achieve political consensus on the issues of humanitarian intervention and state sovereignty.

As noted above, R2P emerged following the 2001 ICISS report. This report, entitled 'Responsibility to Protect,' was the outcome of extensive consultations and deliberations led by Gareth Evans and Mohamed Sahnoun on how to resolve the sovereignty-intervention dilemma. The ICISS report underscored two basic principles. The first is the recognition that the responsibility for the protection of the human population lies with the state. Second, where a population is suffering serious harm as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect (ICISS 2001: xi). The ICISS report significantly informed UN debates and reports on issues relating to R2P (Annan 2005; HLP 2004). These debates and reports were the basis for negotiations by the UN General Assembly member states that led to the UN endorsement of R2P at the World Summit in September 2005.

R2P endorsement by UN member states was described (especially in the media) as an historical achievement for the prevention of and in response to conflict-related atrocities (Lindberg 2005; Turner 2005). Some scholars also echoed these positive assessments. For example, Jennifer Welsh maintained that '2005 saw a declared commitment on the part of states to act in ways not originally envisaged in the UN Charter' (Welsh 2006). Gareth Evans perceived the UN endorsement of R2P as a 'big step forward' (Evans 2006). Alongside these positive appraisals, there have also been severe criticisms of R2P as a new form of humanitarian imperialism (Chomsky 2008; Duffield 2007; Mamdani 2009).

Other significant issues raised about R2P are how R2P is to be translated into practice (Holt and Berkman 2006) and by whom (Pattison 2010). Both Holt and Berkman (2006) and Pattision (2010) emphasise the military component of R2P.

The Humanitarian 'surge' in Darfur (2003–09)

Humanitarian operations in Darfur have been considered and perhaps celebrated by some Western powers as the largest such intervention in the world (OCHA 2010). In this regard, Hillary Benn, former UK Development Secretary, stated that:

> ... in Darfur, the international community came in and offered protection and support in the form of humanitarian assistance that is keeping about two million people alive everyday in the camps. Why [are] so few people in Britain in the streets campaigning and protesting about what is going on in Darfur? Because if you came out to protest on Darfur, it would be difficult to protest against the US and the UK because it is self-evident that these are the two countries that have done more than anybody else in terms of humanitarian assistance ... (Interview, Leeds, 22 February 2008).

The graphical distribution (Fig. 1) reaffirms Benn's assertion, as it clearly puts the US and UK as the largest *country* donors of humanitarian assistance to Darfur. The US in particular continues to be the largest bilateral donor to Sudan, espe-

Figure 1: Humanitarian Assistance per Donor to Darfur (2003–07)
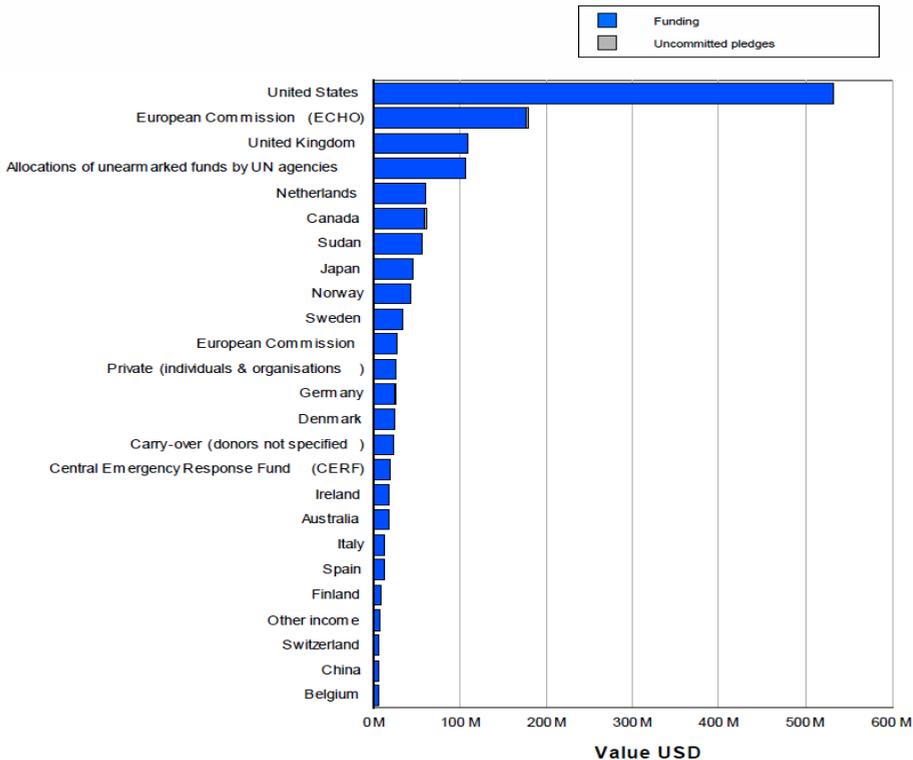
Source: OCHA (2007)

Figure 2: Trend of Humanitarian Staff Working in Darfur from April 2004–January 2008
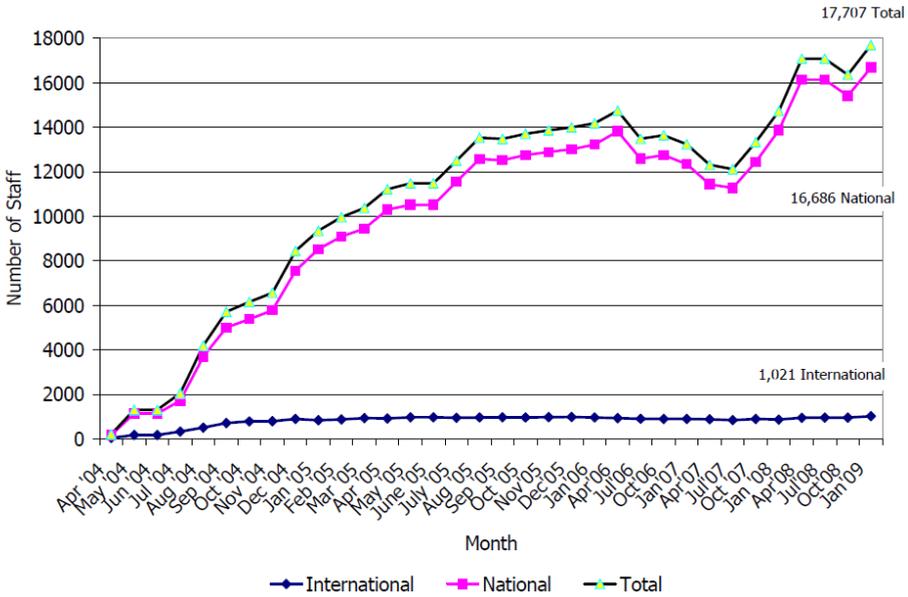
Source: OCHA (OCHA-Sudan 2009)

cially in Darfur. For example, the 2005 US humanitarian assistance to Darfur was estimated at US\$444,229,628. As at April 2010 (from 2004), the total estimated amount of US humanitarian assistance to Darfur was over US\$4.1billion (USAID 2010). The enduring presence of international aid workers in Sudan (based on the anecdotal observations of the researcher) is, for example, evident in the activities of UN aeroplanes on the tarmac of Khartoum International Airport and the numerous vehicles belonging to or chartered by international and local humanitarian agencies on Khartoum's busy roads. Recorded data as of January 2008 show that there are 85 NGOs, excluding the Red Cross/Crescent, and 16 UN agencies in Darfur. It is also estimated there are about 17,700 international and national humanitarian workers, among which the latter constitute 94 per cent (See Fig. 2). There have been suggestions that the humanitarian 'surge' in Darfur is evidence of a collective responsibility to protect (Pantuliano et al. 2006). As implied in Hillary Benn's assertion, the delivery of humanitarian assistance could be perceived as an effective substitute for the failures and difficulties in embracing and implementing R2P in Darfur by governmental organisations. Yet the linkage between R2P and humanitarian assistance, as the Darfur crisis suggests, is not clearly delineated.

