

**ENGAGING WITH ARMED NON-STATE
ACTORS ON HUMANITARIAN
ISSUES: A STEP TOWARDS PEACE?**

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Abstract :

This thesis is based on extensive literature reviews and field work, and examines the process of humanitarian engagement with armed groups and its impact on peaceful conflict transformation. The research asks whether or not humanitarian engagements with armed non-state actors have an impact on the transformation and, if so, how this impact occurs. From the data gathered during field research in Sudan, the analysis concludes that, in the case of Sudan's second civil war (1983-2005), humanitarian engagements with the Sudan People's Liberation Movement/Army (SPLM/A) had a generally positive impact on the peaceful transformation of conflict contributing through a number of ways to a positive environment for the start of peace talks.

The research is based on a qualitative approach emphasising the importance of understanding complex processes such as humanitarian engagements or peace processes through the subjective reality of the actors involved in these processes. The data was gathered through qualitative interviews with members of the SPLM/A, the Government of Sudan and international actors involved in the humanitarian engagements researched (non-governmental organisations and United Nations agencies) during field research in Khartoum (Sudan), Juba (South Sudan) and Geneva.

This thesis attempts to advance beyond the existing literature in a number of ways. The findings of this research aim at expanding the literature on humanitarian action by highlighting the specificity of humanitarian engagement as a specific type of humanitarian action, providing a greater understanding of a humanitarian practice that remains under-researched and bringing a new dimension to the "Do No Harm" principle by highlighting the capacity of humanitarian dialogue with armed groups for peaceful conflict transformation. As a result, this research aims to provide a more holistic approach to the literature on peace processes by examining humanitarian engagement as an active factor in triggering peaceful conflict transformation. Finally, this thesis provides a greater

understanding of armed non-state actors and their attitude towards humanitarian dialogue and peace talks.

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List of abbreviations :

ANSAs	Armed Non-State Actors
DoC	Deed of Commitment
ELN	National Liberation Front
FMLN	Farabundo Marti Liberation Front
GAM	Free Aceh Movement
GOSS	Government of South Sudan
ICC	International Criminal Court
ICR	Interactive Conflict Resolution
ICRC	International Committee of the Red Cross
IDPs	Internally Displaced People
IHL	International Humanitarian Law
IOs	International Organisations
LTTE	Liberation Tigers of Tamil Eelam
LRA	Lord's Resistance Army
MILF	Moro Islamic Liberation Front
MSF	Médecins Sans Frontières
NATO	North Atlantic Treaty Organisation
NGOs	Non-Governmental Organisations
OCHA	Organisation for the Coordination of Humanitarian Assistance
OLS	Operation Lifeline Sudan
OSIL	Operation Save Innocent Lives
RASS	Relief Association of Southern Sudan
RRC	Relief and Rehabilitation Commission
RUF	Revolutionary United Front
SCBL	Sudan Campaign to Ban Landmines
SPLM/A	Sudan People's Liberation Movement/Army
SRRA	Relief and Rehabilitation Commission
SSIM	South Sudan Independence Movement
UN	United Nations
UNICEF	United Nations Children's Fund
UNITA	Union for the Total Independence of Angola

UNMAS	United Nations Mine Action Service
UNMIS	United Nations Mission In Sudan
WHO	World Health Organisation
WFP	World Food Programme

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Chapter I : Introduction

Introduction

Civilians in the midst of civil wars bear the brunt of the conflict. Forced displacement, hunger and mass killings are some of the atrocities that civil wars have brought to civilian populations who seem to have become a central part of wars (Kaldor, 1999). Humanitarianism and humanitarian action are an offspring of this reality, putting the well-being of human beings back in the picture. As the large number of United Nations agencies and non-governmental organisations (NGOs) present in conflict zones proves, humanitarian actors play a significant role in conflicts. With growing insecurity for such actors in internal conflicts as well as a growing number of violations of humanitarian principles and human rights by all actors involved in conflicts, humanitarian actors find the necessity to engage with all actors in a conflict for such principles to be safeguarded (Bruderlein, 2001).

A growing practice of engaging in dialogue with all parties to a conflict has emerged since the mid-1980s. Such dialogue includes both governments concerned and armed groups. In an era where a discourse of anti-terrorism has isolated a number of those armed groups fighting in civil conflicts, engaging armed groups in a dialogue on humanitarian or human rights principles has become highly controversial. While this may constrain

direct humanitarian engagement with armed groups, the humanitarian reality in most civil conflicts calls for a process of involving and committing all actors to a conflict to this humanitarian effort. Whereas numerous forums exist for states to be involved and committed to humanitarian and human rights principles, armed groups are kept outside of the system. As armed groups are responsible for numerous violations and atrocities carried against civilian populations in internal conflicts, a process of engaging with them on humanitarian issues and providing a better accountability system for them seems paramount (Bruderlein, 2001).

A number of humanitarian actors have thus advocated for a more direct involvement with armed groups on humanitarian and human rights issues involving dialogue on humanitarian and human rights principles, safe and secure delivery of aid and humanitarian ceasefires, etc. These engagements have taken different forms from treaty-like agreements to oral and informal agreements but always involve a process of dialogue and engagement. The literature on humanitarian engagements has highlighted that in certain instances humanitarian engagements seemed to have favoured the start of peace negotiations. This research aims at developing this idea and gaining a better understanding of how humanitarian engagements with armed groups in internal conflicts may impact upon the peaceful transformation of conflict. The research therefore examines whether or not humanitarian engagements with armed non-state actors have an impact on the transformation of conflict and, if so, how this impact occurs. Moving away from a position of apolitical humanitarianism, this research bases itself

on the belief that humanitarian action is political and as such humanitarian actors need to understand the wider political impact of their action.

Research objectives

What is to be researched: aims and objectives

This research is concerned with finding the consequences of humanitarian engagements with armed non-state actors on the conflict situation. Humanitarian action has proven to cause a number of effects on the environment in which it occurs beyond its initial humanitarian objectives (Anderson, 1999). Humanitarian engagement with armed group, as part of humanitarian action, must also impact the environment in which it occurs. This research takes a specific approach and examines humanitarian engagement with armed groups as a process of dialogue, a process of humanitarian diplomacy. This research is also inscribed within a specific position on humanitarianism that includes the peaceful transformation of conflict as a humanitarian aim. As humanitarian actors engage with armed groups on humanitarian issues, these humanitarian actors are concerned with preventing a worsening of the conflict through their action, but also at favouring a peaceful transformation of conflict. As stated before, this entails that this research embraces the view that humanitarian action is necessarily political. As such, humanitarian actors need not to question whether

humanitarian action is political, but how humanitarian action is political to understand better the political impact of humanitarian action.

Taking these important aspects into account, the research aims at examining the consequences of humanitarian engagements on the possibility of a peaceful transformation of conflict. While aiming to find all consequences, negative and positive, the research aims at finding avenues in which humanitarian engagements with armed groups can be positive for a peaceful transformation of conflict. Through a literature review of humanitarian action, humanitarian engagement and conflict transformation, the thesis proposes a number of positive avenues through which humanitarian engagement favours a peaceful transformation of conflict. Highlighting these positive avenues for a peaceful transformation of conflict forces us to examine the possible negative consequences of humanitarian engagement. The positive impact that humanitarian engagement with armed groups may have might be undermined by negative effects.

The objectives of the research include a number of aims relating to the understanding of humanitarian engagement, armed non-state actors (ANSAs) and the peaceful transformation of conflict. It aims at providing a better understanding of the process of humanitarian engagement with armed groups as a growing practice in humanitarian action and protracted conflicts. It aims at understanding the behaviour of armed groups towards humanitarian engagements and peace processes. It aims at uncovering the negative and positive consequences of humanitarian engagements on

conflict, by understanding how characteristics of armed groups can play a role in shaping this impact as well as how characteristics of humanitarian engagements can play a role in shaping this impact.

Rationale for research

There is a lack of systematic research in the field of humanitarian engagement with armed non-state actors. The practice of humanitarian engagements with ANSAs proves to be necessary due to the lack of legal provisions and mechanisms for armed groups. However, there is no great understanding of this process and the impact it may have on conflict. This research is inscribed within the belief that humanitarianism is not only about providing humanitarian relief but bringing an end to human suffering through the peaceful transformation of conflict. Therefore, there is a need to understand whether humanitarian engagement has a negative impact on conflict. If the opposite, it has a positive impact, then there is a need to understand how and in which situations. This research departs from a position where the literature on the topic has claimed that humanitarian engagement provides a positive impact but without really investigating the nature of this impact and how humanitarian engagements with armed groups link with peace processes and peaceful conflict transformation efforts.

There is a lack of research on armed groups and a lack of understanding of the behaviour of such actors towards humanitarian action and towards peace processes. This is why this research focuses on armed

groups. An understanding of these actors is necessary if humanitarian and human rights violations are to be curbed as well as if international actors want to transform internal conflicts through mediation and the signing of a peace agreement.

Hypotheses

In order to answer the research question, three hypothesis are proposed as a result of the literature review on armed non-state actors, humanitarian engagements, and the transformation of conflict. As explained above, the research examines whether or not humanitarian engagements with armed non-state actors have an impact on the transformation of conflict and, if so, how this impact occurs. As the literature on humanitarian engagement provides some grounds to believe that this impact is positive, the conceptual framework formed by these three hypothesis presents the ways in which humanitarian engagements can impact positively on the conflict situation. However, it is in no way a constraining conceptual framework, and the negative consequences of humanitarian engagements with armed groups on the conflict situation will be examined in this research as well.

The three hypotheses are as follows:

- Hypothesis 1: Humanitarian engagement may affect the internal dynamics of the armed group by raising the voice of a moderate

faction (may affect power distribution and decision-making procedures)

- Hypothesis 2: By offering the opportunity for the armed group to acquire greater knowledge of negotiation procedures or other skills necessary in the process of political negotiations, the process of humanitarian engagement might reduce the group's apprehension to enter in further negotiations
- Hypothesis 3: Humanitarian engagement may allow for a continuous communication channel between the different parties to the conflict. Humanitarian engagement may act as a confidence-building measure affecting the dynamic among the different actors involved in peace negotiations (NGOs, IOs, UN Agencies, ANSAs, Governments).

Thesis structure

Departing from this research question, the first three chapters will examine the literature on the different aspects of this research. One of the central concepts in this research are the terms “armed groups” and “armed non-state actors”. With a growing emphasis on terrorist groups in international affairs, the first chapter will be dedicated to understanding the international legal framework that regards armed groups as well as discussing the choice of terms and issues behind the labelling of these groups. Finally, a framework of understanding will be proposed which aims at providing a tool for analysing and understanding armed groups with

regards to their involvement in and commitment to humanitarian engagements.

The second central concept in this research is the term “humanitarian engagement”. Through a review of the existing literature and the existing practice, the concept of “humanitarian engagement” will be examined. Humanitarian engagement is part of a wider humanitarian discourse and in order to understand the sometimes-felt controversy of this practice, it is important to understand the on-going debates and issues that humanitarianism faces today. The practice of humanitarian engagement as well as the sparse literature existing on the subject raises more questions than answers. These questions on the other hand help us frame the research agenda on the subject. Inspired by these questions, a second framework will be presented. This framework provides a reading grid for humanitarian engagements and isolates the characteristics that may influence the impact that humanitarian engagement may have on the peaceful transformation of conflict.

The third chapter provides the conceptual framework for the research and the thesis. It examines the literature on the general impact of humanitarian action on conflict as well as the literature on peace processes with a special emphasis on peacemaking. From this, the chapter concludes by providing three main hypothesis that will become the guiding framework for the methodology and empirical research.

The methodology chapter focuses on the difficulty of researching armed groups and conducting research in a conflict or post-conflict environment. Through a single-case study approach, fieldwork involving elite interviews will provide the data necessary to answer the research question. Two fieldwork periods were conducted. The first took place between January and March 2007 in Juba, South Sudan. The second one took place between July and August 2007 in Khartoum, North Sudan. The second civil war in Sudan (1983-2005) is chosen as the most appropriate case study to challenge the hypotheses presented in the research and answer the research question.

The remaining chapters in the thesis focus on the single case-study as well as providing an analysis of the data and answering the research questions in the light of the hypotheses proposed. One chapter is dedicated to analysing the conflict in Sudan that occurred between 1983 and 2005 and involving mainly the Government of Sudan and the Sudan People's Liberation Movement (SPLM). The next chapter examines how the type of armed groups engaged and the characteristics of humanitarian engagements play a role in the impact that humanitarian engagement with armed groups may have on the conflict situation as underlying factors. The final chapter focuses on the analysis of the data gathered during fieldwork in order to provide an answer to the research question and the evaluation of the hypotheses.

The research aims at providing a better understanding of humanitarian engagements with armed non-state actors as well as understanding how this process of dialogue affects the possibility of a peace dialogue. By looking at the experience in Sudan, one can identify more clearly the ways in which these two parallel processes have affected one another. While aiming at providing clear guidelines for practitioners to ensure that humanitarian engagement has a positive impact on the transformation of conflict, this research might only provide a partial answer to a complicated question but will provide a further step from which future research can start examining this question.

Chapter II: Armed Non-State Actors: the legal, political and legitimacy debates.

Introduction:

Internal conflicts echo images of mass-killing, the cutting of limbs, displacements, hunger, and disease. Internal conflicts echo images of armed groups terrorising civilian populations such as in northern Uganda where young people hide from the Lord's Resistance Army so as not to be abducted as child soldiers. As Weinstein states, the death toll from civil wars since 1945 can be estimated to exceed 16 million, 'more than five times as many people as have died in interstate wars. In the 1990s, over 90 percent of deaths caused by war occurred in internal conflicts' (2007:4-5). In 1998, for instance, out of twenty-five conflicts, 'twenty-three were internal in character, engaging one or more nonstate actors' (Bruderlein, 2001:222). Indeed, armed non-state actors (ANSAs) involved in internal conflicts share the burden with states of this disastrous death toll, which include both combatants and non-combatants. The protection of civilians in war is regulated by international humanitarian law (IHL). However, the international legal system has faced challenges to account for the violations conducted by ANSAs in internal conflict.

This research examines whether or not humanitarian engagements with armed non-state actors have an impact on the transformation of conflict and, if so, how this impact occurs. In order to answer this question, one needs to

examine four important parameters concerning armed non-state actors: the relationship between armed non-state actors and humanitarian principles; why “engage” with armed non-state actors on humanitarian principles; what is meant by armed non-state actors; and, finally, how the characteristics of armed non-state actors may impact on the possible relationship between humanitarian engagement and conflict transformation.

Armed groups are key actors of violence, humanitarian and human rights violations (Bruderlein, 2001:222). International law, which includes humanitarian law and human rights law, remains a state-centred legal system. The law of war, or humanitarian law, was created to regulate wars between states. However, as Bruderlein states, armed groups today are the main violators of humanitarian and human rights principles (Ibid.). The discrepancy between the provisions of rules and norms to protect civilians during conflict and the marginalisation of the actors of violations of these norms mean that the protection of civilians in internal conflict remains a challenge.

The first section of this chapter will examine this international legal context in order to understand better the controversy around the legal status of ANSAs and their obligations concerning civilian protection under international law. It will be argued that the international legal context provides a number of rules that ANSAs are accountable to, but without providing a mechanism for engagement. In consequence, the vacuum left by the international legal system explains the origin of a different, less legal

and more pro-active, mechanism for engagement through humanitarian dialogue and engagement with armed groups.

Armed non-state actors are not only contextualised within the legal discourse. The second section of this chapter will examine further the status of ANSAs through definitions and labels referring to them. In an era where the label “terrorist” is prevalent in the public and political discourse, the choice of label for non-state actors needs to be explained. It will be argued that the terms “armed non-state actors” or “armed groups” are preferred to the label “terrorist” as the latter reflects negative, emotional characters often relating to political condemnation. Furthermore, labels reflect attitudes and it will be argued that assumptions and biases hide behind the choice of terms used to name such actors. After examining the legal controversy surrounding armed groups, this section will highlight the general attitude towards armed groups and whether it is legitimate to engage with them on humanitarian issues, through the lens of political violence. It will be argued that there are no armed non-state actors beyond the pale, as humanitarian engagement aims at regulating political violence in conflict and therefore armed groups involved in the most atrocious political violence should be at the forefront of humanitarian engagement.

Finally, a framework will be proposed to help analyse and understand ANSAs as organisations. This framework appears necessary in providing a better understanding of ANSAs, as well as defining what specific characteristics of ANSAs matter both for the purpose of analysis and in

evaluating the effects of humanitarian engagement on conflict transformation (Jones and Cater, 2001:238; Weinstein, 2007:5; Zeender, 2005:109).

A legal approach to armed non-state actors:

Understanding armed non-state actors entails understanding the framework in which their actions take place. The international system today is framed significantly in legal terms and it appears inevitable to take into account the legal aspects of armed non-state actors. International Public Law relating to armed non-state actors and internal conflicts remains extremely complex. Far from trying to resolve the controversies existing on the matter, this section reviews the main debates and provisions contextualising engagement with armed groups in this legalistic framework. Defining the legal status of armed non-state actors remains an important step, as a consensus on the legal personality of such actors has not been reached. Furthermore, it is from the definition of the legal status of armed non-state actors and the perception that we may have of this debate, that the provisions of rights, duties and the capacity to enter into legal relations arise. The main legal framework that international law provides today for armed groups involved in internal conflicts relates to the Geneva Conventions, the Additional Protocols (in other words humanitarian law) and the Statute of the International Criminal Courts (which takes into account both human rights and international criminal law). By highlighting the controversies and the lack of consensus in the legal community, I will

argue that the legal gap supports the necessity of a “political” framework of engagement with armed groups on humanitarian issues.

Legal personality and the state-centred system: the legal status of armed non-state actors within the international system

Understanding the legal personality debate surrounding ANSAs helps us understanding the marginalisation of ANSAs in the international system. The issue of armed non-state actors in International Public Law is first and foremost an issue regarding their non-state entity. It is important to understand that the international system, in which International Public Law is situated, revolves around states: it is run by states and for states. In legal terms, it is said that only states enjoy legal personality. Today, this statement has become controversial as some international lawyers have argued that other non-state entities have acquired international legal personality, such as the United Nations (UN) or individuals (Clapham, 2006).

This section will examine what legal personality entails and the extent to which one can argue that armed non-state actors have legal personality and therefore have accountability to certain principles of international law. Without legal personality, ANSAs are marginalised from the elaboration of norms and principles relating to them and the implementation of these norms and principles. The remaining controversies around the legal status of armed groups is a first building block towards

understanding the necessity for a more pro-active engagement with armed groups on humanitarian issues.

The legal status of armed non-state actors and their obligations under international law became a significant issue post-1945 as wars of decolonisation and the formation of liberation movements rendered part of international law obsolete. Facing the apparently changing nature of wars, the international community embraced the challenge of adapting parts of international humanitarian law with the adoption of the 1977 additional Protocol to the Geneva Conventions.¹ The adoption of these protocols can certainly be characterised as a step towards creating some duties for liberation movements, which represent a specific type of armed groups. As Paul Grossrieder, former head of the International Committee of the Red Cross (ICRC) states, the proliferation of liberation movements in the colonised regions in the 1970s placed the ICRC in front of a changing reality such that if the Geneva Conventions were to remain a useful tool for the respect of international humanitarian law, the international community would need to adopt further legal means. Grossrieder argues that the changing reality was at the heart of the 1977 Additional Protocol II of the Geneva Conventions which extends the Conventions' mechanisms to render liberation movements accountable (1999:12-3). Nevertheless, the 1977 Additional Protocols may have provided further rights and duties for liberation movements as Cassese points out, but did not provide the ability

¹ It is important to note that states which have signed the original Geneva Conventions did not all sign the Additional Protocols. In effect, it is only a part of the international community that truly embraced this apparent changing nature.

of such movements to enter into legal relations (1981:420).² The possibility to make a unilateral declaration is the only legal relation that organised movements may have with the international community. There is no real institutional legal mechanism through which a liberation movement can truly participate in the Protocols. Cassese highlights this limitation as a possible ground to conclude that ANSAs as organised entities do not have a legal status or legal personality (Ibid.).

Having international legal personality means being a subject of international law. According to Malanczuk, enjoying legal personality entails that an entity 'has a capacity to enter into legal relations and to have legal rights and duties' (1997:91). McCorquodale adds that legal personality should be explored 'by reference to the direct rights and responsibilities [...] under the international legal system, [the] capacity to bring international claims and [the] ability to participate in the creation, development, and enforcement of international law' (2003:299). The ability to participate in the activities relating to international law render the issue of the legal personality of armed groups paramount. Indeed, the legal controversy around the legal personality of armed groups has meant that 'nonstate armed groups are repeatedly barred from participating in international conferences on the protection of civilians and contact with such groups is subject to intense political pressure from many sides' (Bruderlein, 2001:223).

² 'No provision is made for the 'participation' in the Protocol by Rebels, when civil war breaks out on the territory of a contracting party. This is all the more striking as Protocol I, which allows 'liberation movements' to 'participate' in the Protocol by means of a unilateral declaration addressed to the Swiss Federal Council, the depository of the Conventions and the Protocol' (1981:420).

Malanczuk explains that only states could claim to have international legal personality until recently. He argues that even if states remain the principal actors of the international system, it is recognised today that ‘international organisations, individuals and companies have also acquired some degree of international legal personality’ (Malanczuk, 1997:91). Warbrick shares this point of view as he advances that peoples who can aspire to self-determination and individuals enjoy legal personality (2003:218). Nevertheless, when one tries to define the extent to which these new subjects of international law have legal personality, an array of different perspectives and views arise.

The legal personality of armed groups can be looked at in three ways (Zegveld, 2002; Clapham, 2006:280). The first is to look at the legal personality of armed groups. The second is to look at legal personality of individuals within the group. Finally, legal personality could be conferred to armed groups as future governments or *de facto* authorities.

Providing ANSAs with legal personality presents an important challenge as no clear legal definition of ANSAs exists (Zegveld, 2002).³ It is not clear, states Zegveld, ‘whether groups should fulfil some set of minimum objective conditions, say as to their size and power, to qualify as international legal persons’ (2002:134). The Geneva Conventions for their application provide some necessary characteristics of armed groups such as responsible command, control over territory and sustained and concerted

³ For a more detailed account of the issue of legal personality and accountability of armed groups, see Zegveld, L. (2002) *Accountability of Armed Opposition Groups in International Law*.

military operations.⁴ These characteristics remain disputed in terms of the possible issues with implementation and legal consequences (Cassese, 1981:427). Consequently, Zegveld argues that ‘a gap currently exists [...] in the enforcement of international humanitarian law. There are no judicial or quasi-judicial mechanisms specifically competent to examine claims against armed opposition groups’ (2002:162).

Whereas the legal personality of armed groups seems to be a *cul-de-sac*, international law theorists have turned to the legal personality of individuals, thus indirectly armed groups, as an answer (Zegveld, 2002; Clapham, 2006; Cassese, 2003). Zegveld argues that ‘the trend of accountability of individuals has entered the body of international law, and has been constantly supported in practice’ (2002:220). Such instances as the International Criminal Tribunal for Yugoslavia and the International Criminal Tribunal for Rwanda have demonstrated that individual non-state actors can be considered as subjects of international law (Ibid:98). More generally, the adoption of the Statute of the International Criminal Court has shifted the debate further toward the acceptance that individuals have legal personality.

‘The Statute of the International Criminal Court is a radical departure in that it clearly fixes on individuals who can be judged at the international level without any cooperation from their state of nationality. If you commit a crime, for example, in a state party to the ICC Statute, you can be judged in the International Criminal Court. This holds whether you are an individual member of an

⁴ In Additional Protocol II of the Geneva Conventions, Article 1 (1).

NSA, or a state actor, or working for the UN, or indeed working for NATO, the individual can be judged. [...]’ (Clapham, 2000:44-45).

Not only did the adoption of the Statute of the International Criminal Court provides rights and duties for individuals, it also provided a mechanism for individuals to enter into legal relations with the international community.

Furthermore, the attention given to human rights treaties as well as the creation of the European Court of Human Rights (which also allows individuals to bring cases in front of a transnational court) has emphasised this shift towards the accepted international legal personality of individuals. Cassese also points out that the development of international criminal law entails ‘the personal criminal liability of the individuals concerned’ (2003:738), therefore signalling again that individuals are subject of international law. Through this newly acquired international legal personality, ANSAs indirectly also enjoy a certain legal personality.

Armed groups may indirectly have legal personality as potential future governments. As Malanczuk explains:

‘Insurgents in civil war have long been recognised in international law as subjects having certain rights and duties because they control some territory and might become the effective new government of the state. This is also reflected in Articles 14 and 15 of the UN International Law Commission’s Draft Articles on State Responsibility, according to which, as long as the old government is still in power, a wrongful act of an insurrectional movement

established in the territory of the state shall not be considered as an act of that state under international law (involving responsibility to other states for it). However, it will be considered as an act of that state (in a retroactive sense) if the insurrectional movement becomes the new government' (1997:104).

He adds that '[...] at least the future prospect of gaining effective control over population in a given territory appears to be a central element of their recognition as subjects of the international community [...]' (Ibid.). As the future government will enjoy international legal personality, the ANSA is rendered accountable and indirectly seen as a subject of international law.

Looking at the status of armed non-state actors specifically regarding human rights principles, Clapham argues further that the status of legal personality should be extended to other entities and criticises the traditional restrictive approach to legal personality. He argues that there is a need 'to go beyond the traditional, narrow, state-focused approach and argue that some of the obligations found in public international law, and traditionally only applied to states, also apply to non-state actors' (Clapham, 2006:28). According to Clapham, it is clear that 'international law has already extended this concern to inter-governmental organisations, and there is no evidence that the international tribunal legal order cannot accommodate duties for other kind of actors' (2006:31). He suggests that 'the traditional treatment of the question of the subjects of international law is confusing and incomplete' and 'the question of international legal personality has remained entangled with the misleading concept of 'subjects' of international law and the attendant question of attributions of statehood

under international law' (Clapham, 2006:59). On the other hand, Clapham proposes to step away from the legal personality debate and suggests that 'we concentrate on the rights and obligations of entities rather than their personality' (2006:82). Nevertheless, Clapham, who focused on human rights obligations of armed non-state actors, has to conclude that the matter remains complex:

'In sum, the development of the human rights obligations of non-state actors is complex due to at least three factors: first is the rather unspecified and evolving nature of the obligations as they are adapted from the traditional realm of state obligations to obligations for non-state actors. Second, although international law binds states and non-state actors, the obligations vary in scope according to the context. Third, the complexity of modern life means that we have to try to disentangle complex networks and the influence and support that different actors lend each other before we can respond to enforce human rights obligations' (2006:561).

These three paths have enabled us to understand the important points of the on-going debate regarding the international legal personality of ANSAs whether directly or indirectly. Indeed, as Clapham emphasises in this quote 'individuals are the real subjects of international duties not only when they act on behalf of the state. They are the subjects of international duties in all cases in which international law regulates directly the conduct of individuals as such' (Lauterpacht quoted in Clapham, 2000:47-48). In spite of this account, the question of the international legal personality of ANSAs remains unanswered as no real consensus has been reached. Being a controversial area of international law, it is therefore difficult to provide a

clear legal status for ANSAs within the international system. As Malanczuk concludes, 'the present century has seen a growing tendency to admit that individuals – and companies – have some degree of international personality but the whole subject is extremely controversial' (1997:100).

Accountability of Armed Non-state Actors in international law

The importance of defining the legal status of ANSAs is to identify the relevant bodies of law relating to their rights, duties and capacity to enter into legal relations. This section will focus on the four following sources of law for ANSAs: the Four Geneva Conventions, especially Common Article 3, Additional Protocol I, Additional Protocol II and the Status of the International Criminal Court (ICC). This discussion will not give a thorough account of these treaties. Rather, this section will provide some of the debates linked to the applicability of the Geneva Conventions and the Additional Protocols to today's internal armed conflicts, as well as the turning point that the ICC is in international criminal law. In spite of the existence of rules, ANSAs are barred from participating in the international legal system. It will be argued that the applicability of the Geneva Conventions and the Additional Protocols remain weak in their implementation mechanisms, and the legal vacuum created needs to be filled and has been filled in by a practice of humanitarian engagement with armed groups outside of the international legal system.

The laws relating to ANSAs revolve mainly around three main lines: humanitarian law, human rights and international criminal law. Humanitarian law is found in the Four Geneva Conventions, Additional Protocol I and Additional Protocol II. Human rights treaties are numerous and will not be a focus of discussion as, although their provisions apply to ANSAs indirectly, they address states as the responsible and accountable entities and it is mostly through international criminal law and the International Criminal Court that violations by ANSAs are accounted for. Indeed, human rights treaties do not name non-state actors as accountable apart from the obligations they may have through states' commitments to those treaties (Steiner, 2003:776). Finally, International Criminal law can be found in different treaties but, in relation to armed groups, the Statute of the ICC is the main source of law.

The 1949 Geneva Conventions are the main sets of rules relating to the conduct of war and, therefore, it is natural to start looking for the legal framework for armed non-state actors within the Conventions. The key principles of Geneva Conventions are:

'(1) that noncombatants have no strategic value (and should thus be spared the effects of hostilities) and that militaries should follow utilitarian considerations, (2) that parties to a conflict should provide access to humanitarian actors, (3) that humanitarian assistance should be neutral, and (4) that an international treaty would serve as an important guarantor of protection mechanisms' (Jones and Cater, 2001:246).

Unfortunately, the Geneva Conventions provide a restricted application as they are mainly concerned with armed conflict with an international character. As Greenwood explains, ‘the fundamental principle of the law of war is that it applies equally to all parties to an armed conflict [...]. [...] The bigger problem is whether the law of war ever applies to hostilities in which one side is not a state’ (2003:791-2). It is difficult to imagine today that rules regulating the conduct of wars would not take into account conflicts not of international character as “modern” conflicts remain within the border of a state rather than involving two states.

The first challenge to the application of the Conventions came from the era of decolonisation. The 1977 Protocol I was to overcome this challenge by taking into account armed conflicts involving liberation movements fighting against colonisation, racist regimes and alien occupation⁵. Nevertheless, the solution provided by Protocol I did not erase the challenges of new types of conflicts. As Greenwood points out, this provision does not seem to have much relevance today as ‘colonial situations are very few’ and racist regimes have either collapsed or have not signed the Additional Protocol (2003:793).

⁵ ‘[...] During the decolonisation era, many third world States argued that hostilities between liberation movements and colonial regimes would be treated as international and the whole law of war should apply. Their view prevailed in Article 1(4) of Additional Protocol I, 1977, which provided that the Geneva Conventions and the Protocol should apply to: Armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right to self-determination, as enshrined in the Charter of the United Nations and the Declaration on Principles of International law concerning Friendly Relations on Co-operation among States in accordance with the Charter of the United Nations’ (Greenwood, 2003:792-3).

Despite this, one article within the Geneva Conventions applies to all armed conflict not of an international character. Indeed, Common Article 3 of the Geneva Conventions provides a number of minimum measures that apply to all conflicts:

‘Common Article 3 of the Geneva Conventions, which applies to any case of ‘armed conflict not of international character’ occurring in the territory of one of the States party to the conventions requires that the parties to such an internal conflict shall be required to apply ‘as a minimum’ the following provisions:

(1) Persons taking no part in the hostilities, including member of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture.

(b) Taking hostages.

(c) Outrages upon personal dignity, in particular humiliating and degrading treatment.

(d) The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all the judicial guarantees which are recognised as indispensable by civilised peoples.

(2) The wounded and the sick shall be collected and cared for’
(quoted in Greenwood, 2003:814-5).

As Greenwood explains, Common Article 3 applies to all types of armed conflicts. It is maybe the clearest provision regarding the rules applying to internal armed conflict.

On the other hand, Additional Protocol I and II only apply to certain armed conflicts. Greenwood provides us with a classification of the types of armed conflicts and the applicable bodies of law:

‘In effect, therefore, there is a scale of internal conflicts and disturbances, with different bodies of law becoming applicable the higher up the scale one moves:

- (1) at the lowest end of the scale come internal disturbances and acts of terrorism which do not amount to an armed conflict (such as the fighting in Northern Ireland before the cease-fire there). Such disturbances are not subject to the laws of armed conflict at all, although the State (but not the rebels), will be subject to the provisions of any human rights treaties to which the State is a party;
- (2) Once the fighting reaches the level at which it is described as an armed conflict, both government and rebel forces are bound by Common Article 3 and the government will continue to be bound by any applicable human rights treaties;
- (3) If the rebels acquire sufficient control of territory to meet the requirements of Additional Protocol II, the Protocol and Common Article 3 will apply to both sides in the conflict. Again, the government will continue to be bound by applicable human rights treaties; and
- (4) Finally, if another State intervenes on either side of the conflict, the conflict becomes international and the full body of the Geneva Conventions and, if the States concerned are parties,

Additional Protocol I become applicable at least to fighting involving the intervening State' (2003:815-6).

Cassese points out that Protocol I 'takes a rather restricted view of wars of national liberation, and actually only includes three categories, namely wars against colonial domination, against alien occupation or against racist regimes' (1981:417). Cassese adds that from this restricted view 'it follows that most of the civil wars which have lately broken out in Third World countries, or are at present being fought there, do not fall under this heading' (Ibid.). He concludes by saying that 'it is therefore apparent that the Protocol has a high "threshold of application", and in substance only covers civil wars which in scale reach a level comparable to that of the Spanish war or the Nigerian conflict' (Ibid.). Cassese is right to point out that this leaves a gap, when wars do not fall within this threshold, where no law seems to apply. This appears even more problematic as most internal conflicts today fall between these two thresholds.

As stated above, the application of both the Geneva Conventions and the Additional Protocols is restricted to certain types of conflicts. In addition to this, the application of these bodies of law is further restricted by the type of armed groups it applies to.⁶ These characteristics may not fit all existing armed groups and therefore prevent further the application of the Protocol.

⁶ Protocol II states in Article 1(1) that it applies to armed conflicts taking place 'within the territory of [a state party to the protocol] between its armed forces and dissident armed forces or other organised armed groups, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol' (quoted in Greenwood, 2003:815).

Cassese points out the absurdity of enumerating such characteristics in order for armed groups to be accountable. He writes:

‘Article 1, Para.1, stipulates that the Protocol can only apply when rebels fulfil certain conditions. These conditions include the existence of a “responsible command” controlling the “organised armed group” which fights against the Government in power. The “responsible command” and the “organised” character of the rebels are considered as prerequisites for permitting insurgents to implement the Protocol. In short, the Protocol only begins to apply when rebels prove to be able to, and do in fact, implement it. This being so, it would plainly be absurd to contend that the rebels must comply with the Protocol, in order for it to become applicable, yet do not acquired any rights or duties’ (Cassese, 1981:427).

The application of the Geneva Conventions and the Additional Protocols is a complicated matter as it has been exemplified above. Their provisions are both restricted by the type of conflict as well as the characteristics of armed groups. Nevertheless, it is clear that ANSAs are accountable to the provisions given in Common Article 3 of the Geneva Conventions, and, after evaluating the situation, to further obligations under Protocol I and II.

For a long time the Geneva Conventions and the Additional Protocols were the main referent when discussing the accountability of ANSAs in international law. Since 1998 and the adoption of the Rome Statute of the International Criminal Court (ICC), new regulations can be applied to ANSAs. By rendering individuals accountable, the ICC offers a further framework for the accountability of ANSAs in international law:

‘The Rome Statute of the International Criminal Court (ICC) establishes the first permanent (as distinguished from ad hoc) international criminal tribunal with universal jurisdiction over individual natural persons for the ‘most serious crimes of international concern’ (genocide, crimes against humanity, war crimes, and aggression) [...]’ (Santos, 2000:3).

As mentioned above, the ICC has universal jurisdiction and is permanent. Its application is, therefore, not as restricted as the Geneva Conventions as it does not take into account the type of conflict as well as the characteristics of the armed groups:

‘[...] the 1998 Rome Statute of the International Criminal Court not only confirmed the delinking of crimes against humanity from any type of conflict situation, but also expansion of the overall protective regime, in accordance with the spirit of the Geneva Conventions’ (Andreopoulos, 2003:19).

The main limitation of the Statute appears to be the type of crimes that can be characterised as international criminal breaches. Cassese explains that ‘international crimes are breaches of international rules entailing the personal criminal liability of the individuals concerned’ and constitute of ‘war crimes, crimes against humanity, genocide, torture, [...] aggression, and some extreme forms of terrorism (serious acts of State-sponsored or State-tolerated international terrorism)’ (2003:738) .

The creation of the ICC remains a significant turning point in international law. Its creation was influenced by *ad hoc* tribunals for conflicts such as Rwanda or Sierra Leone. The ICC prosecutor has already mentioned his intention to carry out an investigation of the breaches of international crimes by the leaders of the Lord's Resistance Army in Northern Uganda (IRIN, 2005).

This section on the legal character of armed groups highlights the context in which the issues relating to armed groups and their violations of international humanitarian and human rights law occur. At the same time, it points out the weakness of the system. Indeed, the Geneva Conventions and the Additional Protocols remain difficult to implement as conditions relating to the type of conflict and armed groups prevail. Bruderlein argues that 'international humanitarian law should certainly remain the core legal framework of any mechanisms of humanitarian protection' (2001:233). However, mechanisms for dissemination and implementation should be reviewed as well as the role of non-state actors:

'Efforts should be devoted to promote increased levels of participation of nonstate actors and their accountability to international standards, in particular armed groups and the corporations supporting those groups' (Ibid.).

The examination of the legal provisions relating to armed non-state actors helps us understanding two important aspects of this research. First, the weakening of the protection mechanism for civilians provided by the

international legal system explains the emergence and the necessity for a more pro-active strategy of engagement with ANSAs on humanitarian issues and civilian protection. This strategy involves ANSAs in dialogue and furthers their participation. Secondly, the controversy of this process is explained by the controversy over the legal status of armed groups and the wanted marginalisation of such actors in an international system that remains states-centred.

A political approach to armed non-state actors:

The “Legal” and the “Political” are closely related in international relations. It is sometimes difficult to know which one influences the other. Political practice shapes international law through the formation of customary law. On the other hand, political practice is constrained by the legal framework it evolves in. I decided to begin by examining international law first as the accountability of armed non-state actors in terms of their actions in conflict finds its source within humanitarian law. However, international law has failed to offer a clear framework of engagement from existing state practice and existing bodies of law. There are ways in which international law takes armed non-state actors into account and offers channels of “engagement” with armed groups. Nonetheless, the different debates surrounding armed non-state actors, in terms of political and humanitarian engagement, needs to be taken beyond the legal discourse.

In times where the label “terrorist” is brandished hastily to define armed non-state actors, the issue of definition remains highly controversial. I will argue that the labelling of armed groups defines the attitude of political actors towards them. Whereas the label “terrorists” is a way of delegitimising armed groups and prohibiting dialogue, adopting a seemingly “neutral” label for armed groups underlies a will to accept such actors as potential interlocutors in political or humanitarian negotiations. Finally, the perception of armed groups as legitimate interlocutors for humanitarian and peace actors will be examined in relation to the perception that one may have on political violence.

Labelling and defining: terrorists or armed non-state actors

The issue of definition does not only involve defining what we mean by armed non-state actors but also involves a more profound questioning of the use of the term armed non-state actors (ANSAs). Indeed, labelling is ‘an act of politics involving conflict as well as authority’, ‘an act of valuation and judgement involving prejudices and stereotyping’ (Wood, 1985:347-8). Labelling armed groups is made even more complex by the fact that the numerous terms that have been used do not only represent different value judgements, but they also reflect a complex reality where armed group in all shapes and forms exist. The discussion will focus on the two main labels emerging from the literature: the term “terrorist” and different terms claiming to be more “neutral” such as “armed groups” or “armed non-state actors”. Examining these terms and their definitions in terms of their biases,

usefulness and rationale, it will be argued that the term “armed non-state actors” or “armed groups” appear more appropriate not only within the context of this research but also in a broader academic context. Furthermore, the examination of labels reveals the beliefs and attitudes hidden behind the use of the different terms regarding the way in which armed groups should be accounted for, supporting Wood’s claim that labelling is indeed a political act.

Terror, terrorism and terrorist

Whether one agrees with the usage of the term “terrorist”, it is difficult today not to take this term into account, or at least not to explain why it may not be a useful term. The word “terrorist” has taken a new significant place in the post 9/11 discourse but we should not assume that it had not been a common and widely-used term prior to this event. Its new prominence as part of the United States’ foreign policy has only highlighted an already existing importance. Without dismissing this term altogether, this section will highlight the issues that may arise in using the term “terrorist” within this research. There are four main problems with using the label “terrorist”: the definition of “terrorist” remains highly controversial; the label “terrorist” is a sensitive and emotional label; this label is only subjective and often used with political motivation; finally, labelling armed groups “terrorist” has been deemed to make negotiation work harder for actors on the ground.

The term “terrorist” raises numerous definitional debates. Hoffman argues that the term “terrorist” is hard to define because its meaning ‘has changed so frequently over the past two hundred years’ (Hoffman quoted in Whittaker, 2001:5). Hoffman offers a brief history of how the term has evolved. He points out a rather interesting development. The label “terrorist” was used to label nationalist and anti-colonialist groups, until ‘the “politically correct” appellation of “freedom fighters” came into fashion as a result of the political legitimacy that the international community [...] accorded to struggles for national liberation and self-determination’ (Hoffman quoted in Whittaker, 2001:6). Guelke offers another account of the evolution of the definition and use of the term. “Terrorist” and “Terrorism” appeared in 1875 ‘in response to the reign of terror in post-revolutionary France’ (Guelke, 1995:3-4). The term was used in the nineteenth century to label ‘the violence of the agrarian agitation against landlords and their agents in Ireland’ (Ibid.). Later it was attached to ‘the strategy of political assassinations employed by Narodnaya Volya (People’s Will) against the Tsarist regime’ (Ibid.). Before it was applied to colonial conflicts, Guelke explains that the term was used to describe the ‘bomb-throwing anarchists’ by the end of the nineteenth century, linking anarchism and terrorism which remains ‘important for the interpretation of terrorism as ideology’ (Ibid.)⁷ This shows that the term is far from being novel, but its meaning and application changes with time.