R2P and Humanitarian Assistance in Darfur

This section explores the purported linkage between the R2P and the delivery of humanitarian assistance in conflict situations with specific reference to the Darfur crisis. Supporters of R2P have attempted to embed humanitarian assistance within the R2P framework. For example, Luck (2008a) suggests that such a linkage represents an important component for establishing an integrated system-wide coherence in global responses to mass atrocities. The case of the Darfur crisis, however, highlights the problems associated with subsuming humanitarian activities within the R2P ambit. Specifically, the humanitarian community remains deeply divided on such linkages with R2P. As a result, it is a misleading to suggest that the delivery of humanitarian assistance in Darfur represents the praxis of R2P.

R2P proponents have repeatedly underscored the need for an integrated framework that would subsume humanitarian activities within the broader goals of R2P. Leading supporters of R2P within the UN and some NGOs have championed this goal. Within the UN, Ban Ki-moon and Edward Luck have pushed for a close relationship between humanitarian activities and R2P. In his Berlin speech to the Bertelsmann Foundation, Ban Ki-moon sought to bring clarity to the linkages between R2P and humanitarian action in the following statement:

> ... our response should be deep, utilizing the whole prevention and protection tool kit available to the United Nations system, to its regional, subregional and civil society partners and Member States themselves (UN Doc. 2008: 1).

Edward Luck has also reinforced the justifications for such an integrated strategy. For example, in a Stanley Foundation policy brief in August 2008, Luck argued that the extant UN system, with the mandate to prevent and protect the population from gross violations of human rights, could achieve better coordination, operational efficiency and system-wide coherence by 'rebranding' these activities according to R2P criteria. During a personal interview, Luck re-emphasised this operational goal of R2P by stating that:

> ... different UN departments could provide assistance in the areas of conflict, prevention, reaction, and rebuilding of war-torn societies in a system-wide coherent manner through the R2P. My office has begun setting up working groups of different UN departments and also working with the policy committees of different departments in order to achieve such coherence (Interview, New York, 20 March 2008).

Luck and his colleagues have also worked in collaboration with and alongside NGOs to establish an operational linkage between humanitarian action and R2P. Some NGOs were actively involved in the draft reports for the Secretary-

General on R2P leading to a final Secretary-General report. On 23 September 2008, Edward Luck met with senior officials of six organisations, namely Oxfam International, Human Rights Watch, Global Centre for the Responsibility to Protect, Refugees International, World Federalist Movement and International Crisis Group to discuss a draft report on R2P. In response, these organisations wrote a joint feedback letter dated 2 October 2008 on the purpose, content and timing of the report. That report represents the first most comprehensive UN perspective on the operationalisation of R2P in general, and specifically on how to understand its connection with humanitarian action.

Some of these pro-R2P NGOs, cognisant of the UN perspective, have led independent initiatives to operationally promote R2P. In particular, the World Federalist Movement-Institute for Global Policy (WFM-IGP) established the Responsibility to Protect-Civil Society (R2PCS) in 2003 to promote conceptual clarity and advocate for the effective delivery of R2P by both governments and the wider international community. A worthy example of the R2PCS role is its 2007 global consultation with both Western and non-Western NGOs to promote the R2P agenda.

In contrast with these positive assessments, other humanitarian practitioners, especially those working with or in field missions in Sudan and especially Darfur, remain either unclear and/or opposed to integration of their activities within the R2P framework. This lack of clarity and opposition reinforces the problems of conceptualising and operationalising R2P. It also arises from the attempt by some humanitarian workers on the ground to remain ostensibly 'depoliticised' and embedded in the classical humanitarian principles of humanity, impartiality, independence and neutrality. From interviews with humanitarian practitioners mainly in Sudan's capital Khartoum, three main issues emerge in relation to embedding humanitarian activities within the R2P framework.

First, there is often an acknowledgement of the relationship between humanitarian activities and the R2P agenda. However, some humanitarian practitioners appear to dissociate their activities from R2P by highlighting what they consider to be a divergent historical trajectory. During an interview with an OCHA policy advisor on the protection of civilians in armed conflict, she admitted that some aspects of R2P are related to activities of the OCHA. She noted that 'OCHA is mostly involved in providing humanitarian assistance. In this sense, OCHA contributes in certain aspects in assisting states fulfil their R2P' (Interview, New York, 17 March 2008).

Yet, this anonymous UN official was swift to clearly differentiate the OCHA mandate from R2P in the following statement,

> ... OCHA is a civil service arm of the UN and thus does not provide any activity that is in anyway political. If a government of a state authorises us to leave its

country, we must oblige. Our activities are directed by the UN General Assembly resolution 46/182 not the R2P. It is true that some of the activities provided by OCHA, such as its coordination of humanitarian assistance, helping sustain livelihoods and so on can be characterised as aspects of the R2P. We can say the same thing for UNDP and some other UN agencies. But, UN member states are the main drivers of the R2P (Interview, New York, 17 March 2008).

Second, in addition to the seemingly perceptible state-centric and political character of R2P, some humanitarian practitioners in Sudan have little understanding of the inherent meaning of R2P in relation to how they are responding to the humanitarian crisis in Darfur or elsewhere in that country. Asked if he had any knowledge of R2P and how such agenda related to humanitarian activities on the ground in Darfur, a senior official of OCHA-Sudan responded,

... I am an expert on the delivery of humanitarian assistance, not protection. I would be willing to refer you to UN experts on civilian protection which include the UNMIS civilian protection section and more importantly the UNHCR ... the R2P is a very theoretical concept associated with the pattern of politics of UN member states and has little to do with what is happening on the ground in Darfur. The best protection in Darfur is the presence of aid workers ... (Interview, Khartoum, 28 August 2008)

This response appears to suggest a limited understanding of the concept of R2P. He reaffirmed its state-centric perception and accentuated a marked disconnect between the R2P agenda and the practical realities on ground in Darfur. The OCHA-Sudan official also highlights a distinction between humanitarian assistance and protection. The former could be defined as the delivery of material assistance to victims of man-made or natural disasters to ameliorate their suffering. Protection is, however, a closely related concept that was first popularised by the ICRC in a series of protection workshops between 1996 and 2000 (ICRC 2008). The ICRC defines protection as:

... all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law (i.e., human rights law, international humanitarian law, refugee law)' (cited in Bagshaw and Paul 2004: 26).

Clearly, the ICRC's broad-based conception of protection does not preclude the idea and practice of humanitarian assistance. For instance, an ICRC report re-emphasised that the underlying notion of protection,

... makes it possible to stimulate the potential links between assistance, prevention and protection ... in fact assistance delivery, promotion of legal norms, communication, campaigns, and confidential representations may all be part of a coher-

ent protection strategy addressing the causes and consequences of violations and abuses (2008: 10).

ICRC's approach has led some within the humanitarian community to increasingly describe conflict-induced emergencies as 'protection crises' – a label that was first adopted in the prevailing crisis in Darfur (Pantuliano et al. 2006). Pantuliano et al. (2006) suggest that such labelling reflects the growing recognition of a collective responsibility to protect civilians caught up in violent conflict. Yet, my third point is that even if there is perceived or actual recognition of a 'collective responsibility to protect,' as Pantuliano and others suggest, most humanitarian workers in the field tend to define such responsibility as strongly linked to the ICRC's protection framework rather than to R2P. This perception strongly resonates among respondents in Khartoum when asked if they had any knowledge of R2P and if their various humanitarian programmes in Darfur reflect its practice. The following are samples of the responses to the issue given by some (anonymous) respondents.

> Within the UNHCR, the conception of protection is in line with how the ICRC conceives the term, which involves different approaches such as the rights-based approaches, the use of legal instruments (HR and IHL laws, etc.) and, importantly, immediate life-saving interventions such as access to basic services (for example free health care, agricultural programmes, etc.) ... while there is a collective responsibility to protect, it is hard to see how it can be achieved without the consent of authorities in Darfur or, as in the case of the DRC, rebel groups that have control of areas [where] war-affected civilians are present (Interview, Khartoum, 27 August 2008).
>
> The Sudanese Red Crescent see protection in terms of three core activities. First, we provide mainly community-based health services with the main goal of reducing the outbreak of diseases. Second, we also engage in disaster management, which is somehow linked to health service delivery but in this case within the context of emergency situations. Third, communication and dissemination – we provide education to government agencies like the armed forces, police, etc., on IHL and providing subtle human rights advocacy. The latter is done in a very low voice so as not to upset the government or belligerent parties ... R2P is a UN-led initiative, we do not have a memorandum of understanding with the UN because it is our view they are not neutral enough and hence may undermine our work (Interview, Khartoum, 4 September 2008).
>
> In Darfur, like elsewhere, our activities can be categorised into two main parts; first, provision of immediate intervention: responding to basic needs such as provision of seeds, food, water, health, etc. Second, long-term interventions such as ratifying legislations. But this does not imply conforming to these legislations, as the Darfur crisis has demonstrated (Interview, Khartoum, 28 August 2008).

Similarly, some officials of local NGOs in Sudan tended to agree with the above evaluations of R2P. This was reflected in personal communications between the researcher and anonymous senior officials of local organisations such as the Sudan Social Development Organisation (SUDO) and the Amel Centre against Torture. Thus, the concerted attempts by R2P supporters to integrate humanitarian activities within the R2P framework have not convincingly resonated, especially among fieldworkers in Sudan.

It would be premature to equate the delivery of humanitarian assistance in Darfur with the implementation of R2P for two reasons. First, the conceptualisation and operational development of R2P remains inherently problematic (Okeke 2010). Uncritically subsuming humanitarian activities within the R2P framework does little to clarify or resolve the problems associated with R2P. Second, the concept and practice of humanitarian assistance has historically evolved and in recent times has come under critical scrutiny (Barnett and Weiss 2008a). The questions raised about contemporary humanitarianism are rooted in its evolution from an ostensibly de-politicised 'duty of care' to a deeply politicised phenomenon. The prevailing problems of humanitarian assistance in Darfur are rooted in the historical pattern of delivering humanitarian assistance in Sudan. The next section considers the history of humanitarian assistance in Sudan and how it has contributed to the discourse on the crisis of the new humanitarianism. It then highlights how these problems have been reproduced in the prevailing crisis in Darfur. The significance of this analysis to the overall argument in this paper lies in its demonstration of the historical disconnection between the lofty moral aspirations of R2P and humanitarian assistance in Darfur.

The History and Evolution of Humanitarianism

The History of Humanitarianism

There are different theoretical accounts of the rise of humanitarianism, which has been explained in terms of development of an innate biological inclination to show compassion to others (Haskell 1985; Fiering 1976; Parmelee 1915). Other humanitarian theorists have attributed its rise to religion (Calhoun 2008; Krafess 2005; Salih 2004) and the spread of capitalism (Leys 1994; Ashworth 1987; Barnett and Weiss 2008a). Despite these divergent historical accounts, the standard or popular explanation is humanitarianism arose as a non-statist, depoliticised and neutral duty of care pioneered by Jean-Henri Dunant and his colleagues. In 1859, Dunant led the founding of the International Committee of the Red Cross (ICRC) after witnessing the horrific deaths of combatants during the battle of Soferino between France and the Austro-Hungarian empire. Other 'humanitarians,' such as Florence Nightingale, Clara Barton and Francis Lieber also contributed to 'limiting the human costs of war' (Forsythe 2005: 17). As David Forsythe (2005) argues, Dunant had a global vision that significantly altered international relations in general and international law in particular. It was the advocacy of Dunant and his colleagues that culminated in the 1864 adoption of the first Geneva Convention for the humane treatment of victims of war. While that convention was initially adopted by 12 Western states, it was further developed and state ratifications significantly expanded. For instance, the 1949 Geneva Convention, which is the core of International Humanitarian Law (IHL), consists of four treaties and three protocols that have been ratified by 195 states.

Beyond seeking to impose a more humanitarian approach on the conduct of war, the ICRC has been at the forefront of delivering relief services, programmes and supplies in both conflict situations and areas affected by natural disasters. In doing this, ICRC has tended to subscribe strictly to its seven core principles adopted in 1964 at the 20th international conference of the Red Cross. These principles are: humanity, impartiality, neutrality, independence, voluntarism, unity and universality (ICRC 1996). Together, these principles present the ICRC as a politically neutral organisation dedicated to providing relief to victims of complex emergencies. Also, these principles have been described as the 'rule-book' of humanitarian action, because other charities and NGOs working in disaster-affected regions often adhere to them (Douzinas 2007). The history of humanitarianism is therefore tied to the Dunantist position that humanitarianism is a non-political duty to simply care for victims of war. As Barnett and Weiss suggest, this conception of humanitarian action 'was the industry standard until the late 1980s' (2008b: 5). Since then, there have been persistent debates between humanitarian practitioners who either support (O'Brien 2004)

or repudiate (de Torrenté 2004) the increasingly political nature of humanitarian aid. The evolution of humanitarianism can be understood in the context of the recent deep politicisation of humanitarian aid architecture.

The New Humanitarianism

There has been an unprecedented rise in the scale of humanitarian assistance since the end of the Cold War. This has been explained in terms of the internationalisation of risks caused by the changed pattern of post-Cold War conflicts (Kaldor 1999). The structural changes in international relations following the end of the Cold War meant that most Third World states became of less strategic importance to powerful states (Griffin 1991). Yet the scale of conflict-induced humanitarian disasters put immense domestic public pressure on Western states to 'save strangers' from the adverse effects of war. As Mark Duffield asserts, 'relief assistance is both the cheapest and lowest common denominator in regions which are now characterised by the absence of a long term or collective international view' (1996: 186–7; see also de Waal 1997: 133–58). There has also been a geometric increase in the number of humanitarian NGOs working in conflict zones (Mawlawi 1993). The role of these NGOs has rapidly expanded beyond merely relieving the sufferings of victims of war. The proliferation of NGOs and their expanded roles particularly in conflict contexts ushered in an era that has been variously described as 'New Humanitarianism' (Fox 2001), 'Neo-Humanitarianism' (Mills 2005) or 'political humanitarianism' (Duffield 2001: 75; Duffield 2007).