⁷ For a more detailed history of the evolution and use of the term “terrorist” and “terrorism”, see W. Laqueur, (1978), *The terrorism reader: a historical anthology*, (New York, New American Library).

The term “terrorist” is rarely defined in the literature on the subject. “Terrorism”, the action, is often taken as a starting point. A terrorist then becomes any person who commits an act of terrorism. George’s definition is a prime example of that:

‘Terrorism is the method or technique of instrumental terror, and terrorists are those who use it. On this view, a terrorist is someone who furthers his ends by perpetrating acts of extreme violence in order to terrorise people into compliance’ (1990:55).

Indeed, the amalgamation between the action, terrorism, the actor, terrorist, and sometimes, the effect, terror poses a definitional problem. As Sederberg explains:

‘[...] The confusion between the action (terrorism), the actor (terrorist) and the effect (terror) detracts from our ability to distinguish between terrorism and the larger class of coercive action of which it is a part’ (1995:296-7).

In other words, it appears that “terrorism” becomes the main defining character of “terrorist” groups even though it is described as a fighting strategy of a group rather than an ideology. By isolating violence as a defining variable, any ideological or political agenda that the group may have is hidden behind the type of violence used, making any groups branded as “terrorist”, actors with no agenda or broader objectives than spreading terror. As Laqueur states, ‘Terrorism is not an ideology but an insurrectional strategy’ (1978b, 14-15).

There are two main issues with using violence as the defining character of a group. Firstly, if violence is chosen as a defining character of an insurrectional group then it should be used as the defining character for all groups. George for instance argues that 'terrorists are defined by the means they employ', whereas freedom fighters are defined by their ends (1990:54-5). Secondly, labelling a group from the type of violence it uses poses a problem when different types of violence are used as tactics. None of the definitions of terrorism leading to labelling a group as "terrorist" offers a benchmark or provides a percentage of acts of terrorism perpetrated in order to qualify as "terrorist". This raises a significant question mark on the usefulness and applicability of the label "terrorist".

The label "terrorism", and therefore "terrorist", carry an emotional tone. Terrorism is often defined as a particular type of violence (Wilkinson, 1990:44) and it is because of this particular type of violence that the label triggers an emotional reaction. Shultz describes terrorism as 'extranormal forms of political violence' (Shultz quoted in Conteh-Morgan, 2004:255). As Quinton writes, 'all terrorism is necessarily violent, but violence is not necessarily terrorism' (1990:35-6). Quinton argues that terrorism is a peculiar type of violence because 'the intention to kill or injure seriously is an essential part of terrorism', but also because the types and status of victims differ as with terrorism victims are passive (1990:37). Guelke agrees that terrorism is 'an emotive term' and states that terrorism 'cannot possibly

be treated as if it were a neutral technical term for a particular category of violence' (1995:6).

The emotional side of the term is very well exemplified by Munck (2000), as he offers a rather vivid example of what terrorism inspires. He focuses on the discourse used during a 1980 Council of Europe conference report titled 'Defence and Democracy Against Terrorism' (Council of Europe 1981). He mentions the way the Spanish and the British delegates speak about terrorism.

'We are told by the delegate from the Spanish State that 'terrorism' is not only 'a general threat to the stability of democratic institutions' but represents 'a war declared against Western civilisation' (Fanjul 1981:2). [...] Citizens everywhere are in danger as 'the blows it strikes grow in savagery' and 'become ever more treacherous and bloodthirsty' (ibid.:3)' (Munck, 2000:2-3).

The British delegate takes on a similar discourse:

'The British delegate to the Council of Europe conference on 'terrorism', Paul Wilkinson, an academic specialist on the matter, developed the same theme. Using Ireland as his example he declared confidently that the terrorists 'represent nothing but their own hate-filled and criminal mentalities', with their only 'objective' being 'to impose their own petty tyranny of the gun and the bomb' (Wilkinson 1981:4)' (Munck, 2000:3).

The emotional side of terrorism is defined rather well by Crenshaw who states that terrorism ‘involves symbolic acts of violence, intended to communicate a political message to watching audiences’ (Crenshaw quoted in Conteh-Morgan, 2004:155). This highlights that if the label “terrorist” is to be defined from the emotional type of political violence that terrorism is, then the action of labelling a group “terrorist” carries with it this emotional burden. As such, this may not be problematic, but it carries a significant consequence with it: because of its emotional undertone, the labelling of a group as “terrorist” becomes an act with political motivation and intent to marginalise the group in question. In other word, the act of labelling a group as “terrorist” becomes subjective rather than analytical.

The subjectivity of labelling armed groups as “terrorist” is maybe the most significant obstacle to using this label in academic research and as an analytical category. By branding the label “terrorist” as an instrument of condemnation, this term tends to reflect ‘ideological or political bias’ (Gibbs, 1989:329). As former U.S. President Jimmy Carter explains, ‘[...] in many cases over the last quarter-century there is an increasing inclination on the part of any ruling party to brand as “terrorists” anyone who disagrees with them’ (Jimmy Carter quoted in Ricigliano, 2005:13). The label “terrorist” is used to marginalise and confer illegitimacy to an armed group (Higgins and Flory quoted in Whittaker, 2001:257). As Hoffman states:

‘On one point, at least, everyone agrees: terrorism is a pejorative term. It is a word with intrinsically negative connotations that is generally applied to one’s enemies and opponents [...]. Hence, the

decision to call someone or label some organisation “terrorist” becomes almost unavoidably subjective [...]’ (Hoffman quoted in Whittaker, 2001:7-8).

As Wilkinson points out, this is the reason why armed groups which perpetrate acts of terrorism ‘reject the appellation “terrorist”’ (1990:46). He explains that these groups view the label “terrorist” as giving them a negative image as it carries with it ‘clearly pejorative implications of illegitimacy and indiscriminate brutality against civilian targets’ (Ibid.). Whereas “terrorist” groups in the nineteenth century embraced the label, it is today consciously avoided (Hoffman quoted in Whittaker, 2001:7).

“Terrorism” and “terrorist” are therefore not a neutral label (Crenshaw quoted in Whittaker, 2001:10-11). As Crenshaw argues, the ordinary use of terrorist and terrorism in day-to-day language, ‘which contains value judgements’ leads us to ask ‘who calls what terrorism, why and when’ (Ibid.). Labelling an organisation as terrorist becomes an act of condemnation that is not needed in either researching on engaging armed groups in humanitarian dialogue or in actually working on humanitarian engagements with armed groups. Indeed, using the label “terrorist” may actually complicate the work of people on the ground who try to either mitigate political violence or bring an end to it. During an interview, Jimmy Carter was asked whether introducing the label “terrorist” ‘unnecessarily complicates things’. His answer was the following: ‘Well, it [the label “terrorist”] does. It depends on the degree to which it deters outside

mediation' (Jimmy Carter quoted in Ricigliano, 2005:13). According to Philipson, the labelling and naming of terrorist groups has a real impact:

'Listing an organisation as 'terrorist' potentially lengthens the path to non-violent politics for that group as negative perceptions of the group are encouraged, and the group's own perceptions about whether they can or should have a place in non-violent politics may also be negatively affected. In Nepal, the US has listed the Communist Party of Nepal (Maoist) and there has been pressure for other countries to do so to freeze their assets. In the absence of any external assets this has little practical purpose and serves only as a political label. In Nepal the effect of this threat leant weigh to those in both the Royal Nepal Army and the Maoist who were in favour of continuing war, rather than entering negotiations. It was taken as a signal that the international community would support a policy of isolating and defeating the Maoists' (2005:70).

Using the term "terrorist" carries with it a number of issues. As an analytical term, one to be used in academic research, the label "terrorist" does not provide a useful definition as it characterises an organisation using political violence solely by the type of political violence it carries out while other organisation also involved in acts of political violence may be judged by their ends or ideologies. The emotional and biased character of the term allows political motivations rather than analytical reasons to determine its usage. Finally, the wider picture seems to show that the use of the term "terrorist" closes doors to dialogue and engagement which makes a rather inappropriate label to use in researching on humanitarian engagements.

Armed non-state actors: a neutral label?

To the term “terrorist”, seemingly more “neutral” terms such as armed non-state actors (ANSAs) or armed groups are presented as the other available option. In opposition to the emotional and value-loaded term “terrorism”, ANSAs or armed groups is argued to offer a more factual and neutral label (Foster, 2000:2-3). It aims at including the multitude of complex organisations and groups involved in political violence by trying to capture the essence of these actors and their common denominator: these are actors that are armed and act outside of state control.

As neutral as this term aims to be, a number of issues arise. Firstly, this term makes a number of value judgements on what organisations are to be included: the definition is limited to groups which have a clear political agenda leaving any groups with sole criminal intent aside; and the definition is limited to groups which are clearly outside of state control. Both these criteria may not always be clearly defined. Secondly, the term “ANSAs” has primarily emerged from the literature and the practice of engagement and dialogue with armed groups, carrying with it a certain bias. Finally, the dichotomy of state/non-state may be seen as a legitimisation of armed groups through its comparison with states. It will be argued that the terms “ANSAs” or “armed groups” are useful analytical terms, but that these terms should be applied with the knowledge that it carries with it a number of underlying assumptions.

Any definition will have limitations, including and excluding different items. The choice of these limitations, on the other hand, needs to be highlighted to uncover the biases of the definition. Most definitions of ANSAs or armed groups involve the three following criteria: (1) use violence as a way to attain given objectives, (2) have a political agenda, (3) act outside of state control.⁸ The last two criteria may not always be easy to define. As Petrusek argues, the distinction between a criminal organisation and a political organisation is necessary. Political violence seems to refer to violence within a coherent political project. Nevertheless, the ‘classification is not simple’. As Petrusek explains, ‘some armed groups with stated political goals resemble criminal organisations in their behaviour, so that it is difficult to say what they are with any certainty’ (2000:6). Policzer raises the same issue arguing that ‘armed groups are narrowly defined according to static nominal dichotomies: groups that have political ends count, those with criminal ends do not’ (2005:7-8).

In a similar way, defining whether an organisation acts outside of state control or whether it is defined as not a state may not always be clear-cut:

‘Partly as a result of anxieties about the place of the state in global relations, the distinction between NSAs and states in the first place is made to look more clear-cut than it actually is. From NSAs covertly supported by governments, and militias partly controlled by governments, to de facto governing authorities (such as the

⁸ Different definitions of armed groups or ANSAs include a number of other criteria. For more details and different definitions, see Foster (2000:3), Rupiya (2000:24), Santos (2000:36), Ricigliano (2005:6), Policzer (2005:6,8,9), www.genevacall.org, Hofmann (2004:1), Petrusek (2000:5-6).

PLO and the Saharan Arab Democratic Republic), to governments like South Africa with an NSA past, the boundaries between the two are blurred in practice' (Foster, 2000:4).

To circumvent this problem, armed groups are sometimes defined as 'challeng[ing] the state's monopoly on coercive force' (Ricigliano, 2005:6) or 'operat[ing] in opposition to the existing state or government' (Petrasek, 2000:5-6). These definitional matters do not represent more of an obstacle than ensuring that any analysis of an armed group or categorisation of armed groups needs to be dynamic and flexible, taking into account these grey areas.

A more significant bias exists in using these more "neutral" labels. The emergence of labels for armed groups that aims to be more neutral, such as ANSAs, came as a result of the growing practice and literature on engaging with armed groups on different issues including peace process and humanitarian principles. Discussions on defining ANSAs emerged from workshops on engaging armed groups (Rupiya, 2000:24) and from human rights organisations (Santos, 2000:36, Hofmann, 2004:1). One has to ask whether the choice of a more neutral term is not indeed neutral as it seems to emerge with a specific policy towards armed groups. In other word, the term "ANSAs" is very much attached to a policy that encourages direct engagement with armed groups.

The bias behind the use of these "neutral" terms appears again when looking at the dichotomy between state and non-state actors. As Policzer

explains, ‘humanitarian and human rights organisations have tended to explicitly define, or implicitly assume, armed groups as would-be states’ (2005:6). Defining armed groups as armed non-state actors means implicitly comparing or confronting non-state actors to state actors. This appears problematic, especially when these terms are used within a very specific agenda of engagement, as it appears to be a legitimising label. By comparing armed groups to states or by assuming armed groups as would-be states, humanitarian and human rights organisations are actually justifying and legitimising their engagements with such groups. As Foster rightly states, “‘Non-State actor’ is no less fraught a term [...] [as it] seeks to identify [armed groups] in legally and normatively neutral terms’ (Foster, 2000:2-3).

Legitimate actors and illegitimate actors: different perspectives on armed non-state actors

One can conclude that labelling a group as an ‘armed non-state actor’ aims at legitimising this group and advocates for engagement and dialogue. On the other hand, labelling a group as “terrorist” aims at condemning this group, highlighting that a certain type of political violence, “terrorism”, is in fact beyond the pale and engagement in any kind of dialogue prohibited. Is there a benchmark based on the type of violence used by armed groups for evaluating the possibility of engagement? If the answer to this question is positive, then humanitarian actors, as well as conflict mediators, are faced with an important dilemma as their aim is indeed to

mitigate, prevent or stop violence targeting civilians or violent conflicts in general. As Jimmy Carter points out:

‘[...] We err on the side of at least talking to people who are pariahs in the international community when no one else will talk to them. The advantage of talking is that when I think our intercession might end a conflict or eliminate threats or actual human rights abuses, we engage more fully’(Jimmy Carter quoted in Ricigliano, 2005:13).

Within the current international political context where one is bombarded by the punitive discourse of the War on Terror, as every other armed group is labelled as terrorist, it is difficult to make the voice of those agreeing with Jimmy Carter heard. Indeed, as was argued earlier, the label “terrorist” may actually make the work of the people who are trying to resolve the problems on the ground harder.

Is the benchmark at the level where all political violence is illegitimate⁹ and therefore actors of political violence are never legitimate actors to enter in a dialogue with? The answer to this depends on the view one takes on political violence. According to Apter, there are three main perceptions of political violence: a diagnostic view, political violence as individual pathology, or political violence as social pathology (1997:7).

⁹ For a more detailed account on the legitimacy of violence, more specifically violence used by non-state actors and violence (more often referred in a legitimising way as “force”) by states, see Besteman (2002), Tilly (2003). For a more general account see Apter (1997), Arendt (2002), Guelke (1995:25).

The diagnostic view states that 'political violence can be examined in terms of theories of bargaining, coalition, and rational choice' because it is considered a 'rational phenomenon' (Ibid.). Political violence therefore becomes a rational problem with a possible rational solution making engagement and dialogue with those who perpetuate political violence possible and a valuable option. Where political violence is seen as either an individual pathology or a social pathology, the solution to the problem of political violence is the resolution of the source of the problem, i.e. the treatment of the pathology. By looking at political violence as a rational phenomenon, armed non-state actors are seen as part of the problem and therefore part of the solution. By adopting this perception of political violence, there is no such thing as political violence beyond the pale. All armed groups involved in political violence are potentially on principle able to enter into dialogue with those who want to mitigate its effects or end it.

Armed non-state actors: an analytical framework

The issue of labelling and naming actors involved in organised political violence is one important issue. Providing a framework and knowing which aspects of armed non-state actors need to be taken into account in order to acquire an analytical understanding of these actors is another. Indeed, researching organised political violence and armed non-state actors involves asking how armed non-state actors are to be researched and studied. The study of armed non-state actors is necessary if one wants to understand how the behaviour of armed groups can be influenced, if humanitarian

engagements work, and if it has an impact on conflict transformation. However, Jones and Cater explain that ‘unconventional belligerents [...] have been significantly understudied for reasons ranging from a bias toward legitimate state actors to the practical and security constraints on close analysis of militia groups’ (2001:238). Unfortunately this means that ‘we know surprisingly little about why some civil wars are so much more violent than others or why some groups commit horrendous atrocities and others do not’ (Weinstein, 2007:5).

This section aims at creating a tailored analytical framework in order to understand armed groups in relation to humanitarian engagements and the effect that it may have on conflict. In emphasising certain aspects of an armed group in the analysis, there are a number of assumptions as to which characteristics of an armed group may play a role in causing humanitarian engagements with armed groups to have a different impact on conflict. In other words, different armed groups have different characteristics such as hierarchy, relationship between the military and the political wings, relationship with their constituency or the rationale behind their activities. These different characteristics have to be taken as further variables that may potentially help understanding why and when humanitarian engagements with armed groups impact the conflict situation negatively or positively.

This section will present briefly two approaches to researching armed groups while keeping in mind that the framework is aimed at understanding armed groups in relation to humanitarian engagements. It will be argued that

a flexible framework allows a better and more comprehensive understanding of armed groups in opposition to a typology. Coming up with a framework of analysis for armed groups has two main objectives. First, it provides a general tool that can be used in further research and improves the way armed groups may be studied. Second, it provides a necessary tool for this research to understand how different characteristics of an armed group may change the potential impact of humanitarian engagements on the conflict dynamic. In other words, the framework provided below and discussed in this section will be applied to a case study and used as another analytical tool. As Jones and Cater explain, ‘enhanced understanding requires seeing belligerents in context and examining their varying behaviour, objectives, and instruments of war in order to shed light on how belligerents deal with civilians and to draw out the implications for international protection efforts’ (2001:238).

Defining armed groups with a general label has proved to be a difficult endeavour. The term “armed group” only describes a group, or an entity made of more than two people, which is armed, or owns some kind of weapons. The term “armed non-state actor” provides a further detail, accentuating the status of the group as being outside of the state structure and command and giving a hint that this group is fighting against the state. Many different internal conflicts have presented many different armed groups. Faced with this multitude of different types of armed non-state actors, a reading grid or an analytical framework is necessary to understand and highlight the important aspects that make an armed group what it is.

Capturing the essence of these armed groups is also important in understanding their attitude and behaviour towards humanitarian engagements and dialogue in general (Conciliation Resources, 2004:5). This section will look first at different approaches to studying armed groups exemplified by Williams and Ricigliano (2005) and O'Neill (1990). Arguing that the first approach offers a more flexible framework by providing general characteristics rather than trying to generalise types of armed groups, I will then look at these different characteristics in details to work towards a framework of analysis rather than a typology.

Williams and Ricigliano provide the following list of 'necessary things to know about armed groups' (2005:16):

'1) Their political profile, including their history, ideology and allies; 2) their military capabilities, including the effective size of each grouping, their arms, degree of training and territorial influence or control; 3) their degree of constituency support, including any geographic or ethnic limits to their support; 4) their economic activities, including funding from abroad, from neighbouring states, from trade or from illegal activities such as drugs, kidnapping or extortion' (2005:16).

It is interesting to note that the list is composed of both military, political and economic aspects. This highlights a sometimes forgotten character of armed groups.

Table 2.1 : Analytical Framework For Armed Non-State Actors. ¹⁰

Name of armed group:	
History: date formed, important turning point.	
Political profile: aims and ideology	<p>What does the armed group try to achieve through the use of violence?</p> <p>What are the motivations behind the choice to use violence?</p> <p>Are aims political, economic in character, or both?</p> <p>Is the group ideology a reflection of a particular minority, identity, religion, culture?</p> <p>Are the aims and ideology shares by all members of the group?</p> <p>Have the aims and ideology or any answers to the above questions changes since the beginning of the conflict?</p>
Leadership and organisation:	<p>Is there a distinct political leadership? Is there a distinct military leadership? What is the relationship between the two?</p> <p>What is the hierarchy and organisation of the armed group?</p> <p>Is there a decision-making process? Is this process democratic (open) or authoritarian (closed)?</p> <p>Is there effective command and control over all the membership of the armed group?</p>
Military structure:	<p>Is there a clear chain of command? What is the chain of command?</p> <p>What is the military strategy? How does the armed group conduct warfare? What is the military capacity and the means of warfare?</p> <p>How many combatants are there? Who make up the armed force: men, women, children, identity? What are the reasons for joining the armed group? Is recruitment voluntary or forced?</p>
Relationship with constituency:	<p>Who is defined as the armed group's constituency?</p> <p>What is the relationship between the armed group and its constituency? What factors shape relations between the armed groups and the constituency?</p>
Resources:	<p>How does the armed group obtain the necessary resources for its economic survival? Who "sponsors" the armed group?</p> <p>Does the group benefit from the war economy?</p>
Territory:	<p>Does the armed group have territorial aspirations?</p> <p>Does it have de facto control over a territory and population?</p> <p>How is this control exerted?</p> <p>What activities does the group carry out in this territory?</p>
Policy towards humanitarian and human rights principles, and peace negotiations:	<p>What is the humanitarian and human rights record of the armed group?</p> <p>Has the group taken any commitment toward the respect of these principles?</p> <p>What are the justifications for taking up arms and how does it effect the group's position towards peace negotiations and political dialogue?</p> <p>What is the group's negotiation history?</p> <p>How does the ideology and aims of the groups relate or effect their policy towards peace negotiations?</p>

¹⁰ The characteristics of armed groups presented in this section as well as the analytical framework proposed are mainly drawn from the following sources : Mc Hugh and Bessler (2006), Petrasek (2000), Williams and Ricigliano (2005). The framework proposed is also based on a working document used by Geneva Call to understand armed groups they engage in the ban against landmines.

In addition to this, Williams and Ricigliano offer a number of interesting points to be taken into account when looking at engaging with armed groups in any type of dialogues. The first issue raised is one that is not often factored in: the behaviour of other protagonists. Indeed, Williams and Ricigliano argue that in order to have a full understanding and an accurate analysis of an armed group it is important to understand the armed group's behaviour in relation to the behaviour of other actors in the conflict. As they write, 'this will play a significant role in shaping a group's strategies and attitudes towards political engagement' (Williams and Ricigliano, 2005:17). This argument is reiterated by Petrusek who argues that 'the character of the armed groups is conditioned by the legitimacy of the state' (2000:16).

The second important point made by Williams and Ricigliano is the importance of looking at how the armed group describes the conflict, their understanding of the conflict and the possible solutions, as 'the group's analysis of the problem and their range of possible solutions reveal a great deal about them, their aims, and how they wish to be seen' (2005:17). Finally, a critical factor according to Williams and Ricigliano is 'how the group accounts for the fact that it is armed' (Ibid.). This helps understanding how the group might prioritise between continuing an armed struggle and finding a peaceful solution (Ibid.).

In opposition to Williams and Ricigliano, O'Neill presents at first sight a more rigid approach. As he writes: 'Our research suggests seven

types of insurgent movements – anarchist, egalitarian, traditionalist, pluralist, secessionist, reformist [...]’ (O’Neill, 1990:17). O’Neill aims to offer ‘a structured framework for analysis’, but seems to offer a rather rigid one (1990:160). He admits that ‘the complex nature of the subject [...] defies facile generalisation’ which he appears to do by providing these seven types of insurgencies (1990:160). O’Neill’s complete analytical framework cannot be summarised by his provision of seven types of insurgent movements, and, therefore, this is not a critique of his work. On the other hand, it provides a very good example of what the framework presented in this section will not be.

Following Williams and Ricigliano, this framework will move away from an approach that studies armed groups according to a typology where all armed groups need to fit into one category or another. On the other hand, the framework will provide a number of characteristics or aspects that need to be looked at in each group so as to provide an understanding of this group. Rather than defining different types that armed groups have to fit in, I propose a framework of understanding where certain aspects are examined and a number of different questions are asked in order to understand better armed groups rather than categorise them. Based on Williams and Ricigliano’s list and adding from other sources¹¹, these characteristics will be examined now in more details. While offering a guide to understanding

¹¹ The characteristics of armed groups presented in this section as well as the analytical framework proposed are mainly drawn from the following sources : Mc Hugh and Bessler (2006), Petrsek (2000), Williams and Ricigliano (2005). The framework proposed is also based on a working document used by Geneva Call to understand armed groups they engage in the ban against landmines.

armed groups, Table 2.1 is only a summary of a more comprehensive discussion provided in the following section.

Williams and Ricigliano start their account by the political profile of armed groups. The political profile of an armed group includes its ideology, the aims it tries to achieve by fighting, and its motivations for its struggle. This aspect seems to be a central defining character of an armed group, but it is also perceived as a crucial variable in understanding the behaviour and attitude of armed groups towards humanitarian principles, negotiations and dialogues, the international community, etc.

Different aspects of the political profile of an armed group may have different implications. The behaviour of an armed group during the conflict and towards peace negotiations will differ greatly depending on whether its aims are political or economic (Conflict Prevention and Reconstruction Unit, 2002:1). The attitude of an armed group towards humanitarian and human rights principles will change whether the armed group aims at becoming a legitimate, official, recognised government in the future or not. According to Petrusek, the main rationale behind this is that an armed group that aims at becoming the head of a state will be 'more sensitive [...] since they will understand that a certain conduct is expected of states that expect to join the international community' (2000:16). This argument is reiterated by Zahar who states that 'a group seeking separation will also evaluate the costs and benefits of transgressing human rights norms differently from one that seeks inclusion in the political system' (2001:53). This inclusion in the

political system means that an armed group may have to behave according to the rules attributed to states to be recognised as a potential state actor and legitimised. Zahar explains that legitimacy in the international order is attached to statehood (Ibid.). This factor influences the behaviour of armed groups. Armed groups who wish to become legitimate actors will tend to behave as de facto states or at least to provide an image of themselves as such. They can do so through the control of territory, its organisation and constitution, governing “liberated areas”, respecting principles and laws attached to statehood. Although Zahar argues that it is not always enough to ensure legitimacy, ‘it is not uncommon for them to look increasingly like quasi-states or to develop governments-in-waiting’ (2001:54).

The ideology of an armed group may directly influence its behaviour towards respecting humanitarian and human rights principles (Ibid.). Religious ideologies, for instance, may influence the code of conduct in warfare of a group. Furthermore, understanding the ideology, aims and motivations of an armed group may help external actors tailor their discourse and arguments to fit the armed group’s ideology, aims and motivations, increasing the potential for change in attitudes and behaviours.

Two important points need to be noted. Firstly, an armed group may change their objectives and motivations throughout the conflict (Jones and Cater, 2001:240). Although it may have originated due to political motivations, an armed group may continue fighting because of economic motivations. Secondly, an armed group should not be thought of as

monolithic. As Petrusek explains, 'most armed groups are a composite of different political and ideological tendencies, hard-liners and reformers, the war camp and the peace camp, fundamentalists and pragmatists' (2000:17).

The organisation of the armed group is one aspect not mentioned by Williams and Ricigliano, but that is present in the literature and should be part of the political profile of the group. An armed group cannot simply be seen as a military organisation. The complexity of certain important armed groups, such as the Tamil Tigers in Sri Lanka for instance, demands a study of how armed groups are organised. This includes the hierarchy of the group, the leadership, the relationship between the political and the military and finally the way the armed group is led (authoritarian or democratic rule).

As Zahar notes, armed groups may be structured in very different ways. Their structure may be more or less organised. This structure may mainly comprise of a military structure or 'have developed beyond the military realm and established social and economic divisions, earning, in the process, the label of quasi-states or de facto states' (Zahar, 2001:55). Zahar argues that 'the structure of these groups is important because it may impede or assist in the development of norms of conduct toward civilians' and expects that 'the more structured a group, the easier it would be to determine the chain of command and control and therefore to attribute responsibility and accountability for violations of the rights of civilian populations' (Ibid.). Indeed, the control of the fighters' behaviour in armed

groups may be problematic especially with ‘individual soldiers and small units operating far from the central command’ (Conflict Prevention and Reconstruction Unit, 2002:3). This has far reaching consequences when engaging with armed groups on humanitarian principles.

Petrasek points out that the armed group may be under military or political (civilian) control. Armed groups may be authoritarian or democratic in the way they are ruled. Where ‘the leadership is accountable to its members to a significant extent, [it] could be considered democratic’ (Petrasek, 2000:18). According to Petrasek, ‘where the military leadership is accountable better opportunities exists for advancing human rights claims’(Ibid.). On the other hand, Petrasek is quick to emphasise that a democratic leadership may not always entail the protection of human rights. He even states that ‘ a “supreme commander” may stop certain practices [...] more quickly and effectively than a more democratic leadership’ (Petrasek, 2000:18).

One aspect not always raised in the literature on armed groups is the relationship between the military wing and political wing of an armed group. These two distinct structures may not always exist, but where they do it is important to understand how they relate to each other. When engaging an armed group on humanitarian principles or human rights, it is often the case that the political wing is the one negotiating the agreement as the “diplomatic representation” of the armed group. On the other hand, the agreement usually affects the way the military wing will have to behave in

combat. It is therefore important to understand whether by engaging with the political wing, the engagement with the military wing is automatic, or whether the effort needs to be done with both the military and the political wings of the armed group.

Within the military structure of an armed group a number of aspects need to be highlighted. The military structure, which includes the military hierarchy and the chain of command, is important. It is also necessary to include the military strategy and the way the military conducts warfare. In order to understand the cause of humanitarian crisis, it is sometimes necessary to look at the military strategy of an armed group. Armed groups may adopt strategies that consistently target the civilian population (O'Neill, 1990:24-5). The effect of the conflict on the civilian population will differ greatly depending on whether an armed group adopt guerrilla tactics or “conventional” war, whether targeting the civilian population is seen as a military objective or not.

Perhaps this is the least emphasised aspect of understanding an armed group. I think it is important to include the way armed groups fight, their military strategies and capabilities, to understand the possible constraints they may perceive in endorsing humanitarian principles. Without the military argument behind the fight against landmines, for instance, one doubts whether its principle would have been endorsed so quickly. If we want armed groups not to be apprehensive towards humanitarian dialogue, it is important to understand how humanitarian principles can be presented to

them in such a way that it does not threaten their military strategies and capabilities.

As part of the military side of armed groups, one needs to take into account the composition of their army. In terms of facts, it is necessary to know whether we are dealing with an army of a few hundreds or an army of a few thousands. Secondly, it is interesting to understand who joins the armed group to fight: whether it is a voluntary recruitment or a forced recruitment; whether the armed group includes men, women or children fighting; whether the fighters belong to a certain constituency or whether the recruitment includes no limitation in terms of religion, identity, etc (Conciliation Resources, 2004:5). These facts may help us understand the attitude of the armed group towards certain humanitarian principles such as child soldiers for instance. It also allows us to understand better the relationship between an armed group and its constituency.

Indeed, the relationship between an armed group and its constituency is rather crucial in understanding the armed group but especially understanding the armed groups in relation to its attitude towards the civilian population, in other words, parts of humanitarian principles. Zahar summarises well this possible relationship in the title 'Protégés, Clients, Cannon Fodder: Civil-militia relations in internal conflict' (2001). Her account of the relationship between an armed group and the civilian population is thorough providing a number of interesting conclusions compensating greatly the lack of research on the matter. As she writes, 'in

spite of this growing concern over the fate of civilian populations, there has been little systematic research on the crucial topic of civil-militia relations' (Zahar, 2001:44). She argues that analysing this relationship could provide us with the necessary knowledge to understand which incentives impact militia behaviour towards civilian (Ibid). She presents three important questions:

'What factors shape relations between these two groups [Militia and civilian]? Can these factors point to ways of alleviating a humanitarian crisis and encouraging militias to abide by legal and customary obligations toward civilians in war? Do they provide the international community with tools that improve access to civilian populations?' (Ibid).

Zahar dismisses the simple dichotomy where the militia either identifies itself with the civilian population or the militia controls the civilian population. She argues that identification does not automatically infer that militias will treat their civilian populations well. Control can occur even in cases where the civilian population identifies with the militia. Furthermore, she argues that control cannot be thought of simply in military terms (Zahar, 2001:46).

The first factor presented by Zahar is the treatment of 'in-groups' and 'out-groups'. These can be defined through: 'social constructs, such as ethnicity, religion, language, tribe, or clan [...], economic, where civilians identify with the economic grievances of the combatants, or political, where they share a common ideological creed' (Zahar, 2001:46-7). According to

Zahar, the attitude of militia towards humanitarian principles and the treatment of the civil population may differ along the lines of 'in-groups' and 'out-groups' where militia may play a protection role with 'in-groups' but deliberately attack 'out-groups' (2001:47).

Zahar presents a strong argument regarding access to civilian population. She argues that membership is an important factor as 'the wider the "constituency" of a militia, the more it will be responsive to arguments about the need to improve the fate of civilians. The narrower a militia's constituency, the less likely this group will be to exhibit concerns for the civilian population at large' (Zahar, 2001:47-8).

Zahar links the relationship between militia and civilian to the economic dimension. Departing from the fact that 'militias often depend on civilian populations for two essential resources: fighters and revenue', understanding the relation between armed groups and their constituency in terms of economics is indeed crucial. Furthermore, the economic relationship between armed groups and civilians will depend on other economic resources available to armed groups (Zahar, 2001:48). Where an armed group can survive through the support of external patrons and sponsors, its relationship to the civilian population in terms of resources will not be a necessary one, in fact, subtracting a potential incentive for the armed group to treat the civilian population well. As Zahar states, 'the various forms of economic relations affect the incentives for militias to uphold international norms of conduct vis-à-vis civilians' (Zahar, 2001:48).

She uses a dichotomy between a symbiotic relationship and a parasitic relationship. A symbiotic relationship is one where ‘fund-raising denotes efforts to promote certain types of activities in exchange for a share in the outcome’ (Zahar, 2001:48). A parasitic relationship is one where fund-raising occurs through ‘the steady yielding of income through extortion, theft of international aid, licensing fees, or “revolutionary taxation”’ (Ibid).

Zahar provides the following types of civil-militia economic relations: (1) Predatory economic relations: extortion through fear; (2) Parasitic economic relations: security for financial contribution; (3) Symbiotic economic relations: ‘orderly conduct of economic exchanges in return for a percentage of the profit made by the population’ with the provision of security by the armed group; (4) Independent economic relations: where the militia relies on external sources of revenues (Zahar, 2001:51).

The manual for practitioner on humanitarian engagement provided by the UN Office for Coordination of Humanitarian Action also includes “constituency” as an important category to be taken into account. The manual includes the special role of community leaders within the constituency and their relation to the armed group (Mc Hugh and Bessler, 2006:83).

Petrasek emphasises two more specific actors within a constituency: refugees and internally displaced populations on one hand, and diasporas on the other hand. He explains the reason for isolating these two groups:

‘Exile communities are often ardent defenders of armed groups, irrespective of abuses the group may commit. Indeed, their support may be more unconditional than the support of communities living in the areas of conflict’ (Petrasek, 2000:23-4).

This is a rather valid point especially where diasporas appear as significant sponsors of armed groups.

The relationship between the constituency and the armed group is a significant factor in understanding armed groups in relations to humanitarian engagements. This relationship may reveal a lot about the armed group: its objectives, motivations, ideology, potential attitudes towards a commitment on humanitarian principles, etc.

Zahar makes a strong link between civil-militia relations and the way an armed group obtains the resources necessary to carry out its struggle. The “economy” of an armed group matters greatly for this reason but also for its definition as a pure economic organisation or as a political organisation. The term “Warlord” has often described armed groups which have for main motivation the revenue they get from war and conflict. It would be naïve to think that armed groups with political motivations do not play the war

economy. The two are not exclusive and armed groups with a clear political agenda may be involved and benefit greatly from the war economy.

The possible options to acquire the necessary resources enumerated in the literature include: extortion, such as looting and theft (Zahar, 2001:49; Petrusek, 2000:22); when an armed group is in control of a territory, it may put in place a system of taxation or fees to be paid by the population or by visitors such as humanitarian organisations for instance (Zahar, 2001:49); diasporas may be a source of financial help; finally, state sponsors may be a significant source of revenue but may also provide political protection, provision of safe bases, military material, logistical support and training (Petrusek, 2000:22). Knowing the sources of revenue and support of an armed group may provide avenues for incentives or pressure to commit to certain humanitarian principles. As an armed group is more dependent on the population for food, soldiers and shelter, it will have to treat this population well to ensure its survival. The more independent the armed group will be from the population, the less incentives it will have to apply certain rules to its attitude towards the population (Petrusek, 2000:23).

Weinstein reaches the same conclusion after comparing the behaviour of armed groups in different conflicts. His central finding is that 'rebel groups that emerge in environments rich in natural resources or with the external support of an outside patron tend to commit high levels of indiscriminate violence; movements that arise in resource-poor contexts perpetrate far fewer abuses and employ violence selectively and

strategically' (2007:7). Weinstein argues that the resources available to an armed group matter significantly. Resources necessary for the survival of an armed groups, especially at its formation, shape the membership of the armed group, in turn, 'the structures of internal control and external governance' (Ibid.:10) and 'the potential strategies that its leaders can employ' (Ibid.:9).

According to one report, state support remains one of the most 'significant or critical to the survival and success of the movement' (Byman et al., 2001:2). This was followed by refugees, then diasporas and then external actors such as relief agencies (Ibid.). According to Byman et al., 'understanding insurgent struggle today requires recognising the changing agendas and limited means of state sponsors, the possible increase in the role of diasporas, and the rise of other non-state backers' (2001:xix).

Territorial control is often included in analytical frameworks for armed groups (Mc Hugh and Bessler, 2006:83; Conciliation Resources, 2004:5). The UN OCHA manual provides three main axis for analysis. The first one regards the extent of control over the population and territory. The second one regards the way this control is exerted. Finally, it looks at the basis for this control (Mc Hugh and Bessler, 2006:83). Territorial control is often an expression of other factors or aspects of an armed group. One may argue that the way they exert control on population and territory reflects their attitudes towards their constituency as well as the potential economic revenues they get from that control (Conciliation Resources, 2004:5).

Control of territory might also be part of the objectives or motivation behind the struggle of an armed group (Ibid.). In that case, one can argue that the aim of territorial control and therefore control over the population may become an incentive for a better treatment of the civilian population. Indeed, ‘the prospects of territorial control disciplines rebel behaviour across geographic regions because it embeds insurgents in an interaction with civilians that, if they are successful, will be repeated over time’ (Weinstein, 2007:17).

This analytical framework is provided to help understanding armed groups in relation to humanitarian engagements. For practitioners, it may be important to understand the history as well as attitude of an armed group towards not only humanitarian engagements but dialogue in general. As Mc Hugh and Bessler explain, ‘the negotiating history of the group can provide valuable information on the group’s strategy, objectives and commitments to the negotiations’ (2006:20). Williams and Ricigliano add that it is important to understand how any future engagement ‘will fit into the broader history of attempts at political dialogue’ (2005:17).

In fact, Williams and Ricigliano present a number of interesting questions to ask when looking at how armed groups perceive negotiations in general:

‘Does the group have a positive vision for a peaceful future [...]?
Do they have a realistic understanding of the value of negotiating
versus the value of not negotiating? [.....] Do they have a clear

vision of what it means not to negotiate a solution [...]? [...] Do they feel it is legitimate to talk to the other sides? Believe that it is in their interests to talk? Do they envision possible negotiated solutions? [...] Do they have the resources (finances, expertise, communication channels) and ability to negotiate – including the ability to manage internal divisions, deliver on commitments, problem solve, understand the other sides, etc?’ (Williams and Ricigliano, 2005:17).

I would like to stress the last question as particularly important. Understanding the attitude of armed groups to negotiations must involve understanding their capacity for negotiations. Armed groups do not naturally have the diplomatic training or the necessary tools in their hands for negotiations and may, as a result, have a very apprehensive and negative attitude towards negotiations. This may not mean that they do not welcome negotiations. It is important to understand the armed group’s perception of negotiations.

In order to understand the position of an armed group towards human rights and humanitarian principles, the starting point can be its ideology and “mission statement”. This may not reflect reality as it may not be implemented or followed. Armed groups who have a strong commitment to some of these principles will have made public statements or taken actions to protect them.

I would like to present a number of hypothesis provided by Zahar that can become a starting point for a further reflection during this research,

and especially in analysing the data gathered during field work. The first hypothesis is as follows:

‘The more general the objectives (in the sense that they seek to improve society at large), the more likely it will be that the international community will find a way to engage combatants on the issue of civilian protection. The narrower a militia’s objectives, the less receptive it is likely to be to plea to respect and protect the civilian population’ (Zahar, 2001:56).

Zahar’s second hypothesis is that the structure of the group enables this engagement and is, therefore, a facilitating factor without implying a necessary link between structure and protection of the civilian population (Ibid). According to these two propositions, the most challenging situation for humanitarian engagement would be an armed group with narrow objectives and a loose structure. The least challenging situation would be an armed group with broader objectives and a clear structure (Zahar, 2001:56-57). Adding to these two variables, Zahar also includes the four different types of economic relations, where ‘the higher a militia’s symbiotic dependence on the civilian population, the less likely it is that the militia will harm the civilians’: Independent militia sources of revenue, predatory civil-militia relations, parasitic civil-militia relations and symbiotic relations (Zahar, 2001:58). Finally, Zahar also takes into account the degree of identification between civilians and militia: ‘the higher the perceived identification between a militia and the civilian population that it controls (in-group), the lower the likelihood that the militia will hurt this population’ (Zahar, 2001:58).

In conclusion, I would like to offer three words of caution about the framework presented in this section. Firstly, all information may not be accessible or reliable and therefore the analysis of armed groups may not be complete. Researching armed groups remains difficult not only because of their diversity and complexity but also because of the difficulty of access to the groups themselves and information. Secondly, due to the dynamic nature of organisations and groups, it may be hard to capture the evolution of the group. There is, therefore, a danger to substitute the dynamic nature of armed groups for a static analysis and understanding. This provides a further obstacles to understanding and researching armed groups. Finally, the study of armed groups cannot be done outside of a thorough analysis of conflict. Understanding armed groups is as much about understanding the group in itself as it is about understanding the context in which it evolves. This analytical framework needs therefore to be applied in conjunction with a conflict analysis.

Conclusion

By locating the practice of humanitarian engagement with armed groups within a given international context and international system, I first examined the legal approach to armed groups. Indeed, the international system is regimented by a corpus of international treaties, laws and principles. Examining the existing legal framework for engaging with armed groups on humanitarian and human rights issues, the argument was put

forward that the existing legal framework remains controversial regarding the legal status of armed non-state actors as well as their accountability. This justifies the need for a more political approach to engagement with armed groups on humanitarian issues in order to fill the gap left by such legal controversies.