It would be wrong to conceive of new humanitarianism as a homogenous and uni-dimensional discourse that offers a clear-cut definition of its meaning. Rather, Joanne Macrae suggests that the new humanitarianism should be understood in terms of 'different actors who constitute the humanitarian system and who interact with it in the political and military domains and are each proposing different modifications to the existing framework of humanitarian action' (2000: 91). Most advocates of this new form of humanitarianism prefer to use the term 'coherence' – that is, 'incorporating humanitarian assistance into the toolbox of political interventions, alongside sanctions, demarches and the use of military force' (Macrae and Leader 2001: 291).

Two broad strands encapsulate the underlying notion, content and practice of the new humanitarianism. The first is the broadening of the scope of humanitarian action to include human rights and development. Traditional humanitarian assistance was thought to be based on the neutral provision of relief and basic needs that transcended politics. In this era of new humanitarianism, NGOs are expected to also 'name and shame' violators of human rights, particularly in conflict contexts, as well as engage and promote long-term sustainable development (Fox 2001). The embrace of a more politically inclusive approach to hu-

manitarian action has long been advocated by some human rights and development NGOs such as Amnesty International, Human Rights Watch and Oxfam. In fact, the practice of rights-based and development-oriented humanitarianism can be traced to the pioneering work of Doctors Without Borders (MSF) during the Nigeria-Biafra war (1967–70).

From the 1990s, the new humanitarian outlook appears to have become increasingly accepted, as evidenced in the Mohonk criteria (Ebersole 1995). These were produced in 1993 by the Taskforce on Ethical and Legal Issues in Humanitarian Assistance, convened by the programme on humanitarian assistance at the World Conference on Religion and Peace. It set guidelines 'for co-operative relationships between political, humanitarian and military actors in complex humanitarian emergencies created by armed conflict' (Ebersole 1995: 14). A broader explanation, however, lies in the increasing 'politicisation' of humanitarian action with the merging of security and development that has become an essential aspect of global liberal governance (Duffield 2001). I return to this argument later in this paper.

The second related strand conceives of the new humanitarianism as the pursuit of domestic and foreign policies by key donors, especially Western states. The use of humanitarian claims to pursue domestic and foreign policy by powerful states has historically been a marked feature of international politics (Ramsbotham and Woodhouse 1996; Wheeler 2000). The distinguishing feature of the new humanitarianism, however, is that the delivery of humanitarian relief alongside addressing human rights and longer-term sustainable development is now regarded as part of the objectives of fighting wars. The 'humanitarian war' in Kosovo (1999) is an example of the evolving practice of humanitarianism (Woodward 2001). The Kosovo example has contributed to the debates regarding the use of force for the purpose of civilian protection in armed conflicts, as opposed to the integration of humanitarian aid within the broader goals of war. Although these considerations are not mutually exclusive, the post-9/11 US-led war against terrorism especially in Afghanistan (2001) marked the first explicit attempt by a state to embed relief operations as part of its war strategy. Speaking shortly after the inception of the US-led war in Afghanistan on 7 October 2001, Donald Rumsfield, former US defence secretary, stated that one of the objectives of the war was 'to provide humanitarian relief to Afghans suffering truly oppressive living conditions under the Taliban regime' (Mills 2005: 161).

Similar humanitarian rhetoric characterised the US-led War on Iraq, albeit in retrospect (O'Brien 2004). Suffice it to say the US-led war on terror has been projected globally as liberation from humanitarian disasters. As Weisman notes, the war on terror is depicted as a 'continuation of [humanitarian] aid' (2004: 204). These two strands best encapsulate the point of departure of the new humanitarianism from the traditional international humanitarian system. Indeed,

humanitarianism is now enmeshed in a deepened political arena in both its expanded objectives in a war context and the difficulties it faces in separating itself from the statist framework in which most NGOs find themselves culturally and financially embedded (Macrae and Harmer 2003).

Critical Reflections on the New Humanitarianism

The new humanitarianism represents the dominance of neo-liberalism in the post-Cold War era. In particular, it is an essential aspect of the growth, and consolidation of Western-led 'two-tier system of public welfare' in non-Western countries, especially in Africa (Duffield 1992). It involves Western-led interventions in the form of both development aid by International Financial Institutions (IFIs) as well as bilateral financial agreements and the proliferation of humanitarian NGOs as 'safety nets' in situations of complex emergencies (Duffield 1992: 139). The humanitarian enterprise is an entrenched form of addressing 'underdevelopment' and helping war-torn states attain post-conflict peacebuilding (Manji and O'Coill 2002; Moore 2000; Reno 1997). Such catch phrases as 'Do No Harm' (Anderson 1999) or 'Condemned to Repeat' (Terry 2002) have been adopted to highlight the problems associated with the new humanitarianism. The dimensions of these problems are subsequently explored.

In most critical evaluations of the new humanitarianism, some analysts attempt to show the practical dangers such a framework poses for the officials of humanitarian agencies themselves. They often underscore the number of deaths, injuries and hostage-takings of both local and foreign personnel of humanitarian agencies, which events seem to have significantly increased, especially in the wake of the US-led wars in Afghanistan and Iraq. Despite the difficulties of finding accurate data, analyses by King (2002) and Stoddard et al. (2009) of fatalities among humanitarian workers in conflict show an increase in the deliberate targeting of civilian humanitarian workers. This increase is attributed to the deepened political/military content of the new humanitarianism. For instance, in Afghanistan, Weissman argues that the killing of five MSF personnel on 11 June 2004 was primarily because of the 'deadly confusion' over humanitarian action and political-military institutions (2004: 3). Similarly, de Torrente cites the 27 October 2003 terrorist attacks on the ICRC compound in Baghdad as a direct consequence of the way in which the US-led war on terrorism has created a 'thoroughly and intensely politicised' perception of humanitarian action (de Torrente 2004: 3). Even where humanitarian workers are not in immediate danger, they often face considerable obstruction in their activities because of perceived links to broader contentious international actions against the target state. For example, an immediate reaction by the Sudanese government following the ICC indictment of President Bashir was the expulsion of 13 international NGOs and the dissolution of three local NGOs.

Humanitarian agencies have also been criticised for their focus on organisational security (particularly in relation to funding) as opposed to addressing relief needs. Since the 1990s, there has been a steady increase in funding for humanitarian assistance by donor states (Fig. 1.3 below). Most funds have been allocated to international NGOs by official government agencies (Fowler 1992; Randel 2002; Stein 2008). Some analysts are critical of what they consider as the increasing dependence of NGOs on such funding and the sometimes perceived tension in what has been characterised as a principal-agent relationship (Cooley and Ron 2002; Stein 2008).

Despite the decrease in the number of humanitarian emergencies, there has been a proliferation of NGOs with seemingly avowed 'expertise' in delivering humanitarian aid. This sometimes results in situations where NGOs are more interested in competing for funds and drafting proposals to suit the interests of donor states than in relief needs (Cooley and Ron 2002; de Waal 1997; Keen 2008a). For example, Pantuliano and O'Callaghan have suggested that certain organisations have tended to frame their activities as 'protection,' because of the perception that it is a 'new funding fashion' (Pantuliano et al. 2006: 18). It has also been observed that recruiting qualified personnel especially for humanitarian field missions has become increasingly difficult (Pantuliano et al. 2006; Duffield 2001). New recruits are often fresh social science graduates with hardly any prior field experience (Duffield 2001). There is also a tendency for NGOs to exploit their humanitarian activities in conflict contexts to attract increased publicity for their organisations (Mills 2005: 174). Besides, the lack of NGO regulation able to robustly direct the course of humanitarian action has left some organisations vulnerable to the projection of power by donor states (de Waal 1997: 80) or led in some cases to the 'multiple-principals problem,' whereby multiple donors compete for the same project (Cooley and Ron 2002: 17).

Another aspect of the analysis of the new humanitarianism relates to how it tends to fuel rather than ameliorate violent conflicts. The internationalisation of public welfare (Duffield 1994) has reinforced and deepened state failure, especially in Africa, in respect of the delivery of 'public goods.' By entrenching a humanitarian system that links relief need with long-term security and development, humanitarian agencies may have (in)advertently contributed to a state of 'permanent emergency' (Duffield 1992). Studies have revealed how humanitarian aid in complex emergencies can form part of a structured political and economic system to support powerful local actors (Duffield 1992; de Waal 1994, 2008; Keen 1994, 2008b). For example, Lischer (2003) notes how relief purportedly meant for Rwandan refugees in Zaire (now Democratic Republic of Congo) between 1994 and 1996 unintentionally fed militants and their supporters and contributed to the war economy. A similar pattern was observed during the long-running civil war in Southern Sudan (Efuk 2000) and remains

Figure 3: Global Trends of Total Humanitarian Assistance (1999 prices), 1990–2000
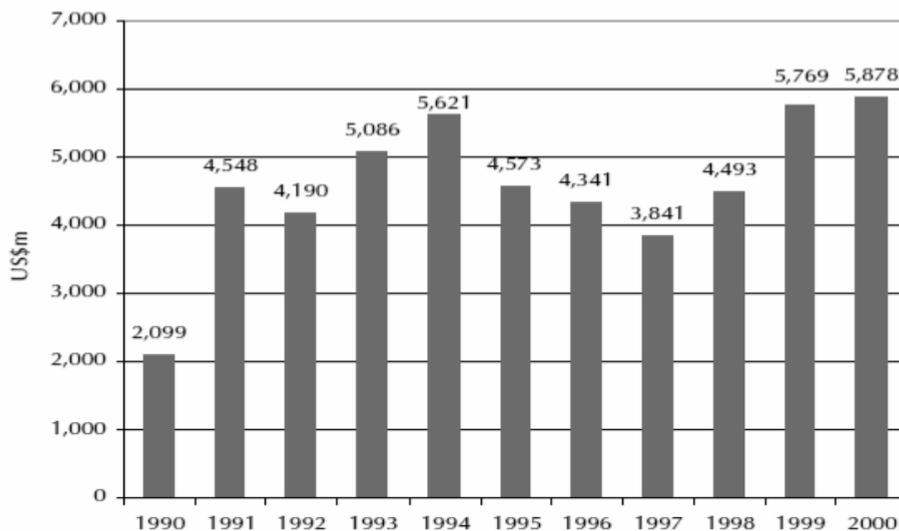
Source: Randel and German (2002)

prevalent in the prevailing crisis in Darfur. Besides, the proliferation of humanitarian aid in conflict-induced emergencies presents an opportunity for belligerent regimes to bolster much needed state finance (Duffield 1992).

The final dimension of the analysis of the new form of humanitarianism concerns its linkage to emerging forms of post-Cold War global governance. Here, the merging of relief, human rights and development is seen as promoting liberal peace (Chandler 2004a; Chandler 2004b; Duffield 2001). That agenda aims to achieve long-term development – defined as 'a sustainable process of self-management that has economic self-sufficiency at its core' – in non-Western societies (Duffield 2001: 101). If that is the goal of liberal governance, Duffield argues that the idea and practice of relief assistance would be seen as contradictory and incompatible because:

> ... humanitarian action can actually deepen the cycle of destitution and impoverishment: it can strengthen dependency ... a tension is evident in the requirement that while a commitment to humanitarian action must remain, relief assistance should not undermine 'the way back to a long-term development process' (2001: 103).

The tension between humanitarian action and development provides a justification for both the reconceptualisation of the former as well as the prevailing 'oversight' by powerful global actors, especially donor states, over NGOs (Duffield 2001). Another essential feature of the new humanitarianism as an instrument of global governance is its containment or stabilising effect. It has been argued that liberal governance seeks to underscore the primacy of protect-

ing individuals from gross violations of their rights. However, Duffield contends that what is being promoted by Western states is 'effective states prioritising the well-being of population within ineffective states' (2007: 122). In other words, the reconstruction of aid as security is regarded as integral to deepening the containing effect or 'bio-political separation of insured and self-reliant species life' (Duffield 2007: 12). The duty of care that preoccupied the discourse of traditional humanitarianism seems to have been side-stepped in a reformulation that conforms to the pursuit of liberal governance. The delivery of humanitarian assistance in Sudan especially from the early 1990s has both structured and reinforced the problems associated with the new humanitarianism. As will be explained, there has been an inconvenient continuity in the problems associated with the deepened politicisation of the delivery of aid in Darfur.

Politics and Humanitarian Assistance in Sudan

Operation Lifeline Sudan (OLS)

Sudan has been a major beneficiary of aid, especially humanitarian relief, from international donors and relief agencies (de Waal 1997). This is because of the persistent humanitarian crises caused by conflict-induced and natural disasters. One of the major international relief operations in Sudan is Operation Lifeline Sudan. OLS was set up in April 1989 as a direct international humanitarian response to the disasters that stemmed from the civil war between the government of Sudan and the SPLM/A. Between 1983 and 1989, it is estimated that one million deaths have occurred, and over two million IDPs have been recorded (Minear et al. 1991). The operations of OLS involved reaching agreement on the delivery of humanitarian assistance to civilians in areas controlled by warring parties.

OLS was the first official relief programme in which a government negotiated or partly suspended its sovereignty in order that relief could be provided in rebel-held areas. This is why OLS is perceived as pioneering the practice of 'negotiated access.' Alex de Waal views 'negotiated access' as involving the merging of two approaches to disaster relief:

> ... One is the non-political natural disaster model, which assumes that civilians are innocent victims and that the governing authorities (government or rebels) are anxious to see them assisted. The second approach is the diplomatic and neutral humanitarianism of the ICRC. This is based on a similar assumption that the belligerents will fulfil their obligations under the Geneva Conventions to respect civilians and facilitate assistance (1997: 128).