Unfortunately, the political approach to armed groups raises a number of controversies as well. The issue of labelling remains significant. The discussion on the label “terrorist” reveals the focus that the term brings on a certain type of political violence rendering it a highly emotional and politically-biased term. As this term appears to be used as an act of condemnation of certain armed groups, it is difficult to endorse it in a research aimed at understanding a process of dialogue with armed groups. The seemingly more “neutral” terms of armed non-state actors or armed groups are therefore endorsed in this research while keeping in mind the biases also attached to them. Indeed, terms such as armed non-state actors and armed groups are often used within the discourse of engagement and may be perceived as legitimising a policy of engagement. Labelling armed groups is difficult. These labels are often a way of positioning oneself on the issue of armed groups and their engagement on humanitarian issues. Labels can be a legitimising step. As a consequence, one can see the controversial step that engaging with armed groups on issues such as humanitarian principles or human rights is.

Chapter III : Engaging with Armed Non-State Actors on humanitarian issues.

‘For humanitarian workers, the ability to negotiate with all actors in situations of crisis or conflict is essential to effective and timely provision of humanitarian assistance and protection. Indeed, where the humanitarian imperative dictates, negotiation – conducted in an independent, impartial and neutral manner – can sometimes be a humanitarian necessity’ – Jan Egeland, Under-Secretary-General for humanitarian affairs and Emergency Relief Coordinator (in Mc Hugh and Bessler, 2006:iii)

Introduction:

The 1970s saw a number of changes in the practice of humanitarian action. As Policzer explains, at the beginning of the 1970s, the humanitarian and human rights communities experienced series of debates over ‘how to grapple with acts of violence committed by non-state armed groups’ (2005:1). As a consequence of these debates, the question of the accountability of armed groups regarding their humanitarian and human rights credentials arose (Policzer, 2005:2). Some substantial changes resulted from this, including the adoption of the Additional Protocol II of the Geneva conventions in 1977, which widened the scope of accountability to all parties to a conflict as well as to non-international armed conflicts. Policzer also notes the changing discourse in the 1980s and 1990s of both Amnesty International and Human Rights Watch to cover acts committed by non-state armed groups in the definition of human rights violations (Ibid.).

The salient issue of rendering armed groups more accountable results from two important realisations. The first relates to the type of armed

conflicts and the new environment that the humanitarian community is facing (Bruderlein, 2001:226). Without entering the debate on whether the predominant type of conflicts today can be labelled “New Wars” (Kaldor, 1999), intrastate conflicts have been more prevalent than interstate conflicts. Between 1989 and 2004, there were 111 intrastate conflicts, but only 7 interstate conflicts (Harbom and Wallensteen, 2005:624). Whether the reality on the ground has changed since the end of the Cold War to the point of characterising contemporary conflicts as “new”, the perception from humanitarian actors emphasises the novelty of the challenge in the post-Cold War era (Macrae, 1998:4,7). Intrastate conflicts involve both an armed state and one or more armed non-state actors. For the humanitarian community, these armed non-state actors present a challenge as humanitarian norms and obligations in international humanitarian law have tended to centre around states, both in the way humanitarian law has been agreed on (i.e. through treaties) and in its application, as accountability mechanisms also tend to target states (Jones and Cater, 2001:246). Changes and developments in the application of international humanitarian law evolved, as argued earlier, to better take into account armed non-state actors. Nevertheless, humanitarian actors often find themselves in a legal and policy vacuum. As Bruderlein argues, there is a need to move away from traditional state-centred strategies to engagement with non-state actors, adapting international humanitarian law mechanisms to the changing environment and the growing role of non-state actors (2001:226).

The last point exemplifies the second realisation that brought the humanitarian community to the problem of ANSAs: the international system remains a state-centric system, run by states, made for states and where states are the main actors. For instance, the Geneva Conventions are far more developed for interstate than for intrastate wars. International organisations are very often constructed as interstate organisations, the United Nations being a prime example. Furthermore, diplomatic channels among states have been formalised and institutionalised, whereas such channels do not exist between humanitarian NGOs and armed groups. Representatives of states can meet during sessions of the General Assembly of the United Nations as well as make contact with NGOs who have acquired observant status. Treaty meetings, such as the Meeting of the State Parties to the Ottawa Convention on the anti-personnel mine ban, provide opportunities for important lobbying and diplomatic encounters among states and between states and NGOs. Such opportunities do not arise with armed groups as they are not taken into account within the international state-centric system. In consequence, when concerned with armed non-state actors, both the humanitarian and the human rights communities have to be pro-active in order to raise awareness and accountability among armed groups. As Jones and Cater argue, it is not a matter of developing new norms but a necessity to increase ‘the prospects for the implementation and enforcement of those norms’ (2001:238). This need for pro-active actions is inscribed within the discourse of engagement: rather than simply monitor situations or apply existing frameworks and mechanisms, humanitarian actors must *engage with* ANSAs.

The first section of this chapter will look more closely at the definition of engagement and what is meant by “engaging with ANSAs”. By looking at how both practitioners and academics define this process, a general definition will be presented

The practice of engaging with ANSAs on humanitarian issues has resulted from a particular debate among the humanitarian community on rendering armed groups more accountable for their humanitarian violations. Beyond this specific debate, the humanitarian community has been confronted with a number of issues. How the practice of engagement reflects on these issues and within the discourse of humanitarianism will be explored in a second section. This reflection will centre around the relation between humanitarian action and the protection of human rights, the politicisation of humanitarianism, the impact of humanitarian action on conflict and the main principles of humanitarianism as established in the code of conduct adopted by the International Committee of the Red Cross (ICRC) and a number of NGOs.

Engaging with ANSAs on humanitarian issues has mostly been an *ad hoc* practice. As a result, gaining an understanding of this process remains a challenge. Most written accounts of humanitarian engagements are found in reports by practitioners rather than academic literature. The final section will aim at reviewing the practice of engagement via these reports and studies in order to gain a greater understanding of the process by

asking the following: who engages with ANSAs? which specific issues have been tackled in engagement? what types of humanitarian engagement are there? And finally, why do ANSAs accept engagement? In order to answer the research question and evaluate the potential impact of humanitarian engagements with armed groups on the transformation of conflict, these issues must be tackled. Furthermore, tackling these different issues and aspects of engagement matters greatly, not only for the success and the improvement of the humanitarian situation, but certainly in the way this dialogue may impact on the conflict situation. This enquiry will conclude by presenting the highlighted challenges, both ethical and practical, met in this process.

Finally, in order to refine our comprehension of the process of humanitarian engagement with armed groups, an analytical framework will be presented. The main objective of this framework is to provide a tool which applies to every instance of humanitarian engagement with armed groups to enable a better understanding and assessment of each particular engagement, as well as a tool for comparison among different instances of engagement. This framework will therefore be used as a tool for analysis in the thesis. By providing a framework of understanding, drawing on the different characteristics of the engagement, this section will aim to enhance the understanding and the analysis of the process of humanitarian engagement with ANSAs.

**Engaging with Armed Non-State Actors on humanitarian issues:
defining an informal practice**

Defining the engagement with ANSAs on humanitarian issues requires defining an “informal” practice. Different definitions will be compared in order to bring together the different aspects of engagement in general, and humanitarian engagement in particular, and propose a general definition which will then be used throughout this work.

Conciliation Resources, an NGO working on peace processes and dialogues, has defined engagement in simple terms:

‘Engagement is [...] a broad term that can have many different meanings, explored below. At this point, it is sufficient to adopt an inclusive definition of engagement, meaning generally to ‘interact with’ or ‘to participate in’. [...] [T]he term ‘peace process’ refers to a myriad of vehicles that are generally intended to advance the creation of a peacefully functioning society out of a situation of violent conflict. Most commonly, this includes negotiations and other forms of dialogue at various social and political levels’(Ricigliano, 2005:6).

There are two important aspects in this definition. First, it differentiates between “engagement” and “peace process”. The term “engagement” seems to encompass a wider scope than the term “peace process”. As mentioned by the author, this definition aims at giving ‘an inclusive definition’ rather than referring to a specific process. In addition, the definition invites the idea that engagement may take different forms and target different issues. The second

important aspect to note is the emphasis that the definition makes on interaction and participation when referring to both engagement and peace processes. Not only does this characterise engagement as a process rather than an end-product or an outcome, but it also strongly conveys the image of a dialogue with different actors.

Petrasek proposes a second definition of engagement:

‘By “humanitarian engagement” is meant [sic] efforts to persuade armed groups to respect humanitarian and human rights principles [...]. By “political engagement” is meant [sic] efforts to persuade armed groups to negotiate a peaceful resolution of armed conflict, including facilitating their participation in processes to this end’ (2005:44-5).

As in the first definition, it is interesting to see that the author has referred to two different processes: one humanitarian and one political. Petrasek is quick to mention that the distinction between the two is not clear and, therefore, it may be difficult to identify two specific engagements (2005:45). Comparing the first two definitions, one can notice the different terms used to refer to “engagement”. Petrasek tends to focus on the advocacy part of engagement. He pictures the engagement process as one of persuasion rather than dialogue, which emphasises advocacy and lobbying rather than dialogue with armed groups. This approach is reflected by Harroff-Tavel who defines humanitarian diplomacy as ‘a strategy of influence employed to prevent and resolve humanitarian problems through dialogue, negotiation and the preparation of rules’ (2006:6).

The UN Office for the Coordination of Humanitarian Action (OCHA), commissioned by UN Secretary-General Kofi Annan, to produce a manual on humanitarian engagements with armed groups, defined humanitarian engagement as:

‘Negotiations undertaken by civilians engaged in managing, coordinating and providing humanitarian assistance and protection for the purposes of: (i) ensuring the provision of humanitarian assistance and protection to vulnerable populations; (ii) preserving humanitarian space; and (iii) promoting better respect for international law’ (Mc Hugh and Bessler, 2006:5).

The authors state that engagement can take different forms: advocacy, negotiation, mediation and liaison interactions (Ibid.). The manual makes a clear distinction between political and humanitarian engagement, and, unlike Petrusek, argues that the two processes should be strictly separate (Mc Hugh and Bessler, 2006:21). The definition alludes to the types of actors involved in engaging with ANSAs as it specifies that negotiations are undertaken by civilians, a characteristic that is not mentioned in other definitions.

Mancini-Griffoli and Picot, in another manual on humanitarian negotiations, highlight a number of important characteristics of humanitarian engagement. They argue that, in principle, humanitarian norms are ‘recognised as absolute and so, in an important sense, as non-negotiable’ (2004:11). In other words, there is no bargaining when it comes

to humanitarian norms. However, as Mancini-Griffoli and Picot highlight, ‘in reality, [...] power enables parties to a conflict to violate people’s rights, avoid their obligations or pick and choose when and where they decide to meet them’ (Ibid.). Therefore, there are three dilemmas of humanitarian negotiation: ‘it involves negotiating the non-negotiable; it typically takes place from a position of relative weakness; and, at most, it can usually only hope for second best outcomes’ (Ibid;11-12). This highlights the particularity of humanitarian engagement and negotiations. Following this, Mancini-Griffoli and Picot define four important characteristics of humanitarian negotiations: they are conducted by humanitarian actors, for humanitarian objectives, in countries affected by armed conflict, and with the parties to the conflict (Ibid:19).

The final definition I will mention is not exactly a definition, but rather the mission statement of Geneva Call, an NGO involved in engaging with armed groups on humanitarian principles. This mission statement states that ‘Geneva Call is an international humanitarian organisation dedicated to engaging armed non-state actors (NSAs) to respect and adhere to ban on anti-personnel (AP) mines’ (Geneva Call). As in Petrusek’s definition, advocacy is at the centre of the engagement. Geneva Call, however, proposes a new aspect of engagement, as its mandate involves the signature of a treaty-like document called the Deed of Commitment. This is an interesting development in defining engagement not only as a process of negotiation or advocacy but also as a process leading to a formal agreement.

Defining the term “humanitarian engagement” is to define what is meant by engagement and what is meant by humanitarian. The definitions presented highlighted what was meant by “engagement”. Some presented a more specific understanding of what humanitarian engagements or humanitarian negotiations entailed. Humanitarian engagement can thus be defined as a process involving dialogue and negotiations in order to ensure the provision of humanitarian assistance, preserve humanitarian space and implement humanitarian norms and principles. This definition will guide this thesis. In order to refine our understanding of humanitarian engagement, it is important to understand better the origins and evolution of humanitarianism.

Humanitarian action and Humanitarianism: origins, principles, conduct and evolution

Humanitarian action and the concept of humanitarianism are often surrounded by discussions on their origins, principles and conduct. The centre of this multifaceted debate has converged around such issues as the relation between humanitarian action and the protection of human rights, the politicisation of humanitarianism, the impact of humanitarian action on conflict, and the establishment of a code of conduct reaffirming the principles of humanitarianism. Far from being exhaustive, this list highlights the complexity of the discourse of humanitarianism. From looking at the issues at stake in humanitarian engagement, this discussion will then move

on to look at how engaging with armed non-state actors on humanitarian issues sheds light on the on-going debates about humanitarian action.

Humanitarian and humanitarianism: a concept

What is meant by humanitarian engagement relates as much to the term “engagement” as to the term “humanitarian”. Some of the definitions of engagement presented above made a distinction between political engagement and humanitarian engagement stressing that this distinction, far from clear-cut, could appear artificial. Political engagement seems to be understood as being equivalent to a peace process, in other words an engagement based on bringing an end to a violent conflict. Humanitarian engagement, however, appears more complex. The engagement could be named humanitarian because its aims are humanitarian, the actors are humanitarian actors or the issues it puts forward are humanitarian. Engagements based on the advocacy of human rights issues or human rights defence could also be considered as part of a humanitarian engagement. As Slim argues:

‘[...] Humanitarian NGOs want to put moral boundaries around what can rightfully be considered humanitarian action. In doing so, they seem to be suggesting that such boundaries to humanitarian action are not about activities (*what* is being done: food, water, shelter etc) but agents and motives (*who* is doing these activities and for what reason’ (2003a:1).

The vagueness and elasticity of the term “humanitarian” present a blurred picture of what humanitarian engagement entails. As Özerdem and Rufini states ‘the adjective “humanitarian” has never been so widely or so incorrectly used’ (2004:51).

When looking at humanitarianism, two important distinctions can be made. First, a distinction can be made between action and advocacy. Humanitarian action, which is often equated with humanitarian assistance or relief, centres around the provision and delivery of “humanitarian” goods such as food, medical assistance or demining. It relates to the actual process of bringing humanitarian aid, or relief, to a conflict zone where, very often, secure access and effective relief needs to be negotiated with the parties in the conflict and the non-governmental organisation (NGO) providing the relief. Humanitarian advocacy, on the other hand, involves raising awareness and lobbying to change a situation where humanitarian principles are not guarded, such as campaigns against torture or landmines. In terms of engaging with Armed Non-State Actors (ANSAs), advocacy mainly involves trying to render these armed groups more accountable for their lack of humanitarian credentials. Mancini-Griffoli and Picot make three distinctions within the humanitarian objectives that are the most often negotiated by humanitarians: access, assistance programmes and protection programmes. Access and assistance programmes come under humanitarian action whereas protection programmes relate to humanitarian advocacy (2004:20). It does not follow from this practical distinction that NGOs involved in humanitarian action are not also engaged in humanitarian

advocacy, but this distinction helps to understand the concept of humanitarianism better and, therefore, the practice of humanitarian engagement.

A second distinction can be made. This distinction reflects one of the debates in which humanitarian actors have been engaged: the relationship between humanitarian norms and human rights. Humanitarian action has its modern root in the creation of the International Committee of the Red Cross (ICRC) and International Humanitarian Law. The Red Cross was created to alleviate suffering in armed conflicts, regulating the treatment of combatants and non-combatants in war. As a result, Humanitarian Law is mostly concerned with the regulation of warfare. Humanitarian assistance and humanitarian relief have expanded from this idea: hunger and sickness are seen as harmful consequences of war on non-combatants and, therefore, demands assistance from humanitarian actors. MacFarlane and Minear offer a definition along these lines:

‘Humanitarian action has been understood broadly to include those activities designed to meet immediate needs for protection and survival and to engender economic recovery among conflict-affected groups. Humanitarian action is grounded in the right, protected by international humanitarian law, of persons in need to have access to succour and of impartial aid organisations to provide such assistance’ (1997:101).

Humanitarian action departs from international humanitarian law, but seems to have evolved beyond the regulation of warfare to intervention, in what

has been coined, “complex political emergencies”. Humanitarian action intends to manage the numerous consequences of warfare on civilian populations from managing refugees and internally displaced people to providing food and medical assistance.

Beyond this historical basis, humanitarian action relies on a more profound belief in the respect of human beings and humanity. Indeed, humanitarian action advertises a strong discourse of doing perceived good for humanity. This is where the conceptual link between humanitarian action and the protection of human rights arises: if humanitarian action is, first and foremost, concerned with respect for human beings and the protection of humanity, then it must be concerned with any violations of human rights. Indeed, Slim argues that ‘the actual meaning of humanity transcends mere physical existence to embrace ‘respect for the human being’ and essentially ‘extends the purview of humanitarianism to rights[...]’ (1997:345). As a result, humanitarian law has sometimes been acknowledged as human rights norms in times of war. More importantly, humanitarian action has slowly embraced the protection of human rights in its discourse. According to MacFarlane and Minear, ‘the concept of humanitarian action is viewed as including both the protection of human rights and the provision of assistance’ (1997:3). Humanitarianism evolved in the Post-World War II era to recognise the importance of relieving deeper causes of human suffering by emphasising the role of developmental aid and the protection of human rights (Özerdem and Rufini, 2004:52).

Humanitarian action and human rights: moral dilemmas and the humanitarian imperative

Some humanitarian actors approach human rights violations as a moral dilemma. The issue of providing humanitarian assistance in an environment where human rights violations are the norm rather than the exception has posed a dilemma for a number of humanitarian actors. The thought that humanitarian assistance may turn a blind eye and cause an eventual prolongation of these violations by providing aid to an environment of impunity has raised the possibility of disengagement. This situation has raised the issue of whether humanitarian actors should take a stance on human rights violations:

‘Currently, there is a sharpened awareness of the problems of operating relief programmes under authorities (governments, rebel armies and militias) that are abusing human rights. These are old problems, but now there is the possibility to talk openly about them, and perhaps even to change operating practices. The central dilemma is whether it is possible to supply humanitarian assistance, under the auspices of a governing authority that abuses human rights, without also giving undue assistance to that authority, and hence doing a disservice to the people one is aiming to help’ (African Rights quoted in Roberts, 1996:57).

The engagement with ANSAs on humanitarian issues faces a similar dilemma. Armed groups, beyond the problem of recognition or legitimacy, have often been responsible for numerous human rights violations and breaches of international humanitarian law. The larger debate among the

humanitarian community on whether humanitarian action can happen under the auspices of an authority charged for human rights violations is highly relevant to the process of engagement with armed groups.

An answer to this issue has been to approach humanitarian engagement with ANSAs as an outcome rather than a process. This means, as the Code of Conduct from the Red Cross Movement claims, that ‘the humanitarian imperative comes first’. As the Code states:

‘The right to receive humanitarian assistance, and to offer it, is a fundamental humanitarian principle which should be enjoyed by all citizens of all countries. As members of the international community, we recognise our obligation to provide humanitarian assistance wherever it is needed’ (International Federation of the Red Cross).

Each engagement has a specific humanitarian objective; for instance, secure access to a needy population or the prohibition of the use of landmines, are needs which must be attained. When engaging with ANSAs on humanitarian issues, it is important to keep this imperative at the forefront, as this process of engagement aspires to uphold the humanitarian imperative. In fact, in order to carry out the obligations of the international community provided by this code, engaging with armed groups may appear as a necessary action to provide needed assistance.

Slim notes that there are two approaches to the principles of the humanitarian imperative. What he calls the ‘Gallic humanitarianism’ argues

that 'humanitarianism is non-negotiable' (Slim, 1997:346). On the other hand, 'classical humanitarianism [...] has always recognised that it must negotiate its place in violence, assuming the right of human beings to wage war, but seeking to limit the effects of that war with the consent of the warring parties' (Ibid.). Slim carries on criticising the humanitarian imperative arguing, that 'it displays some humanitarians' exaggerated sense of their own importance within a people's vision of their own conflict, suggesting that the new wave of humanitarian ideologues have failed to grasp that conflicting societies are usually deadly serious about their *right* to wage war' (Ibid.).

Impartiality and neutrality: humanitarian code of conduct in danger

Humanitarian engagement does not only relate to the first principle, the humanitarian imperative, of the Code of Conduct of the Red Cross movement. The twin principles of impartiality and neutrality provide an interesting insight in humanitarian engagement with ANSAs. The principle of impartiality demands that humanitarian priorities be decided on needs alone, 'regardless of the race, creed or nationality of the recipients' (International Federation of the Red Cross). As is the case with the first principle regarding humanitarian imperative, impartiality often requires negotiated access to a needy population in places where the *de facto* authority is an armed group (Mc Hugh and Bessler, 2006:5). On the other hand, humanitarian negotiations 'can generate or reinforce a perception by

other armed groups, host government, and/or States that the humanitarian organisation is biased or lacking impartiality' (Ibid:71).

The principle of neutrality asks that 'aid will not be used to further a particular political or religious standpoint'(International Federation of the Red Cross). The principle of neutrality in humanitarian action should not be taken for granted in a world where humanitarian actors are the target of numerous attacks. The fact that a high percentage of NGOs are western NGOs working in conflict where western governments are involved may hinder greatly the ability of these NGOs to be neutral. Even though financial motives may exist behind kidnapping or looting humanitarian convoys in such situations, there is a feeling that the neutrality of these workers cannot withstand the broader political context. As Özerdem and Rufini states, 'the concept of neutrality aimed to ensure respect and immunity for third parties, and allow them to operate unmolested by the antagonists in a conflict' (2004:51-2). Unfortunately, neutrality does not seem to have reached its aims as negotiated access with armed groups is often necessary to grant some security to humanitarian workers. Indeed, as Leader recognises ' "complete" neutrality is impossible' (2000:2).

While "complete" or perfect neutrality may not be possible, some would argue it is not desirable or applicable. Duffield and Prendergast argue that 'it is impossible to be neutral within the logic of internal war, a war whose destructive consequences are aimed precisely at disrupting the lives of the people whom humanitarian aid seeks to sustain' (1994:14). Beyond

the impossibility of neutrality, Duffield and Prendergast also believe that neutral humanitarianism means avoiding the political reality and ‘eschews the need for supporting participatory and accountable structures and institutions’ arguably making matters worse (1994:15). The NGO African Rights also rejects the principles of neutrality as it is considered to be an ‘absurdity of current relief-agency’ (African Rights quoted in Slim, 1997:342).

Slim offers an interesting response to this debate. Slim claims to uphold the principle of neutrality in humanitarian action but understands that the principle of neutrality has been abandoned by some NGOs for valuable reasons, mainly refusing the ‘unacceptable silence [forced] upon them in the face of grievous violations of human rights’ (Plattner quoted in Slim, 1997:348), because they lack the means to secure neutrality in their relief work (African Rights quoted in Slim, 1997:348). Slim offers an alternative to the principle of neutrality, namely a principle based on solidarity. He notes that ‘the idea of solidarity obviously involves taking sides’ and, as the good side is not always easily identifiable, some humanitarian actors have ‘claimed solidarity not with those who are “right”, but with those who are somehow “innocent”’ (Slim, 1997:349-50).

Political or not political: humanitarianism in question

The problem of neutrality in humanitarian action is partly linked to the relationship between the political and the humanitarian. Humanitarian

action exists within a highly political environment and its neutrality may always be problematic because of this situation. It seems that rather than becoming more clear cut, the concept of humanitarianism is expanding. The discussion on the relation between humanitarian action and human rights has already showed this tendency. De Waal takes a rather strong stance on this development as he writes:

‘At the end of the Cold War, leading international humanitarians began to sense a historic opportunity lay within their grasp. The geo-political straitjacket was at last being removed and it seemed that the humanitarians could set their own agenda for the first time. Over the previous decade, the more thoughtful of the aid workers found themselves becoming amateur political scientists as they realised the shortcoming of material relief. Equitable development had always been on the humanitarian agenda, concerns now broadened to human rights, conflict resolution and the principle of state sovereignty itself’ (1997:133).

Could the engagement with ANSAs on humanitarian issues be a part of this development, where humanitarian actors become ‘amateur political scientists’? Even though engagement is based on humanitarian principles, the dialogue between humanitarian NGOs and ANSAs is political in its essence.

The politicisation of humanitarian action has been somewhat perceived as a negative development. This can be understood in the light of the principles of neutrality and impartiality. On the other hand, as Leader and Macrae states, ‘[...] humanitarian and political boundaries are blurred,

especially in conflicts where there is little political engagement and aid forms the primary vehicle for external engagement' (2000:3). Humanitarian action may be filling a political vacuum created by the disengagement of certain powerful state actors in internal conflicts. Especially in the field of humanitarian action and human rights protection, state actors are far from being the primary participants, as NGOs and civil societies appear to be more prominent actors. States support humanitarianism through financial aid and, as De Waal argues, 'supporting humanitarianism is a smokescreen for political inaction'(1997:133). De Waal expands on the relationship between humanitarian action and politics. He explains that humanitarian action developed from three main 'ancestors': humanitarian action 'as an instrument of *Realpolitik*', 'private charities for the relief of suffering' and the International Committee of the Red Cross (ICRC) (1997:67). Humanitarianism as an instrument of *realpolitik* or foreign policy clearly provides a direct link between humanitarian action and politics. However, De Waal claims that 'the end of the Cold War created a vacuum in Western strategic interest in Africa' and that 'into this vacuum rushed humanitarianism' (1997:133).

It is difficult to understand where exactly the role of humanitarian action must start and end. On the one hand, humanitarian actors are playing the political game. On the other hand, political actors are instrumentalising humanitarian action for their own ends. Finally, there is a political vacuum which humanitarianism has had to fill as being the principal external intervention in complex emergencies. In engaging with ANSAs on

humanitarian issues, whether it concerns humanitarian advocacy or negotiated access, the blurring of boundaries between the political and the humanitarian becomes a real challenge and an important concern. It may be necessary to provide a solution to this debate as the practice of engagement develops further.

Minear takes a rather diplomatic stance on this issue and claims that this debate only highlights the need for coordination and coherence. He argues that ‘humanitarian and political action need to be conceived and implemented on parallel tracks’ placing ‘humanitarianism in a limited partnership with politics’ (Miner, 2002:84). In light of the previous discussion, it is difficult to conceive that such a simple solution to the complex relationship between humanitarian action and politics can be offered. The tracks of humanitarianism and politics seem to cross each others’ paths rather than run alongside one another in a parallel fashion. In fact, if anything, re-conceiving the partnership between humanitarianism and politics has only put more pressure on humanitarian action and deepened the issue. As Leader and Macrae argue:

‘The two developments: the deliberate violation of IHL by the belligerents, and the growing demand for a ‘coherent’ political and humanitarian approach, have combined to put new pressures on humanitarian action and to redefine the nature of the relationship between humanitarianism and politics’ (2000:1).

In a previous article, Macrae discusses the issue of the “purity” of humanitarianism, reflecting this problematic relationship between

humanitarian action and politics. Macrae argues that humanitarian action needs to be informed but not driven by the political (1998:16). Nevertheless, political engagement should be kept separate from humanitarian engagement as ‘while seductive, attempts to use relief aid as a tool for political engagement are fraught with practical and ethical difficulties’. Macrae embraces the principles of neutrality and impartiality as, while not unproblematic, they remain necessary to inform humanitarian action and avoid the challenges presented by the ambiguous relationship between political and humanitarian endeavours (1998:1).

Leader and Macrae shift the focus of the discussion as they state that the debate is not about whether humanitarian action is political or not, but *how* (2000:1). This argument is made by Slim who claims that ‘humanitarianism is always politicised somehow’.

‘It is a political project in a political world. Its mission is a political one – to restrain and ameliorate the use of organised violence in human relations and to engage with power in order to do so. [...] For humanitarianism to be a political project is not a contradiction or necessarily a problem’ (2003b:1).

Slim argues that the real questions are to know ‘who is politicising humanitarianism today, how and to what end? Does the predominant politicisation of the day matter to victims? (Ibid.).

Paradoxically, Leader explains that ‘the confusion over the humanitarian/political divide comes from the fact that humanitarianism is a

form of politics in which it is useful to assert that one is non-political' (2000:56). This does not put an end to this debate, but pinpoints a potentially useful perspective on the matter. Engaging with ANSAs on humanitarian issues may be humanitarian in character but may also carry heavy political significance because of the type of actors involved and the process of negotiation and diplomacy used. In addition, humanitarian engagement may not appear as politically loaded, as it is embedded in an almost self-legitimising humanitarian discourse somehow dismissing the broader impact of engagement. The following quote exemplifies better what is meant here. Eliasson, when explaining the rationale behind Operation Lifeline Sudan, a project involving negotiation between the conflicting parties on unhindered humanitarian access to needy population in south Sudan in the 1980s and 1990s, states that 'instead of negotiating a local ceasefire, we decided to negotiate humanitarian corridors in the Sudan. [...] Instead of going for a political and military formula, we found a humanitarian concept that nobody could oppose' (2002:9). This shows the power that the discourse of humanitarianism can have. Somehow, because the agreement is on humanitarian issues, it does not carry the consequences of a military or political action and self-legitimises the agreement. As the author points out, when writing 'a humanitarian concept [...] nobody could oppose'. It is important to recognise the impact that humanitarianism can have in setting aside conflicting views but it is necessary to remember that humanitarian negotiations occur within politically sensitive environments and still carry political consequences.

The self-legitimising discourse of humanitarianism and state sovereignty

There is one more remark to be made adding to the debate on the politicisation of humanitarianism. Humanitarian action has evolved into a self-legitimising discourse, as briefly mentioned above, challenging in a sense state sovereignty. State sovereignty remains an important value in the current international system. The principle of non-interference in the internal affairs of a state results from upholding the value of sovereignty. Reality may not mirror this principle, as the broad presence of international humanitarian NGOs in many countries witnessing internal conflicts could be described as an indirect and informal interference with the internal affairs of a state rendering the principle of sovereignty redundant. One could argue that the self-legitimising discourse of humanitarianism has eroded state sovereignty to a certain extent and, as such, humanitarian engagement with armed groups has been made possible by this development, and even deepened this trend.

The literature on humanitarianism seems to reach a consensus on the erosion of state sovereignty (Macrae, 1998; Duffield and Prendergast 1994; Leader, 2000). Macrae explains the developments experienced regarding the status of state sovereignty:

‘The scope for greater humanitarian interventions in conflict zones has expanded considerably since the end of the Cold War. Until the mid-1980s, humanitarian intervention was limited by consideration of sovereignty. International actors, including the UN, could work only with the consent of national governments,

effectively limiting their engagement to government held territory, or to working with refugees who had sought safe haven in a second country (Duffield, 1994b). Only the ICRC could and would work on both sides of a conflict: their engagement was also subject to the condition of mutual consent. [...] The barrier of sovereignty has been eased over the past decade, both *de facto* and *de jure*. The phenomenon of “failed states” where no clear government authority exists has effectively challenged the concept of state sovereignty’ (1998:7).

Macrae argues that aid tends to be channelled to other actors rather than the governing authority of countries experiencing complex political emergencies as donors ‘no longer automatically accord governments with having either the legitimacy or capacity to respond to emergencies; indeed, increasingly they are seen as being part of the problem’ (1998:8). As such, the sovereignty of countries can be bypassed in order to ensure ‘the operationality of the international relief system’ (Ibid.). Indeed, as Duffield and Prendergast explain, ‘NGOs, by their nature and their mandates, have the ability to form contracts with people rather than states’ (1994:11). They perceive this ‘enhanced role of NGOs’ as a ‘practical manifestation of the challenge to sovereignty’ to the extent that the plight of many oppressed African groups are directly brought to the international arena and ‘better represented in Washington, London or Geneva than in Khartoum or Nairobi’ (Ibid.). Humanitarian negotiations may primarily involve armed groups when operating within their *de facto* territories, thus encouraging this tendency to deepen. On the other hand, as humanitarian engagement with ANSAs is still perceived as a sensitive process, NGOs, like Geneva Call for

instance, will only act in transparency with the sovereign state as well as with its implied consent.

As Duffield and Prendergast note, it is from their nature and mandates that humanitarian NGOs have the ability to bypass sovereign states (1994:11). One could argue that humanitarianism has almost acquired a self-legitimising discourse. Toole would agree with this statement, as he writes that ‘the legitimacy of humanitarian negotiation lies in the supremacy and clarity of these principles [of humanitarian law and human rights] and in their near universal acceptance’ (2001:2). As a matter of fact, the numerous debates amongst humanitarian actors as well as humanitarian and human rights lawyers shows that complex political emergencies challenge the idea of the ‘supremacy and clarity of these principles’. The mere fact that negotiations with armed groups are necessary to ensure the application of these principles on the ground shows that there is no ‘near universal acceptance’. The debates around the codes of conduct reflect that humanitarian action is a delicate endeavour and poses a number of moral dilemmas, can be obtrusive and violate sovereignty and potentially interferes with the internal *political* affairs of a state. This is not to say that it is a negative or bad action, but it would be naïve to promote it as universally legitimate. Slim rightly notes that ‘the organisation and its individuals who dare to represent values of humanity in war will [...] usually meet a mixed response, with their values being seen simultaneously by different groups as ones to cherish, to attack, or to abuse’ (1997:344). He states that ‘the task of representing humane values to various combatant

parties will always place humanitarian third party in a difficult position’ (Ibid.).

Bringing together these different distinctions, one can see that humanitarianism extends from action to advocacy and from humanitarian law to human rights. The practice and conceptualisation of engaging with ANSAs on humanitarian issues reflects this diversity. Humanitarian engagement may include principles from the Geneva Conventions, human security issues such as the use of landmines, or human rights principles. It may be defined as a process including both humanitarian norms and human rights principles, as Petrusek’s definition shows. It may emphasise advocacy rather than securing humanitarian action. As in the case of Geneva Call, humanitarian engagement may focus on advocacy and one customary humanitarian norm such as the ban on landmines (as a first step for ANSAs to uphold other humanitarian principles). On the other hand, a number of humanitarian engagements have been specially concerned with securing access for safe humanitarian relief such as UNICEF for immunisation of children in conflict zones. Finally, it is important to understand humanitarian engagement with ANSAs within the context of the broader debates surrounding modern humanitarian action.

The practice of humanitarian engagement

Internal conflicts present an extremely complex reality. This complex reality becomes even more of a challenge when it involves engaging with

ANSAs on humanitarian issues. The previous chapter highlighted the controversy of such a practice as well as the difficulty in understanding and analysing such an array of different types of ANSAs. Beyond the challenges of interacting with ANSAs, the engagement process in itself gives an intricate picture. As mentioned in the first section, humanitarian engagement covers an array of different issues from negotiated access to human rights. It also takes different forms including informal oral consent and treaty-like agreements. In order to uncover the relationship between humanitarian engagement and conflict transformation, it is necessary to understand and make sense of the process of humanitarian engagement. By looking at the recorded practice of humanitarian engagement the following questions will be looked at: Who engages with ANSAs? Which specific issues have been tackled? What types of humanitarian engagement are there? How has the humanitarian engagement materialised? Why do ANSAs accept to be engaged on humanitarian issues? And finally, what are the challenges faced in this process?

Who engages with ANSAs?

Humanitarian engagements involve many different actors requiring a close examination of who engages with ANSAs. Practice confirms that NGOs have been at the forefront of the engagement process to the extent that states have only found a very limited role in this process. While there is a concern to keep humanitarian engagements within the principles of humanitarian action, the need for low-profile actors is reinforced by the fear

of recognising or legitimising armed groups through the engagement. Indeed, humanitarian engagements with ANSAs have provided a paramount role to non-governmental organisations (NGOs), as well as different UN agencies (such as the United Nations Children's Fund (UNICEF)) and other agencies of the UN system (such as the World Health Organisation (WHO)). The International Committee of the Red Cross (ICRC) has been a prominent example of engagement as its very unique status in the international system has allowed the ICRC to carry out a number of engagements, particularly in informing armed groups of their responsibilities under international humanitarian law (Zeender, 2005:105). As non-governmental in character, these actors have a wider freedom of action and maintain the low profile necessary in this highly controversial process.

Hottinger presents modern diplomacy as offering an array of different actors that could be involved in engaging with armed groups (2005:56). He argues that these different actors provide both advantages and disadvantages in a process of engagement, whether political or humanitarian. Track one actors, which include government officials, representatives of inter-governmental organisations and third-party governments, bring both resources and status to a process of engagement (Hottinger, 2005:57). However, resources and status may convey status and legitimacy on the armed group; state actors may be perceived as partial; track one diplomacy may meet 'legal constraints'; finally, involving states will certainly attract media attention, distorting a low-profile engagement

process into a high-profile matter (Ibid.). On the other hand, Track two diplomacy, characterised by ‘an unofficial, informal interaction’ and involving mainly non-governmental actors and organisations, ensures a low profile engagement. As Hottinger explains:

‘Track two parties are less threatening to armed groups, and find it easier to work flexibly, unofficial, and off-the-record, and have less to be concerned about in terms of conveying official/legal recognition. Lacking geopolitical interests and stakes in the conflict, they may be more impartial, forming relationships with a wider variety of actors in the conflict, and hearing things official actors do not’ (2005:58).

As with track one actors, the advantages of track two diplomacy can also be a disadvantage as they lack the capacity and incentives of states and formal diplomacy (Ibid.).

Hofmann argues that in the specific case of engaging armed groups in humanitarian action, ‘non-governmental organisations present the possibility to fill a gap in the international legal regime by employing lower-key initiatives that avoid political issues like legitimisation or recognition of non-state armed groups’ (2004). Hofmann believes that the main issue with humanitarian engagement with armed groups is the possibility of conveying legitimacy and recognition to the group. In this context, she argues that NGOs ‘bear the capacity of engaging [Non-State Armed groups] without being associated with international diplomatic or political status’ as well as ‘the capacity to be more problem-solving and policy-oriented, using a “soft-

approach” that appeals to a humanitarian perspectives’ (2004:6). Unlike Hottinger, Hofmann perceives this independence ‘from the state-centred international sphere’ as an unmitigated advantage for NGOs (Ibid.). The advantage of NGOs as a low-profile actor is also recognised by former US President, Jimmy Carter, who has been involved in a number of humanitarian negotiations. He explains:

‘One thing to remember is that almost invariably in a civil war, the last thing the ruling party in particular wants is for the United States or the United Nations or some highly identifiable mediation group to come in, because that in effect gives premature legitimacy to the revolutionary people in their country’ (Interview with Jimmy Carter in Ricigliano, 2005:12).

Finding an appropriate role for state actors in this process is complicated as it involves legal, political and diplomatic issues (Ricigliano, 2005:6). State actors are constrained by their own diplomatic principles and may not have the flexibility and ability to be directly involved within the engagement process (Hofmann, 2004:3). None of the authors, who argue that states do not appear as the most appropriate actors of engagement with ANSAs, provide a clear answer to what the role of state actors could be in such a process. From Hottinger’s account of the advantages of states, their role could be summarised as one providing the resources, through funding, or logistical help, for NGOs or low-profile UN agencies to carry out humanitarian engagements with ANSAs. Geneva Call highlights the need for the international community to encourage governments ‘to remove political obstacles that stand in the way of organisations working with NSAs

for humanitarian purposes' (Geneva Call, 2004:4). Geneva Call has demonstrated reluctance to sign on the part of armed groups where the governments did not allow monitoring to happen as it would 'mean that the group can be accused of using landmines and have no possibility of disproving allegations' (2004:24).

In terms of practice, the array of actors involved in humanitarian engagements with ANSAs cannot be reduced solely to NGOs and low-profile UN agencies. There are two important turning points in the development of the practice of humanitarian engagements with ANSAs. One should not forget that humanitarian engagements with ANSAs happened prior to World War II, especially within the practice of the International Committee of the Red Cross (Harroff-Tavel, 1993:195-6). Indeed, Henry Dunant, the founder of the ICRC, had in 1871 during the Commune in Paris engaged with actors on the issues of releasing hostages and raising awareness of humanitarian norms (Geneva Call, 2007)¹². As Bruderlein argues, 'International Law [...] pays little attention to the role of nonstate actors, with the notable but limited exception of the International Committee of the Red Cross (ICRC)' (2001:223). The practice of humanitarian engagement with ANSAs evolved as part of 'the expansion of a new arsenal in humanitarian action in the 1980s (De Wall, 1997:145). The first registered Days of Tranquillity in 1985 in El Salvador (WHO, 2001) and the 1989 Operation Lifeline Sudan in South Sudan opened the door to a

¹² Notes from the conference *Exploring Criteria and Conditions for Engaging Armed non-State Actors to Respect Humanitarian Law and Human Rights Law*, organised by Geneva Call, Geneva, 4-5 June 2007. As Chatham House Rules prevailed throughout the conference, reference to the author of this quote cannot be mentioned. The source, therefore, refers to the organiser of the conference.

more institutionalised, less ad hoc practice of humanitarian negotiations with armed groups (Glaser, 2003:9).

The Days of Tranquillity were mostly organised and carried out by UNICEF and the World Health Organisation (WHO), as the main purpose was the cessation of hostilities for a few days to allow an immunisation campaign for children (Hay and Sanger, 1992:161). The Days of Tranquillity involved a number of other actors at different stages of the process. Leaders of the Roman Catholic Church in El Salvador were at the centre of the negotiations between the government and the Farabundo Marti National Liberation Front (FMLN). This choice was made to avoid any formal recognition of the FMLN and proved to be ‘an ideal choice’ as the Church had been ‘a staunch defender of human rights’ and had been in constant contact with the FMLN throughout the conflict (Hay and Sanger, 1992:164). Local actors are essential, as they very often provide the first contact with armed groups. Nevertheless, being local, these actors can be deeply involved in the dynamic of conflict, and the external coordinator, be it UNICEF or another international NGOs, should be aware that this may impact the humanitarian engagement. The International Committee of the Red Cross and the local health authorities were also involved in the actual implementation of the program.