This initiative was led by the UN and NGO agencies supported by funding from mainly international donors (especially the Netherlands and US). Three locations were identified, namely government-held areas of the South (Northern sector), the rebel-controlled Southern countryside (Southern sector) and the transitional zone – loosely defined as the boundary between the North and the Southern sectors. Although no formal agreement was signed until 1996 (Bradbury 1998), OLS obtained consent from warring parties to deliver humanitarian assistance to war-affected civilians in these areas. The main principle governing OLS was the right of civilians to unimpeded access to humanitarian assistance. This principle was geared to reinforcing the traditional humanitarian principles of neutrality and impartiality. In addition, UNICEF took the lead in establishing a set of 'ground rules' in the Southern sector in 1992 (Bradbury 1998; Levine 1997; Riehl 2001). These were purportedly drafted because of rebel violations of the OLS agreement evidenced in the killings of three international aid workers and a journalist. Thus, the aim was '... to impose a set of rules on the armed op-

position groups with the aim of guaranteeing the safety and well being of OLS staff and to clarify certain rules and regulations relating to the use of radios, vehicles and the like' (Levine 1997: 11).

The exclusive imposition of the ground rules on the Southern sector has been variously interpreted. Bradbury noted that it was unprecedented because it marked one of the 'few examples of international agreements with non-state entities' (1998: 469). It also reinforced the temporary division of the Sudan, or more accurately the suspension and transfer of national sovereignty (over the Southern sector) to humanitarian agencies (Duffield 2001; Karim 1996). Levine has suggested that it was deemed inappropriate for the ground rules to be applied to government-held areas, because the government of Sudan was signatory to international humanitarian law and because the 'UN could not engage in the same relationship with a sovereign state and armed opposition movements' (1997: 11). However, it seems that the implementation of OLS in general and specifically the ground rules in the Southern sector is evidence of the comparative weakness of the armed movements in the South. For example, Volker Reihl argued that,

> ... the imposition of ground rules was the result of the relatively strong influence of the OLS and INGOs in Southern Sudan and the strategic and operational weakness and fractionalisation of the SPLM/A-SRRA during the time of negotiations (2000: 8).

The total amount of resources (both cash and kind) available to OLS is hard to determine (Minear et al. 1991). For instance, the SPLM put the total OLS expenditure over a ten-year period preceding 2000 at US$2billion, averaging US$200million annually (cited in Reihl 2000: 8). Similarly, it has been estimated in some UN reports that the total contributions received for OLS by the end of 1989 was US$205million (cited in Minear et al. 1991: 35; Deng and Minear 1992: 84). Most of these contributions came from major donor governments such as the US, Germany, France, the Netherlands, Belgium, UN specialised agencies (UNICEF, UNDP, FAO and the WFP) and institutions such as the European Community (EC). The fundamental goal of OLS was meeting nutritional needs through the delivery of food aid. The process of food delivery depended on supplies and involved arranging transportation (mainly food convoys and air lifts) and distribution to OLS sectors (Minear et al. 1991: 41). Evaluations of OLS's success in general are highly contentious.

As Johnson (2003) notes, some analysts, especially in official evaluations, tend to provide a positive appraisal of OLS's stated goals. For example, James P. Grant, erstwhile personal representative of the UN Secretary-General for OLS, in his evaluation maintained that OLS was 'the basis for one of the decade's biggest relief operations and perhaps one of history's largest interventions in an

active civil war' (quoted in Minear et al. 1991: 29). Other assessments of OLS praise its success in famine reduction (UN/OLS 1990, cited in Johnson 2007: 149) and in upholding humanitarian principles in an active civil war (Efuk 2001; Minear et al. 1991. It has been observed that the initial implementation period of OLS 'helped to mitigate the political and economic processes creating famine' (Keen 2008a).

Many analyses of OLS (especially the period following the June 1989 military coup), however, tend to be more critical of its underlying principles and operational efficiency. The implementation of OLS was not insulated from the risks that faced humanitarian workers. In particular, the 1992 killings of three international aid workers and a journalist underscore the risks facing those delivering humanitarian aid in an active conflict (Levine 1997). However, the most profound criticism of OLS is its complicity in advancing the political and economic agendas of powerful groups in the Sudan, especially the government of Sudan. Specifically, it has been argued that OLS engendered a deeper linkage between relief and broader developmental goals. This led to a dangerous convergence between international aid delivery and the political and economic dominance of the centre in the Sudan (Bradbury 1998; de Waal et al. 1997; Duffield 1996; Duffield 2002; Keen 2008a; Macrae et al. 1994).

An important component of OLS that has been criticised is the delivery of food aid. The early implementation period of OLS saw massive food supplies to the country and evidence of considerable storage available for relief efforts (Keen 2008a: 136). Yet this food availability rarely served the interests of the war-affected population. Instead, the pattern of food aid delivery served the existing exploitativeness of the political economy of the Sudanese state (Duffield 2002). Duffield derives his conclusion from field-based analysis of displaced Southerners in the transitional zone of Southern Darfur. He argued that by deliberately creating scarcity of food aid, the government of Sudan maintained both the subordinate position of the Southerners and the historical reliance of 'Sudan's commercial agriculture on cheap and politically or socially disenfranchised labour' (Duffield 2002: 85). One of the ways by which the government of Sudan has maintained this exploitative pattern of commercial agriculture is through its 1970 Unregistered Land Act (Abdul-Jalil 2006). Also, the pattern of food delivery in OLS sectors has been described as instrumental to the pursuit of war aims, especially by the government of Sudan. In this respect, there is evidence that the government of Sudan restricted food supplies to rebel-held areas. For example, Bradbury (1998) explains how the government of Sudan ensured restricted aid to the Nuba Mountains by claiming the region was not at war and therefore did not constitute part of OLS southern sector.

Another aspect of the inadequacy of food aid was its use as a weapon of war. Several studies document the deliberate restriction of food aid by the govern-

ment of Sudan as part of its waging of war (Duffield 1994; Keen 2008b; Keen 2008a; Macrae et al. 1994). Such denial complemented the scorched-earth tactics of the government of Sudan, such as the large-scale killing of livestock, intended to destroy the means of rural livelihood in Southern Sudan (Macrae et al. 1994: 14). Besides, both parties to the war in Southern Sudan diverted food supplies to feed their armies and proxy militias (Duffield 1994: 61). It would be a misconception to suggest that OLS as an international aid response to the crisis in Sudan overtly supported the dysfunctional delivery of food aid. Rather, the complicity of aid, as Duffield argues, is '… contained within the representations and inner logic of aid policy itself, it is reflected in the discursive practices that policy, as a governance relation, uses to arrange people and things to achieve desired results' (2002: 88).

The inherent logic and practices of OLS that served powerful groups in the Sudan is most manifest in the linking of relief to broader aspirations of peace and development. By 1989, the Sudan had incurred external debt of about US$13billion and faced the twin problems of severe financial crisis, especially because of her expulsion from the World Bank and international isolation, at least from Western governments (Collins 2008). Through OLS, the government of Sudan was able to bolster its finances and increase its international legitimacy (Johnson 2003: 159). One of the principal ways by which the government of Sudan benefited financially from OLS was through the overvaluation of its local currency in exchange for hard currency. This feature has been constant throughout the North/South civil war and persists in the current crisis in Darfur. Such trend creates an 'unofficial relief tax every time the UN or an NGO needs to exchange hard for local currency' (Duffield 1994: 60). In fact, there is speculation that through OLS the government of Sudan derived the equivalent of half its military expenditure (cited in Duffield 1994: 61).