In Operation Lifeline Sudan (OLS), UNICEF was again at the forefront of the engagement with the Sudan People’s Liberation Movement / Army (SPLM/A), alongside the World Food Program (WFP). The

engagement consisted of organising a safe and unhindered food distribution in the south of Sudan during the conflict between the southern armed group, the SPLM/A, and the government of Sudan. The choice of UNICEF as the lead agency was not a neutral choice but ‘was in part to stress non-recognition of the [SPLM/A] while dealing with it on this humanitarian undertaking’ (Akol, 2005:54).

Subsequent humanitarian engagements with ANSAs have continued to involve low-profile UN agencies such as UNICEF, international organisations such as the WHO or WFP and the ICRC, which remains a central actor in negotiated access, although it is difficult to gauge the extent of its practice due to its principled secrecy. As Zeender explains, the UN Security Council has also been involved in engaging armed groups on humanitarian issues as the Security Council ‘imposed sanctions against specific armed groups, for example against the Liberia-backed Revolutionary United Front (RUF) fighting against the Sierra Leone government, and against UNITA in Angola’ (2005:105).

A second category of actors have included NGOs as prominent actors for the reasons exposed earlier. These NGOs are both international in nature, such as Médecins Sans Frontières (MSF) but also involves local actors. For instance, Geneva Call, a Swiss NGO engaging armed groups on the landmine ban, involves local campaigns against landmines in their negotiations as it does, for instance, in Colombia with the National Liberation Army (ELN) and the help of the Colombian Campaign Against

Landmines (Reusse-Decrey, 2005:50). There are a few instances of humanitarian engagements involving the European Union or NATO, as it was the case in Bosnia in the 1990s; nevertheless, these actors remain extremely marginal in the process of engagement with ANSAs on humanitarian issues. Finally, some people argue that development agencies should start engaging with ANSAs to access target groups, for staff security, humanitarian concerns, in conflict transformation and peace process (Geneva Call, 2007).¹³

The choice of who engages with ANSAs on humanitarian issues may appear at first as a non-issue. The setting of this process within the dynamic of a conflict makes that choice rather crucial: the problem of conveying legitimacy or recognition to an armed group forces the agencies involved to think carefully about the consequences of entering such a process (Zeender, 2005:107). The first principle appears to be that actors need to be humanitarian actors rather than political actors. The choice of UNICEF, for instance, out of all the UN agencies, reflects this principle rather well. The second principle appears to be that actors need to be non-state rather than state actors. Beyond the humanitarian/political dichotomy, the distinction between NGOs and peacekeeping operations, or NGOs and the European Union, comes down to the fact that NGOs are not linked to states whereas the European Union or the contingents in peacekeeping operations are. The same issue may appear with development agencies which are most often

¹³ Notes from the conference *Exploring Criteria and Conditions for Engaging Armed non-State Actors to Respect Humanitarian Law and Human Rights Law*, organised by Geneva Call, Geneva, 4-5 June 2007. As Chatham House Rules prevailed throughout the conference, reference to the author of this quote can not be mentioned. The source, therefore, refers to the organiser of the conference.

linked to the state. This independence from the state system and formal diplomacy may be the key to the possibility of practising a different kind of “diplomacy” with armed groups. Whether the type of actors involved in engaging with ANSAs on humanitarian issues has an impact on how this engagement process may trigger a transformation in the conflict is not known, but is, nevertheless, a valid question. The actors involved in engaging should therefore be included in the matrix when assessing the possible consequences.

Purpose of engagement: what issues are ANSAs engaging on?

The issues at stake in humanitarian engagements with ANSAs are important, as they qualify and characterise engagement as humanitarian: humanitarian engagements are not humanitarian because they mostly involve humanitarian facilitators but because they concern humanitarian issues. As outlined earlier, what can be deemed humanitarian does not always form a consensus. The debate on what constitutes the set of humanitarian principles will not be reiterated; rather, the discussion will look at what issues have been tackled in the actual practice of engaging armed groups on humanitarian issues.

The practice reveals two types of subject matter: first, what has been coined “negotiated access”, and, secondly, what can be labelled as humanitarian advocacy. In “negotiated access”, the engagement aims at committing the different sides to the conflict to allow unhindered and safe

access to the population in need (Mancini-Griffoli and Picot, 2004:20). Within this category, the negotiated access can provide different humanitarian services including the provision of food, medical services, and camps for internally displaced people (IDPs).¹⁴ Operation Lifeline Sudan set up a complex mechanism to ensure the provision of food in the south of Sudan. The Days of Tranquillity in El Salvador consisted of an agreed cessation of hostilities to allow the immunisation of children (Villalobos, 2005), whereas the cessation of hostilities brokered by former US president, Jimmy Carter, in Sudan provided medical assistance for the eradication of the Guinea Worm Disease (Interview with Jimmy Carter in Ricigliano, 2005:12; Lederach, 1997:155).

In humanitarian advocacy, the agreement consists of a more substantial commitment to principled behaviour in the conduct of war or the respect for human rights. In this case, the issue is not the practical necessities required to carry out humanitarian action; rather, it is an issue of advocating the broader principles of humanitarianism, sometimes including, human rights principles (Mancini-Griffoli and Picot, 2004:20). These types of issues can cover a commitment to the Geneva Conventions and the Universal Declaration of Human Rights. They can also cover the principles spelled out in treaties such as the principles of the Convention on the Rights of the Child or the principles of the Ottawa treaty on the landmine ban. The Ground Rules implemented in Sudan and agreed on with the SPLM/A and UNICEF were mostly based on international humanitarian law. The

¹⁴ For more information on humanitarian engagement with armed groups on IDPs, see Zeender, G. (2005) 'Engaging armed non-state actors on IDP protection', *Refugee Survey Quarterly*, 24(3), pp.96-111.

SPLM/A made an explicit commitment to the principles enunciated in the Maputo Declaration on the Right of the Child (Aleu, 2000:73; Hofmann, 2004:7). The first agreement of this sort with the FMLN in El Salvador was concerned with respect for human rights (Villalobos, 2005:38). The ICRC has played an important role in disseminating the principles of humanitarian law and advocate for its application:

‘[The ICRC] has not only carried out food and medical relief operations, sometimes on a very large scale, but also and above all it has approached the *de jure* or *de facto* authorities to draw their attention to the humanitarian problems encountered by the population and urge them to remedy the situation. [...] The main aim of the ICRC’s action is thus, above all else, to influence the conduct of those who indulge in violence, conduct of which the *de jure* or *de facto* authorities may not always be aware’ (Harroff-Tavel, 1993:195-6).

The work of Geneva Call has taken the same focus on influencing the conduct of those who indulge in violence by advocating a total ban on landmines to armed groups.

The issues tackled in engagement characterise the engagement. As humanitarian issues are tackled, humanitarian engagement can be characterised as apolitical. This characteristic, in many ways, enables the engagement to happen within a highly politically sensitive environment (although humanitarian relief can still be a variable in internal conflict, as any resources can become a weapon of war). Nevertheless, the nature of the principles advocated in the process are less sensitive than political issues

relating to the conflict and therefore more easily accepted as a basis of negotiation between actors of a conflict. Secondly, different humanitarian principles can have different success rate with armed groups. For instance, Geneva Call has had talks about expanding its mandate to other humanitarian issues, such as torture or child soldiers, but has wondered whether the mechanism they have used, the Deed of Commitment, a treaty-like document committing ANSAs to the given principle, can be applied to other issues or if the landmine issue is specifically appropriate for the use of such mechanism (Geneva Call, 2004:24-8; Geneva Call, 2006:39). The purpose of humanitarian engagement may inform the type of engagement concluded, and, thus, might vary the possible ways the process of humanitarian engagement might impact the dynamic of the conflict.

What types of humanitarian engagements are there?

Humanitarian engagement can take a number of different formats from ad hoc and informal agreements to treaty-like agreements. Through accounts of past practices in engaging ANSAs on humanitarian issues, a number of distinctions can be identified. Agreements can be “formal” with the signature of a document or informal with some types of oral consent from the parties involved. Agreements may be formatted in a universal declaration or flexible in content. Agreements may be multilateral and all-inclusive (involving all parties to the conflict including different factions, the government and humanitarian actors), bilateral (between an armed group and a humanitarian actor), or unilateral (statements made by ANSAs).

Finally, humanitarian agreements may be a part of a larger process of negotiations on a general ceasefire or peace agreement. The lessons to be drawn from these distinctions are not always clear. The lack of literature on the subject as well as the lack of considerations from practitioners on the consequences of these different types of humanitarian agreements make it rather difficult to understand the possible impact of choosing one type over another. Nevertheless, this section will attempt to provide a better understanding of the implications, limitations, benefits and advantages of the different types of agreements.

Informal agreements, especially concerning negotiated access, have been numerous; formal agreements on humanitarian issues with armed groups are less common. As Hay and Sanger note: ‘Sudan has [...] been cited as the first country where two warring parties agreed on a common plan of action to protect and feed civilians on both sides of a conflict. In neither Lebanon nor El Salvador was there any formal agreement on cease-fires’ (Hay and Sanger 1992:167). They explain that in the case of El Salvador, the informality of the agreement was a necessary character for the parties involved to support the endeavour. As they write, UNICEF, the UN agency leading the process, ‘took great care not to refer to the agreement as a truce or cease-fire; instead, it coined the phrase “day of tranquillity”’ (Hay and Sanger, 1992: 164). In this case, one can see that the sensitive environment in which humanitarian agreements take place may force the humanitarian actors involved to choose informal schemes over formal ones.

However, the lack of formality may result in an *ad hoc* implementation of the programme, where efficiency and aims of programmes are undermined. Operation Lifeline Sudan experienced both formal and informal agreements. After the coup and change of regime in 1989 in Khartoum, the delivery of food took on an *ad hoc* nature as negotiations with the new regime did not lead to an agreement. According to Akol, this affected the relief operation as ‘the [Government of Sudan] slowly became the dominant partner, dictating terms to both the SPLA and the UN. [...]’ and worsening the situation by delaying or cancelling approval for relief flights to the south for the needy population located there (2005:54). Indeed, Mc Hugh and Bessler argue that:

‘When humanitarian negotiations with armed groups are planned and carried out in an unstructured or ad hoc manner they increase the risk that: 1. these groups will attempt to play off humanitarian actors against each other; 2. the negotiations will result in sub-optimal agreements; 3. the armed group may be less willing to enter into negotiations and reach agreement in the future; and, 4. delivery of humanitarian protection and assistance to those in need will face increased constraints because of the factors listed above’ (2006:45).

It appears that a thin balance exists between having a formal agreement, possibly ensuring a better outcome in attaining humanitarian objectives, and the constraints put on humanitarian actors involved not to formalise a humanitarian engagement with the parties of a conflict.

When a written agreement exists, the issue of whether the agreement should be standardised for universal use or flexible arises. This discussion emerged within the landmine community. The landmine ban can be found in the form of a treaty, the Ottawa Treaty. The treaty, which can only be signed by states, was at the source of inspiration of a new mechanism to engage ANSAs on the mine issue. Indeed, the “Deed of Commitment” engineered by Geneva Call, a Swiss NGO, resembles a treaty. This standardised document can be signed by ANSAs and commits them to adhere to a total ban on landmines. Other actors of the anti-landmine community have advocated for a more flexible framework of engagement. Moser-Puangsuwan, working in Burma on the implementation of a ban on landmines including ANSAs, argues the case for this more flexible framework:

‘We are encouraging them [ANSAs in Burma] to write their own statements [about a possible agreement in relation to a mine ban], a different tactic than Geneva Call is using. We believe, based on our experience, that a prepared statement is open to misinterpretation. Instead, we are encouraging them to study the treaty [the Ottawa treaty on the landmine ban] and look at what the states have been asked to do. We then ask them to come up with their own response. This approach also helps increase the level of political sophistication within the NSA groups’ (2000:59).

The Swiss Campaign to Ban Landmines (SCBL) acknowledges that a universal statement is useful as ‘it can act as a universal guideline’. However, they argue that individualised statements ‘provide flexibility to respond to diverse situations, reflect diverse values (e.g. Marxist or Islamic),

and also allow [A]NSAs to be involved in the process more deeply ,thus developing a better understanding of the issues' (Swiss Campaign to Ban Landmines, 2000:126). Having a more flexible individualised statement, however, can pose a problem for the integrity of humanitarian principles. Geneva Call found itself in such a position in Colombia with the ELN: the armed group refused to commit on a total ban on landmines but proposed a third way by accepting to create a mine-free zone. Geneva Call was faced with a dilemma: by accepting the mine-free zone, the NGO was in fact trading off its commitment to a total ban on landmines. However, stopping dialogue and refusing the proposition made by the ELN meant that nothing more would be done to solve the mine problem in Colombia (Reusse-Decrey, 2005:50). There is no clear answer to this debate, but it is important to understand that each type may have its share of advantages and disadvantages.

Humanitarian agreements may engage one armed group, a number of armed groups at the same time, or both armed groups and the government. Thus, humanitarian engagements can be unilateral, bilateral or multilateral. The agreement is unilateral when it only involves a unilateral declaration or statement by an armed group. This was the case, for instance, in November 1996, when the SPLM/A issued a resolution on the use of anti-personal mines (Revai Rupiya, 2000:21). The SPLM/A's commitment to a ban on landmine was made bilateral when they signed Geneva Call's Deed of Commitment in 2001. Finally, multilateral humanitarian engagements involve a facilitating "humanitarian" agency, an armed group and the

government “hosting” the armed group. This is often the case when a humanitarian engagement is facilitated by a ceasefire, a general ceasefire or a humanitarian ceasefire. Operation Lifeline Sudan is another example of a multilateral humanitarian engagement, negotiated outside of a ceasefire, that involved a number of humanitarian agencies, such as UNICEF and the World Food Programme, along with the SPLM/A and the Government of Sudan (Aleu, 2000:73).

Once again, the lack of reflection on the consequences of these different types and approaches to engaging ANSAs on humanitarian issues means that it is difficult to understand the implications of each type of agreement. One can hypothesise that as the agreement moves from a unilateral to a multilateral humanitarian agreement, negotiations between parties would be greater and the outcome more formalised and institutionalised, therefore increasing the potentiality of a greater impact on the conflict and the dynamic amongst the actors involved.

The commitment of an armed group to certain humanitarian principles can also be included in a general ceasefire agreement. In November 1997, the Moro Islamic Liberation Front, an armed group active in the Philippines, committed to a ban on landmines in an agreement on cessation of hostilities (Revai Rupiya, 2000:21). The inclusion of a humanitarian engagement within a general ceasefire has clear advantages. Access to the armed group is easy and some of the legal or political problems of engaging with armed groups will not arise as the armed group

has already been accepted as a valid interlocutor by the government concerned. On the other hand, the commitment to a humanitarian principle is then dependent on the respect of this particular ceasefire. If the ceasefire is broken, the commitment to the humanitarian principles might be deemed obsolete by the armed group. Operation Lifeline Sudan started with no written agreement but was formalised by a ceasefire in April 1989. When the ceasefire collapsed as a result of a coup in Khartoum, the OLS collapsed with it: 'The breakdown of the ceasefire led to the breakdown of the humanitarian partnership with the [Government of Sudan]' (Akol, 2005:54). The inclusion of a humanitarian engagement within a ceasefire might therefore weaken the humanitarian commitment further than if the engagement had been done outside of the ceasefire. Indeed, OCHA, giving its guidelines for humanitarian engagements with armed groups, warns that '[...] the humanitarian negotiations and their underlying humanitarian objectives should remain distinct from political and other negotiations. Political negotiations should not incorporate humanitarian provisions that are contingent on political actions or agreements' (Mc Hugh and Bessler, 2006:21).

The conclusion from this discussion remains elusive in terms of lessons learnt. One important aspect to remember appears to be that the different variables characterising a type of humanitarian engagement are numerous, and until more research is done on the subject, these characteristics should be taken into account when evaluating the impact of humanitarian engagement with armed groups on conflict. For the moment,

the intuition seems to be that the more formal the agreement, the deeper the engagement may be, as more negotiations need to be made in order to arrive at the signature of a formal document, thus creating a potentially greater impact of the engagement process on the conflict dynamic.

Why do ANSAs accept to be engaged?

Understanding the motives behind the commitment of ANSAs needs to be included in evaluating the process of humanitarian engagement. As the logic of humanitarianism is often contrary to the logic of war (Macrae, 1998:7; Glaser, 2003:4), ANSAs will not commit themselves without benefiting from a humanitarian agreement. These benefits appear to be summarised in two categories: the gain in resources and an acquired “moral” legitimacy.

Indeed, Fisher states that the SPLM/A agreed to the implementation of Operation Lifeline Sudan because of the following benefits:

‘It brought together disparate factions under the umbrella of a common commitment. Secondly, “the movements were keen to improve their international credibility and recognised quickly [that the agreement] would further it”. Lastly, such action brought with it recognition and an infusion of international aid to southern Sudan’ (1999:82).

International credibility, recognition and the infusion of aid were key motives for the SPLM/A. ANSAs are concerned with their image and their perceptions. They are not only motivated by material goods (greed) but also by social rewards (Geneva Call, 2007).¹⁵ Glaser (2003) and Bruderlein (2000) take this argument further and explain that accounting for the willingness of armed groups to engage on humanitarian issues is the relationship between the armed group and its constituency.

Bruderlein argues that ‘the group’s receptivity [to humanitarian and human rights standards] appears to be contingent on military, political, economic, social and cultural factors’ (2000:7). However, he emphasises that these factors need to be understood in relation to the bond between the armed group and the population under its control: the more dependent an armed group is on the civilian population and the greater the proximity between the armed group and its constituency, the more willing the group will be to abide by humanitarian principles (Ibid.).

Foster explains that this argument matters greatly when attempting to convince ANSAs to renounce the use of landmines (2000:6). In addition to this, Foster states that putting the argument in the armed group’s own moral language can also work (based on regional traditions, ideology or religion on which the armed groups is based), but she recognises that ‘the interests of NSAs can be appealed to, in terms of political credibility gained

¹⁵ Notes from the conference *Exploring Criteria and Conditions for Engaging Armed non-State Actors to Respect Humanitarian Law and Human Rights Law*, organised by Geneva Call, Geneva, 4-5 June 2007. As Chatham House Rules prevailed throughout the conference, reference to the author of this quote can not be mentioned. The source, therefore, refers to the organiser of the conference.

internationally and with own community, of ending loss of own combatants and own people, of encouraging opponent governments to stop using mines, and of maintaining a healthy land base [...]’ (Ibid.).

Glaser offers a similar account of why the relationship between the armed group and the population counts as an important variable which may influence the willingness of armed group to commit to humanitarian principles (2003:6). Glaser perceives humanitarian engagement with armed groups as ‘a balancing act between the internal interest of respectively ANSA and humanitarian agencies, expressing a mutual interest to accommodate respective (internal) pragmatic goals, such as security for aid workers by humanitarian agencies; or control and credibility by ANSA’ (2003:4). In other words, humanitarian engagement will only be accepted by armed groups if it serves their overall objectives (Zeender, 2005:107). Discussing the issues of willingness on the part of ANSAs, Glaser states that ‘the fundamental hypothesis to willingness [...] is: the more supportive humanitarian presence is to ANSA’s aims the higher the willingness of ANSA to engage and oblige the negotiated conditions’ (2003:43). The support of a constituency can play an instrumental role in attaining the armed group’s objectives when it is the only source of resources, combatants and support. Accordingly, Glaser argues that ‘the wider the constituency (and the higher the dependency of ANSA on civilians) the more responsive ANSA may be to arguments to improve the fate of civilians’ (2003:27). Therefore, the benefit for the armed group in committing to a humanitarian agreement is to keep the support of the

constituency, whatever form this support may take (logistical, financial, political, military) in order to attain their objectives. Glaser concludes by stating that legitimacy is crucial for ANSAs and can be bestowed by commitment to helping humanitarian relief or a better treatment of the population (2003:30).

Humanitarian actors need to be sensitised to the fact that armed groups will not commit to a humanitarian agreement unless it serves their purposes and understands what these purposes are. This awareness is especially crucial in avoiding the possible negative consequences of humanitarian action in conflict. Conversely, understanding the motives of armed groups to enter into humanitarian negotiations may be a key element in evaluating the impact of humanitarian engagement on the possible transformation of conflict.

Engaging in a challenge: Ethical and Practical issues

Any process involving armed groups will inevitably involve a number of ethical issues. Some would argue that engaging in a dialogue with armed groups is by principle unethical. Among the advocates of engagement, discussions on the possible ethical and moral dilemmas still arise. There are two main ethical issues facing humanitarian actors: the first issue concerns the fear of conveying legitimacy, recognising or raising the status of armed groups; the second issue reflects the uneasiness of humanitarian actors to

enter a dialogue with armed groups who consistently violate humanitarian principles.

The Swiss Campaign to Ban Landmines explains that ‘any level of engagement with NSAs can be perceived as a recognition of their legitimacy (i.e. whether or not recognition was intended)’ (2000:117). As noted in the previous section, armed groups have their own agenda in accepting a commitment to humanitarian principles and the recognition of their legitimacy is certainly a motivation for engagement (Mc Hugh and Bessler, 2006:65). This issue is often raised by the opponent governments (an interview with Jimmy Carter in Ricigliano, 2005:12; Hofmann, 2004:2; Hay and Sanger, 1992:164). Humanitarian actors are aware of this problem and try to mitigate it by choosing specific types of facilitators for engaging armed groups (Hofmann, 2004:2). In El Salvador, for instance, the choice of the Roman Catholic Church was made in part to avoid any kind of recognition and legitimacy (Hay and Sanger, 1992:164). Nevertheless, a commitment to humanitarian principles can only raise an armed group’s moral legitimacy. The existence of a process of engagement itself will bring more attention to an armed group and might provide them with a platform for propaganda (Swiss Campaign to Ban Landmines, 2000:117). These issues should be kept in mind and, where possible, mitigated, as with a careful choice of the actors involved. Although these ethical problems undermine humanitarian engagement with ANSAs, it does not invalidate the case for engagement itself.

As mentioned earlier, the logic of war, and specially internal war, runs contrary to the logic of humanitarianism. Taking this into account, the fact that armed groups may have a record of consistently violating humanitarian principles or human rights may pose an ethical issue. Can a humanitarian actor engage in a genuine dialogue with such armed groups? According to Graisse, this question should not stop humanitarian engagement:

‘[...] [H]umanitarian engagement certainly does not mean endorsement or political recognition, and we sometimes need to engage with actors that we would not wish to endorse. We can cite many examples of situations in which we have continued to work despite the presence of parties whose policies and objectives conflict with our own’ (2002:26).

Nevertheless, similar problems arise when humanitarian actors work within certain states where humanitarian and human rights violations are widespread. The issue goes back to a broader debate among the humanitarian community on whether humanitarian actors should disengage themselves in situations where there is an environment of systematic humanitarian and human rights violations.

There are numerous practical issues involved in engaging ANSAs. Five important issues have been identified from the literature: the difficulty of information gathering and gaining an understanding of armed groups; the difficulty of access to armed groups; the problems resulting from lack of organisation and clear-cut hierarchy in armed groups; the problems arising from working in a politically sensitive environment leading to the

possibility of political manipulation from either side; and finally, the reluctance of governments to negotiate or allow negotiation with ANSAs even if only involving humanitarian issues.

Information gathering poses a challenge to engaging with armed groups. ANSAs can be very secretive and believe that leaking any kind of information outside the group may lead to a misuse of the information (Foster, 2000:5). The problem of information gathering is furthered by the difficulty of accessing ANSAs.

Access to armed groups might be difficult for different reasons (Williams and Ricigliano, 2005:14-15). The fact that armed groups operate in conflict zones can be an important obstacle (Mc Hugh and Bessler, 2006:6). Proscriptions and legal sanctions may hinder the ability of humanitarian actors to gain access to armed groups (Conciliation Resources, 2004:14). Access can also be difficult because ANSAs may fear that such access may cause them to be tracked down by the government. Conciliation Resources mentions 'the ban on LTTE members' movement that affected an aid conference in Washington and Japan in 2003, the arrest of the Free Aceh Movement (GAM) leaders on their way to peace talks in Tokyo in 2003, and the arrest of the negotiator from one of Colombia's armed insurgent movements as he travelled to attend talk in 2004' (Conciliation Resources, 2004:14). Finally, access may be difficult because, unlike with states, 'pre-established diplomatic channels may not exist' (Foster, 2000:5).

As Foster notes, 'NSAs are generally fluid organisations' (Foster, 2000:5). It is not always clear who can be a legitimate interlocutor or spokesperson in the group. This matter also means that humanitarian actors do not always know how much power their interlocutor has within the group and therefore what impact the dialogue will have on the ground (Mc Hugh and Bessler, 2006:6). As Foster explains:

'NSA organisations may be decentralised, with distances separating political leadership from military command, and some troops operating with fairly loose ties to each other - it is not always clear who to talk to and how much impact decisions taken by the leadership will have' (2000:5).

Changes in leadership or the creation of factions often means that commitment is not carried over, forcing humanitarian actors to have an acute awareness of the internal politics of ANSAs (Geneva Call, 2004:15). The sensitivity of the environment in which engagement takes place means that there is always a possibility of humanitarian actors being politically manipulated. This argument is linked to understanding the motives of armed groups in accepting humanitarian engagements but also to the motives behind the opponent governments in allowing this dialogue to happen. As the Swiss Campaign the Ban Landmines argues, 'any approach to NSAs is open to political manipulation by either side and hence must be undertaken with caution to (minimally) avoid doing harm' (2000:117).

Finally, engagement may be hindered by the reluctance of the opponent government to allow humanitarian actors to establish a dialogue with

ANSAs or by its reluctance to enter into a humanitarian dialogue with armed groups. This problem nearly undermined the humanitarian engagement in Sudan as ‘it was very difficult for the officials in Khartoum to treat revolutionaries in the south on an equal basis [...]’ (an interview with Jimmy Carter in Ricigliano, 2005:12). Reluctant attitudes towards the humanitarian engagement of ANSAs does not only come from governments concerned, but also from donor governments that find it counter-intuitive ‘to pledge money to armed groups’, as this was thought to be a major problem in Geneva Call’s work for instance (Geneva Call, 2004:15).

Any type of action taken in the midst of an internal conflict will encounter such issues and obstacles. Obstacles should be expected and actions taken to mitigate problems and find solutions. In spite of these issues, humanitarian engagements with armed groups have happened in the past and will continue in the future.

Table 3.1: Framework of Analysis for Humanitarian Engagements.

Cases	Humanitarian Engagement 1
Characteristics of Humanitarian Engagement	
WHO? Who engages? (NGOs, UN agencies, Third-Party State, local actors, etc.)	
WHAT? Purpose of Engagement (negotiated access, humanitarian principles, etc.)	
HOW? WHEN? Types of agreement (formal/informal, standardised/flexible, unilateral/bilateral/multilateral, etc.)	
WHY? Armed Groups' motivations for engagement	
CHALLENGES	

As argued throughout this section, the different characteristics of engagement looked at might influence the way it may impact conflict. As such, the following table will be used in this research to evaluate each humanitarian engagement. This framework of analysis will help in identifying how each characteristic may separately influence the course of conflict. The first column represents the characteristics of humanitarian engagements. It regroups all the characteristics of humanitarian engagements discussed above: Who engages? What is the purpose of the engagement? How and when does the engagement occur? Why does the armed group agree to the engagement? And finally, what are the challenges of the humanitarian engagement? The second column represents one instance of a humanitarian engagement, here labelled “humanitarian engagement 1”. For each instance of humanitarian engagements, the analysis includes an overview of the different characteristics in the first column.

Conclusion

Examining the concepts and practice relating to humanitarian engagement with armed groups reveals a complex reality. Humanitarianism and humanitarian action are evolving both in their conceptual and practical aspects. The conceptual aspect of humanitarianism changes with the reality of humanitarian action on the ground as well as with the evolution of the significant debates and discussions surrounding this field. Such issues as the relationship between politics and humanitarian action, whether humanitarian

action is political or whether humanitarian action includes working towards a peaceful transformation of the conflict are salient in the evolution of humanitarianism. These debates also shed light on humanitarian engagement with armed group as a very specific type of humanitarian action, one that appears more political and one that may cause harm or work towards peace.

Reviewing the practice and the literature on humanitarian engagement with armed groups raises numerous questions. This chapter has enabled us to identify some key issues by highlighting the questions raised by this review. The framework of analysis of humanitarian engagements will be applied during the analysis of data and will answer some of the questions raised throughout this chapter. As the next chapter looks at the possible impact that humanitarian engagement with armed groups may have on the peaceful transformation of conflict, the issue of the politicisation of humanitarian action and the difficult relationship between politics and humanitarian action remains one of the key debates surrounding this research.

Chapter IV: The consequences of humanitarian engagement: from humanitarian action to conflict transformation.

Introduction:

Humanitarian engagement with armed groups aims at improving the life of civilians in conflicts. On the other hand, it has been claimed that humanitarian engagement may have a further impact on conflict. Humanitarian engagement with armed groups does not resemble the traditional activities of humanitarian action. It is in essence a process of negotiation. This characteristic, as well as early observations that humanitarian engagement may affect positively the likelihood of a peaceful political dialogue, support the need to examine whether or not humanitarian engagements with armed non-state actors have an impact on the transformation of conflict and, if so, how this impact occurs. This chapter is a tentative theoretical answer to these questions and will inform the conduct of field research and analysis.

The first section examines the general consequences of humanitarian action. A number of negative consequences exist, including the instrumentalisation of economic resources, distortion effects and the political manipulation of humanitarian action. These have raised strong criticisms of humanitarian action in conflict and the re-evaluation of humanitarian programmes to secure a principle of “do no harm”. On the other hand, humanitarian action is also acknowledged in some circumstances to bring about a number of positive consequences beyond the

betterment of the humanitarian situation. It is argued that humanitarian engagement, in particular, supports the creation of a favourable environment for the start of pre-negotiations and negotiations.

Following this argument, the second section looks at the literature on conflict transformation. It is argued that humanitarian engagement can play a role in the peacemaking effort. Therefore, the different arguments and approaches in peacemaking are examined in order to find some avenues or ways that can theoretically explain the positive impact of humanitarian engagement.

Without denying the importance of peacebuilding and post-settlement activities for the creation of a sustainable peace, the examination of the effects of humanitarian engagement will be limited to the peacemaking phase of conflict transformation. Within peacemaking, humanitarian engagement with armed groups is believed to have only a limited role to play in encouraging or favouring the decision of armed groups to commit to starting pre-negotiations or negotiations. In other words, the focus is on how to bring the conflicting parties to the negotiating table. The emphasis remains, therefore, at the leadership level of the armed group rather than the community level. One also needs to acknowledge that humanitarian engagement with armed groups relates to one of many processes among different interventions in conflict. The emphasis is on understanding the particular ways in which humanitarian engagements with armed groups benefit the transformation of conflict towards a peaceful dialogue.

Behind this argument exists a strong assumption that humanitarian dialogue may have a particular role to play as a less sensitive endeavour making this particular “negotiation” process between armed groups and humanitarian actors easier and more probable. The last section will bring together the preliminary observations made in the literature on humanitarian engagement with armed groups with the possible avenues presented in peacemaking approaches and theories. As a result, three hypotheses will be proposed as a conceptual framework to start from in the empirical part of the research.

The “Do no harm” principle: positive and negative externalities of humanitarian engagement in conflict

Humanitarian action is claimed to impact the environment in which it is implemented beyond the intended humanitarian objectives. As this impact may be both negative and positive, it has been at the centre of a critical examination of contemporary humanitarian action (Anderson, 1999; Conciliation Resources, 2004:12; Minear, 2002; Stein, 2000:390; Okumu, 2003). As a result of this critical examination, humanitarian action has been guided by the principle of “do no harm”, aiming at implementing programmes in such a way that it would not affect the broader context in which it takes place. This reflection informs the examination of whether humanitarian engagement, a specific type of humanitarian action, impacts

the transformation of conflict, as well as understanding how this process may impact the conflict in a positive way.

Anderson's "do no harm" principle will be presented below (Anderson, 1999). While examining the reasons behind the salience of this principle, the main aspects of this debate will be looked at. Beyond the theoretical arguments, the different ways in which humanitarian action has been admitted to impact the broader context in which it occurs will be explored. I will separate the ways in which humanitarian action may have a negative impact and the ways in which humanitarian action may have a positive impact. This exploration may not be exhaustive and aims at providing a sense of what the humanitarian community has already acknowledged as the main unforeseen consequences of their action.

An introduction to the "Do No Harm" principle:

At first sight, it seems contradictory to talk of a principle of "do no harm" alongside humanitarian action. Indeed, humanitarian action aims at relieving the costs of conflict on the civilian population. However, the implementation of humanitarian action in situations of violent conflicts challenges this assumption. Anderson has articulated in details this argument in *Do No Harm: how aid can support peace – or war* (1999). A general overview of Anderson's thesis will be presented before looking at the actual negative and positive externalities of humanitarian action.

Anderson claims that humanitarian action can impact conflicts by either fuelling war or reducing it. This claim has been made by a number of authors (Anderson, 1999; Conciliation Resources, 2004:12; Minear, 2002; Stein, 2000:390; Okumu, 2003). She puts forward three main reasons behind this statement. First, Anderson explains that ‘the context of a violent conflict’ in itself is a cause of concern: ‘When international assistance is given in the context of a violent conflict, it becomes a part of that context and thus also of the conflict’ (1999:1). This point echoes in many ways the issue of the relationship between politics and humanitarian action discussed in a previous section. Indeed, humanitarian action happens within a politically sensitive environment that results in a number of challenges, not only to the principles of humanitarian action such as neutrality or impartiality, but also challenges as the context may be sensitive and vulnerable (Leader and Macrae, 2000:3).

The second reason raised by Anderson is the claim that the issue of how humanitarian action impacts conflicts is a rather new concern resulting from the changing environment in which humanitarian action occurs, in other words the changing nature of contemporary conflicts (1999:2). This claim has been made most strongly by Kaldor in *New and Old Wars* (1999). The argument that contemporary conflicts have changed in substantial ways has received criticisms but is one that humanitarian actors perceive as significant and matching a certain reality on the ground (Macrae, 1998:4,7). Finally, Anderson highlights the fact that humanitarian actors should be concerned by the broader consequences of their actions as many may suffer from war but a number of actors gained economically, politically and

socially from violent conflicts making humanitarian action vulnerable to possible instrumentalisation (1999:13-4).

From this examination of the situation facing humanitarian actors, Anderson argues that ‘aid interventions have an opportunity to influence the relative prominence of peace or war capacities’ (1999:34). She identifies five categories of peace capacities, or connectors, and five categories of war capacities, or dividers. Peace capacities include: systems and institutions, attitudes and actions, shared values and interests, common experience, and symbols and occasions (Anderson, 1999:24-31). War capacities include: systems and institutions, attitudes and actions, different values and interests, different experiences, symbols and occasions (Anderson, 1999:31-3).

Anderson offers a framework of analysis to enable humanitarian actors to gage the impact of their programmes. The framework provides a three-step analysis:

‘Step 1 involves identifying the dividers, tensions, and war capacities in the context of the conflict and assessing their importance. Step 2 involves identifying and assessing the importance of the connectors and local capacities for peace in the same context. Step 3 involves identifying the pertinent characteristics of the aid agency and its program and assessing (and reassessing) their impacts on the dividers, tensions, and war capacities and the connectors and capacities for peace’ (Anderson, 1999:69-70).

Before examining in detail the possible connectors and dividers identified by Anderson and a number of other authors, one pitfall in Anderson's argument needs to be highlighted. Writing on the unforeseen consequences of humanitarian action in Africa, Okumu agrees in many ways with Anderson and also provides a detailed examination of the ways in which humanitarian action impacts conflicts. However, he relates an argument put forward by Shearer:

'David Shearer, in his defence of HINGOs [Humanitarian International Non-Governmental Organisations], argues that relief aid from a "more macro perspective ... appears to have had little impact on the course of civil wars". And that most conflicts such as Sudan's have proved extraordinarily resilient to peace and have "continued unrelentingly". In view of the elusive quest for peace, "the assertion that aid is fuelling war in Sudan ignores the historical realities". In Somalia, Shearer points out, there has also been "little observable correlation between amounts of aid and levels of violence". Furthermore, it is "impossible", on the micro-level, to quantify the economic and organisational benefits brought to warlords by relief aid' (Okumu, 2003: 130).

This word of caution certainly needs to be kept in mind. However, humanitarian actors would certainly want to mitigate any unforeseen consequences of their actions whether the overall impact may not upset the situation as much as Anderson seems to claim.

The negative impact of humanitarian action

The ways in which humanitarian aid impacts negatively on conflict are numerous. They can be brought together under three main categories: instrumentalisation of economic resources, distortion, and political manipulation.

The most widely cited impact is the use of economic resources, brought in by humanitarian actors, to buy weapons and therefore support the continuation of conflict (Minear, 2002:157; Conciliation Resources, 2004:12; Glaser, 2003:51-2; Anderson, 1999:50; Okumu, 2003:122). Humanitarian assistance such as food or other valuables are often stolen and diverted by the conflicting parties. In addition to that, humanitarian agencies may have to pay taxes or a fee to the *de facto* authority of the territory where they work, adding a source of economic revenue for the armed groups. As De Waal explains:

‘The diversion or taxation of relief supplies becomes a major way for belligerents to provision themselves, and, in time, the very command structures and military strategies themselves will come to reflect the availability of external aid and the means whereby it is delivered. Relief agencies have increasingly accommodated to violence, in the context of assistance programmes that are integrated into the cycles of violence in internal conflict’ (1997:146).

Humanitarian agencies may bring other resources with them. As Okumu explains, infrastructure such as reconstructed roads and bridges may also become important means in the military strategy of an armed group (2003:125-9).

The construction of relief or food centres results in a number of negative consequences. First, the belligerents might use the protection of these centres and locate their military and training bases near by, in actual fact using ‘the starving population as shields against attacks’ (Ibid.:125-6). Second, these centres may be used as ‘reservoirs for “fresh recruits for military missions” by both rebels and the governments’ (Ibid.:125). Finally, by giving an incentive to the population to move to these centres or ‘safe areas’, humanitarian organisations ‘can also inadvertently promote one of the warring party’s military objectives of depopulating the theatre of operation’ (Ibid.:126).

Humanitarian agencies may have a distortion effect on the environment in which they implement their programmes. They may distort the relationship between different groups by providing aid to a displaced population creating tensions with the local communities (Minear 2002:157; Anderson, 1999:39). Humanitarian agencies may distort local markets which might reinforce the war economy by pouring exported resources and money (Anderson, 1999:39). The provision of food relief may ‘[ruin] local agricultural production, [perpetuate] famine, reducing indigenous people to the status of beggars, and [...] [create] a state of dependence that has undermined the people’s amour propre’ (Okumu, 2003:124). Finally, humanitarian assistance may distort the relationship between the authorities and the civilian population as it relieves ‘governments of their

responsibilities of providing for the welfare of their populations, “thus freeing resources for combat” (Ibid.:127).

Finally, humanitarian assistance might provide opportunities for political manipulation. The main issue tends to revolve around the recognition and legitimacy of armed groups. As Okumu argues, humanitarian organisations ‘have been manipulated not only to provide resources used to fuel wars but also to gain access to the civilian population in need of humanitarian assistance, and to give de facto recognition and legitimacy to warlords and their rebel movements’ (2003:127-8). Glaser claims that humanitarian aid confers undue legitimacy of armed group and opportunities for ‘the political abuse of aid’ (2003:51-2).

Humanitarian actors have taken these issues into account in the way they design humanitarian action. Practice and research have found a number of ways to mitigate the negative impact of humanitarian aid (Anderson, 1999:55-66).

The positive impact of humanitarian assistance

Humanitarian assistance may have a broader impact than the betterment of the humanitarian crisis. As humanitarian action can have negative consequences, it may have positive consequences. As Minear claims and exemplifies:

‘Beyond seeking to avoid negative impact, some agencies are taking the additional step of designing programs to maximise their contribution to peace and reconciliation. One example is the initiative to reconstruct the town market in Tskhinvali, South Ossetia, where the resumption of trade has had positive spinoffs for both the Georgian and Osset populations in the area. Another example, at a higher level and involving reconstruction rather than emergency aid, is the funding of national Bosnian railway and power grids on the condition that representatives of all three ethnic groups jointly administer the grids’ (2002: 158).

There are two main ways in which humanitarian assistance may impact on the conflict in a positive way: it can support peace-building at the local level through connectors or peace capacities using Anderson’s terms (1999:24); or, it can support peace-making by creating an environment favourable to political negotiations.

Humanitarian action might support peace-building at the local level through carefully designed assistance programmes. Within communities, humanitarian assistance may provide opportunities for reconciliation, working across enemy lines, reinforcing communication between different divided groups, etc. Indeed, Minear argues that ‘to date, the most positive synergies between humanitarian action and peace appear to have come at the local rather than national level. [...] Moreover carefully delivered transitional assistance may assist in building sustainable peace’ (2002:158). This conclusion is reiterated in Harpviken and Roberts’ study on mine action programmes that have created incentives for cross-community cooperation (2004:1). The way humanitarian assistance creates these peace-

building opportunities is very much through the idea of connectors or peace capacities advocated by Anderson (1999:24). If humanitarian assistance supports the systems and institutions that have peace capacities such as interenemy trade, water, communication system, or roads that connect warring people, then it will impact the conflict in a positive way (Ibid.:25). In the same way, support for peace capacities may be provided through reinforcing nonwar attitudes and actions such as conciliatory gestures and tolerance (Ibid.:26).

The second impact humanitarian assistance might have is the creation of an environment favourable to a peaceful negotiations and settlement. Indeed Minear claims that beyond its immediate benefits, humanitarian action has the potential to contribute to creating a climate in which negotiated settlements to conflicts are possible' (2002: 159). This argument is more often made in relation to humanitarian engagement and dialogue rather than simply humanitarian assistance. Hay and Sanger, for instance, explain that immunisation cease-fires, a type of humanitarian engagement, 'can provide a reason for short-term peace which could help build the momentum for the negotiation of lasting peace' (1992: 162). They reiterate this claim in relation to Sudan's "corridors of tranquillity" and state that 'in Sudan, the "corridors of tranquillity" and the associated relief effort have been judged instrumental in paving the way for peace talks which began in July 1989. Both parties to the conflict acknowledged that Operation Lifeline Sudan has contributed to Peace' (Hay and Sanger, 1992:168). The reasons behind these claims are numerous. Some say that

‘humanitarian gestures help informally, to institute a minimum of dialogue between adversaries’ (Veuthey, 1999:116). Others have claimed that humanitarian projects ‘can sometimes serve as the only acceptable bridges to peace’ (Cahill, 1999:10). The Geneva Centre for Humanitarian Dialogue is founded on the idea that ‘humanitarian issues could actually bring conflicting parties together and create confidence between them’ (Griffiths, 2000:93). Griffiths coins the terms ‘humanitarian bondings’ to explain the process of confidence building through humanitarian issues (2000:93). Petrusek talks of humanitarian dialogues as a ‘door-opener or “entrée”’ (2005:46).

Conclusion: two-levels of impacts

This section looked at the consequences of humanitarian action on conflicts identified by the literature on humanitarian assistance not distinguishing between humanitarian relief as such and humanitarian engagement. This distinction will be made as the research will focus solely on the consequences of humanitarian engagement as a process of negotiation on humanitarian issues. Furthermore, a crucial distinction is made in the literature between the impact at the local level and the impact at the national or macro-level. The research will focus more specifically on the macro-level or leadership level and identify the ways in which humanitarian engagements participate to the peace-making effort. This focus means that the research will differ in substantial ways from Anderson’s conceptual framework of connectors and dividers, which focus more on the local

impact and peace-building opportunities. The next step is to identify the processes of peace-making and the different initiatives from third-parties in peacemaking identified in the literature to be able to understand better the link between humanitarian engagements and peacemaking efforts and, in turn, the potential impact of humanitarian engagements on the positive transformation of conflicts.

Conflict transformation

For many years signing peace agreements was termed conflict-resolution. Today, the labels conflict transformation or conflict management are preferred and underlie the processual character of conflict. The literature on humanitarian action has highlighted the potential positive impact that humanitarian assistance may have by stating that humanitarian aid might provide an environment favourable to political negotiations. Departing from this idea, we explore conflict transformation strategies in order to find potential pathways and similarities that could explain better the potential impact of humanitarian engagement on conflict transformation. I will first look at conflict transformation and the concepts relating to peace, especially peace-making and peace-building. I will argue that it is within the process of peace-making that the positive impact of humanitarian engagements might play a role. I will then examine the role of track one, or official actors, and track-two, or unofficial actors in peace making. Finally, I will present the main peacemaking strategies proposed in the literature that appear as potentially viable frameworks to understand the influence of the

process of humanitarian engagement on the process of conflict transformation.

The term “conflict transformation” is a rather recent one (Spencer and Spencer, 1995). In opposition to “conflict resolution”, which emphasises a definite objective, the term “conflict transformation” acknowledges the complexity of conflict as an on-going process. In a similar way, terms such as “peace process”, which have ‘become increasingly popular since the 1990s’, ‘arose primarily from the growing recognition that the cycle of activities necessary to produce a just and lasting agreement stretches both backward and forward from the actual period of negotiations’ (Darby and Mac Ginty, 2003:256). According to Spencer and Spencer, conflict transformation is:

‘a continuous process which can be enhanced by third parties having the capacity to create conditions to develop political will. The transformation process may involve cultural, political, economic, psychological, regional and international elements – all of which can be combined and focused to empower parties to reframe their differences’ (1995:162).

The whole idea of conflict transformation embraces rather well the perspective that negotiations are a learning process with a number of phases (Guelke, 2003:54). Darby and Mac Ginty view this process as having four different phases: ‘(a) pre-negotiation; (b) the management of the process, including negotiations and violence; (c) peace accords; and (d) postaccord reconstruction’ (2003:256). Guelke identifies up to seven phases of the

peace process: '(1) the pre-talks phase; (2) an era of secret talks; (3) the opening of multilateral talks; (4) negotiating a settlement; (5) gaining endorsement; (6) implementing its provisions; and (7) the institutionalisation of the new dispensation' (2003:56).

The diversity of "peace-related" terms reiterates the "process" characteristic of conflict transformation. Peacemaking refers to 'the diplomatic efforts to handle conflict' (Boutros-Ghali, 1995:45-46). It includes pre-negotiation, negotiations, peace accords according to Darby's and Mac Ginty's phases of a peace process (2003:256); and the pre-talks, secret talks, multilateral talks, negotiating settlement of Guelke's seven phases (2003:56). Peacekeeping and peace-enforcement relate to military actions, non-coercive and coercive (Boutros-Ghali, 1995:45-46). Finally, peacebuilding relates to 'structure measures to preclude a relapse into conflict' (Ibid.). It includes post-agreement reconstruction as termed by Darby and Mac Ginty (2003:256); and implementing the provisions of a settlement and the institutionalisation of the new dispensation as termed by Guelke (2003:56).

The literature on humanitarian action presented two main areas in which it might have a positive impact on the transformation of conflict. Using the "peace-related" terms, these are peacebuilding and peacemaking. It was argued in the previous section that humanitarian engagement is specifically deemed to favour an environment enhancing the likelihood of peaceful negotiations. This preliminary observation supports the choice of

peacemaking activities as a first step towards finding a framework to understand better the actual linking process between humanitarian engagement and conflict transformation.

Peacemaking involves a number of different “activities”. As Guelke explains, in difficult cases, pre-talks, secret talks, multilateral talks, and finally the negotiating of an actual settlement are all involved in a complex process of peacemaking (2003:56). If indeed, humanitarian engagement creates an environment favourable to peaceful negotiations, the impact or the link between the process of humanitarian engagement and the process of political engagement is situated in the pre-negotiations period. The pre-negotiation period is especially crucial as it is a turning point in helping bringing the conflicting parties to the negotiating table (Rupesinghe, 1995:80). Pre-negotiation may involve ‘application of designs and strategies intended to bring parties into the negotiation process, the outlining of a logistical framework and timeframe for negotiations, and the setting of ambitious, yet realistic goals for each stage of initial negotiations’ (Ibid.). Rupesinghe explains that the “strategic intent” of the pre-negotiation phase is to ‘reduce intractability’, ‘to formulate and design a process which bring parties to the negotiating table’, ‘to begin trust [...] and confidence building’ (Ibid.). As Saunders explains it is crucial to ‘reach back even further and more extensively into the period before that decision to negotiate is made, and analyse what can be done to help parties reach that decision’ (1985:250). It is within this particular phase of peacemaking that humanitarian engagement may play a role.

Before looking at the existing strategies and the conditions for dialogue that the peacemaking literature has identified, it is important to look at the actors involved in the peacemaking process. Indeed, third-party intervention and the growing importance of track-two diplomacy in peacemaking offers more evidence that humanitarian engagement may indeed play a potentially positive role in the peacemaking efforts. Third-party intervention in peacemaking efforts is often essential (Ramsbotham, Woodhouse and Miall, 2005:168). Hostility and conflict escalation can easily occur between parties in a conflict. Conflict intervention may ‘dampen the feedback spiral’:

‘The entry of a third party, may change the conflict structure and allow a different pattern of communication, enabling the third party to filter or reflect back the messages, attitudes and behaviour of the conflictants’ (Ramsbotham, Woodhouse and Miall, 2005:18).

Third-party interventions may involve track-one and track-two actors. Track-one actors include any type of official actors. The term track-two was coined by Joseph Montville in 1982 and is defined as:

‘an unofficial, informal interaction between members of adversary groups or nations that aims to develop strategies, influence public opinion, and organise human and material resources in ways that might help to resolve their conflict ... [it] is a process designed to assist official leaders to resolve or, in the first instance to manage conflicts by exploring possible solutions out of public view and

without the requirements to formally negotiate or bargain for advantage' (Montville quoted in Hottinger, 2005:56).

As Davies and Kaufman explains, second track diplomacy is not 'an alternative but complementary system' as it provides 'resources and opportunities unavailable at the official level' (2003:4). In fact, a significant number of humanitarian international NGOs 'have in the past integrated [...] conflict resolution and peacebuilding in their portfolios' (Okumu, 2003:121).

Galtung argues that conflict can be viewed as a triangle image of three elements: contradiction, attitude and behaviours (Galtung quoted in Ramsbotham, Woodhouse and Miall, 2005:9). Contradiction refers to 'the underlying conflict situation, which includes the actual or perceived "incompatibility of goals" between the conflict parties' (Ramsbotham, Woodhouse and Miall, 2005:9). Attitudes refers to 'the parties' perceptions and misperceptions of each other and of themselves' (Ramsbotham, Woodhouse and Miall, 2005:10). Behaviour refers to 'cooperation or coercion, gestures signifying conciliation or hostility' (Ramsbotham, Woodhouse and Miall, 2005:9). According to Galtung, changes in one of these three elements can help bring the conflicting parties to the table.

This echoes in some ways the process of conflict transformation which includes: actor transformation, issue transformation, rule transformation and structural transformation (Väyrynen quoted in Spencer and Spencer, 1995:163). Actor transformation includes 'internal changes in

major parties to the conflict, or the appearance and recognition of new actors' (Ibid.). Issue transformation focuses on changing the agenda to 'the issues on which commonality prevails' from 'the issues on which antagonism exists' (Ibid.). Rule transformation aims at changing 'the norms which the actors are expected to follow in their mutual relations' (Ibid.). Finally, structural transformation refers to a deeper change in the overall structure of 'inter-actor relations' (Ibid.). Ramsbotham, Woodhouse and Miall propose a similar breakdown of the elements of conflict transformation adding context transformation, as the social and international context of the conflict, and personal and group transformation, which, in actual fact, refers to a similar process as actor transformation (2005:163-6).

Changes in attitudes, behaviours and contradictions as well as the different elements of conflict transformation present a number of conditions that favour the likelihood that parties to the conflict will accept to join the negotiating table. Miall presents a number of conditions that he deems necessary for a peaceful settlement to occur. These can be summarised in five important elements. Firstly, he stresses the importance of communication channels. This condition may appear rather evident. However, channels of communication may not exist as they may be difficult to set up in a distrustful environment, especially in internal conflicts where governments avoid communication to prevent any recognition of armed non-state actors (Miall, 1992:61-2). Secondly, he argues that 'the opportunity for parties to air [the parties'] grievances' is essential (Ibid.). Thirdly, identifying competent third-parties is necessary to 'relay messages,

reduce misperceptions, interpret one party to another and make suggestions’ (Ibid.). Fourthly, the parties to the conflict need to engage in conciliatory gestures in order to be perceived as committed to a peaceful settlement, as well as reduce tensions (Ibid.). Finally, a number of “rules of the game” needs to be agreed on to structure the proceedings (Ibid.). Recognition of the parties involved in the negotiations appears as a most necessary condition (Ramsbotham, Woodhouse and Miall, 2005:166). However, as recognition also means that parties accept each other as legitimate interlocutors, this obstacle may not be easily passed. Saunders points out another important element to take into account. He states that, beyond the unwillingness to commit to a negotiated settlement, ‘the absence on one side or the other of representatives with a clear mandate to speak for their side’ may be a rather important element to take into account (Saunders, 1985:254). Conciliation Resources summarises the conditions that governments and armed groups voiced in one of their workshops:

‘For both host government and armed groups, important considerations included the level of trust in the other party and the perceived depth and sincerity of their commitment to a peace process; their absolute and relative strength on the battlefield; economic conditions; resource strength; international pressure or incentives; their group’s goals; and their confidence that a peace process will actually produce positive returns for the group and its constituents’ (2004:9).

A number of these elements, as well as the ones stated previously, reiterate Zartman's argument that "ripeness" is necessary for parties to a conflict to join the negotiating table.

Zartman presents a rather bold statement on the conditions that are necessary for negotiations. He summarises his argument around what he terms "ripeness" or ripe moments. Zartman defines ripe moments as follows:

'Ripe moments are composed of a structural element, a party element, and a potential alternative outcome – that is, a mutually hurting stalemate, the presence of valid spokespersons, and a formula for a way out' (1995:18).

Central to the concept of ripeness is the mutually hurting stalemate. Zartman states that a number of studies have shown that 'a mutually hurting stalemate defines the moment as ripe for resolution' (1995:8). According to Zartman:

'[...] [B]oth sides are locked in a situation from where they cannot escalate the conflict with their available means and at an acceptable costs. Such a stalemate provides a window of opportunity that is narrow and highly conditional: it depends on perceived rather than objective reality, on a stalemate that affects both sides, and on a discomfort (preferably increasing) felt by both parties' (Ibid.).

In more simple terms, the parties to a conflict will go through a type of cost-benefit analysis and change from the military options to the diplomatic options when the cost of fighting becomes too high (Zartman, 2000:229).

Zartman acknowledges that the theory presents a number of limitations. First, the theory cannot be predictive 'in the sense that it can tell when a ripe moment will appear in a given situation' (Zartman, 2000:228). Zartman agrees that ripeness theory identifies the necessary elements, but these elements may not be sufficient (Ibid.). Secondly, as it is only the perception, as opposed to the reality, of a mutually hurting stalemate that matters, Zartman proposes a refinement of the theory by asking 'what kinds of political conditions are helpful both for perceiving ripeness and for turning that perception into the initiation of promising negotiations' (2000:235). The proposed areas of further research according to Zartman are:

'More work needs to be done on ways in which unripe situations can be turned ripe by third parties so that negotiations and mediation can begin, and, of course, the mainstream of negotiation research on how to take advantage of ripe moments by bringing the parties to a mutually satisfactory agreement needs to be continued. The proposed refinements need operationalisation and testing. The relationship between objective and subjective components of stalemate needs better understanding, as does *ex ante* measurement and evaluation of the ripening process, of the [mutually hurting stalemate] itself, and of the escalation process leading to it (2000:245).

The criticism can be made that Zartman's theory of ripeness does not provide a guide for action. It enables us to understand better the necessary conditions for a ripe moment to start negotiation. On the other hand, as Zartman himself confesses, a more proactive model to ripen situations through third-party intervention is needed. Indeed, one can ask: how do parties to a conflict come to perceive a mutually hurting stalemate? How can parties to a conflict voice this perception and act on it? How is it identifiable? Can parties to a conflict be brought to perceive a mutually hurting stalemate? What actions can be taken to do so?

Problem-solving workshops and the concept of interactive conflict resolution (ICR) have been attempts at answering some of these questions. The idea behind the problem-solving approach is 'to bring representatives of parties together in an unofficial setting, to assist them to explore the conflict and possible solutions' (Miall, 1992:74; De Reuck, 1990:183; Rupesinghe, 1995:75; Saunders, 2000:255). The unofficial setting allows participants to 'explore options in an open, analytical way, outside the framework of traditional diplomatic negotiations' (Miall, 1992:74). Interactive conflict resolution (ICR) is a term that was introduced in the early 1990s to describe the same problem-solving approach (Fisher, 2003:61). ICR, through small-group problem-solving workshops, allows conflicting parties to engage in 'communication, dialogue, analysis, training, or reconciliation with the intention of increasing mutual understanding and trust' (Fisher, 2003:61).

There is a strong assumption underlying ICR that ‘subjective aspects of conflict, such as misperceptions, hostile attitudes and miscommunication’ need to be overcome in order for parties to commit to peaceful negotiations (Fisher, 2003:61). It is believed that the informal, low risk, neutral and noncommittal environment provided by ICR and the problem-solving approach helps to erase the subjective elements (Fisher, 2005:3).

The aims and objectives of ICR are limited and, as Rouhana warns, not to be confused with the objectives of official negotiations (2000:310). ICR contributes to conflict transformation and the peacemaking effort in ‘a slow but dynamic and potentially important [way] through a number of effects that characterise social change but are hard or even impossible to measure’ (Rouhana, 2000:312). Its main contribution is therefore to a changing environment “that makes conflicting parties more ready to enter into negotiations, to bring the negotiations to a satisfactory conclusion, and to transform the relationship in the wake of a political agreement” (Kelman quoted in Rouhana, 2000:312). The process of ICR is complementary to official efforts, but not a substitute, and can have ‘a unique potential as a prenegotiation method’ (Fisher, 2003:61-2).

The potential impact of ICR can be traced through “learning” (Rouhana, 2000:309; Kelman, 1990) or “transfer effects” (Lieberfeld, 2005). From his experience in workshops between Israelis and Palestinians, Kelman explains that participants will make four important learning experiences. First, participants learn that ‘there is someone to talk on the

other side and something to talk about'. Secondly, participants gain 'some insights into the perspective of the other party'. Thirdly, participants learn to develop 'greater awareness of changes that have taken place in the adversary'. Finally, participants learn about 'the significance of gestures and symbolic acts and become more aware of actions they could take that would be meaningful to the other' (Kelman, 1990:211-3).

Lieberfeld identifies three types of transfers: political transfers, substantive transfers, procedural transfers. Political transfers foster the support for negotiations, as well as support the "diplomats" on either side of the conflict (Lieberfeld, 2005:121). Substantive transfers include the clarification of positions and the generation of options to manage the conflict (Ibid.). Procedural transfers relate to the 'changes in the political cultures on each side in ways that make the parties more receptive to negotiation' (Ibid.). Fisher argues that the transfers can happen at the individual and conceptual level. At the individual level, 'new realisations, attitudes, orientation and other cognitive changes [...] affect how they see the other party'. In addition to this, individual participants acquire a new analysis and a new way of describing the conflict'. At the conceptual level, the problem-solving workshops can 'produce creative ideas, directions, options and recommendations'. Participants may develop a 'changed relation with members of the adversaries' and create 'structural connections with the other side' (Fisher, 2005:216).

These transfers, or learning experiences, can only have a political impact if they are transcribed and assimilated into political behaviour (Rouhana, 2000:309; Fisher, 2005:5). The impact will also be greater depending on the stage of conflict. The prenegotiation stage may be the time when ICR contributes the most to the peacemaking efforts, mainly through the legitimising effect (Rouhana, 2000:314-5). Indeed, the problem-solving workshops and ICR approach may legitimise meetings between adversaries as well as each other as representatives of each side of the conflict. As Fisher argues:

‘The typical process and outcomes of workshops are deemed to include more open and accurate communication, more accurate and differentiated perceptions and images, increased trust, and a cooperative orientation, all of which may be transferable to official interactions. Such changes in attitudes and orientations are seen to underlie the “perceptual drift” that has to occur for parties to consider entering into negotiations’ (2005:4).

Transforming violent conflicts include a number of challenges from bringing the parties to the table of negotiations, finding an agreement and implementing this agreement in a way that peace can be made sustainable. Among these challenges, this section has focused on the conditions favouring the opening of negotiations as the process of humanitarian engagement has been deemed to provide a favourable environment for this development. Looking at approaches advocated in the literature on peacemaking, two important theories were put forward: ripeness and interactive conflict resolution. These two approaches provide a number of

“pathways” giving some clues as to what the linkages between the humanitarian process and political process may be.

Beyond “Do no harm”: humanitarian engagement as peacemaking?

Some claims have been made that humanitarian engagement with armed groups might have a potential impact on peacemaking (Griffiths, 2000:93, Conciliation Resources, 2004; Ricigliano, 2005; Hofmann, 2004; Hay and Sanger, 1992). Most of these claims remain vague as they do not describe the exact mechanism that occurs for this potential impact to happen. By looking at the literature on peacemaking, a number of avenues were identified. Combining these avenues with some of the arguments on the impact of humanitarian engagements on conflict transformation, three main hypotheses will be proposed as a loose framework of investigation.

Humanitarian engagement may induce a change in the internal dynamic of the armed group

Engaging armed groups in a dialogue on humanitarian issues has been claimed to affect the armed group itself. Prendergast argues that engaging armed groups on humanitarian issues will raise the profile of the moderate members of the group (1996:126). This was deemed to be the case with the Farabundo Marti National Liberation Front (FMLN) in El Salvador (Ricigliano, 2005:7; Villalobos, 2005: 37-9). Villalobos argues that in this case the group moved from ‘an unregulated violence to a regulated violence

to a negation of violence' (2005:39). Furthermore, reiterating Saunders' argument that sometimes the unwillingness to join talks may be due to the absence of an interlocutor within the group (1985:254), humanitarian engagement may provide an opportunity for the armed group to identify a number of people within the leadership to take on that role, as the agency engaging with the armed group will need a few key representatives with whom to enter into a direct dialogue. These people may then keep this role when approached for pre-negotiations or negotiations on political issues.

This argument reiterates some important aspects of conflict transformation. Indeed, conflict transformation includes actor and group transformation (Spencer and Spencer, 1995:163; Ramsbotham, Woodhouse and Miall, 2005:163-6). By raising the voice of moderate factions within the group, humanitarian engagement can potentially encourage these actors to guide the armed group towards conciliation. These moderate actors may also raise awareness, as it is argued in the literature on interactive conflict resolution, that there are representatives of the group who are ready to engage peacefully in some kind of dialogues. In the same way, Zartman's theory of ripeness mentions the necessity to have a spokesperson identified on each side (1995:18). In terms of the concept of transfers from ICR, this can be linked to the political transfers as the engagement process will support the diplomatists within the armed group (Lieberfeld, 2005:121).

The question remains as to the way these transfers can be "measured". Finding evidence that armed groups have in fact adopted conciliatory

strategies after humanitarian engagements occurred may be one way. Understanding the dynamic of change within the group and trying to evaluate whether humanitarian engagements occurred before important turning points may give a sense in which the process of humanitarian engagement has indeed had an impact on the group. Interviews with these “moderate” members may reveal that their role and position within the leadership were enhanced by their involvement in humanitarian dialogues. Finally, identifying how the members of the armed group involved in humanitarian dialogues may also be involved in prenegotiations or negotiations may further support that claim.

Therefore the first hypothesis is:

Hypothesis 1: Humanitarian engagement affects the internal dynamics of the armed group by raising the voice of moderate faction.

Humanitarian engagement may provide a valuable learning experience

Humanitarian engagement may offer an opportunity for armed groups to ease into the practice of negotiations. Starting political talks may be a sensitive decision for armed groups as they are entering an unknown arena. Indeed, asymmetries in conflict do not only refer to the power imbalance around economic and military aspects but also relate to the diplomatic imbalance:

‘When armed groups enter negotiations they are entering an arena in which diplomacy and international norms largely dictate both the formal and informal rules of behaviours – rule which they may initially have little or no familiarity’ (Philipson, 2005:68-9).

The fear and apprehension of being dominated at the negotiating table (Conciliation Resources, 2004:9) may be lowered by the armed group’s experience in humanitarian dialogue. Humanitarian issues are not sensitive enough for armed groups to have the same level of apprehension as for political talks. The process of humanitarian engagement resembles in this way the characteristics of ICR as it provides a neutral and low-risk environment. A positive experience in humanitarian engagement may therefore help lower the armed group’s apprehension to enter into a political dialogue.

The second hypothesis therefore is:

Hypothesis 2: By offering the opportunity for the armed group to acquire greater knowledge of negotiation procedures or other skills necessary in the process of political negotiation, humanitarian engagement may help the group’s apprehension to enter in further negotiations.

Humanitarian engagement may change the relationships between the different actors involved in political dialogue

Whether it is in Zartman's ripeness theory, Galtung's conflict triangle or interactive conflict resolution, perception plays an important role. Reality does not always matter as much as how the actors in conflict perceive each other or their options. Humanitarian engagement can provide a turning point in how the armed group, often the actor that no one wants to legitimise or recognise, is perceived by other conflicting parties, including the government, but also potential third parties.

The less sensitive character of humanitarian issues may provide a role for humanitarian engagement as a door-opener. As Cahill explains, 'humanitarian action can open doors to negotiated settlements; even in the midst of violence, they can create corridors of understanding that eventually become permanent bridges to peace' (Cahill, 1999:6). That first step towards dialogue may be a difficult one and humanitarian issues could be the first foot in the door.

The importance of opening the door to a dialogue is significant in conflicts where communication is either non-existent or complicated. Humanitarian actors may through humanitarian engagement create different channels of communication on humanitarian issues that could then be used to start pre-negotiations (Ricigliano, 2005:7,15). These communication channels are especially important with armed groups to understand the group better in order to provide the right incentives for negotiations. Finally, communication channels are the only way to build the trust and mutual understanding necessary for dialogue. The argument is made with engagements on the prohibition of landmines:

‘The fight against landmines, approached inclusively through the parallel engagement of state and non-state actors, has provided opportunities for direct and indirect dialogue between the Colombian government and the ELN that could potentially help build trust and mutual understanding required for future peace talks’ (Reusse-Decrey, 2005:51).

Trust and confidence-building can enhance greatly the chances of a dialogue. Humanitarian engagement can be seen as a conciliatory gestures taken by armed groups working towards the building of this trust and confidence (Conciliation Resources, 2004:11-2, Roberts and Harpviken, 2004 :33).

Beyond the trust and confidence-building character, when armed groups enter into a dialogue on humanitarian issue and make a commitment, the perception of the armed group may be changed significantly. As Conciliation Resources explains:

‘[...] If a group takes responsibility for respecting IHL and shows the ability to implement these commitments, it strengthens the perceived credibility of the groups and shows its potential for participating in political negotiations’ (Conciliation Resources, 2004:11).

Therefore, humanitarian engagement can change the perception of an armed group from an antagonistic to a conciliatory entity, and from a non-credible, non-committed actor to an acceptable interlocutor. As Jimmy Carter

explains, humanitarian engagements can have a legitimising effect on ANSAs in the sense that they are accepted as interlocutors (Jimmy Carter quoted in Ricigliano, 2005:12).

Finally, in the case of Sudan and the SPLM/A, it is claimed that the whole process of humanitarian engagement has made the international community 'more willing to facilitate negotiations' (Roberts and Frilander, 2004:18). Therefore, not only the way the armed group involved in humanitarian engagement is perceived by the other conflicting parties changes, but the international community, from which most third-party intervention in peacemaking comes, perceives the situation as more favourable to a political dialogue and less risky for intervention.

The final and third hypothesis is therefore:

Hypothesis 3: Humanitarian engagement allows for a continuous communication channel between the different parties to the conflict. Humanitarian engagement acts as a confidence-building measure affecting the dynamic among the different actors (NGOs, IOs, UN agencies, ANSAs, Governments).

Conclusion

Examining the literature on humanitarian action as well as the literature on conflict transformation has enabled us to find three clear pathways through which humanitarian engagement may impact positively the peaceful transformation of conflict. These three hypotheses will frame the conduct of this research. Although each hypothesis will become a starting point for empirical research, it will not become a rigid framework and should allow other unforeseen impacts to emerge while conducting empirical research. Indeed, in the same way humanitarian engagement may have a positive impact on the peaceful transformation of conflict, it may potentially have a negative impact on the conflict situation. It is therefore paramount that this research allows space and flexibility to allow a thorough understanding of the impact that humanitarian engagement may have on the conflict.

Chapter V: Researching humanitarian engagements with ANSAs

Introduction

There are numerous issues and problems arising from research in political science. Researching humanitarian engagement with armed non-state actors and carrying out research in a conflict or post-conflict environment tend to make such issues more problematic. This chapter will address these issues as well as provide a discussion on the methodology that will be used to carry out the research.

This thesis examines whether or not humanitarian engagement with armed non-state actors has an impact on the transformation of conflict, and, if so, how this impact occurs. The theoretical and conceptual chapters highlighted a number of effects that different humanitarian engagements had in a number of conflicts on the transformation of the conflict, which includes a number of positive effects on the peaceful transformation of conflict (Griffiths, 2000:93; Conciliation Resources, 2004; Ricigliano, 2005; Hofmann, 2004; Hay and Sanger:1992). The research therefore focuses on examining these effects, understanding them in terms of quality and value. In other words, this research aims to understand what these effects are and how these effects transform from being unintended results of humanitarian engagements to being a factor in transforming the conflict. This understanding needs to further include an examination of whether the

general impact is a negative one or a positive one. In other words, it is paramount to understand whether humanitarian engagement with armed groups transforms the conflict situation to heighten tension or transforms the conflict situation towards a peaceful transformation of conflict.

In the previous chapter the following theoretical propositions were put forward to guide the evaluation of the question at stake:

- Hypothesis 1: Humanitarian engagement may affect the internal dynamics of the armed group by raising the voice of a moderate faction (may affect power distribution and decision-making procedures).
- Hypothesis 2: By offering the opportunity for the armed group to acquire greater knowledge of negotiation procedures or other skills necessary in the process of political negotiation, the process of humanitarian engagement might reduce the group's apprehension to enter further negotiations.
- Hypothesis 3: Humanitarian engagement may allow for a continuous communication channel between the different parties to the conflict. Humanitarian engagement may act as a confidence-building measure affecting the dynamic among the different actors involved in peace negotiations (NGOs, IOs, UN Agencies, ANSAs, Governments).

The theoretical underpinnings of the research will be discussed in relation to the research question and the theoretical propositions. The

ontological and epistemological positions highlight the researcher's beliefs about the nature of the social world (Ritchie and Lewis, 2003:1). By emphasising political processes and 'how' these political processes evolve, I will argue that this research is inscribed within an interpretivist understanding of the social world. Interpretivism understands the social world not as 'governed by law-like regularities', but as 'mediated through meaning and human agency' (Ritchie and Lewis, 2003:17). I will argue that this theoretical position is necessary in researching political processes in conflict as actors' perceptions and the meaning that actors which are involved in conflict construe on political processes informs their behaviour much more significantly than "objective" truth or facts. Consequently, interpretivism leans towards qualitative research methods rather than quantitative research methods in order to capture the quality of these perceptions and meanings. Finally, the research is inscribed in an explorative and descriptive approach as it documents and describes different political processes as well as exploring a relationship between a humanitarian process and a conflict transformation process (Neuman, 2003:29).

Different approaches can be taken to answer the research question. It will be argued that a single case study approach is better suited for this research in comparison to a comparative analysis of two or more case studies due to the topic, scope and time constraints of the research. In light of a discussion on the necessary criteria to choose a case study, it will be

argued that the case of Sudan's second civil war (1983-2005) appears as the most appropriate choice.

Within the single case study approach, a number of information gathering techniques can be used. Within the specificity of this research, semi-structured interviews provide the most appropriate method of gathering data. This method will be applied during field research in Sudan as the research takes a single-case study approach, as well as during more general interviews gathering further data to triangulate the findings gathered in Sudan. The choice of respondents or sampling method will be addressed as well as conceptual and practical problems or issues with semi-structure interviews. This discussion will provide further insights from field research and will reflect on the limitations that problems encountered during field research bring.

The problems and issues that may arise in carrying out the research will be addressed, encompassing some of the prevalent ethical issues that this research encounters. An emphasis will be put on the difficulties of researching armed groups as well as doing research in conflict or post-conflict environments. Finally, a discussion of personal bias and the role of the researcher will highlight further such ethical issues and difficulties.

Theoretical underpinnings

According to Snape and Spencer, a researcher's beliefs about the nature of the social world and what can be known about it (ontology) as well as the nature of knowledge and how it can be acquired (epistemology) influence the way research is carried out (2003:1). Along a similar line of argument, Korf argues that 'only after we are clear about our own ontological and epistemological position, can we discuss methods' (2006:460). Following these two arguments, the ontological and epistemological underpinnings behind the research will be examined before discussing other conceptual and more practical issues involved in research.

The research question may come first and influence the ontological and epistemological underpinnings of a research project, as well as the choice between qualitative and quantitative methods. It may also be that the ontological and epistemological biases of the researcher influence the types of research questions asked. The choice of qualitative or quantitative research may also inform the ontological and epistemological preferences. The question asked in this research provides a clear indication of the theoretical underpinnings of the research. The research question focuses on an in-depth understanding of processes, the process of humanitarian engagement and the process of peaceful political dialogue, and how these two processes might affect one another. Most importantly, the research question leads us to ask how actors involved in these processes and their actions have been affected. These highlight important characteristics found in the interpretist tradition. As March and Furlong explain, 'a researcher within the interpretist tradition is concerned with understanding, not

explanation [and] focuses on the meaning that actions have for agents' (Marsh and Furlong, 2002:21).

Whereas positivism claims that 'the social world can be studied in terms of invariant laws just like the natural world' (Snape and Spencer, 2003:6), interpretivism embraces a more complex constructed reality. Following Weber's argument, in the natural world, the aim is to 'produce law-like propositions'. However, the social sciences aim at 'understanding subjectively meaningful experiences' (Ibid.:7). The theoretical propositions outlined in the introduction emphasise the role of the actors' interpretations and subjective experiences of humanitarian engagement. By focusing on the change of beliefs within the armed group (Hypothesis 1), the importance of the subjective feelings of the armed group by looking at their apprehension towards dialogue (Hypothesis 2) and attitudes towards other parties (Hypothesis 3), this research seems to lean towards an interpretist tradition and qualitative research.

There is a strong assumption behind the interpretive approach that 'people may or may not experience social or physical reality in the same way' (Neuman, 2003:77). Therefore, interpretive research emphasises people's subjective perceptions of a reality rather than the reality itself. Indeed, interpretivism rests on the belief that 'social reality has a meaning for human beings' and that people 'act on the basis of the meanings that they attribute to their acts and to the acts of others' (Bryman, 2001:14). By focusing on the beliefs, feelings and the subjective experiences of the

different actors involved in the processes of humanitarian engagement and peace negotiations, the researcher aims at gaining an understanding of these actors' behaviours through their own perceptions rather than understanding the processes independently of the actors' subjective experiences (Ritchie and Lewis, 2003:3). This research does not seek to uncover the 'Truth' but rather it seeks to understand how the perceptions of the different actors involved in the process informed their actions. It is important to encompass this constructed subjectivity or perceived reality to really understand motivations leading to decisions and change of behaviour.

The choice of qualitative methods seems to naturally apply to interpretive research (Snape and Spencer, 2003; Marsh and Furlong, 2002:21). In concordance with interpretivism, qualitative research provides 'a greater opportunity to explore beliefs and attitudes' (Harrison, 2001:79). In this way, qualitative research can 'explain "why" and "how" rather than just "what"' (Ibid.). In order to uncover the subjective perception of respondents, the research needs to focus on depth and quality, rather than quantity. As Snape and Spencer argue, 'there is a fairly wide consensus that qualitative research is a naturalistic, interpretative approach concerned with understanding the meanings which people attach to phenomena (actions, decisions, beliefs, values, etc.) within social worlds' (2003:2). Furthermore, with a strong emphasis on processes in this research, qualitative research appears as a strong option as it 'tends to view social life in terms of processes' and is concerned 'to show how events and patterns unfold over time' (Bryman, 2001:279).

Single case study or comparative analysis

Within qualitative research, different approaches can be taken to answer the research question. This section will discuss the reasons for choosing a case study approach. Within a case study approach, one can opt for a single case study or a comparative analysis of two or more case studies. While the benefits of a comparative analysis make it a good option, it will be argued that resources and time constraints within this research make comparative analysis difficult and would result in a superficial analysis. A second section will focus on establishing the criteria for choosing a case study. It will be argued that Sudan's second civil war (1983-2005) and the different humanitarian engagements that occurred throughout the conflict provide a valid case study for this research. Finally, further criteria will be discussed to isolate a few humanitarian engagements within the pool of humanitarian engagements that occurred during this conflict.

In order to identify which strategy is suitable for a research project, Yin provides three criteria for evaluation: '(a) the type of research question posed, (b) the extent of control an investigator has over actual behavioural events and, (c) the degree of focus on contemporary as opposed to historical events' (1994:4). Using these three criteria, I will argue that a case study strategy is best suited for this research project.

The type of research question posed informs to a great extent the character of the research. In this research, I ask what the effects, if any, are

of humanitarian engagement with armed groups on the conflict transformation and how this relationship occurs. Yin categorises questions in “who”, “where”, “how”, “why” and “what” (1994:5). He argues that “what” questions can sometime be exploratory and any strategies can be used in this case (Ibid.). In asking “what effects”, the research concentrates on a “what” question and therefore can be termed exploratory. Furthermore, the research also asks a “how” question as it aims to uncover how the relationship or the link takes form between processes of humanitarian dialogues and processes of conflict transformation. In asking “how”, Yin argues that the research is ‘likely to lead to the use of case studies, histories and experiments as the preferred research strategies’¹⁶ (1994:6).

The second and third criterion help refining this choice among case studies, histories and experiments. The second criteria examines the degree to which the research can manipulate or control actual behavioural events (Yin, 1994:5). In this research, there is no control or ability to manipulate behavioural events. Consequently, an experimental strategy that emphasises control or manipulation cannot be used. The third criteria examines the degree of focus on historical past events or contemporary events (Ibid.). Where a research deals with the past, historical study is the best suited strategy for research as these events involve actors and information that very often cannot be created as they belong to the dead past. Following this last two criteria, the case study strategy appears as best suited for this exploratory research which examines behavioural events that the researcher

¹⁶ Yin extends this claim by stating that ‘this is because such questions deal with operational links needing to be traced over time, rather than mere frequencies or incidence’ (1994:6).

has no control over and contemporary events (Yin, 1994:8). As Yin explains:

‘In general, case studies are the preferred strategy when “how” or “why” questions are being posed, when the investigator has little control over events, and when the focus is on a contemporary phenomena within some real-life context. Such “explanatory” case studies also can be complemented by two other types – “exploratory” case studies and “descriptive” case studies’ (Yin, 1994:1).

Beyond the three criteria for evaluation proposed by Yin (1994), the case study strategy benefits this research in other ways. Jorgensen argues that case studies ‘stress the holistic examination of a phenomenon, and they seek to avoid a separation of components from the larger context to which these matters may be related’ (1989:19). This research aims at uncovering and understanding a relationship between two processes. The examination of this relationship involves understanding the different factors that may play a role in making this relationship a positive, negative or non-existent phenomenon. In understanding the relationship between humanitarian engagement and the transformation of conflict a number of possible underlying conditions and factors arise, including the characteristics of an armed group, the characteristics of the humanitarian engagement itself and the nature of the conflict. The case study approach enables this holistic investigation. As Denscombe explains further:

‘The main benefit of using a case study approach is that the focus on one or a few instances allows the researcher to deal with the subtleties and intricacies of complex social situations. In particular, it enables the researcher to grapple with the relationships and social processes in a way that is denied to the survey approach. The analysis is holistic rather than based on isolated factors’ (Denscombe, 2003:38).

As with every research strategy, case studies come with a number of limitations. Two main limitations arise. Case studies can be seen as biased and subjective as ‘the greatest concern has been over the lack of rigor of case study research’ (Yin, 1994:9). Yin explains that case studies have been perceived as providing ‘equivocal evidence or biased views to influence the direction of the findings and conclusions’ (Ibid.). Demonstrating reflexivity is therefore paramount and some mitigating measures can be put in place. Showing awareness of possible biases helps the researcher understand and mitigate the source of bias. Triangulating data and demonstrating a wealth of data allows claims to be made on a stronger stance.

A second strong criticism of case studies questions the ability to generalise from such kinds of research. As Denscombe explains, ‘the case study approach is most vulnerable to criticism [...] in relation to the credibility of generalisation made from its findings. The case study researcher needs to be particularly careful to allay suspicions and to demonstrate the extent to which the case is similar to, or contrasts with, others of its type’ (2003:39). Demonstrating the use of criteria to choose a case study allows a better understanding of the “type” of case study and

therefore the limits to which generalisation can be made. Furthermore, the in-depth understanding of the subtleties and intricacies of a phenomenon and its environment allows a better understanding of when the findings can be applied to another case and when they cannot apply. Yin answers this criticism by stating that ‘case studies, like experiments, are generalisable to theoretical propositions and not to populations or universes. In this sense, the case study is to expand and generalise theories (analytic generalisation and not to enumerate frequencies (statistical generalisation)’ (1994:10).

A case study strategy can take two main different forms: a single-case study and a comparative analysis. The next section will evaluate each approach examining the advantages and problems of each one. I will argue that a comparative analysis would be a valuable technique for this research, but due to time constraints and limited resources, a comparative analysis would result in a superficial account of multiple cases rather than an in-depth account.

Comparison offers the political researcher the possibility to gain a better understanding of a process. As Sartori stresses, ‘we need to compare in order to control the observed units of variation or the variables that make up the theoretical relationship’ (Sartori, cited in Pennings et al, 2006:23). However, for comparison to work, one needs to start from a strong theoretical understanding:

‘An important step in all of these replication procedures is the development of a rich, theoretical framework. The framework

needs to state the conditions under which a particular phenomenon is likely to be found (a literal replication) as well as the conditions when it is not likely to be found (a theoretical replication)' (Yin, 1994:46).

This research raises a number of questions which defines the nature of the research as exploratory. The exploratory nature of this research means that the theoretical framework, while having developed a set of hypotheses, does not provide a full understanding of the conditions when the phenomenon is likely to be found or not. The research aims at understanding better the different factors involved in the equation. This situation means that a careful selection of multiple cases would be difficult as the criteria to decide on the elements of comparison and contrast have not been theoretically predicted. As Yin explains, in multiple case analysis, 'each case must be carefully selected so that it either (a) predicts similar results (*a literal replication*) or (b) produces contrasting results but for predictable reasons (*a theoretical replication*)' (1994:46). On the other hand, a single case study approach enables a rigorous analysis of a complex situation.

There is a further important obstacle to comparative analysis as conducting research in two or more locations and on two or more case studies may not be feasible in the time and with the resources allocated for this research. As Yin argues, 'the conduct of multiple-case study can require extensive resources and time beyond the means of a single student or independent research investigator' (1994:45). If a comparative approach was endorsed, it may lead to a superficial understanding and account of the

processes studied leading to a “wide-spread” analysis rather than the “in-depth” analysis necessary in qualitative research. Indeed, ‘focusing on comparison detracts from the intensity of single case description and thus can lead to less precision’ (Stake quoted in Lewis, 2003:50).