The government of Sudan also manipulated the linking of relief and development goals as a strategy for gaining exclusive control over OLS and at the same time receiving the support of international agencies. The government of Sudan achieved this by setting out to establish a 'peace through development' programme in 1992 that would resolve the rehabilitation and development priorities in government-held OLS areas. This developmental agenda was implemented primarily through the expansion of mechanised agriculture, which was to create self-sufficiency for the population. The government development agenda was supported by its 1992 Relief Act, which legitimised exclusive control of all relief resources arriving in Sudan (Johnson 2003; De Waal 1997). There was, however, a convergence between these government of Sudan policies and the aid regime. An example is the Area Rehabilitation Scheme (ARS) developed by the UNDP in collaboration with UNICEF. The main objective of ARS was:

> … to improve and sustain self-sufficiency in food production for the population living in conflict areas … The ARS programme is also built on a community participation approach, which promotes people's determination of their own needs and priorities (UNDP 1998: 7).

Bradbury (1998) argues that such convergence in the developmental approach of the government of Sudan and UNDP masks the underlying political nature of development in the Sudan. Using the case of Kordofan as an example, he suggests that the development of mechanised agriculture as an important aspect of ARS uncritically neglects the history of mechanised agriculture in that region and in particular its role in the war (Bradbury 1998: 472). Besides, the government of Sudan's policies on relief complemented its war efforts by denying access to relief in rebel-held areas. While OLS did not provide explicit support to the government of Sudan, the inner logic of linking relief with development increased the likelihood that the government of Sudan would gain access to much needed funds and international legitimacy. By encouraging the expansion of mechanised agriculture, some international agencies added to and certainly failed to understand the role of such programmes in the dynamics of the conflict (Bradbury 1998; Johnson 2003). It seems that such a dysfunctional pattern of international humanitarian aid response has had minimal impact on war-affected populations. Similar problems of the delivery of humanitarian aid are perceptible in the case of the crisis in Darfur.

Critical review of Humanitarian Assistance in Darfur (2003–09)

The problems associated with OLS have been replicated in the ongoing humanitarian operations in Darfur. Four main areas of continuity are discernible. First, the commonly highlighted problem of delivering humanitarian assistance to Darfur is the correlation between the intense politicisation of aid and high insecurity risks posed for humanitarian workers. It has been argued that opposition rebels have engendered such a high-level of insecurity in the region in order to acquire political power/relevance through a Western-assisted military intervention (Kuperman 2006). Such analysis obscures the role of the government of Sudan in creating and sustaining the Darfur conflict and its humanitarian consequences. As a senior ICRC official working in Darfur concludes, 'the government of Sudan is the author of the crisis in Darfur' (Interview, Khartoum, 28 August 2008). Both the government of Sudan and rebel movements have been complicit in and responsible for insecurity in Darfur. Such insecurity has posed direct risks to humanitarian workers in Darfur. Accurate statistical evidence on the security threats to aid workers in Darfur, as with similar wars, is difficult to generate. Table 1 below shows OCHA's summary of the security situation of aid workers in Darfur since 2007. The table suggests there were no reports

Table 1: Security Situation of Aid Workers in Darfur (2007-August 2009)

Security situation aid workers in Darfur	8 months 2009	12 months 2008	12 months 2007
• Aid workers killed (7 nationals, 3 UNAMID staff)	10	13	11
• Aid workers wounded (12 humanitarians, 10 UNAMID)	22	24	36
• Kidnapped (7 internationals, 4 nationals)	11	0	0
• Hijacked aid-workers remain missing	2	4	0
• Physical and sexual assaults on aid workers (26 humanitarians, 3 UNAMID)	29	*(No report)*	*(No report)*
• Been abducted during carjacking (18 humanitarians, 11 UNAMID staff)	29	*(No report)*	*(No report)*
• Staff arrested or detained by the government (44 humanitarians, 12 UNAMID)	56	*(No report)*	*(No report)*
• Vehicles hijacked or stolen (64 humanitarian, 31 UNAMID)	95	277 *(110 of WFP)*	137
• Assaults or break-ins on premises (103 humanitarian agency 22 UNAMID)	125	193	73

Source: OCHA (2009)

of abduction, theft and government arrest of aid workers between 2007 and 2008. It may, however, be that some of these cases were simply unrecorded or unreported. But the scale of insecurity during the first eight months of 2009, especially in relation to deaths, injuries and kidnapping of aid workers, increased significantly compared to the previous two years.

Perhaps, this could be because of the tendency of the government of Sudan and its supporters to view humanitarian workers as proxies for Western states in undermining the government. Such assertion is the more compelling when analysed against the backdrop of the ICC indictment of President Bashir. For example, leading up to the indictment, the mindset of government supporters commonly heard in market squares especially in Darfur was: 'If they take Bashir, we will see who will protect you' (Personal communication with Professor Musa Abdul-Jalil, Khartoum, 20 August 2008). While such vague statements may not be directed exclusively at aid workers, they illuminate how the level of security affecting humanitarian operations is now firmly contingent upon intense diplomatic struggles between the government of Sudan and the international community, more accurately, Western states.

Second, a related aspect of the deep politicisation of aid in Darfur concerns the restriction on humanitarian access. The immediate outcome of the ICC indictment of Bashir was the government of Sudan's expulsion of 13 international NGOs from Darfur and dissolution of three local aid agencies (notably the

Khartoum Centre for Development and Environment and Amel Centre). This decision was justified by Sudan's Vice President Ali Osman Taha as follows: 'Whenever an organization takes humanitarian aid as a cover to achieve a political agenda that affects the security of the country and its stability, measures are to be taken by law to protect the country and its interests' (*Sunday Tribune*, 5 March 2009).

On 6 March 2009, a day after the expulsions and dissolution of the aid agencies, President Bashir stated during a protest by his supporters in Khartoum that: 'We are telling the colonialists we are not succumbing; we are not submitting; we will not kneel; we are targeted because we refuse to submit' (BBC News, 6 March 2009).

Such defiance and the use of aid agencies as political instruments is not a new phenomenon in Sudan or in the current crisis in Darfur. Since the escalation of that crisis, there have been repeated international agreements on allowing humanitarian access in Darfur. For instance, the belligerent parties signed the April 2004 Humanitarian Ceasefire Agreement on the Conflict in Darfur and a follow-up Humanitarian Protocol was signed in Abuja, Nigeria in November 2004 (Hoile 2008; Slim 2004). Also, on 20 March 2007, the government of Sudan and the UN signed the implementation of a humanitarian protocol in Darfur. All these agreements sought to reinforce the obligation of belligerent parties to uphold international humanitarian law. In particular, considerable parts of these agreements are devoted to the need for humanitarian agencies to have unrestricted access to war-affected population in Darfur.

In practice, the government of Sudan continues to impose strong restrictions and obstacles on aid workers in delivering aid in Darfur. The most profound obstacle is the strict government visa policy for visits to Sudan and in particular the permit required for Darfur. Available data show that the government of Sudan continues to impose visa restrictions on aid workers travelling to Sudan (HRW 2008). My personal experience in embarking on fieldwork for this study is very useful here.