The choice of a multiple case study or comparative approach therefore appears problematic. However, the choice of a single case study approach offers a number of limitations as well. Conducting a single-case study research means that one loses the advantages of comparison. The danger of using only one case-study is that the data may be specific to that instance of the subject researched rather than telling us something that can be generalised to other instances. According to Yin, there are ‘several circumstances’ under which a single case study is appropriate (1994:38): the single case represents a ‘critical case in testing a well-formulated theory’¹⁷, the case represents an ‘extreme or unique’ case, the case is a revelatory case as there is ‘an opportunity to observe and analyse a phenomenon previously inaccessible to scientific investigation’ (Yin, 1994:38-40). In the case of this research, none of the above seems to apply as there are a number of possible cases for the research.

Yin provides a further scenario where a single case study may apply.

Yin explains that in the case of exploratory research, ‘the single-case study

¹⁷ ‘One rationale for a single case is when it represents a critical case in testing a well-formulated theory[...]. The theory has specified a clear set of propositions as well as the circumstances within which the propositions are believed to be true. To confirm, challenge, or extend the theory, there may exist a single case, meeting all of the conditions for testing the theory. The single case can then be used to determine whether a theory’s propositions are correct or whether some alternative set of explanations might be more relevant.’ (Yin, 1994:38).

may be conducted as a prelude to further study, such as the use of case studies as exploratory devices or as such as the conduct of a pilot case of a multiple-case study' (1994:40-1). This approach would enable a first refinement of the theoretical framework through the findings of an in-depth single case study. Jorgensen (1989) argues that the choice of a single case study can be conducted, leaving matters of comparison and theory refinement to further study:

'Scholarly definition of the problem generally provides a logic justifying study of a single case. The phenomenon, for instance may be sufficiently important or unique to justify intensive investigation. Whether or not, or to the extent to which, the case is representative of some larger population may be regarded as not especially relevant, or this matter simply may be left to further study' (Jorgensen, 1989:19).

However, a single case study may still provide an opportunity for comparison. In this research, while a single case study approach seems the most appropriate, the nature of the research enables comparison at a sub-unit of analysis (Yin, 1994:41-2). This is what Yin calls 'an embedded design' (1994:44). The case study will be defined by the conflict and the actors involved. In other words, *conflict A* involving *armed group A* and *government A* will constitute a case study. Within this case study, the phenomenon examined, i.e. humanitarian engagements with armed groups, can be divided up into sub-units of analysis. So within *conflict A* involving *armed group A* and *government A*, there are *humanitarian engagements 1, 2, 3 and 4* that can be researched. This would allow comparison on one

factor that may play an important role in deciding the occurrence of the causal relationship or not. By keeping this examination within one case study, the researcher can control for other factors while comparing humanitarian engagements and how they effect the relationship between humanitarian processes and political negotiation processes.

With the choice of a single case study and in spite of the ability to compare at a sub-unit of analysis, the external validity, or the ability to generalise the findings, will be limited. It is important to keep in mind this limitation when drawing conclusions from the case study. Nevertheless, as the research is exploratory and tries to identify the possible ways of making a more systematic approach of the topic in future research, this will not undermine the veracity of the findings.

Choice of single case study

Two avenues are chosen to evaluate which case study is most appropriate for this research. The first avenue will identify a number of criteria drawn up from the research question and the conceptual framework, as well as taking into account the more practical issues at stake in the research in order to identify the necessary logistical criteria. The second avenue will provide a justification for the case study chosen, presenting the single case study in the light of these criteria. It will be argued that Sudan's second civil war (1983-2005) is the most appropriate case study among the

population of possible case studies. Finally, the possible limitations of this case study will be discussed.

From the literature, a few cases can be isolated as being significant instances of humanitarian engagements and how conflict dynamics have been affected. Operation Lifeline Sudan was at the end of the 1980s a groundbreaking operation involving both the main armed non-state actor in the conflict, the Sudan People's Liberation Movement (SPLM), and the Government of the Sudan under the coordination of the United Nations (Loane, 2000; Medley, 2000; Prendergast 1997; Glaser, 2003). In El Salvador, engagement on human rights issues as well as negotiated Days of Tranquillity in 1985 to immunise children paved the way towards a comprehensive dialogue between the main armed non-state actor, the Farabundo Marti National Liberation Front (FMLN) and the Government of El Salvador (WHO, 2001; Hay and Sanger, 1992). The 2000-2001 Humanitarian Pause in Indonesia became the turning point for peace between the separatist Aceh armed group GAM and the Government of Indonesia (Huber, 2004). The work of Geneva Call in Colombia, a humanitarian NGO engaging armed groups in the landmine ban, opened the door for a renewed dialogue between the Colombian Government and the National Liberation Army (ELN) (Reusse-Decrey, 2005).

Such instances of conflicts where humanitarian engagement, dialogue or agreement with armed groups occurred, provide relevant cases to understand whether and how humanitarian engagement with armed

groups may impact upon political dialogue and the transformation of the conflict. There are two ways to choose a case study in this situation: one is to provide a list of necessary criteria that the case study should fulfil; the second is to argue why one case stands out as more appropriate to achieve the aims of the research.

There are numerous criteria to take into account when considering a case study for this research. Both the substantive and the logistical aspects of a case study needs to be examined in order for the research to successfully answer the main question asked. Starting from the research question to draw the principal necessary criteria as well as looking at the logistical constraints of field research, a table with a list of criteria to choose the case study will be drawn up.

Intellectual criteria

The research question poses the main criteria for the case study. It asks the possible effects that engagement with armed non-state actors in humanitarian dialogues may have on the transformation of conflict and how this engagement may have a positive impact on the likelihood of a peaceful political dialogue. There are three important aspects in this question: “engagement in humanitarian dialogue”, “armed non-state actors”, “transformation of conflict”. The three principal criteria therefore become these three aspects: the case study needs to be an instance of an engagement in a humanitarian dialogue; it needs to be an example where this humanitarian dialogue occurred with an armed non-state actor; and finally,

the case study needs to incorporate a conflict which has experienced a peaceful transformation.

While the research examines one case study, a comparison within the case study is possible. Indeed, a good case study would enable a comparison between different humanitarian dialogues that occurred with the same armed non-state actor in the same conflict. This would enable the researcher to expand on how the different characteristics of each humanitarian dialogue have a different impact on the transformation of conflict as other factors, such as the character of the armed group or the character of the conflict, are controlled. Therefore, a case study with two or more instances of humanitarian dialogues would be best suited for this research. Furthermore, the different humanitarian dialogues in the conflict must enable a comparison. Therefore each engagement needs to present different characteristics: different actors involved in each engagement, different humanitarian or human rights issues being targeted, different types of agreements, etc.

The case study is defined in this research as an internal conflict. Defining the case study, or the primary unit of analysis, as a conflict offers a coherence for analysing and researching processes of conflict transformation (Yin, 1994:21). Taking the conflict as the defining aspect of the case study may provide some difficulty as one conflict may present a multitude of armed non-state actors with sometimes a loose organisation and the multiplication of factional groups. This would render the

examination of the research question problematic if not impossible. On the other hand, taking the armed group as a defining aspect of the case study may be an issue as other actors in the conflict may be overshadowed by the focus on a single group.

In order to answer this problem, an appropriate case study should provide a conflict where a single armed non-state actor or armed group is predominant throughout the conflict. This criterion is necessary to understand the evolution of the armed group alongside the evolution of the conflict from the beginning of the war until the peace agreement is signed. In such a case, the armed group is not only the predominant actor in the war, it is also a predominant actor in the peace dialogue. This would enable a better understanding of how each humanitarian dialogue may have influenced or impacted the armed group throughout the conflict. Finally, the armed group in the case study chosen should qualify as such according to the definition of the term: (1) use violence as a way to attain given objectives; (2) have a political agenda; (3) act outside of state control.¹⁸

In order to evaluate whether and understand how humanitarian dialogue with armed groups may affect the peaceful transformation of conflict, one needs to examine a case study where the conflict had two necessary characteristics: firstly, the conflict was an internal, intra-state conflict as it needs to have involved an armed non-state actor, and, secondly, the conflict experienced a peaceful transformation. Experiencing a

¹⁸ This issue of definition is discussed further in Chapter II.

peaceful transformation means that either the conflict experienced a sustainable cease-fire with on-going substantive peace talks or that a peace agreement was signed. In a comparative study, it would have been useful to compare a case where humanitarian dialogues with armed groups have occurred and where a peace agreement has been signed with a case where humanitarian dialogue has occurred but no peace negotiations materialised. With a single case study, it seems better to opt for the case where the peaceful transformation of conflict has occurred in order to understand whether there is a link between humanitarian dialogue and the transformation and if so how this link operates. By taking the case where the outcome is positive, it enables the researcher to examine further the processes by which humanitarian dialogues with an armed group has had a potential impact on the possibility of peace negotiations, which is not possible where the peace negotiations have not occurred. As Denscombe explains, 'the rationale for choosing a specific case, then, can be that it contains crucial elements that are especially significant, and the researcher should be able to predict certain outcomes of the theory holds true' (2003:33-4).

In addition to this, it would seem a better test of the main thesis if the conflict experienced a difficult peaceful transformation. If the case study chosen presents a short violent conflict that had an easy peaceful transformation, where peace negotiations came early in the conflict with the cessation of hostilities, it may appear as if with or without humanitarian dialogue, the conflict had a more straightforward peaceful development.

Where a conflict lasted for many years and where a peaceful political solution was postponed, examining the possible impact of humanitarian dialogue in such an environment seems to give a better challenge to the main thesis and therefore provides a better and stronger understanding of the possible ways humanitarian dialogues may help a peaceful transformation of conflict.

Finally, it is not only necessary that the case study presents a conflict where the road to peace was challenging, but it is also necessary that the case study presents a conflict characterised by a difficult humanitarian situation. By examining a conflict where there was a humanitarian crisis and where humanitarian and human rights credentials were poor, the case study will also provide a further understanding of how the parties to a conflict agree to such a dialogue and are convinced by an engagement on such issues.

Practical criteria

Although the substance of the case study remains paramount, a case study cannot be chosen if the logistics of field research are too challenging or impossible to materialise. Berg (2004) argues that the following criteria should be taken into account when deciding the location of the research:

- ‘1. Entry of access is possible. 2. The appropriate people (target population) are likely to be available. 3. There is a high probability that the study’s focuses, processes, people, programs, interactions, and structures that are part of the research question(s) will be

available to the investigator. 4. The research can be conducted effectively by an individual or individuals during the data collection phase of the study [...]’ (2004:32).

Denscombe agrees with Berg and explains that ‘in the practical world of research, with its limits and resources, the selection of cases is quite likely to include a consideration of convenience’ (2003:34). Denscombe argues that these ‘pragmatic criteria’ can only provide a basis for choice when ‘faced with alternatives which are equally suitable’ (Ibid.). Then only is it ‘reasonable for the researcher to select the one(s) which involves the least travel, the least expense, and the least difficulty when it comes to gaining access’ (Ibid.). For this research, access is a critical aspect in choosing a case study. Access can be approached under a number of different aspects such as physical access, access to the interviewees, access to information, etc. Regarding the possibility of conducting research effectively, issues of infrastructure and language appear as the most important in this research.

Access needs to be available on different levels. Physical access to the place of the field research needs to be possible. Access must be granted by political authorities whether it is regarding a visa or a different permit delivered to travel to the field work area. Beyond this, physical access is only possible if personal security can be guaranteed. Even though the field work will be taking place in a post-peace agreement environment, security may still be volatile as weapons availability is high and small political crises may be frequent in a post-war environment.

Access also includes access to the subjects of the field work (Berg, 2004:32). Regarding armed groups, conducting research after a peace agreement may entail that the armed group has disintegrated. Then, the location of the members of the armed group may be difficult to track as they have left that structure. Furthermore, official access and permission to interview people needs to be made possible. If the armed group has disintegrated, no structure could give this official access or permission. The guarantee that interviewees would not suffer from any negative consequences from former members or other entities cannot be guaranteed in the case where not official access or permission has been granted.

The location of the field work also needs to provide a certain level of infrastructure to make field work possible. Frequent flights, accommodation, sanitation, the availability of communication tools such as phones and internet as well as small logistical matters such as finding a car and or a driver are all necessary components for the success of the field work. Finally, where language may be a problem, the researcher needs to guarantee that a translator that can be trusted and work professionally is made available.

Table 5.1: Criteria for choosing the case study.

<u>A. From the research question:</u>	(1) Humanitarian dialogues. (2) Armed non-state actor. (3) Peaceful transformation of conflict.
<u>B. Humanitarian dialogues:</u>	(4) Different humanitarian dialogues within the single case study.
<u>C. Armed non-state actor:</u>	(5) Single predominant armed non-state actor throughout the conflict. (6) Match definition: use of violence as a way to attain given objectives; have a political agenda; act outside of state control.
<u>D. Conflict:</u>	(7) Peace negotiations or peace-agreement. (8) Intra-state conflict. (9) Protracted conflict. (10) Humanitarian crisis.
<u>C. Logistical matters:</u>	(11) Access. (12) Infrastructures. (13) Language or translator available.

Table 5.1 shows thirteen necessary criteria that a good case study should have for this research. The literature on humanitarian engagements presents a number of different cases. Reviewing briefly the cases found in the literature, the case of the second civil war in Sudan which lasted

between 1983 and 2005 involving as the two main parties to the conflict the Government of Sudan and the Sudan People's Liberation Movement (SPLM) appears as the best case fulfilling most of the thirteen criteria presented above.

Apart from the Sudanese case, the literature covers a number of other cases which do not fulfil all thirteen criteria. The Humanitarian Pause in 2003 in Darfur would only provide one instance of a very specific humanitarian engagement and might be too recent for this study (Slim, 2004). From the literature, this would also seem to be the case for the conflict involving the Moro Islamic Liberation Front or the National Democratic Front in the Philippines (Geneva Call), Aceh in Indonesia (Huber, 2004), in Angola with UNITA, etc. The singularity and brevity of these cases make them unsuitable for an in-depth study method.

A few cases stand out as being very interesting. The conflict in El Salvador between the Farabundo Marti Liberation Front and the Government of El Salvador presented a multitude of different humanitarian engagements that, according to the literature, have played a role in facilitating a peace dialogue (WHO, 2001; Hay and Sanger, 1992). UNICEF was involved in a campaign against landmines engaging directly armed forces within El Salvador. An engagement on humanitarian law and the treatment of prisoners with the FMLN was made. An agreement on basic principles of human rights provided the necessary confidence for political talks. Finally, an important immunisation campaign was organised by

UNICEF with an informal but extensive engagement with the FMLN. The issue with this case study is principally that as the peace agreement was signed in 1992 and it would seem difficult to track down the relevant people to interview in order to gather the necessary data for this research.

A second interesting case would be the LTTE in Sri Lanka as this long-lasting conflict has involved a number of different humanitarian engagements (Hofmann 2006; Kleinfeld, 2007). If the research had endorsed a comparative approach, this case would have been chosen as a case where humanitarian engagements did not have a positive impact on the conflict transformation. Indeed, the peace negotiations in Sri Lanka have failed so far despite numerous humanitarian engagements.

Finally, the case of the National Liberation Front (ELN) in Colombia and Geneva Call's work on engaging the armed group in a ban against landmines would have been a very interesting case study as this very specific humanitarian engagement has triggered a significant change in the possibility of a peace dialogue between the ELN and the government (Reusse-Decrey, 2005). As these negotiations are on-going, this case study might present a number of difficulties, especially in terms of the availability of the interlocutors. Furthermore, this case does not enable a cross-comparison of different humanitarian engagements as significant humanitarian engagements have not occurred outside of the issue of landmines. Finally, the conflict in Colombia does not only include this one armed group but a multitude of other significant main actors which would

not be taken into account in the case study and therefore may be giving a distorted picture of the conflict.

Case study: Sudan's second civil war (1983-2005)

This section will argue that Sudan appears as the best choice both in terms of the history of conflict and humanitarian engagements and in terms of practical realities for field research. Sudan, more specifically the humanitarian engagements that occurred during the conflict between the southern faction, the Sudan People's Liberation Movement / Army (SPLM/A) and the national Government of Sudan, is certainly the most important case study cited in the literature on humanitarian engagement (Loane, 2000; Medley, 2000; Prendergast 1997; Glaser, 2003). Sudan experienced a 22-year long internal conflict between the SPLM and the northern Government between 1983 and 2005. Despite the presence of a number of different armed non-state actors involved in the conflict, the Sudan People's Liberation Movement remained the main rebel faction throughout the conflict enabling the study of this particular group as part of the research on humanitarian engagements. Furthermore, the long-lasting conflict in Sudan presented a situation where peaceful conflict transformation and peace were difficult to attain offering a real challenge to the overall thesis of this research. This case study also appears very attractive as it offers numerous cases of engagements differing in terms of the types of engagements, the actors involved and the issues at stake. As well as offering different types of engagements, humanitarian negotiations

in Sudan occurred within the context of gross violations of human rights and humanitarian principles from both sides of the conflict and within the context of some of the worst humanitarian situations experienced in an internal conflict. In other words, humanitarian engagement in Sudan seemed a challenging endeavour and researching this process in Sudan can provide the relevant answers to the questions asked in this research.

It appears that the context and history of the conflict provide a rather good case study to research, but it is necessary to evaluate the feasibility of research and access in Sudan and especially in South Sudan. As a peace agreement was signed in January 2005, access to the South is not difficult any more and the security situation has remained stable since January 2005. The presence of numerous international NGOs and the UN Mission in Sudan (UNMIS) in the Southern Capital, Juba, ensures a number of necessary infrastructures such as accommodation, internet, frequent flights and security guarantees. Access to armed groups after a peace agreement may be difficult as the transition to peace may entail the disintegration of the group. In the case of the SPLM/A, the structure remains through the establishment of the Government of South Sudan in Juba and the transition from an armed group to a recognised political party. In addition to this, personal contacts and links in South Sudan facilitated access and authorisation for research within the leadership of the SPLM/A.

Two important limitations of this case study remain. One of the criteria for choosing a case study for this research is that a single

predominant armed non-state actor is present throughout the conflict. Although the SPLM/A was the predominant armed group throughout the civil war, other armed groups were present at different stages of the conflict. These other armed groups were mostly disorganised and unstructured. Their formation was volatile and sometimes short term. It is therefore difficult to identify these small groups. Very often these groups were presented under the umbrella terms Anyanya 2 or White Army (Rolandsen, 2005:9).¹⁹

In addition to this, SPLM/A factions emerged in the 1990s. The main break-away faction emerged as a result of an internal leadership crisis at the beginning of the 1990s and has changed its name from SPLM-United, SPLM-Nasir to South Sudan Independence Movement/Army (SSIM/A). It represented mostly the Nuer tribe, historically a tribal enemy of the Dinkas who were a majority within the leadership of the SPLM/A. The faction came under the leadership of Riek Machar and Lam Akol (Madup-Arop, 2006:272-5). There were allegations that this faction ‘was quickly brought under some unconventional friendship with Khartoum supplying arms to the movement’ (Keen, 2000:92). Riek Machar signed a peace agreement in 1997 with Khartoum alongside 5 other southern factions before joining its forces once again with the SPLM/A soon before the start of the substantial peace negotiations in 2003. As explained earlier, the SPLM/A remained the most prominent armed non-state actor in the conflict. This was

¹⁹ The Anyanya 2 takes its name for the Anyanya 1, the southern armed group that fought against the Government of Sudan in Sudan’s first civil war (1955-1972). The Anyanya 2 is an umbrella name representing a number of different armed groups ‘formed in the South before and after the second civil war’ (1983-2005). Part of these groups joined the SPLM/A while others eventually allied with the National Islamic Front, the ruling party in the Government of Sudan (Rolandsen, 2005:9).

demonstrated by the absence of other armed groups at the peace negotiations as most factions came under the umbrella of the SPLM/A. Nevertheless, this can be seen as a limitation of the case study.

A second limitation concerns the Government of Sudan as the other party to the conflict. In the case of Sudan's second civil war, the Government of Sudan experienced a number of regime changes. This means that the Government of Sudan cannot be seen as one actor but a number of actors ruling at different times throughout the conflict. In 1983, Colonel Jaafar an-Nimeiri had ruled Sudan since 1969 and was the Sudanese President who signed peace with the South in Addis Ababa in 1972. Despite a rather secular rule, Nimeiri turned towards a more Islamic regime at the end of his rule in order to 'guarantee political stability' (Johnson, 2000:49). In the face of rising discontent and protests in Khartoum, Nimeiri was replaced by Sadiq al-Mahdi during the 1985 elections (Peterson, 2001:185).

The most radical change occurred at the end of the 1990s with the National Islamic Front (NIF) taking power in a coup. The new regime, led by Bashir, radicalised politics in Sudan (Peterson, 2001). Most importantly, the coup came at a time when peace was thought to be possible. With the new regime, peace was out of the question and the conflict experienced a significant turning point as war by proxy, religious ideology and terror in the whole of Sudan became new aspects of the conflict (Peterson, 2001:174; Keen, 2000:84, 92; Johnson, 2000:63).

The change of regimes in Sudan brings a further variable in the case study. The case of a conflict where the Government remains the same throughout allows a continuity of actors. This would enable the analysis to move away from the changing regimes as a factor in bringing or hampering peace and focus on understanding the effects of humanitarian engagements on the transformation of conflict. Nevertheless, as the peace agreement was signed 15 years after the coup, a significant part of the conflict occurred with the same regime in Khartoum and allows us to move away from the regime change factor.

Choice of humanitarian agreements

Within the case study, a sub-unit of analysis exists. During the conflict, a number of different humanitarian engagements occurred. A choice of specific humanitarian engagements needs to be made for a number of reasons. As for the choice of case study, the time constraints and the limited resources available for this research meant that not all humanitarian engagements could be examined (Berg, 2004:32; Denscombe, 2003:34). Furthermore, not all humanitarian engagements presented valid cases to be examined for this research. The first part of this section will discuss why certain cases are not valid, while the second part of this section will present the humanitarian engagements that were examined in the research.

It is difficult to draw a comprehensive list of all possible cases. Dialogue on humanitarian issues with armed groups in a conflict often

occurs on a daily basis in an informal way. Consequently, there is little record of the actual humanitarian dialogue with the armed group. In the case of Sudan, it is more difficult to draw up this list, as one humanitarian agreement encompassed a number of those more informal dialogues. Indeed, Operation Lifeline Sudan (OLS) encompassed the humanitarian activities of a number of UN agencies, international organisations, and NGOs. This agreement was first signed in 1989 with the SPLM/A, the Government of Sudan and the UN, and continued throughout the conflict.

Among the humanitarian engagements that have a formal record, the list of possible cases remain small. Operation Lifeline Sudan was a historic operation where the UN brokered in 1989 a formal agreement between an armed group, the SPLM/A, and a government, the Government of Sudan. This agreement set up a framework for humanitarian action in Sudan allowing access routes and providing a number of humanitarian principles for all actors to adhere to. In 1995, the Carter Center, a US-based organisation, brokered a humanitarian ceasefire between the SPLM/A (as well as a number of SPLM/A factions) and the Government of Sudan to allow the treatment of Guinea Worm disease in the conflict zones. In 1996, the SPLM/A made a unilateral commitment to a ban on the use of Landmines (Landmine Monitor, 1999). An informal agreement or cooperation between UNICEF and the SPLM/A allowed the demobilisation of 3 500 child soldiers. In 1999, a humanitarian ceasefire was brokered in the Bahr Al Gazal region in Southern Sudan to allow further OLS activity to take place. In 2001, the SPLM/A signed a formal agreement, the Deed of

Commitment, with Geneva Call, allowing a more formal ban on the use of landmines. This formal commitment was followed in 2002 by the establishment of a Memorandum of Understanding between the Government of Sudan, the SPLM/A and the UN regarding United Nations Mine Action Support to Sudan. In 2002, a ceasefire in the Nuba Mountains was signed allowing the Nuba Mountains Programme Advancing Conflict Transformation (NMPACT) which allowed capacity building, sustainable agriculture and market revitalisation, alongside conflict transformation and peace building (Pantuliano, 2005).

A number of those cases present limitations. The Nuba mountains ceasefire and the NMPACT programme only concerned a small region of Southern Sudan. This regional constraint meant that it would be difficult to grasp the impact of these engagements on the overall conflict transformation. Whereas it is possible to examine the impact of these engagements on the Nuba mountains region, it may be invalid to infer this impacts beyond the region in question. The informality of the UNICEF demobilisation programme and cooperation with the SPLM/A meant that researching that process would have been difficult as information might have been extremely difficult to gather. The SPLM/A's unilateral Moratorium on Landmines in 1996 would not have allowed the hypothesis to be tested as the unilateral character of this humanitarian commitment meant that no negotiations, dialogues or engagements actually occurred. The 1999 humanitarian ceasefire in Bahr Al Gazal did not only provide regional limitations but was very much a part of Operation Lifeline Sudan.

Comparison between different humanitarian engagements can be made between most similar cases or between most different cases (Druckman, 2005:210). Sampling or choosing cases can therefore follow one or the other as a criteria. In choosing most similar cases, the comparison allows the confirmation of hypothesis as each case should provide similar results. In choosing most different cases, ‘a small number of cases [are chosen] in order to examine “typical” cases with contrasting profiles of variable’ (Ibid.). By emphasising the difference between the humanitarian engagements, one can start refining the hypothesis and examining how the different profiles of variable provide different results. In doing so, the research will allow a deeper understanding of how different aspects of humanitarian engagements may factor in defining the impact that humanitarian engagements can have on conflict transformation. Choosing a Most Different Research Design (Druckman, 2005:215) appears best suited to allow the refinement of the hypothesis and helps narrow down further research on humanitarian engagements to explore other variables that may affect the impact of humanitarian engagements on conflict transformation.

Taking into account the validity of the cases and the most different research design, the following cases appear best suited. Operation Lifeline Sudan (OLS) started in 1989 and continued throughout the conflict. OLS was a wide-spread humanitarian operation facilitated by UNICEF and other UN agencies. It was a formal agreement between an armed group, a government and the UN. It allowed a number of dialogues on issues of

access for humanitarian relief and commitments to humanitarian principles. Differing from OLS, the 1995 Guinea Worm Disease Ceasefire took the form of a humanitarian ceasefire. It was brokered by the Carter Center, a US based NGO which aimed at establishing a health campaign to treat guinea worm disease as well as a more wide-spread immunisation campaign. Finally a commitment taken by the SPLM banning the use of landmines through a Swiss NGO, Geneva Call, and their Deed of Commitment in 2001 allows a bilateral engagement to be examined. This humanitarian engagement was an engagement on humanitarian principles rather than on humanitarian services or action. It did not involve formally or directly the Government of Sudan and was formally agreed upon by the signature of a standard document. Each of these engagements concern different humanitarian issues, involved very different actors, at different time in the conflict and with different levels and types of commitments.

Information gathering techniques

The information gathering took place during two field research periods and consisted of gathering information through interviews. The first field research period lasted from January to March 2007 and took place in Juba, South Sudan, the location where the conflict occurred and Khartoum, Sudan, where Government officials reside. The second field research period lasted from July to August 2007 and took place in Khartoum, Sudan. In addition to this, a number of interviews were carried out by phone or in Geneva (the headquarter of Geneva Call and a 'humanitarian capital').

Interviews were carried out with three different types of respondents: government officials, armed non-state actors and international actors involved in humanitarian dialogue through their work with non-governmental organisations and United Nations agencies. The research focused on a single-case study, the second civil war in Sudan (1983-2005), and aimed at triangulating the data from the case study with more general interviews that were not case-specific.

This section will examine different qualitative methods available and why the choice of semi-structured interviews is made. Sampling methods will then be discussed. Qualitative research rarely relies on probability sampling and it will be argued that snowball sampling, or referral sampling, appears as the most appropriate technique. Finally, some of the issues that may arise from using semi-structured interviews and snowball samplings will be discussed.

Discussion of choices between qualitative methods

Qualitative methods include a number of different techniques such as focus groups, ethnographies, participant observation, interviews, etc. Three techniques are identified as being potentially appropriate for gathering data in this research: focus groups, participant observation, and interviews. The arguments for dismissing focus groups and participant observation will be put forward as well as the reasons for choosing semi-structured interviews rather than structured or unstructured interviews.

The focus group technique consists of organising small-group discussions and gathering data from the interactions of the participants. The focus of this technique is on encouraging group interaction and being attentive to group interaction for analysis (Kitzinger and Barbour, 1999:20). The particularity of the focus group technique is to emphasise ‘the importance of paying attention to group interaction; to group dynamics and to the activities engaged in by the group’ (Barbour, 2007:3). Lewis argues that focus groups offer a number of specific advantages (2003). Focus groups, through interaction, give participants ‘more opportunity to refine what they have to say’ (Ibid.:58). Lewis explains that focus groups are ‘useful where what is required is creative thinking, or solutions and strategies’ (Ibid.). Most importantly, focus groups provide ‘a social context within which the phenomenon is experienced, and they display the way in which context can shape people’s views’ (Ibid.).

Within the context of this research, focus groups seem to pose a number of problems. The first and most important limitation in using focus groups in researching the subjective experiences of state and armed non-state actors involved in the processes researched would be the power relationship it would create within the focus group. Even if each cluster of respondents were to be separated, the power relationship, especially within the leadership of the armed group, might hinder interactions. As a result, the point of view of the hierarchically highest respondent might silence other opinions or perspectives, thus, weakening the depth of information.

In addition to this, practical matters may prevent the organisation of focus groups as the different respondents may not be in the same place at the same time. As the people involved in the humanitarian engagements as well as the peace talks are mostly high level and elite actors, the practicalities of organising a focus group with such actors may be impossible. In gathering information from such actors, the researcher has to be flexible with location, timing of meetings and length of meetings.

Finally, focus groups emphasise the importance of interaction among participants. However, this research emphasises the importance of the actor's subjective attitude and experience of a process. The research's aim differs substantially from the characteristic of the focus group technique. Therefore, focus groups do not appear as an appropriate information gathering technique.

Participant observation would provide an invaluable insight into the process of humanitarian engagement and peace negotiations. Harrison recognises the advantage of participant observation as providing an opportunity to witness directly what is researched rather than relying on the actors involved to recount their experience, as a way to understand the process as it happens as well as grasp the context in which it occurs (2001:80). Indeed, 'observing political behaviour can prove to be more illuminating than a formal interview' (Harrison, 2001:81). Jorgensen argues that participant observation is especially useful when 'little is known about

the phenomenon' and when 'the phenomenon is hidden from public view' (1989:12-13). These two situations apply in researching humanitarian processes and peace talks.

While pointing to the advantages of such a technique, Harrison recognises that gaining access may often be impossible (2001:82). If the possibility of doing participatory, or non-participatory, observation for humanitarian negotiations and peace negotiations was available, this method would provide rich data that could be appropriately used to evaluate the theoretical proposition and answer the research questions. Unfortunately, such processes are not easily opened to researchers. In addition to that, these processes occur over an extensive period of time, restraining the possibility of doing research in such a way. As Jorgensen explains, participant observation is most appropriate when 'the phenomenon is sufficiently limited in size and location to be studied' (1989:13).

While participant observation seems an unfeasible option, interviews enable data to be gathered a posteriori on processes that are not easily observable or where participant observation is not possible. There are two main reasons for choosing interviews in qualitative research: interviews 'provide information that may not be recorded elsewhere' (Harrison and Deicke, 2001:94); interviews grasp the subjective experience and point of view of actors in the process. Denscombe suggests that the need to gather data based on experiences and data based on privileged information are two legitimate reasons to choose interviews as a data-gathering technique

(2003:165). As Burnham *et al* explains, ‘the majority of work by political scientists is concerned with the study of decision-makers and hence a key research technique for political scientists is what is known as elite interviewing’ (2004:205). As this research is concerned with the possible impact of humanitarian engagement on the attitude and decisions of the parties to a conflict to enter into a political dialogue, the use of “elite” interviews in studying decision-making seems appropriate.

Interviews can be structured, semi-structured or unstructured. Structured interviews are less used in qualitative research especially when the research is exploratory. Structuring interviews too rigidly might distort the data gathered by influencing too strongly the respondent in one direction and not letting the respondent speak about unforeseen but highly relevant issues. Where to position the types of interviews to be carried out on the continuum between unstructured and semi-structured is not clear-cut. Some kind of structure was used as the research departed from some clearly stated theoretical propositions. Evaluating these theoretical propositions was necessary. Nevertheless, space and time was given during the interviews and more general questions were asked to trigger a more informal discussion enabling the respondents to voice more freely some observations that were not covered by the theoretical propositions. Bryman explains that ‘if the researcher is beginning the investigation with a fairly clear focus rather than a very general notion of wanting to do research on a topic, it is likely that the interviews will be semi-structured ones, so that the more specific issues can be addressed’ (2001:315). Barakat warns against the use

of rigid interviews when carrying out interviews and research on conflict as 'respondents are commonly affected by fear and suspicion, structure or rigid semi-structured questionnaires/interviews, for instance, may appear threatening and thus prove an inappropriate means of soliciting data' (Barakat, cited in Barakat *et al*, 2002:993). Taking these two arguments into account, it appears that semi-structured interviews would enable the research to evaluate the theoretical propositions that were formulated prior to the field research as well as provide flexibility for the respondents to elaborate on unforeseen issues.

Choice of respondents for interviews

In order to evaluate whether humanitarian engagement with ANSAs might have any impact on political engagement, the interviews were carried out with actors involved in the humanitarian engagements and to a certain extent in the political negotiations. These interviews thus involved members of armed groups, government officials as well as any third-party involved, such as NGOs, mediators, facilitators, and local actors. The aim of interviewing all the actors involved in each humanitarian engagement examined in this research is certainly not feasible and this limitation needs to be taken into account. The number of interviews conducted was restrained by the time available and by whether access was possible or not. In addition to this, the initial number of possible interviewees was limited as the same actors seem to be involved in different negotiations.

Indeed, access undeniably appears to be the most significant obstacle in carrying out this research. However, the difficulties seem to be different with each cluster of respondents. Access to government officials is difficult in the same way any access to an elite might be. The sensitivity of the research derived from the context of internal conflict or post-conflict environments heightens the difficulty. As Rivera *et al* argue, ‘respondents in more politically unstable environments may be a good deal more suspicious about the goals and purpose of the research project’ (Rivera *et al*, cited in Burnham *et al*, 2004:208-9). Access to the third-parties involved may not appear to be as difficult *a priori*, except when it includes agencies or organisations that endorse a principled low-profile or a tradition of secrecy such as the International Committee of the Red Cross. However, the reality during the field research appeared different. Access to third-parties involved in the different humanitarian engagements was difficult. This was caused by the fact that most organisations and the United Nations have a high turnover of personnel. When leaving an organisation or a UN agency, these people are then difficult to track.

Access to the members of the armed group involved in the processes seemed *a priori* to be the most problematic. Indeed, the main issue with armed groups is to initiate a first contact or even locate the leadership. The identification of gatekeepers seems to be the first step towards trying to gain access. There are three ways gatekeepers can be identified in this case: (i) some armed groups are highly organised and identifying the armed group’s spokesperson may not be that difficult; (ii) some armed groups have an

extensive diaspora in Europe including “foreign representatives” who can provide further contacts within the group; (iii) personal contacts obtained through working with an NGO could also facilitate initial contacts with members of armed groups.

In addition to this, the research expanded on the number of interviews through snowball sampling. This sampling method identifies a few initial respondents who will then refer other potential respondents to the researcher (Berg, 2004:36). As Burnham explains, this technique is usually used in elite interviewing (Burnham *et al*, 2004:207). Lee suggests that this technique is even more relevant when researching sensitive topics or involving difficult to reach populations (Lee, cited in Berg, 2004:36). As the researcher may not be able to cover all the populations of relevant respondents, a ‘saturation point’, ‘where each interview is adding relatively little to the stock of information or understanding’, will define the end of the data gathering (Burnham *et al*, 2004:208).

The preparation of the field research consisted mostly of gaining this access by contacting personal contacts as well as contacts from any network that I belong to, such as university alumni, former work colleagues, etc. One contact leading to another, I was able to gather some practical information in order to organise the complicated logistics of the field work as well as a number of contacts who were able to direct me towards the relevant people that I aimed to interview. This preparatory method is illustrated in the network diagrams in Appendix 2. In a certain way, I did not secure access

through one gatekeeper but through a complicated network of contacts leading to one person or another and so on.²⁰ A number of difficulties arose when e-mails and phone numbers were out of service or there were no replies. It appears that having as many different contacts as possible is necessary in order to reach the information needed.

Access during the field work in Juba, South Sudan, in January and February 2007, where I focused on interviews with the Sudan People's Liberation Movement (SPLM)²¹, the armed non-state actor cluster of my sample, took on a different meaning. I was never denied an interview once I requested one, but the process of getting to the person was always complicated by a number of factors, affecting the data gathered. The first, and most critical, obstacle was to find the location of people and their offices. The creation of a Government of Unity in Khartoum after the signing of the Comprehensive Peace Agreement (CPA) in January 2005, and an autonomous Government of South Sudan in Juba as well as the recognition of the SPLM as a political party means that the former leadership of the SPLM has been appointed to these three different entities. In addition to this, the death of John Garang, the historical leader of the SPLM, shortly after the signing of the peace in July 2005 and the consequent appointment of Salva Kiir to the post of President of South Sudan and head of the SPLM has caused a number of resignations, changes in hierarchy, and some forced departures. Finally, the lack of maps and

²⁰ For a more detailed overview of the contact network that led me to the relevant people to be interviewed see Appendix 2.

²¹ Following the signing of a peace agreement in January 2005, the Sudan Peoples Liberation Movement was granted a certain degree of autonomy and established the Government of South Sudan (GoSS) in Juba, South Sudan.

directions within the city meant that locating the different ministries and organisations where the interviewees were, was sometimes challenging, especially when communication through phones and e-mails is either poor or non-existent.

The second obstacle I met was time. Most of the people interviewed were high level people within the Government of South Sudan and, as a consequence, their time was very limited. Access was therefore granted but with a time constraint, which meant that some interviews were rushed through affecting the quantity and quality of data gathered. My time was also limited in Juba mostly due to the costs of living in a post-conflict environment populated by expatriates from UN agencies and international NGOs. This meant that I could not secure follow-up interviews when necessary. Furthermore, the use of snowball sampling was greatly affected by the time constraint during interviews as I was not always granted the time to ask the respondent for referrals at the end of the interview.

These obstacles were in many ways reduced by the help of “facilitators”. As mentioned above, I did not identify one gatekeeper but gained the necessary logistical help through a number of different contacts. Among these, I was helped daily by a group of former child soldiers active in post-war reconstruction activities who facilitated through their existing network the hiring of a car and a driver, as well as directed me around Juba to locate the interviewees.

The second period of my fieldwork focused on the Government of Sudan. This fieldwork took place in Khartoum in July and August 2007 as all the main government offices and the ministries are situated there. A first attempt in February 2007 to contact the key people to be interviewed within the Government had failed as I did not secure the necessary contacts and realised the necessity to have a gatekeeper in order to reach government officials in Khartoum. Being in Khartoum, I could also interview the SPLM members who were now part of the Government of Unity working in Khartoum. Once again access to the SPLM members was never denied but busy ministerial schedules meant that this process was slow and complicated.

In regards to the Government of Sudan (non-SPLM) officials, the experience was rather interesting. I had secured access through an alumni student from my department who facilitated contact with a friend in Khartoum. This person then facilitated all contacts throughout my stay in Khartoum. Relying on only one gatekeeper presented some issues as I did not have any other options but to go through this person to secure interviews. There were times when the gatekeeper had to leave town or was not reachable and this meant that I could not do any work for a few days. In the middle of my stay in Khartoum, I spent one week trying to reach that person and not getting through to him and therefore not getting any interviews for that week. Having more than one gatekeepers or relying on a wider network of people while in Juba had enabled me to initiate different ways of securing interviews. In Khartoum, I relied both on one gatekeeper

for the SPLM members in Khartoum and one gatekeeper for the Government officials and this slowed down significantly the pace of interviews I was getting. Relying on one gatekeeper for each group of interviews presented a further problem as I was using referrals to build-up my sample. When the first interview takes time to be set, it is the whole process that is delayed. This situation forced me to extend my stay in Khartoum involving an expensive, stressful and time-consuming process to extend my visa.

Whereas access was never denied with the SPLM, I was told that certain sections of the Government of Sudan would remain inaccessible. It is important to note that aspect, as I felt that I interviewed a very specific section of the Government, namely the “humanitarian” wing. A large majority of interviewees from the Government side had worked or were working within the Humanitarian Aid Commission, the official Government Commission set up to coordinate humanitarian aid in Sudan. My cluster of interviews for the Government side therefore only reflects a section of the government that remains slightly detached from the *real* politics and that is more accustomed to the humanitarian discourse of my research. I also felt that this section of the Government was more self-critical and open to confess violations on the part of the Government. Some interviewees, even when working within a government ministry, referred to the more political, military and security agents of the governments as “they”, clearly detaching themselves from the Presidential bureau. This attitude was not reflected among SPLM interviewees. Finally, it was surprising to find non-SPLM

Government officials inviting me and encouraging me to contact the SPLM in order to have “the other side of the story”. In that sense, I feel that, although access to the key people involved in the humanitarian dialogue examined in my research was secured, I could only gather a very specific part of the political scenery.

Disadvantages/issues with interviews

This section will discuss the main disadvantages that interviews as a data gathering technique present. Three main problems can be identified in using semi-structured interviews for this research: bias, the use (or not) of a tape-recorder, access and the use of gatekeepers. This list is not a comprehensive one but this list of issues applies in this research. Whereas language and the use of a translator can be an issue, the case study chosen did not necessitate the use of a translator and language was not an obstacle as all the interviewees spoke English daily in their professional environment. Finally, the section on bias will be limited to discussing bias relating to the use of interviews as a research method and will not cover other problems related to biases that may arise in the research.²²

The problem of bias often arises in using interviews especially with elite interviewing. As Harrison and Deicke suggest:

²² This issue of other possible biases arising from the researcher’s personal characteristics such as gender, nationality, or attitudes towards the parties to the conflict will be discussed in a latter section.

‘The reliability of interviewees is something we should always consider. While information may be inaccurate for very genuine reasons (memory lapse), interviewees may also be unreliable for ulterior reasons (because they have an axe to grind or wish to portray themselves in a positive light)’ (2001:95).

The problem of bias is exacerbated by the conflict history. The researcher needs to be aware of the possibility that government officials, armed group leaders and even third-parties may use interviews as a forum for some sort of propaganda. Denscombe suggests that ‘the research should make efforts to corroborate the interview data with other sources of information on the topic [...]’ (2003:187). By using the three different clusters of respondents, according to the different status and roles that each may have had in the processes of engagement, the research uses this type of triangulation to evaluate when a respondent is recounting his subjective experience and when the respondent is consciously distorting reality. However, as explained previously, the perceptions of the interviewees remain the important focus of the research and therefore, bias should only be taken into account as far as it may not represent the perceptions of the actors at the time. As Schafer experienced in researching the conflict in Mozambique, ‘stories people tell in the post-war period are very different from those they told while the war was still raging’ (Schafer, 2001:217-8). The fact that the interviews were carried out after the signing of the peace agreement had a certain impact on the interviews as the issues of post-war reconstruction, the sustainability of peace and trust and reconciliation in the post-conflict period were often a forced agenda in the interview.

During my interviews with the SPLM especially, I often had to redirect the respondents towards the topic of my research during the interviews. In addition to this, I was often met with a lack of enthusiasm for the research topic as many considered humanitarian negotiations as a subject of the past. My questions on trust and confidence-building between the conflicting parties during humanitarian negotiations often started a vivid discussion on the part of SPLM members on the existing lack of trust after the peace agreement. This led me to believe that triangulating between the different clusters of respondents on every side of the story was very much necessary to ensure that the analysis of the data would detect political accusations or propaganda from the real experience of the respondent.

Surprisingly, Government interviews were not as tainted by the post-war politics. The issue of trust post-agreement did not emerge. I was encouraged by non-SPLM members of the Government to meet with the SPLM. Their accounts of the different humanitarian engagements examined were often self-critical. On the other hand, this cluster of respondents was always careful to divert questions that were too political or that regarded peace issues to concentrate on humanitarian issues. The respondents often defined themselves as humanitarians and not politicians and distanced themselves from the more political and military sections of the Government.

The use of a tape-recorder might pose a problem. The option of using a tape-recorder was put forward for each interviews as it facilitates the gathering of data, transcription and analysis. Nevertheless, if the use of a

tape-recorder is felt as a hindrance to the way the interview is conducted, it should not be subsequently used. Finally, the recording only took place with the informed consent of the respondents. The general attitude towards the use of the tape recorder was very welcoming and positive. It never appeared as an issue as respondents would often tell me themselves that it was a very useful way of recording the information from the interviews. A number of high level SPLM officers as well as Government officials have PhDs, which might explain their understanding towards the use of a tape-recorder. There were a few interviews where I did not use a tape-recorder either because I felt that the interviewee seemed more comfortable without a tape-recorder as it gives a more informal tone to the interview or because the location of the interview was very noisy and I was worried that the quality of the recording would not be good.

As necessary as gatekeepers may be, one needs to be aware that gatekeepers may bring in their own bias. They may only open the doors to certain people, distorting the perception that the researcher will acquire. The gatekeepers may reduce and control access to such an extent that the results of the research may be skewed (Burnham *et al*, 2004:259). As a number of different “facilitators” were used in the first period of field research in Juba, one person did not control access and therefore the research may not have been affected by this issue. As mentioned previously, the use of just one gatekeeper in Khartoum for each clusters of interviews presented some issues when that gatekeeper was not reachable. It appears that relying on a

network of facilitators rather than one gatekeeper is a better option when it is possible.

Finally, access may be denied to such an extent that the data gathered may not be sufficient to draw conclusions from. The choice of elite interviews means that the sample of interview may already be small as only a limited number of people are usually involved in an elite-level process. Whereas access did not appear as a significant issue with the SPLM, access to certain sections of the Sudanese Government were clearly out of reach. This includes the military, intelligence sections as well as any officials close to the presidential office. As much as I gained access to the key people involved in the humanitarian engagements, I feel that the perspectives on certain issues concerning humanitarian engagements such as security issues for instance are missing. My fieldwork in Khartoum raised the issue of the non-homogeneity of a government apparatus as I feel that the perspective on humanitarian engagement that I gathered through my interviews only reflects a very specific section of the Government. More importantly not securing these interviews with other sections of the Government means that the number of interviews carried out with the SPLM/A is higher than the number of interviews carried out with the Government. The depth and the range of the different high-level SPLM/A interviews means that the research provides a better understanding of the SPLM/A's attitudes. Unfortunately, as much as I am aware of this pitfall, securing interviews with the military, security or intelligence sections of the Government was impossible and has to be taken as a limitation in this research.

Challenges of researching armed groups: ethical issues and further problems

Researching armed groups in internal conflict or post-conflict situations

Horgan points out the paucity of publications on methodological issues related to the study of “terrorism” and political violence (Horgan, cited in Feenan, 2002:148). Indeed, researching armed groups intuitively raises a number of issues and yet the literature does not address such problems. This section will look at some of the potential issues that can arise in researching armed groups and engagement process in internal conflict.

Smyth claims that ‘researching guerrilla movements [...] and establishing and maintaining the trust and confidence of respondents creates a whole range of practical ethical and legal dilemmas for researchers’ (2001:6). The issue of trust is certainly a central one. Armed groups will be suspicious of research. As Black explains, ‘research’ can be seen as military or strategic intelligence gathering, particularly if it is focused on political issues surrounding war-making and peace-building strategy’ (2003:102). Feenan explained that as a result of this attitude, there is a need to use ‘openness and transparency in dealing with individuals and groups who have been (and continue to be) in conflict with, and retain a measure of distrust towards, each other’ (2002:155). Hermann explains that conducting

research in violent conflicts might require the researcher to have ‘the appropriate political credentials in order to receive cooperation from the subjects of the study’ (2002:84). Hermann notes that this condition is ‘clearly not in line with the neutrality dictated by the rules of positivists research’, although the present research does not embrace the positivist principles (2003:84).

An informal authorisation is given to researchers by the SPLM through the process of gaining a travel permit to South Sudan from the SPLM Nairobi office. The process of application is a rather simple and straightforward one. I had to meet an SPLM official before getting the permit to discuss briefly my research. The person asked me the topic of my research, how the data would be used, and how the research could benefit the SPLM. The last question was slightly more sensitive. I replied that the research would highlight the humanitarian commitments of the SPLM which could only be seen as benefiting them.

Barakat argues that the issue of trust might be heightened in conflict situation as ‘the short time often made available to carry out field-based research in conflict-affected sites does not permit a close relationship to develop’ (2002:993). I found that a relationship of trust did not need to be built in the case of the SPLM. Research has been carried out on the SPLM and with the SPLM and, therefore, the SPLM is used to academic research. This may also have been due to the fact that I was accompanied by former SPLM child soldiers during my field research in Juba.

The issue of trust is closely linked to problems of access discussed earlier. Barakat adds that the problem of access may be greater in researching conflict as ‘the main protagonists, who, by definition, do not accept the legitimacy of their opponent’s case, any association with the ‘other side’ can be interpreted as a hostile act’ (2002:992). However, this problem is mitigated by the fact that a peace agreement has been signed in Sudan. This was very clearly demonstrated by the Government of Sudan encouraging me to meet with the SPLM during my fieldwork.

Leader points out the problem of bias in researching a process in conflict. He explains that his research on humanitarian agreements with armed groups has highlighted that the different actors involved in the process report very different pictures of the same process meaning that there was ‘partial and distorted reporting by some actors (Leader, 2000:9-10). Leader stresses that this makes ‘the usual problems of establishing causation particularly complex’ (Leader, 2000:9-10). Barakat reiterates this point:

‘[...] Respondents may be motivated by what they perceive to be the researcher’s intentions or potential usefulness. They may mistrust the aims and credibility of the process or they may seek to use it for their own purposes. In either case, the information they give is likely to be false or incomplete’ (2002:993-4).

Barakat identifies another issue: the motivation of respondents in agreeing to take part in the research. The researcher has to be aware that research cannot be neutral in such an environment. The researcher needs to be aware

of the possible hidden agenda in interviewing ANSAs, governments and third-parties. Although, the three different sources of information help mitigate the bias, it does not prevent an instrumentalisation of the research.

As Black stresses:

‘[...] [A]lthough research could hardly be seen as ‘fuelling’ the war, as it is principally an extractive process rather than a supportive one, it is undoubtedly the case that once analysed and interpreted, research can represent an object of value to factions in just the same way as food is of value’ (2003:102).

The researcher needs to be aware that the research could be used as positive publicity for one or more parties to the conflict. The researcher should not allow the research project to become a forum for propaganda.

Feenan stresses an important ethical issue when researching political violence. He explains that ‘undertaking qualitative research required interviews with informants who may personally and/or through the organisations they represent condone, actively support or have engaged in political violence in the past’ (Feenan, 2002:154-5). As a result Feenan included a statement establishing the commitment of the project to ‘non-violent alternatives to personal assault, threats and shootings’ (Ibid.). Feenan also warns against the risks that ‘the researcher may empathise with the insurrectionist tropes of bravery, protectiveness, toughness, and fighting for the cause of the under-dog in an unjust ‘war’’ (Ibid.). On the other hand, he stresses that ‘the researchers were mindful to guard against expressing repugnance of interviewees whose behaviour/actions they may have found

anathema [as] this is unlikely, in any event, to secure co-operation of respondents in data gathering' (Ibid.).

Smyth takes the stand that 'neutrality in researching violently divided societies was not achievable' (2001:8). Smyth argues that the best code of conduct for a researcher is to identify the bias and aim at conducting research 'as comprehensive, rounded and detached or objective manner as possible' (Ibid.). Hermann agrees that as researchers witness directly or indirectly the 'emotional baggage' that accompanies conflicts, it is difficult not to feel 'involved' in one way or another (2001:79). According to Hermann, most researchers are indeed 'involved outsiders':

'One who is personally connected to the conflict by virtue of belonging to one of the national religious or ethnic groups involved in it, or because of an identification with a general political stance such as anti-racism, anti colonialism or non-violence that is relevant to the analysis of the specific conflict' (Ibid.).

The period of fieldwork made bias a very significant issue. The first phase of the field work was carried out in the Southern capital Juba surrounded by current SPLM/A people or former SPLM/A. Spending my days with former SPLM child soldiers, who, despite their fate, retain the utmost respect and loyalty to the SPLM, meant that objectivity became an almost impossible standpoint. In addition to this, the general discourse coming from UN and NGO workers in Sudan remains anti-Government and can be summarised by: 'the SPLM are not angels, but the Sudanese Government is far worse'.

This position is also one that can be found in Khartoum where rising criticism of the Government is very present. The second period of fieldwork in Khartoum somehow mitigated this bias as I met with a very critical, open-minded, humanitarian-oriented section of the Government of Sudan. This demonstrates the importance of spending time on both sides of the conflict.

In a politically sensitive environment, Feenan also warns political researchers on the sensitivity of language as the ‘use of politically insensitive language could have restricted access of given the impression of bias’ (2002:156). Feenan explains that certain terms were not used in his research on paramilitary violence in Northern Ireland, such as replacing ‘punishment’ with ‘mutilation attack’ or not using the terms ‘terrorism/terrorists’ (Ibid.). But Feenan also point out that certain terms or names such as ‘Northern Ireland’ needed to be replaced by the ‘Six Counties’ when interviewing nationalists and replaced by ‘Ulster’ when interviewing the unionists (Ibid.). Preparing the field work involved meetings with people who have either worked with or carried out research on the conflicts and armed groups and provided further information on this issue.

Five Basic Ethical problems in political research

Burnham *et al* identify five basic problems in conducting research:
‘1. Beneficence or the avoidance of harm [...]; 2. Veracity or the avoidance

of deception [...]; 3. Privacy or autonomy: individuals have a right to limit access to information about themselves; 4. Confidentiality[...]; 5. Consent [...]' (2004:253).

Neuman identifies different types of harms to respondents: 'physical harm, psychological abuse and legal jeopardy' (2003:120). Physical harm and psychological abuse do not appear as significant ethical issues in this research. Legal jeopardy may arise as an issue in carrying out the research. As Feenan suggests, 'the risk of arrest and possible confiscation of materials could have substantially detrimental impacts for the researchers, host institution, programme funders, and access for further contacts' (2002:159). I would add to this list that the confiscation of materials might be an issue if the researcher acquires certain information that may put the respondents in jeopardy. The researcher has to ensure that any sensitive data is protected or put away in a safe place.

Consent, the avoidance of deception and respecting the choice of limiting access are inter-linked. The researcher needs to address these problems prior to carrying out the field research through the identified gatekeepers. The gatekeepers and the subsequent respondents should be informed of the aim and purpose of the research. The need for translation and choice of translators, as well as the use or not of a tape-recorder should be addressed during the initial contacts with the gatekeeper and respondents.

The issue of confidentiality and anonymity is an important one. As Harrison and Deicke stress:

‘When interviewing party officials in their function as officials, or in cases where an interviewee’s position in the party or public life is vital to what they are saying but makes them identifiable – there is, for example, little sense in giving the local party chairman a codename if a quote reveals his position – you should send them copies of the interview transcripts or the quotes you will be using and give them the option of deciding whether there are any passages which, with insight, they would rather were treated as ‘off-the-record’ remarks’ (2001:103).

This problem should be discussed with all the respondents to try and find a solution when problems arise. All interviews were coded according to their organisation and a number. For instance, the second SPLM/A interview is coded as SPLM02.

During the field research, I was actually surprised by the lack of suspicion from respondents. As noted earlier, recording interviews was never an issue and issues of anonymity and confidentiality never arose. While making interaction during the interview easier and free of distrust, I expected that the real motivation for this non-problematic access was to use interviews for propaganda. However, the data gathered during the interviews does not seem to qualify as propaganda. On reflection, I came to assume that being a young white woman might have reduced apprehension as I may have appeared non-threatening to respondents. In addition to this,

as the research concerns past events, the research may not have been perceived as being a sensitive issue despite the conflict history.

The role of the researcher

Beyond the epistemological and ontological assumptions behind this research, it is important that the researcher identifies any other biases that may intervene while carrying out the research. As noted above, I take Smyth's point of view that neutrality and objectivity in researching conflicts and divided communities may never be achievable (2001:8). I worked for Geneva Call, a Swiss NGO engaging armed groups on the ban on landmines, between September 2004 and September 2005. The experience of working as a research and administrative assistant within this organisation has certainly impacted my views on the processes of humanitarian engagements with armed groups. While retaining independence from this NGO as well as academic objectivity, I cannot assume that no bias will come into play while carrying out this research.

In addition to this, my personal academic interests may be perceived as bias as it remains focused on the understanding of armed groups in general. Therefore, my academic curiosity leads me towards interacting with armed groups more than with government officials. During the first phase of my field trip in Southern Sudan, I spent time not only with former SPLM child soldiers but also with current Sudan People's Liberation Army officers and current Government of Southern Sudan officials (former SPLM officials).

Research in the field is also affected by the identity of the researcher. I realised that access to high-level people within the SPLM and the Government of South Sudan was significantly facilitated by my personal attitude and the fact that I was a young white female researcher. As Devereux and Hoddinott explain, 'showing a willingness to live among the community also breaks down barriers and reduces the extent to which the fieldworker is perceived as an outsider' (1992:12). Access was facilitated by informal meetings with SPLM people around a drink in the evening. My general openness and curiosity was very much appreciated and noticed, especially in an environment where the expatriate community commonly stays away from SPLM and Government of South Sudan officials.

The second important factor was my status as a white female researcher. I was more noticeable in offices among a majority of black men, which often meant that secretaries and office managers would come to me first, allowing me to get appointments faster than other people. My age allowed some secretaries and office managers to be more informal with me, which facilitated access and contacts. I was sometime approached by people due to my "exotic look", who then facilitated access to the relevant people for interviews.

Being a young white female researcher also presents some difficulties. As Easterday *et al* explains 'one of the problem a young single female researcher has to deal with is "hustling"' (1982:64):

‘It often appears that the researcher has only two options. She can totally reject the advances of the hustler and risk his feeling that he has been rejected, or she can welcome his advances and allow the female-male relationship to develop. However, either can have detrimental effect on the research. An informant who feels rejected as a person is not likely to be a wealth of information and co-operation. In some instances he can disrupt her relationship with other informants, and possibly even have her ejected from the setting’ (Ibid.).

I experienced a number of tricky situations regarding male-female relationships with younger administrative personnel within the Government of South Sudan. In my case, rejection was always adopted as the only possible solution but, for the reasons mentioned above, it was never a straightforward process. I often resorted to lying about my status as a single woman and inventing a partner in Europe in order to reject certain propositions from men. While my decisions were always respected and the decision to remain “friends” accepted, I always remained worried that it may effect access to certain people.

The analysis of qualitative data

In this research the data was gathered through interviews. The analysis of this qualitative data aimed at relating the subjective perceptions of interviewees in an analytical way in order to answer the main research question. This research examines whether or not humanitarian engagements with armed non-state actors have an impact on the transformation of conflict

and, if so, how this impact occurs. The research started with three clear hypotheses. The analysis thus involved a transcription of the interviews and the coding of the transcripts using the three hypotheses as a guide for analysis. Further open coding was done in order to identify any findings that were not covered by the three hypotheses, thus including all the possible answers to the research question.

A majority of interviews were recorded on a digital recorder. The transcription of these interviews was then straightforward as the whole interview had been recorded. In some cases, the digital recorder was not used as it was deemed inappropriate or the interviewee asked not to be recorded in that manner. In these cases, the interviews were transcribed from notes taken during and straight after the interview. In some cases, direct quotes were noted during the interview when the interviewee articulated a crucial idea.

Deriving an analysis from the transcripts necessitates a strategy for analysis. Yin argues that ‘the first and more preferred strategy is to follow the theoretical propositions that led to the case study’ (1994:103). As the research had articulated a clear set of hypotheses, these hypotheses were used extensively in a first coding process. The data that related to each hypothesis was copied and pasted into a new document in order to provide a better organised data for analysis. As Flick explains, coding is ‘the operations by which data are broken down, conceptualised, and put back

together in new ways' (2006:296). This is, according to Flick, 'the central process by which theories are built from data' (Ibid.).

A second round of open coding allowed the data to reveal other categories not taken into account in the hypotheses. This second round of open coding appears crucial as it allows the researcher to acknowledge the data that differs from the conceptual framework. The analysis then moves away from the conceptual framework to offer other possible answers to the research question.

In analysing the coded transcripts, Yin proposes the approach of pattern-matching (1994:106). Following this approach, the researcher 'compares an empirically based pattern with a predicted one (or several alternative predictions)' (Ibid.). Having all the data for each hypothesis organised in one document enabled this pattern-matching approach (Flick, 2006:1997-9). By comparing the empirical data with the theoretical predictions, the researcher can analyse when the empirical data matches the theoretical predictions and when the empirical data contrasts with the theoretical predictions. Finding contrasts between the empirical data and the hypotheses enables the researcher to discard a hypothesis or to refine it.

Conclusion

This research relies significantly on an interpretivist approach allowing the researcher to emphasise the importance of subjective

experiences and seeing a phenomena through the eyes of the actors involved. The use of a single case study allows the research to gather in-depth data and therefore provides an in-depth understanding of the phenomenon researched. This approach appeared crucial in researching humanitarian dialogues and peace negotiations as decisions in such sensitive processes are made on a subjective understanding of the situation rather than on a set of objective truths. Finally, the use of elite interviews enabled the recording of a process through the perception of the actors involved.

This research highlights the difficulties and issues of conducting research in a post-conflict environment. The logistical intricacies of the research as well as the sensitive circumstances caused by the context of a long-lasting civil conflict provide a complex and challenging environment for research. In addition to this, the methodology highlights the difficulty of researching armed groups.

In spite of these difficulties, field research was carried out successfully. The data gathered was rich and provided an in-depth understanding of the process of humanitarian engagement as well as the impact that it has on conflict transformation. Furthermore, field research provided enough data to conduct an in-depth analysis and evaluate the veracity of the hypotheses as well as address the research questions.

Chapter VI: Analysing Sudan's second civil war (1983-2005)

Introduction

Sudan's second civil war was the longest-lasting conflict in Africa when peace was signed in 2005. The conflict, which involved mainly the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A), started in 1983. Despite numerous peace initiatives, which occurred as early as 1988, the Comprehensive Peace Agreement (CPA), that formally ended Sudan's second civil war, was only signed in 2005. The difficult peaceful transformation of the conflict left a population in a constant humanitarian crisis. The death toll rose to 1.5 million by 2005 (Balencie and De La Grange, 2005:185). The 1987 and 1998 famines, due to a great extent to the conflict, were a principal cause of deaths. By 2005, there were an estimated 4 million refugees and displaced (Ibid.).²³ Raids and tribal violence facilitated mass displacements. The 1991 Bor Massacre, resulting from tribal tensions in the South, left 2,000 people dead and 100,000 people displaced (Peterson, 2001:218). An estimated 17,000 child soldiers were involved in the war and 20,000 "Lost Boys"²⁴ wandered alone throughout the conflict. Table 6.1 summarises the turning points of Sudan's second civil war. This civil conflict presents a challenging case to

²³ The population of Southern Sudan was estimated to be between 8 million people (Luk, 1992:42) and 11 million people. It is therefore an estimated 50% of the population displaced during the conflict.

²⁴ The "Lost Boys" is the term attributed to the young Sudanese children that found themselves separated from their family or orphans. Thousands of children were wandering in Southern Sudan and between refugee camps as a result of the conflict.

understand how humanitarian engagements occurred and the impact that they might have had on the peaceful transformation of the conflict.

Table 6.1: Sudan's second civil war in a glance.

	1980s		1990s		2000-2005
Conflict turning points	Onset of the conflict		Escalation of violence		Road to peace
SPLM/A	Consolidation 1983- 1989		Factionalism 1991-2000		Unified diplomatic road to peace. 2000-2005
Government of Sudan	Nimeiri 1969-1985	Al-Mahdi 1985-1989	Bashir 1989-Present		
Humanitarian situation	1987 Famine		1991 Bor Massacre		1998 Famine
	1.5 million deaths				
	4 million refugees and displaced				
	17 000 child soldiers				
Peace Initiatives	Late 1980s peace initiative		"Talking while fighting"		Comprehensive Peace Agreement IGAD Naivasha, Kenya January 2005
	Kokadam declaration March 1986	Abuja I and II 1992-94	IGAD 1994-2005		
	Sudanese Army demands peace 1989		Peace initiatives 1995 (Carter Center, Iran, Libya, Malawi, South Africa)	Khartoum Peace Agreement 1997 (Government of Sudan and six southern factions)	

The Republic of Sudan acquired its independence in 1956 from Great Britain. The largest country in Africa, Sudan shares borders with Egypt and Libya in the north, Eritrea and Ethiopia in the East, Kenya, Uganda, the Democratic Republic of Congo and the Central African Republic in the south, and Chad in the west as Map 6.1 shows.



Map 6.1: Map of Sudan and neighbouring countries (Iyob and Khadiagala, 2006).

Sudan hosts a myriad of religions, cultures and languages. With a population estimated at 20 million in 1983 (around 40 million today) at the onset of the war, it is believed that there are over 100 languages and 300 tribes (UNDP, Sudan 2008). The main divisions in the population remain between the majority of Africans (around 60%) and a minority of Arabs

(30%) (Albino, 1970:1-4). Sudan is a land of diversity and perhaps the mismanagement of this diversity explains its conflictual nature. Indeed, as the second civil war started in 1983, Sudan had been slowly recovering from a first civil conflict (1956-1972) between the South and the North.

The economy, greatly damaged by this first conflict, was at the onset of the second civil war, crumbling under debts, a declining agricultural output, a negative annual growth rate (-5.7% in 1980) and an external debt of \$6.3 billion (Johnson, 2000:49). With arid desert prevailing in the North despite the Nile flowing from north to south and a tropical climate in the South, Sudan's main resources come from agriculture and petroleum. A majority of the Sudanese population still live on farming and herding and 'agriculture, including livestock herding, remains the main income source for 80% of Sudan's population' (UNDP Sudan, 2008). A failed strategy of mechanised agriculture in the 1970s and 1980s decreased the potential for Sudan to become a major agricultural producer in the region (Johnson, 2000:49). Oil exportation, which started in 1999, plays a major role in the booming economy today (UNDP Sudan, 2008). The discovery of oil in Sudan in the 1970s could also be seen as a trigger to past and existing conflicts in the country. Resources in Sudan are scarce and therefore valuable. From water, arable lands, and minerals, the resourceful south has been exploited by the arid north for its survival throughout history. Unfortunately today, the benefits of economic growth are only felt in and around Khartoum and to some extent in the Southern capital Juba, a pattern of economic discrimination that has been prevalent throughout Sudan's

history (Ibid.). Life outside these capital cities remain primitive where illiteracy is great, access to potable water problematic and malnutrition still prevalent.

The political economy, geography, demography and history of Sudan provide a complex environment in which to understand how the second civil war started, continued and ended.²⁵ This chapter aims to analyse the conflict by examining the actors of the conflict, the causes of the conflict, its continuation and finally its impact. Any research examining a process of humanitarian or peace negotiations that occurred within a conflict needs to gain an understanding of that conflict. Therefore, in order to understand the possible impact of humanitarian engagements or dialogue that occurred during Sudan's second civil war on the peaceful transformation of that conflict, it is necessary to understand the conflict in question.

The first section of this chapter provides an overview of the two main actors of the conflict, the Government of Sudan and the SPLM/A. These two actors were the main belligerents throughout the conflict, the main actors involved in the humanitarian engagements researched, and the two actors that were necessary to sign a sustainable peace agreement. Regarding the Government of Sudan, an emphasis is made on the Bashir regime (1989-Present) as it is under Bashir that most of the conflict unfolded. The

²⁵ Brusset speaks of the "striking geography" of Sudan: 'Seen historically, it is region in which the interests of different empires – modern day Ethiopia, Egypt, Chad and Uganda – have overlapped as it has at different times fallen within various countries' spheres of influence. All the neighbours share a little of the Sudanese identity. Sudan can also be described as centred on the basin of one of the most strategic water systems in the world, the Nile, which has been vital to the life of Egypt. It has a significant agricultural potential, and contains deposits of oil and gold, even if of a low quality' (Brusset, 2000:132).

SPLM/A was the main southern armed group. A number of small factions and militias were active throughout the conflict. However, these groups were not the main actors of the conflict or the peace and therefore will not be the focus of this analysis. In order to understand the SPLM/A as an armed non-state actor, the framework of analysis presented in Chapter II will be taken as a basis for analysis.

The second section of the chapter will focus on analysing Sudan's second civil war (1983-2005). A theoretical discussion on conflict analysis will argue that Brown's flexible and encompassing framework (1997) provides the best framework for analysing Sudan's second civil war. In addition to this framework, the role of natural resources, oil in particular, as well as the flawed peace process that ended the first civil war will be examined as possible triggers of Sudan's second civil war in 1983.

Whereas the causes of the conflict will be examined using Brown's framework, the last section will examine the reasons for the continuation of the conflict, the evolution of the conflict and the peace initiatives that were made throughout the conflict. Understanding the causes and the reasons behind the continuation of the conflict brings into perspective the possible impact or the role that humanitarian dialogue may have played in helping or favouring a more peaceful transformation in the conflict.

Finally, grasping the magnitude of the humanitarian crisis and violations that resulted from the conflict provides a better idea of the challenges and

importance of engaging the actors of the conflict on humanitarian issues. Understanding the humanitarian context and impact of the war enables a better understanding of the humanitarian engagements that occurred, how they occurred and why and this is therefore a central aspect of this analysis.

The Actors of the conflict

The second civil war in Sudan involved a number of different actors. On one side the Government of Sudan and on the other armed non-state actors. Throughout the conflict, changes in both the Government of Sudan and armed non-state actors occurred. The Government of Sudan faced in the 1980s a period of change with the ousting of Col. Jafaar an-Nimeiri (1969-1985), the ruling of Sadiq al-Mahdi (1985-1989) and finally, the taking-over of Omar al-Bashir (1989-Present). These changes highlight the sometimes violently competitive environment within the traditionally Arabic Muslim political, and at times military, elite in the North.

In 1983, Col. Jaafar an-Nimeiri had ruled Sudan since 1969 and was the Sudanese president who signed peace with the South in Addis Ababa in 1972. Despite a rather secular rule, Nimeiri turned towards a more Islamic regime at the end of his tenure in order to ‘guarantee political stability’ (Johnson, 2000:49). Nimeiri’s increasing tyranny and religiosity exemplified by his unilateral abrogation of the Addis Ababa agreement that ended the first Sudanese civil war and the imposition of the Sharia Law were early signs of his coming fall (Peterson, 2001:179). In the face of

rising discontent and protests in Khartoum, Nimeiri was replaced by Sadiq al-Mahdi during the 1985 elections (Peterson, 2001:185).

Sadiq al-Mahdi presented a programme of further Islamisation and claimed to implement the “true” Islamic values in Sudan (Adar, 2001:92). The end of Sadiq al-Mahdi’s regime was marked by the mounting pressure from the Sudanese army to start substantial peace negotiations with the Southern armed group (Iyob and Khadiagala, 2006:90). While these talks were on-going, a military coup staged by Gen. Omar al-Bashir ousted Sadiq al-Mahdi and put a forceful Islamic regime at the head of the Sudanese government. As the Bashir regime saw the most part of the conflict, the humanitarian engagements, as well as the peace process, the analysis of the state actor will focus on the Bashir regime.

Numerous southern Sudanese factions were active throughout the war. The main armed non-state actor active throughout the conflict was the Sudan People’s Liberation Movement/Army (SPLM/A). There were three different clusters of armed group also active during this conflict. The first cluster consisted of armed groups emanating from the first civil war and the main armed group in the first civil war, Anyanya I. Anyanya II is often described as the members of Anyanya I who did not endorse the Addis Ababa Agreement in 1972 and continued an armed struggle throughout the “peaceful” years. This loosely organised group still existed in 1983 when the SPLM/A was formed. Part of Anyanya II joined the SPLM/A in Ethiopia, but some members remained antagonistic to John Garang, the

leader of the SPLM/A, and attempted to remain an independent and influential armed group with meagre success (Human Rights Watch, 1993).

The second cluster of armed groups in southern Sudan consisted of locally organised defence forces such as the White Army and the South Sudan Defence Force (SSDF) (Human Rights Watch, 1993; IRIN, 2006). While the White Army was never an identifiable and organised entity, the SSDF played a more significant role during the conflict as its integration with the SPLM/A after the peace agreement demonstrates. Defining the SSDF remains a controversial step. There were allegations that the SSDF was a Khartoum-funded local militia aiming to undermine the SPLM/A. This alleged alignment with the government of Sudan is often deemed to be a purely strategic move on the part of the SSDF which needed to secure supplies.²⁶ The SSDF members have claimed to be a continuation of Anyanya II fighting against the SPLM/A as they did not embrace Garang's ideology. The SSDF remained a loose organisation as different "SSDFs" existed in different states throughout the war (SSDF01).

The final cluster of armed groups that can be identified during the conflict consisted of break-away factions of the SPLM/A. The main faction emerged as a result of the split between John Garang, the leader of the SPLM/A, and Riek Machar in 1992. This faction, which has changed its

²⁶ There is a certain bias towards presenting the SSDF as a very independent Southern Sudanese movement by former SSDF members in the present post-war environment as the SSDF has recently joined the SPLM/A. On the other hand, the Government of Sudan wants to highlight the cooperation of Southern factions during the war as a way to undermine the SPLM/A when Khartoum's control over Southern factions was never extensive and always seemed to be a desperate measure by Southern factions to survive at certain difficult moments in the war.

name from SPLM-United, SPLM-Nasir to South Sudan Independence Movement/Army (SSIM/A), represented mostly the Nuer tribe, historically a tribal enemy of the Dinkas who were a majority within the leadership of the SPLM/A. Once more, there were allegations that this faction 'was quickly brought under some unconventional friendship with Khartoum supplying arms to the movement' (Keen, 2000:92). Riek Machar signed a peace in 1997 with Khartoum alongside five other southern factions before joining forces once again with the SPLM/A soon before the start of the substantial peace negotiations in 2003.

The analysis will focus on the two main actors of the second Sudanese civil war: first, the Bashir regime (1989-Present); secondly, the Sudan People's Liberation Movement/Army led by John Garang. This choice is made for two main reasons. Firstly, these two actors were the key to peace. A peace without the government or without the SPLM, as the 1997 Khartoum Peace Agreement shows, would be a theoretical peace rather than a real peace. Secondly, the SPLM and the regime of Omar al-Bashir were the two main actors involved in the processes of humanitarian engagement that this research focuses on. Finally, the SPLM remained 'the major challenger' of the Government in Khartoum throughout the conflict, while the Bashir regime remained throughout the conflict the longest lasting government in Khartoum and the most forceful (Adar, 2001:90-1).

The analysis of the SPLM/A will use the framework of analysis presented in Chapter II. As this research emphasises the engagement of

armed non-state actors in humanitarian dialogue, it is paramount to analyse and understand the SPLM/A as an armed non-state actor.

The analysis of the data gathered can only occur with a prior understanding of the SPLM/A. Furthermore, the armed group engaged may play an important role in deciding whether humanitarian engagements have an impact on conflict transformation and whether this impact is positive or negative. This section will start with an overview of the Bashir Regime (1989-Present) as the state actor involved in the conflict and then provide an analysis of the SPLM/A following the framework presented in Table 2.1.

The Bashir Regime

The 1989 military coup staged by Omar al-Bashir proved to be a continuation in some ways, but mainly a rupture from, previous regimes in regards to the civil conflict. According to Peterson, 'General Bashir, with the blessing of fundamentalist clerics, began an Orwellian transformation that aimed to create a police state replete with Allah' (2001:181). The ideology of the regime differed from previous regimes and new aims and objectives for the war seemed to arise. The military strategy of previous governments was intensified especially in regards to the use of tribal militias. Finally, the human rights and humanitarian records of Sudan worsened and consequently isolated Sudan which became a pariah state in the 1990s.

The ideology behind the Bashir regime is represented by the National Islamic Front (NIF). The NIF is an Islamist movement established by Hasan Abdullah al-Turabi which actively supported the military coup (Iyob and Khadiagala, 2006:90, Petterson, 2003:21). Bashir embraced the Islamist ideas and enforced a strong policy of Arabisation and Islamisation, which resulted in halting the peace negotiations that were on-going between al-Mahdi's government and the SPLM/A. Consequently, the war became a holy war, a Jihad, calling on all the devout Muslims to fight the infidel southerners. Bashir did not try to talk peace as he believed that a military solution was the only solution. The Bashir regime impacted the war as it hardened the discourse of war and religion. As Peterson states, 'when the civil war first began more than 45 years ago, religion was hardly a factor. But over time, religious aspects have turned into red lines, even a *casus belli*. In the past decade, the war has been transformed that way' (2001:174).

The war for Bashir had a number of different aims. The main objective remained to defeat the SPLM/A militarily and re-gain *de facto* control of the South. However, Bashir also aimed at cleaning the oil fields of any civilian population which might rebel against his rule. The Sudanese army therefore was not only fighting against the SPLM/A, but also fomented instability and violence in areas where the oil fields were, to force the civilian population to move away from oil fields and resulting in large forced displacements. Finally, with the new government, war was not any

more restricted to the South, as the Northern population became greatly affected by the military coup.²⁷

Bashir retained certain military strategies from previous governments. The arming of local militia had started before the coup but was intensified by the Government in the early 1990s. This strategy offered strategic advantages as it freed the Sudanese army from fighting a guerrilla war. It also provided a political advantage as the Khartoum government was fighting a war by proxy and could then define the war as a South-South conflict appearing as the third party trying to protect the people of South Sudan from this tribal violence (Keen, 2000:84, 92). The Khartoum government went as far as arming the Lord's Resistance Army (LRA), a fundamentalist Christian armed group fighting in neighbouring Northern Uganda, which often came to Southern Sudan for raids and safety (Peterson, 2001:213).

A second important development was the formation of paramilitary units, the Popular Defence Forces (PDF) as 'Bashir did not trust his military' (Peterson, 2001:187). The PDF soon became an indoctrination tool where all young people of university age were forced to train and fight before being allowed to join university. The political indoctrination in the

²⁷ 'General Bashir, with the blessing of fundamentalist clerics, began an Orwellian transformation that aimed to create a police state, replete with Allah. Purges of the army started immediately: within months 3,000 to 4,000 officers and some 11,000 soldiers were expelled. Universities were "cleansed" of liberal elements, and unzealous civil servants - apparently 80% - were replaced' (Peterson, 2001:181).

PDF training camps was mostly religious and presented the southerners as an enemy of Islam that had to be eliminated.²⁸

Both the use of militia and the use of a young indoctrinated force resulted in disastrous violations of human rights and humanitarian norms for the civilian population. The PDF was known for their ‘mindless tactic of mass onslaught’, waging war by ‘burning villages and killing civilians’ (Peterson, 2001:187). The use of tribal militias had been consistent throughout the conflict and ‘their impact on creating famine and spreading human rights abuses have been well documented’ (Johnson, 2000:63). The policy of forced displacement away from oil field resulted in food insecurity and starvation for the large Internally Displaced Population (IDPs) in South Sudan (Human Rights Watch, 2003). More generally, Bashir’s policy worsened the situation for the civilian population both in the South and in the North. As Peterson testifies, ‘The pile of Amnesty International reports in my Sudan file, detailing detention and human rights abuses against vacillating Muslims, from poets to veterinary lecturers, grew thicker with each passing week’ (2001:181). The emergence of “Ghosts Houses” in Khartoum where torture was carried out became a strong symbolism of the regime’s policies (Ibid.).

²⁸ ‘A unit of Sudan’s new Islamic militia, the Popular Defence Forces (PDF), paraded past. This was the vanguard for PDF forces, that with reserves would soon number 100,000 – both zealots and conscripts – the Islamic “shock troops” that that year were beginning to replace the regular army on the front line. This platoon was young, carried Korans, and worn khaki uniforms donated by Iran. The PDF was heralded as God’s scourge on the rebels, who dreamed of going to Heaven to join the ranks of the martyrs’ (Peterson, 2001:174).

The reluctance of the government under Omar al-Bashir to talk peace and the belief that a military victory would bring the conflict to an end played a major role in the continuation of the conflict. The human rights and humanitarian records of Sudan under Bashir coupled with a policy of Islamisation that resulted in providing a safe haven for a number of well-known international “terrorists” isolated the regime on the international scene as Sudan earned the label of pariah state in the 1990s.²⁹ It is often the case in civil war that governments, because of their internationally recognised status, enjoy more legitimacy than rebel groups. In the case of Sudan, it has not been the case. Sudan has very often and for a long time been treated as a pariah state suffering sanctions from both the United States and the UN (Peterson, 2001:184, Jok, 2007:13).

The Sudan People's Liberation Movement/Army

²⁹ ‘Since [1989] the NIF [...] has become widely known as a regime that has successfully used civilian atrocities, ethnic cleansing, and genocide as instruments of domestic political repression with impunity. It has ruled with an iron fist and critics have been tortured, detained indefinitely without trial, or exiled: it goes without saying that the NIF has a dismal human rights record. The use of Arab militias, the Popular Defense Force, to effect indiscriminate attacks on civilians accused of abetting opposition forces in the south, slave raiding, the summary execution of twenty-eight high-ranking army officers without trial in 1989 on trumped-up charges of disloyalty, the execution of business executives on charges of illegal currency dealing under the revamped Islamic Law (shari’a), the imprisonment of political leaders an exile of others [...], the denial of food aid to displaced persons due to allegations that they were supporters of the opposition armies and suppression of basic civil liberties like freedom of association, freedom of the press and the persecution of critics who pointed out the state’s failure to provide services, were all abuses decried by the Sudanese public’ (Jok, 2007:13).

Table 2.1 : Analytical Framework For Armed Non-State Actors.³⁰

Name of armed group:	
History: date formed, important turning point.	
Political profile: aims and ideology	<p>What does the armed group try to achieve through the use of violence?</p> <p>What are the motivations behind the choice to use violence?</p> <p>Are aims political, economic in character, or both?</p> <p>Is the group ideology a reflection of a particular minority, identity, religion, culture?</p> <p>Are the aims and ideology shared by all members of the group?</p> <p>Have the aims and ideology or any answers to the above questions changed since the beginning of the conflict?</p>
Leadership organisation:	and
	<p>Is there a distinct political leadership? Is there a distinct military leadership? What is the relationship between the two?</p> <p>What is the hierarchy and organisation of the armed group?</p> <p>Is there a decision-making process? Is this process democratic (open) or authoritarian (closed)?</p> <p>Is there effective command and control over all the membership of the armed group?</p>
Military structure:	<p>Is there a clear chain of command? What is the chain of command?</p> <p>What is the military strategy? How does the armed group conduct warfare? What is the military capacity and the means of warfare?</p> <p>How many combatants are there? Who make up the armed force: men, women, children, identity? What are the reasons for joining the armed group? Is recruitment voluntary or forced?</p>
Relationship constituency:	with
	<p>Who is defined as the armed group's constituency?</p> <p>What is the relationship between the armed group and its constituency? What factors shape relations between the armed groups and the constituency?</p>
Resources:	<p>How does the armed group obtain the necessary resources for its economic survival? Who "sponsors" the armed group?</p> <p>Does the group benefit from the war economy?</p>
Territory:	<p>Does the armed group have territorial aspirations?</p> <p>Does it have de facto control over a territory and population?</p> <p>How is this control exerted?</p> <p>What activities does the group carry out in this territory?</p>
Policy humanitarian and human rights principles, and peace negotiations:	towards
	<p>What is the humanitarian and human rights record of the armed group?</p> <p>Has the group taken any commitment toward the respect of these principles?</p> <p>What are the justifications for taking up arms and how does it affect the group's position towards peace negotiations and political dialogue?</p> <p>What is the group's negotiation history?</p> <p>How does the ideology and aims of the groups relate or affect their policy towards peace negotiations?</p>

³⁰ The characteristics of armed groups presented in this section as well as the analytical framework proposed are mainly drawn from the following sources : Mc Hugh and Bessler (2006), Petrusek (2000), Williams and Ricigliano (2005). The framework proposed is also based on a working document used by Geneva Call to understand armed groups they engage in the ban against landmines.