I was sponsored by a local Sudanese NGO during my research visits to Sudan. As a rule, this local NGO had to apply for a visa on my behalf from Sudan's ministry of foreign affairs. My visa application was lodged in March 2008, but the Sudanese embassy in London was only able to issue this visa in August 2008. No clear reason was given by embassy officials for the delay. Even when I arrived in Khartoum, the Sudan Humanitarian Affairs Commission (HAC) denied me a permit to go to Darfur because, according to the issuing officer, 'my sponsor had not provided all the necessary documents during the initial application made on my behalf to travel into Sudan in the first place.' Such narratives are not unfamiliar to aid workers in Darfur. A UNDPKO official described these challenges in the following statement:

> ... on the tactical level, there are visa restrictions, cargoes stay in the Customs for weeks and weeks and they end not being released from the ports ... there are lots more, but taken together with the big picture '...' amount to a very difficult context and really a fundamental challenge to our mandate (Personal Interview, New York, 20 March 2008).

It is clearly legitimate and important for a state to monitor the influx of foreigners into its national territory. The government of Sudan seems to have used visa control and the movement of aid workers within its borders as a political tool for maintaining control. For instance, the government of Sudan has exclusive rights over Camp Coordination and Camp Management (CCCM) in Darfur. As a result, the government is able to determine the camps where relief services should be provided. These are often 'government-friendly' camps. Rebel-controlled camps are often denied access to relief and face repeated attacks by government of Sudan forces and its proxy militias. An example is Kalma camp in Southern Darfur, regarded as the largest IDP camp in Darfur with over 90,000 IDPs. As a result of that camp being perceived as a rebel-stronghold, the government of Sudan imposed transport restrictions on the camp and has repeatedly attacked it. Indeed, the situation of humanitarian access in Darfur underscores how aid can be used by belligerent parties to pursue broader political imperatives.

Third, the aid industry has come under scrutiny for its impact on the local economy of Darfur. Studies have shown that the proliferation of aid and international aid workers has altered the shape and character of city growth in Darfur. Bartlett et al. (2009) demonstrated this through a field-based research and LANDSAT satellite imagery of Nyala. They underscored two main effects the influx of international aid personnel and funds has had on Nyala's urban growth. The first relates to the change in the housing economy in Nyala. Specifically, Bartlett et al. (2009) argue that the booming housing market has been largely because aid workers are willing to pay thousands of dollars per month in rent. This has forced some local people with no properties or unable to afford such huge rents to move to the outskirts of the city. Some property owners have decided to rent their houses and have also moved to the outskirts to profit from the housing boom.

Bartlett et al. (2009) further emphasise that there has been exponential growth in the numbers of IDPs in the camps around Nyala, which has contributed to a decline in vegetation cover around the city.

Second, the influx of international aid workers also has affected local markets. There has been a decrease in the price of local foods (sorghum, oil and foul, al-masery). This is directly related to the increased availability of aid-related goods. It is observed that camp dwellers tend to sell these goods (often misap-

propriated relief) to generate cash for other items (Bartlett 2009). Also, there has been rapid growth in 'niche-markets' that provide goods and services often exclusively to international aid workers. Such niches include restaurants and the cultivation of particular vegetables. According to Bartlett et al. (2009), these trends have increasingly led to the Westernisation of Nyala.

The domination and control of most humanitarian aid by international aid workers has not meaningfully contributed to the effectiveness of aid delivery in Darfur. As noted by an anonymous local humanitarian worker, 'a lot of support has been extended to humanitarian agencies to deliver humanitarian assistance in Darfur but on the ground you will not see much' (interviewed in Khartoum, 2 September 2008). A senior official of the Sudan Red Crescent Society (SRCS) puts this problem in context by stating that:

Expatriates come to this country [Sudan] with little local knowledge, very expensive in terms of insurance, wages and other costs for them and their families, bureaucratic delays in registering overseas staffs. Why not use well-established local NGOs – they save a lot and are easier and safer because of their deep knowledge of and relations with the communities? I will give you an example: World Food Programme (WFP), which is in charge of food provision in Darfur, signs on both local and international organisations to deliver this service. WFP perceived us as one of the most efficient in terms of how we do this distribution (Khartoum, interviewed 5 September 2009).

Finally, as with OLS, the government of Sudan seems to be the largest beneficiary of the influx of aid into Darfur. In particular, the government of Sudan has put in place a number of legitimate measures to bolster state finances through the 'humanitarian surge' in Darfur and indeed across Sudan. For example, since 2007, the Sudan Central Bank introduced the Sudanese Pound to replace the Dinar. This signalled a revised over-valuation of the Sudanese currency. One US dollar is now equivalent to two Sudanese Pounds while one British Pound equals four Sudanese Pounds. This reinforces the unofficial relief tax imposed on the exchange of currency that has become a marked feature of the Sudanese state. Besides, there are other official taxes through which the government has generated further income, such as premium visa fees especially for US citizens, airport departure taxes and registration fees required from foreign visitors to Sudan. Indeed, the problems associated with the delivery of humanitarian assistance (through OLS) in Southern Sudan have been reproduced in the prevailing crisis in Darfur. These problems provide a context-based understanding of the inherent challenges confronting the practice of the new humanitarianism.

Conclusion

This paper has explained the unprecedented delivery of humanitarian assistance in Darfur and its linkage to the practice of R2P. This linkage has been firmly articulated and promoted by most R2P supporters. The latter often suggest that such connection marks a movement towards an integrated or coherent approach in the global response to mass atrocities. This paper interrogates and rejects the purported linkage between humanitarian assistance and R2P for two main reasons. It shows that the knowledge and embrace of R2P by humanitarian practitioners remains obscure or even non-existent. Based on direct observation and discussions with many fieldworkers in Sudan and Darfur, it was confirmed that they tend to have little knowledge of/or distance their operations from the practice of R2P. This is either because they consider R2P as a political and statist framework or because they lack a clear conceptual understanding of R2P. Secondly, the concept and practice of humanitarian assistance itself has faced severe crises. These are partly a result of the politicisation by the protagonists of the new humanitarianism and the liberal peace, but more fundamentally because of the impact of the politics of the international humanitarian aid industry and the ways this politics connects with the hegemonic interests of donor governments and recipient states.

There are problems associated with the practice of the new humanitarianism. These relate to the dangers posed to aid workers in active conflict areas; the increasing emphasis, development and preoccupation with aid programmes for the sake of organisational funding rather than the provision of relief; the reinforcing of the exploitive political economy of aid-dependent states like Sudan; and the decline of the humanitarian political neutrality and independence of most humanitarian organisations, because of the 'oversight' by powerful donor states.

As argued, the case of Sudan and in recent times Darfur especially illustrates the changing nature, or more precisely the deepened politicisation, of aid, especially in active conflicts. Due to its enduring humanitarian crises mostly caused by prolonged wars, Sudan has been a major recipient of humanitarian aid for decades. The establishment of OLS in 1989, however, radically transformed not only the delivery of aid in Sudan but also impacted the practice of aid delivery in general. As noted, OLS was manipulated by belligerent parties, especially the government of Sudan, to bolster and sustain their political and economic dominance. International agencies also failed to understand how their activities contributed to the conflict dynamics. These problems of humanitarian assistance have been replicated in Darfur in different ways. It is posited here that the new humanitarianism, as the case of Sudan (Darfur) demonstrates, remains deeply problematic. Its integration with a politically contested framework like

R2P does not provide a meaningful framework for preventing violent conflict or offering sustainable protection or succour for the long-suffering victims of large-scale violence.

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