A brief history and important evolutions in the SPLM/A

The Sudan People's Liberation Movement/Army (SPLM/A) was formed in 1983 and soon came under the leadership of John Garang de Mabior. John Garang was a high ranking military in the Sudanese Army, educated in Khartoum and abroad, from the Bor Dinka tribe. There are three important evolutions in the history of the SPLM/A: consolidation of the movement, factionalism, reformation.

In 1983, when the war started, the SPLM/A joined its forces in neighbouring Ethiopia. The first few years of the movements were marked by a forceful consolidation of the movement under the rather strong leadership of John Garang. Clashes between the SPLM/A and the remaining members of the first civil war's rebel movement, Anyanya II, were common and aimed at weakening the Anyanya movement to allow the prosperity of the SPLM/A (Johnson, 2000:59). Assassinations of high ranking military leaders were perceived as a "necessary" step for Garang in order for the Movement to succeed.

Consolidation seemed a success as the end of the 1980s were marked by numerous military victories. But in 1992, the dictatorial methods of John Garang were the grounds on which two high-level SPLM/A members, Riek Machar and Lam Akol, decided to split away from the SPLM/A. Machar and Akol were hoping to overthrow Garang's leadership and rally support for a more democratic movement. Their defections resulted in the creation of another SPLM faction settled in Upper Nile and representing mostly the

Nuer tribe. The consequences of the split were dear for the civilian population which suffered from the tribal conflict that ensued. The consequences were also harmful to the Southern cause as the Khartoum government could not hope for better but to play with historical tribal divisions in South Sudan.

The third important evolution in the movement was the 1994 National Convention that brought together hundreds of SPLM/A members with the aim to discuss and reform the movement. This Convention drastically changed the SPLM/A into a “Guerrilla Government” (Rolandsen, 2005). The SPLM/A created a clear division between its military wing and its political wing, as well as developed a civilian administration in areas under its control. Whether these reforms spearheaded with Machar’s and Akol’s criticisms and defections, or whether it was a very strategic move from the SPLM/A to embellish its image for the benefit of the international community, is not clear.

Aims and ideology: fighting for New Sudan

The SPLM/A’s ideology focuses on the Southern Problem. Its existence is only embedded in the Southern struggle rather than in a political or religious ideology. The Southern Problem according to the SPLM/A is a national problem as economic development, political and economic powers as well as resources are not granted to a majority of the Sudanese population:

‘Yet this reality has been ignored, swept aside, by all the governments that have come and gone in Khartoum since independence in 1956. These governments have failed to evolve a Sudanese identity, a Sudanese commonality, a Sudan commonwealth, that includes all Sudanese, and to which all Sudanese pledge undivided loyalty irrespective of their religion, race, or tribe. Instead, all the governments of post-colonial Sudan have emphasised only two parameters of our reality – Arabism and Islam – on which they attempted and continue to attempt to base the unity and development of the country, only to be confronted with rebellions and wars’ (SPLM a).

The SPLM/A presented the Southern Problem as a Sudanese problem that was also encountered by other regions in Sudan. As Johnson states, ‘“Revolution”, rather than separation, became the SPLM/SPLA’s announced goal’ (2000:58). This position aimed at rallying other regions in Sudan to the fight of the SPLM/A (Ibid.).

This ideological or motivation for war created a division within the movement between those whose objective was to create a New Sudan, and those whose objective was to fight for an independent Southern Sudan. John Garang’s insistence that the “New Sudan” was to become the rallying cause earned him many criticisms throughout the history of the Movement and created important ideological divisions within the high level members of the Movement. Fighting for a New Sudan rather than independence aimed at rallying internal support but also at guaranteeing external support (Johnson, 2000:57). Indeed, the SPLM depicted the conflict as ‘being more about cultural, economic, and political marginalisation of the peripheries than race

and religion' (Jok, 2007:14). As Jok explains, 'this appealed to a large northern population who began to either join the south or set up their own regional rebellions against the Arab-run state' (Ibid.). Furthermore, Neighbouring states who could become potential supporters of the Movement would not align themselves to secessionist movements very often fearing secessionist movements in their own country. International and regional organisations such as the United Nations (UN) or the African Union (AU) embraced the status quo of borders in Africa and could not be sympathetic to a secessionist struggle. The objectives of creating a New Sudan, right to self-determination, national consciousness and common purpose became the rationale behind the SPLM/A struggle (SPLM).

Leadership

The SPLM/A started as a military movement with a strong Commander in Chief, John Garang, at its helm. In the first ten years, the movement remained mostly a military movement with a small political leadership representing the SPLM/A during the different peace initiatives. Although the Movement was always ruled by some kind of Politico-Military High Command or some Council, John Garang as both the Commander in Chief and the Chairman of the SPLM/A ruled the Movement in a rather dictatorial manner (Madut-Arop, 2006).

The SPLM/A in a way did not match the chaotic, loosely organised image that an armed group may normally give. The SPLM/A was a very complex military and political organisation. There were three principal

branches of the movement: the SPLA, or the military branch, the SPLM, or the political branch and the South Sudan Relief Agency (SSRA) (Balencie and de la Grange, 2005:186).

The SPLA counted approximately 25,000 combatants, divided in 6 different zones (Ibid.). Each zone had a Zonal Commander reporting to the High Military Command headed by Garang. The hierarchy within each zone seems to have been more flexible and differed under different commander. The SPLA operated both as a guerrilla and a conventional army. The military strategy seemed to combine both aspects.

It was only after the National Convention in March 1994, also known as the Chukudum Convention, that real reforms were made within the Movement and 'an agenda for creating civil structures and reforming the movement' was established (Keen, 2000:86). The Movement became distinct from the Army, and the civilian administration in liberated areas allowed the SPLM/A to acquire a new standing as a de facto government.

The humanitarian wing of the Movement played a major role in the history and development of the SPLM. It is through this wing that most contacts with international NGOs and UN agencies were made. The humanitarian wing of the SPLM, the Sudan Relief and Rehabilitation Association (SRRA)³¹, was at the centre of the UN led humanitarian

³¹ The humanitarian organisation of the SPLM/A has changed names a few times. It is mostly referred as the Sudan Relief and Rehabilitation Association (SRRA), but also the South Sudan Relief Agency (SSRA) and the Sudan Relief and Rehabilitation Commission (SRRC).

programme Operation Lifeline Sudan (OLS). This humanitarian wing will be an important focus of research for the thesis as it was the main interlocutor in humanitarian engagements. There have been some allegations that the SRRA worked to intercept humanitarian relief and divert it to the SPLA and its involvement as a humanitarian actor in the OLS has always been controversial.

The economy of the SPLM/A: foreign sponsors and constituency

The question of resources is always critical for an armed group. The SPLM/A found resources in different ways. The SPLM/A had secured from its start an important source of supply with the Mengistu regime in neighbouring Ethiopia. Choosing a strategy of “revolution” for a New Sudan rather than separatism was partly made to conform to Ethiopia’s interest as the regime was fighting its own separatists (Johnson, 2000:57). The fall of Mengistu in 1991 was thus a significant blow to the SPLM/A as it lost ‘protected bases, secure supply lines, and a source of supply for non military as well as military goods’ (Johnson, 2000:66). The SPLM/A turned to Uganda for new support but also diversified its source of revenue.

Foreign sponsors are often the main source of support for an armed group, but as the fall of Mengistu proved, an armed group needs to secure other lines of supply. The South Sudanese diaspora was mostly a refugee population and did not have the means to support the Movement from outside. The SPLM/A turned to its constituency for support, but this support

was never fully voluntary throughout the conflict. A “racketing” strategy was therefore put in place as the imposition of a food tax on the population ‘generally freed the civilian population from arbitrary seizures’ (Johnson, 2000:63). Tax was also imposed by the SRRA on all organisations working in Southern Sudan. Allegations of food diversion from humanitarian relief have been numerous. According to Peterson, ‘trainees were “entirely dependent on relief food” that flowed unaccountably in the “refugee” camps’ (2001:203). It is often claimed that the SPLM/A benefited greatly, directly or indirectly, from the “humanitarian business”.

The Movement relied on the population for food but also for fighters. With frequent raids on villages by Arab militias, recruitment was very often voluntary as Southern Sudanese enrolled in the SPLM/A as an act of rebellion against these raids. The shortage of adults, however, in the late 1980s, started a less cooperative recruitment of children. The SPLM/A would “capture” young children who were taking care of their cattle outside villages by promising to provide education for them. Education turned out to be military training for most of these children when they managed to survive the long walks to the SPLM/A camps (Former SPLM child soldier 01).

The relationship between the SPLM/A and its constituency, the Southern Sudanese people, is a difficult one to define. The SPLM/A articulated the grievances of the Southern Sudanese people and in many ways was supported by its constituency as they shared this commonality. In

that sense, the relationship could be described as symbiotic. With the appearance of factions and the loss of Ethiopia as a supplier, this relationship worsened. Food taxation and recruitment are strong signs of a parasitic relationship and as Prendergast argues these actions were the SPLM/A's primary links with the community (1997:57).

Love and hate relationship: humanitarian principles, human rights, peace and the SPLM/A

The SPLM/A's policies towards international humanitarian norms and human rights is controversial and confusing. On one hand, there have been many attacks on the SPLM/A for breaches of human rights and its attacks on civilians (Johnson, 2000:63). The early years of the Movement were very often shadowed by the killing of any SPLM/A members who dared to disagree with John Garang (Brusset, 2000:137). African Rights notes that the SPLM/A 'inculcated a callous attitude towards civilians [...]' Of course atrocities happen in many wars; but from the beginning, the SPLM/A failed to show a determination to eliminate such actions' (African Rights quoted in Peterson, 2001:203).

On the other hand, the SPLM has taken many steps towards enforcing these norms. Multiple moratoria on landmines and child soldiers were made unilaterally, although their implementation did not always follow especially in the case of child soldiers.³² Their involvement in the

³² Recruitment of child soldiers: 'Reports indicated continued abductions of children by the Sudan People's Liberation Army (SPLA). Demobilisation of children stagnated and UNICEF estimated that 7,000-8,000 children remained with the SPLA. Reports indicated

OLS and other instances of humanitarian dialogue provides further evidence of their commitment to these norms. Official documents and programmes clearly state the Movement's commitment towards international norms:

‘The SPLM shall work to promote the national interest of the New Sudan and shall respect international law [...]. The Movement stands in support and respect of international Conventions on human rights and similar international protocols on human rights’ (SPLM b).

The discrepancy between certain actions of the Movement makes one ponder on the real motivations of the SPLM/A. The SPLM/A understood rather well the necessity of speaking the language of the UN and certain powerful states to be accepted and recognised. As stated earlier, the SPLM/A had at times a parasitic relationship with its constituency and at times a more symbiotic one. The contradictory nature of the SPLM/A's relationship with its constituency reflects the contradictory nature of its humanitarian and human rights credentials. The SPLM/A's position towards humanitarian and human rights norms seems therefore to be both one of pragmatism and one of genuine concern. This aspect is a central one in understanding the possible impact that humanitarian engagements with the SPLM/A had on the transformation of conflict and thus will be a significant point for analysis.

that the recruitment and new recruitment of child soldiers occurred frequently’ (Human Rights Watch, 2004).

Regarding peace and dialogue, the SPLM/A seems to always have encouraged dialogue and pushed for a political resolution early on. The change of regime in 1989 as well as a history of constant violation of commitments by the Government in Khartoum has certainly played a role in raising apprehension and distrust on the side of the SPLM/A. In its 15 point programme in 1998, the SPLM/A clearly pledges a commitment towards 'peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration among African states, as violent settlement only leads to destruction of lives and property and suffering of innocent people, and lost development' (SPLM b). The development of a clear political wing and civil administration, especially in the mid-1990s provide clear evidence of an armed group that aimed at transforming itself into a political and governing force rather than a fighting entity. Through this development, the SPLM/A also showed their political capacity and presented an armed group that was organised, educated and able to negotiate.

Humanitarian engagement and peace talks involved these two actors. Both the SPLM/A and the Bashir regime can be blamed for grave violations of human rights and humanitarian norms. These actors were thus challenging partners in an engagement on humanitarian and human rights norms. The development of the SPLM/A towards a civilian administration, as well as its organisation, facilitated dialogue between the SPLM/A and different international actors such as the UN. On the other hand, Sudan's status as a pariah state meant that both humanitarian and peace dialogue had to overcome the diplomatic isolation of Sudan. Sudan's obsession with the

possibility of defeating the SPLM/A militarily and the armed group's distrust towards the Khartoum government made that the signing of peace agreement a most difficult objective.

Sudan's second civil war: causes, continuation and impact

This section aims to examine the circumstances that brought about a second civil war in Sudan in 1983. Lasting 22 years, it is necessary to understand the reasons behind the continuation of the conflict. Finally, this section will examine the impact that the conflict has had on the civilian population demonstrating the necessity of humanitarian diplomacy in Sudan during the war.

Causes of internal conflicts and the case of Sudan's second civil war

The causes of the second civil war in Sudan are numerous. Brown challenges the idea that the causes of internal conflicts are 'simple and straight forward' (Brown, 1997:3). Finding a general theory of internal conflicts causation remains difficult as on-going debates around the prevalence of underlying and proximate causes, greed and grievances, internal and external causes still emanate from the literature (Hanlon, 2006). As Brown argues, 'it is important to recognise that there are many different types of internal conflict each caused by different things' (Brown, 1997:4).

Following his argument, Brown presents a flexible framework aimed at helping to categorise and organise the multiple causes of conflict. The framework consists of two main types of factors: underlying factors or permissive conditions and catalytic factors or proximate causes (Brown, 1997). Within the underlying factors, Brown distinguishes between structural, political, economic and social, and cultural and perceptual factors (Brown, 1997:5-12). Among the proximate causes, Brown separates causes into two categories: '(1) whether they are triggered by elite-level or mass-level factors; and (2) whether they are triggered by internal or external developments '(1997:15).

Brown's approach differs from a more traditional inclination to provide one fundamental cause. Hanlon highlights the problems with approaches that emphasise combatants and leaders alone without mentioning justified grievances (Hanlon, 2006:73). Analysing conflict through the sole lens of economic arguments (Lukham et al., 2001; Collier, 1999), or the sole lens of ethnicity, simplifies the reality of internal conflicts missing the critical reasons behind the location and time of the emergence of a conflict. As Hanlon states:

'We have already noted that ethnic wars were not particularly common and that ethnic division could not be used to predict war. But combining increasing poverty, grievance and group identity does seem to provide some explanation' (2006:130).

Addison and Murshed attempt to take on this criticism. While emphasising the lack of construction of a right social contract in Africa as a fundamental cause of conflict, they highlight the necessity to look at leadership and group organisation in explaining the emergence of a war (Addison and Murshed, 2006:155).

As Brown's framework allows us to analyse in a more systematic way the causes of an internal conflict while allowing a certain flexibility, his approach will be applied to identifying the causes of Sudan's second civil war while highlighting the shortcomings of his framework. The causes will be looked at in two distinct categories following Brown's underlying factors and catalytic factors. Two important factors not emphasised by Brown, the role of oil (resources) and the failure to resolve previous conflicts and implement peace agreement will be added.

Underlying factors

Brown highlights four types of permissive conditions: structural, political, economic and social, cultural and perceptual (1997:5-12). In the case of Sudan, these four conditions are at the heart of setting up a situation where conflict became highly possible.

Structural

According to Brown there are three main structural factors affecting the likelihood of an internal conflict: ethnic geography, weak state, intra-

state security concerns (1997:5). Ethnic geography in Sudan plays a crucial role in creating a conducive environment for conflict. Sudan is more or less clearly divided in terms of ethnicity and geography: mostly Arab Muslims in the North of the country and mostly African Animists and Christians in the South. This clear division allowed Britain to implement two different rules in Sudan during its colonisation. The Southern Policy introduced by Britain separated South Sudan from the rest of the country as Britain implemented a different course of development, education, and governance. As Adar explains this policy remained after independence with negative consequences:

‘The marginalisation of the southern Sudanese and the Nuba is not a recent phenomenon. It was practised by the British colonialists and thereafter maintained by the post-independence administration in Sudan, and thirdly, there is the ongoing discrimination, oppression and repression of the black Sudanese. History therefore constitutes one of the *prima facie* determinants of conflict and ethnic polarisation between the north and the south’ (2001:82).

This ethnic polarisation is entrenched within a traditional discourse of division.³³

³³ ‘Thus, *bilad as-Sudan* (land of the blacks), the traditional Arabic designation for the non-Arab lands of Africa, was both a geographic and ethnic terminology bequeathed by medieval Arab geographers. The Arab invasions and the transformation of Islam into the political ideology, which divided the *umma* (domain of the believers of Islam) into *dar al-Islam* (abode of peace) and *dar al-hard* (domain of war, domain of the unbelievers). The *umma* itself is an abstract representation of a transnational community within which members of the Islamic faith are embraced as equals. [...] The geography of conflict in the Sudan is inscribed in the gaps between the idea of the *umma* and the ideology of its proponents pursuing hegemonic policies of Arabisation and Islamisation as justification for the territorial expropriation of their conationals (denigrated as “nominal Muslims”, *kafirs* [unbelievers] and *abids* [slaves]) and the maintenance of a political system premised on the logic of conquest. [...] The conflicts in Sudan have been rooted in both the expropriation of vast tracts of territories by a dominating group as well as by the superimposition of

Britain granted independence to the whole of Sudan in 1956 as controversies about South Sudan's right to self determination were raging. As Sudan's accession to independence was peaceful, there was no need to appeal to a nationalist feeling or organise a popular uprising. The Sudanese colonial elite were free to create a country without having to secure a strong national consensus or identity. As Johnson states the politics of the 1950s on deciding the future of the South led to the outbreak of the first civil war in the 1960s and 'remains at the centre of Sudanese politics' (2000:47). Iyob and Khadiagala agree that an essential factor leading to conflicts in Sudan remains two unresolved fundamental questions: 'would the new state be federal or unitary, and would it be officially secular or Islamic in character?' (2006:80).

The pattern of colonisation as well as the pattern of ethnic geography, both in its physical aspect and the discourse attached to it, impacted the lack of social contract in Sudan, which, according to Addison and Murshed is a critical factor in creating the underlying conditions for conflict (2006). Rather than focusing on the issue of a weak state as proposed by Brown (1997), the lack of social contract seems to depict a significant structural factor in creating the permissive conditions in 1983 for the start of the war. The relationship between the people and the state, or social contract, in Sudan is a problematic one. According to Prendergast, governance prior to the nineteenth century created 'groups of people with an

theological geography that continues to demarcate boundaries between self-defined members of the polity and those consigned to the domain of war, destined to become objects of violence, pillage and servitude' (Iyob and Khadiagala, 2006: 46).

ambiguous status in relation to the state' (1997:4). Britain's colonial rule emphasised this issue by dividing the country into two. The very specific treatment that South Sudan received may explain the reason why war emerged in South Sudan and not in other marginalised areas in Sudan.

The lack of social contract in Sudan may also be explained by established patterns of violent economic exploitation. Johnson argues that since the Turco-Egyptian invasion in the nineteenth century, the economic exploitation of the south mainly through slave trades and ivory has become a sad characteristic of Sudanese life (2000:45). This exploitative power relationship between the North and the South present itself through continued violence and pillage. Village raids by Arab militias in the South are often cited as the reason for Britain's Southern policy in order to protect the Southern Sudanese from violence, Islamisation and Arabisation. This history of violence has created genuine grievances among the Southern population, grievances that helped the emergence of an organised armed group in 1983.

These intra-state security issues heightened with the first civil war which lasted from the 1956 until the 1972 signing of the Addis Ababa peace agreement between the Anyanya, Southern rebel movement, and the Nimeiri regime. Brown's framework for analysing internal conflicts cites intra-state security as a factor contributing to conflict (1997), but fails to emphasise the extent to which a flawed peace process, peace agreement and the failure of implementation plays a major role in contributing to the start of the conflict

as well as its continuation. It is difficult to state whether the failure of the Addis Ababa Agreement should be categorised as a catalytic or underlying factor. Nevertheless, this failed process highlighted the lack of resolution of the underlying factors leading to the first civil conflict in Sudan, and eventually to the second civil war in 1983. As Prendergast notes, the 'failure to obtain a national consensus in either the north or the south in the 1970s concerning national unity, regional development, and the balance of power between the central and regional governments' was critical for the start of the second internal conflict (1997:4-5). The first civil war was very much a result of the long-term causes, especially the rejection of the South's right of self-determination, and then of an independent Sudan with a federal system. The end of the first civil war (1953-1972) and the Addis Ababa Agreement in 1972 failed to resolve the underlying causes of the conflict. Many felt cheated by the peace agreement and on the eve of peace, some were already talking about resuming the fighting. But as Johnson explains, the Addis Ababa Agreement was not only unable to fulfil the aspirations of the Southern Sudanese people, its implementation was never complete.³⁴

Political

Brown cites two important political factors increasing the possibility of internal conflicts: discriminatory political institutions and exclusionary national ideologies (1997:8). These two factors seem interlinked in many ways, and are certainly so in Sudan. The political elite in Sudan was

³⁴ 'The Addis Ababa agreement, negotiated in February 1972, between the government and the Southern Sudan Liberation Movement (SSLM) brought peace to Sudan but failed for two main reasons: (1) its terms were never fully implemented, and (2) it failed to address, and therefore to resolve, many of the fundamental causes of the war' (Johnson, 2000:48).

commonly represented by the Arab Muslim elite living in the North of the Country. The discrimination came from the exclusionary national ideology. Militant Islam was introduced in the nineteenth century 'which sharpened the divide between persons with and without full legal rights within the state' (Prendergast, 1997:4).³⁵ This is what Khalid refers to as the issue of dualities in Sudan, which, he argues, explains the emergence of internal conflicts (2003). What has come to be done as a policy of forced Arabisation and Islamisation has created a system where Sudan's complex diversity of cultures, languages, tribes, origins was threatened to disappear as no political, legal or economic space was granted for its survival. As Adar explains:

'At the core of the civil war are the inherently exclusive ethno-religious-centred policies, namely Islamisation and Arabisation pursued in various ways by successive Sudanese administrations since the 1950s. The persistent derogation of the linguistic and religio-cultural practices of the southerners and non-Muslims in general by the Arab-speaking Muslims, continues to impose limitations on the drive to establish a durable consensus on the Sudanese national identity. [...] The policies of Islamisation and Arabisation, with their cultural dimensions and implications, have remained the central mobilisation force and rallying point for the political survival of the Sudanese ruling elite' (2001:81).

³⁵ 'A narrowly based nationalist movement in the Sudan which did not adequately address the issues of the Sudan's diversity and unequal development, but [...] attempted to build a national identity base on the principled of Arab culture and the religion of Islam' (Prendergast, 1997:4-5).

This exclusionary national ideology can be regarded without a doubt as one of the fundamental and crucial underlying factor of the conflict, its continuation and its difficult resolution.

Economic and Social

With a weakened economy in the 1970s, Sudan's economic problems could be presented as an underlying cause of the war (Prendergast, 1997:5). But the twin issue of a discriminatory economic system and development issues played a more fundamental role in creating genuine grievances among the Southern population and the Southern elite. South Sudan has historically been a place of economic exploitation for the benefit of an estranged elite in the North. The national interest, narrowly defined by the interest of the ruling Arab Muslim elite in Khartoum, has been to keep a high degree of underdevelopment in Southern Sudan in order to secure cheap resources for the development of the North.

The discovery of oil in the mid-1970s in South Sudan brought this economic and social underdevelopment to the forefront. As the Southern population saw an opportunity for real development in the South, whereas the North was already making plans to pipe out the oil to the North. The Nimeiri regime even decided to redraw the boundary of the South to include the oil fields in the Northern Region of the country (Prendergast, 1997:5-6). As Prendergast argues, the struggle for control over valuable natural resources also have been a critical element in Sudan's civil war' (1997:5). Oil, water, and agricultural land are three crucial resources for Khartoum,

without which the survival of the Sudanese economy would be meagre. These aspects are important in understanding the reluctance of Khartoum to provide autonomy or self-determination to the South, which eventually led to the second civil war. There are also crucial in understanding Khartoum's policy of forced displacement throughout the war as a strategy to secure access to natural resources. Finally, these factors are significant in understanding the difficulty of power and income sharing agreements during the peace negotiations as well as the sensitivity of their implementation.

The policy of underdevelopment that the North undertook towards the South played a fundamental role in creating genuine grievances and therefore should be highlighted as a significant factor in the generation of the conflict. Despite Brown's omission of the role of natural resources, coupled with an already existing system of economic discrimination, in providing a significant cause of conflict, the discovery of oil in Sudan and the issue of natural resources in an already discriminatory system should be regarded as critical developments in the building-up to the start of the second civil war.

Cultural and Perceptual

As stated above, the national ideology of Arabisation and Islamisation has failed to recognise and respect the cultural diversity in Sudan. As Brown states, 'group's perceptions of themselves and others' play a significant role here (1997:12). The SPLM/A justified its struggle by pointing out the grievances of the Southern population and presented the

fundamental problem of Sudan as the conflict between a country of diversity and governments that uphold an orthodox ideology:

‘The Sudanese state is essentially an alien political system with an institutional framework that excludes the vast majority of its citizens. The African Sudanese have been excluded from the centre of state power since 1956 while they constitute 69% of the population! How can there be peace? [...] We call this political dispensation the “Old Sudan” based on religion (Islam) and race (Arabism). Some analysts have described the problem of Sudan as “Double Apartheid” or racial and religious apartheid’ (The Official New Sudan Site).

Catalytic factors

Most of the underlying factors stated above are shared by a number of disenfranchised communities in Sudan. Three important factors are specific to South Sudan: the colonisation rule with the Southern Policy that treated South Sudan as a separate entity from the rest of Sudan creating a single consciousness of belonging; the first civil war from 1956 until 1972 that reinforced this specific status of South Sudan as well as increased the possibility of a better future; and finally, the development of a South Sudanese perception of its own history and struggle. Nevertheless, to explain the emergence of a conflict at a certain time and in a certain location catalytic factors need to be examined.

Brown presents two ways of categorising catalytic factors or proximate causes of internal conflicts: elite-level or mass-level movement; internal or external developments. In the case of the second civil war in

Sudan it is rather difficult to decide whether the catalytic factors can be defined as elite-level or mass level. However, one can clearly state that the catalytic factors reflected internal developments rather than external developments.

At the internal and elite level, a number of clear developments occurred between the signing of the Addis Ababa agreement ending the first civil war in 1972 and the start of the second civil war in 1983. There are three inter-linked factors that played a major role as short-term causes as they explain why the conflict started in 1983: the economic downturn creating controversies about the sharing of resources, the discovery of oil which added fire to these controversies, and the redefinition of boundaries between north and south within South Sudan linked in part to the discovery of oil.

Sudan experienced at the end of the 1970s and the beginning of the 1980s an important economic downturn. Part of this economic downturn was due to the failure of Sudan's 'bread basket' policy of mechanised agriculture. As a result, the resources and the development of the region promised by the Addis Ababa Agreement did not materialise As Johnson explains:

'The impact of Sudan's financial crisis on state-generated development was disastrous. Of the \$225 millions allocated for development in the Southern Region for the 1977-83 6-Year Plan, only \$45 millions had been paid by 1982' (2000:49).

The tensions arising from this situation were furthered by the controversy around the discovery of oil in the South, in Bentiu, in 1978. The South already hosted the main resources of Sudan with water and fertile soils and the regional administration emerging from the peace agreement aimed at controlling the management of these resources (Iyob and Khadiagala, 2006:88). The discovery of oil brought a further opportunity for the regional administration but the Khartoum government under Nimeiri 'moved quickly to exclude the regional government from oil affairs' and was followed by a policy that could only trigger a new conflict.³⁶ Nyot Kok argues that 'oil was to be a test case of the central government's intentions' and that a collisions was 'inevitable' as the Khartoum government was for 'exclusive control' (1992:107).

These events added to the already fragile and controversial peace and as Johnson argues the demise of the Southern Regional Government came by the beginning of the 1980s:

'By 1980 the most important issues which confronted the regional government, and which would eventually lead to its demise, were:
(1) conflict with the central government over the Southern Region's border (as raised in the Addis Ababa Agreement), (2) the

³⁶ 'The government introduced the Regional Government Bill of 1980 that sought to redraw the borders of the south, contrary to the 1972 agreement. The bill was vehemently opposed by the south and, to deflect the opposition to the new boundaries, Numeiri announced retention of the 1956 borders. As a compromise, the government decreed the creation of a new entity called the Unity region to administer the oil field. Amid mounting misgivings in the south about Numeiri's economic intentions, one of the ministers in the Alier [the south regional administration] administration tried to exert control over economic policy, precipitating Numeiri's dissolution of the quasi-autonomous southern institutions, in October 1981' (Iyob and Khadiagala, 2006:88).

role of the Southern Regional Government in developing the region's resources, and more particularly the benefits that were to accrue to it through the exploitation of oil fields, (3) the growing confrontation in regional politics between the 'Equatorians' and the 'Nilotics' (particularly the Dinka), (4) Dissatisfaction within the region over the fate of the Anyanya guerrillas absorbed into the national army' (2000:49).

I would certainly argue that the flawed peace of 1972 is the crucial element that explains the resuming of fighting in 1983. The peace left a part of the Southern elite that was aware that the Addis Ababa Agreement did not solve any of the long-term causes of conflict between the South and the North, dissatisfied. Nevertheless, the difficult implementation of the Addis Ababa Agreement, the slow demise of the Southern Regional Government and the policy of Nimeiri towards oil and the redrawing of the map also played a major role in explaining the re-emergence of the conflict in 1983.

The proximate causes can be defined as elite-level factors as it is the behaviour and decision of the Khartoum government as well as the failure of the Southern Regional Government which triggered the emergence of a new military and political elite in South Sudan that eventually led the second civil war through the SPLM/A. As Addison and Murshed argue, the organisation of a leadership is very often a critical difference deciding the location and time for the emergence of a conflict (2006:155).

However, the presence of genuine mass-level grievances allowed the SPLM/A to find support within Southern Sudan. There were no real

obstacles within Southern Sudan for a new war as many felt cheated by the Addis Ababa agreement. This situation allowed the SPLM/A to form an important military force.

Although most of the developments that led to the start of the conflict were internal, there is one external aspect that needs to be highlighted. Indeed, the presence of Mengistu's Ethiopia as a supporting neighbour to the SPLM/A made the creation of an armed non-state actor possible at that time. As Jackson highlights, 'the notion of purely civil conflict or internal wars is no longer sustainable; most African wars are actually regional conflict formation' (2006:20). This analysis is particularly relevant as Mengistu's support came as revenge against the Sudanese government for its support of Eritrean independentists (Johnson, 2000:56). Sudan, supported by the US administration, was also in the 1970s 'a major counterweight to Soviet encroachment in the Horn of Africa' with which Mengistu's Marxist regime was associated (Iyob and Khadiagala, 2006:87). This regional conflict formation analysis helps us understand, throughout the conflict, the patterns of supporters and enemies, especially in relation to the conflict between the Ugandan government and the Lord's Resistance Army (LRA).

One could say that the conflict in Sudan is a conflict over resources whether it is oil, water or fertile soils supporting the "greed" account of internal conflict. Brown's framework allows us to uncover the complexity of causes while highlighting the fundamental conflict that exists in Sudan

over the definition of Sudan as a country, whether it is regarding its constitution (with or without South Sudan), or the rules of the game (a federal system versus a centralised system). Unlike when Sudan acquired its independence in 1956, Sudan and all its people need to define the essence of the country if the Sudanese internal conflicts are to be put to rest.

Continuation, developments and transformation

The conflict between the North and the South in Sudan was one of the longest running conflicts in Africa. This section aims at highlighting the main turning points throughout the 22 years of the fighting in order to convey a better idea of how the conflict unfolded. The first few years of the war were marked by the consolidation of the SPLM/A as the main fighting opposition group in the south and political instability in the North. The year 1989 offered the first real opportunity for peace, unfortunately shattered by the overthrow of the government. The 1990s were characterised by an escalation of violence, factionalism in the South, the isolation of Sudan on the international scene, and yet on-going peace initiatives, first through the Nigerian government in Abuja in the first half of the 1990s and then through the regional organisation, IGAD from 1994 until 2005.

Consolidation of the SPLM

The mutiny of Battalion 105 in 1983 is often taken as the beginning of the second civil war in Sudan as it offered the opportunity to transfer Southern battalions to Ethiopia to create a rebel army. Some members of the

Southern elites, including John Garang de Mabior who was to become the leader of the SPLM/A, had already started organising themselves in Ethiopia. The events following the mutiny favoured the dissatisfaction of the Southern population and therefore the support for a renewed conflict:

‘The final nail was driven in the coffin of the Addis Ababa agreement in 1983, when Nimeiri imposed his version of Islamic laws – the notorious September Laws. The injection of religion into a long list of government policies abhorred by the majority of the southern population intensified the south’s feeling of alienation and estrangement and fanned the flames of the civil war, which was launched again by the SPLM [...]’ (Ali and Matthews, 1999:209).

Although former members of the Anyanya re-organised themselves at the beginning of the second civil war to form the Anyanya II, the SPLM/A managed to consolidate its power and incorporate slowly a number of Anyanya II members. The main division between the two movements regarded their position towards the future of Sudan: Anyanya II claimed to be fighting for southern independence, whereas the SPLM/A observed a discourse of revolution where the South, the North and all the marginalised regions of Sudan could work together in a democratic system.

One of the aims of the SPLM/A was obtained early in the conflict. Indeed, the SPLM/A aimed at overthrowing the Nimeiri regime seen as the source of so many problems in Sudan. In 1985, Nimeiri was ousted and replaced by Sadiq al-Mahdi. The fall of Nimeiri was the result of a popular

uprising in April 1985 which ‘was spearheaded by the National Alliance for National Salvation [...]’ (Johnson, 2004:70). The change of regime brought good and bad news for peace in the country. Indeed, the new regime started relying more heavily on a particular war strategy where, to circumvent the army that al-Mahdi felt he lacked control of, the new regime encouraged the creation of tribal militias in the South, playing historical tensions between different groups. This eventually resulted in ‘gross human rights violations against the civilian population’ (Johnson, 2004:81). On the other hand, the National Alliance, which played an important role in overthrowing the Nimeiri regime, opened the door to the SPLM/A which eventually ‘bore fruit in the Koka Dam meeting in Ethiopia on 20-24 March 1986 [...]’ (Johnson, 2004:71). The meeting in Ethiopia brought together different actors from Khartoum, unions, associations, political parties willing to enter into a dialogue with the SPLM/A (Ali and Matthews, 1999:211). The Koka Dam Declaration offered the first opportunity towards peace but was left as ‘a dead letter rather than a working document’ by al-Mahdi (Johnson, 2004:72). According to Johnson, the main obstacle to peace at that time was al-Mahdi’s uncertainty regarding the issue of the *Sharia* and religion in general (2004:80).

Despite the regime’s new war strategy and escalation of violence in the second half of the 1980s, SPLM/A offensives and the army’s difficulty to counter-act these offensives re-opened the possibility of peace in 1989 as the army demanded that the regime starts talking peace with the SPLM/A (Johnson, 2004:84). Peace was not a Northern consensus in 1989 as the

National Islamic Front (NIF) refused 'to accept any terms that disqualified their goal of an Islamic state' and as result boycotted the talks (Johnson, 2000:64). This was followed by a coup in June 1989 and the peace process was brought to a halt. The year 1989 was certainly a turning point in the history of the conflict. At the eve of the signing of peace and ending the conflict, the Northern Regime was overthrown. The new regime in place did not seem to provide an avenue of peace. As Peterson explains, the coup was followed by army purges, repression in intellectual circles and extreme religious zeal (2001:181). Beyond the wave of religious zeal, the purge of the army and universities could only worry the SPLM/A fighting for a New Sudan where such police state had no place. The NIF facilitated a further escalation of the conflict as they legitimated war as Jihad or holy war (Jok, 2007:14).

Factionalism and escalation

The 1990s were marked by a number of events: factionalism among the SPLM/A, a further escalation resulting from factionalism, the international isolation of Sudan and a number of peace initiatives.

Factionalism among the SPLM/A was very much a result of Mengistu's fall in 1991. With the loss of its main sponsor, the SPLM/A found itself in a vulnerable situation. Discontent within the movement about Garang's leadership started:

‘Two commanders who did raise the issue of accountability and the need for a more democratic procedure with Garang in 1990 and 1991 were the two senior commanders of Upper Nile: Riek Machar and Lam Akol. Both had been promoted by Garang over the heads of longer-serving SPLA officers and had been appointed alternate (non-voting) member of the PMHC [Political Military High Command]’ (Johnson, 2004:93).

These two commanders founded the Nasir group in August 1991, denouncing ‘Garang as a dictator, call[ing] for greater democracy in the SPLM/SPLA command structure, and pledged themselves to a greater respect for human rights, especially in regard to the release of political prisoners, and a halt to the recruitment of ‘child soldiers’ (Johnson, 2004:97). The Nasir group was later accused of receiving support from Khartoum. Whether this move was tactical or not, the mainstream SPLM/A saw the faction as orchestrated by Khartoum (Johnson, 2004:99).

Factionalism furthered violence in the south to an unforeseen level. As factionalism took an ethnic connotation with the SPLM/A Nasir of Machar and Akol regrouping the Nuer tribe and the SPLM/A mainstream of Garang regrouping the Dinka tribe, the war took an anarchic turn involving civilians against civilians. The Bor Massacre was an unfortunate example of this. In 1991, ‘Nuer warriors marched on the Dinka heartland at Bor and Kongor to recapture lost cattle, chanting their battle cry: “We will make you Dinka drink your own blood” (Peterson, 2001:218). This raid resulted in so many deaths that ‘the death count was stopped after reaching 2,000’

(Ibid.).³⁷ The Nuer leader Riek Machar claimed to have ‘never intended such a vicious onslaught’ (Ibid.). Factionalism not only brought extreme suffering on the civilian population, it also allowed the government to recapture two-thirds of the south (Ibid.).

The escalation of violence cannot only be attributed to the rise of factionalism in the south. Bashir reinforced the use of tribal militias in the South. In addition to this, Bashir motivated popular recruitment through the creation of the Popular Defence Forces and a discourse of Jihad “legitimising” the war against the Southern factions and the targeting of the non-Muslim civilians in the South. Beyond the North-South divide, the war was also slowly spreading through the whole of Sudan, as Johnson explains:

‘By 1991 the war in the Sudan could already be described as a network of internal wars, whether within sub-regions or among specific peoples. Some Nuer tribes provided recruits simultaneously to the Anyanya-2 and the SPLA, and other Southern peoples such as the Mundari and Toposa were similarly divided between the government and the guerrillas. Misiriyya groups sought military patrons in the political parties, the army, and Chevron oil company. One thing which clearly distinguishes the current war from the civil war of the 1960s is that it has not been confined to the South: fighting has taken place in Darfur, Southern Kordofan, Blue Nile and, most recently, Qallabat,

³⁷ ‘People were speared and shot, bound with ragged belts and knotted cord, strangled, and burned. Three boys were tied to a tree and clubbed to death. Men were castrated and disembowelled. The region was depopulated as 100,000 Dinka fled south into the swamps to survive or die on a diet of leaves and water lilies. Food stores left behind were put to the torch, and tens of thousands of head of precious cattle were spirited away by the marauders’ (Ibid.).

Kassala and Red Sea – all parts of the ‘Muslim’ North’
(2004:127).

In addition to this the regional politics came into play as Sudan started engaging in proxy wars with its neighbouring countries. Prendergast explains that the civil conflict became regional involving the governments of Uganda, Ethiopia, and Eritrea, the Lord’s Resistance Army and other militias and concludes that ‘it is not an exaggeration to foresee the possibility of a major regional war developing over ideology and resources’(1997:19).

Peace initiatives

Despite the escalation of the conflict, the 1990s were also marked by a number of peace initiatives. The failure of the 1989 peace opportunity did not close the door to talks. Indeed, throughout the 1990s, there was on both sides a contradictory “talking while fighting” strategy (Madut-Arop, 2006:125).

From 1992 until 1994, The Abuja I and II peace initiatives, organised by the Organisation of African Unity and led by Nigeria took place. The Abuja talks occurred at a difficult moment in the conflict as the SPLM/A had just experienced a major schism. Surprisingly, the talks started in 1992 with the two factions of the SPLM/A cooperating and putting aside their differences. Unfortunately, the government ‘refused to budge on key provisions of its agenda, insisting on an Islamic state and the unity of the

Sudan', ending the first round of talks (Iyob and Khadiagala, 2006:95). The resumption of the talks in April 1993 did not bring further hope. Not only substantial issues remained stumbling blocks in the talks, but factionalism among the southern opposition presented a major obstacle.³⁸ The second round of the Abuja talks in 1993 ended with no communiqué or agreement and were never started again.

In 1994, the Inter-Governmental Authority on Drought and Development, later renamed IGAD, presented itself as a new forum presenting Sudan with a hope of peace. IGAD is an eastern African forum and 'convenes regularly at the Ministerial and working level to discuss regional issues' (Brusset, 2000:140). According to Brusset, IGAD 'merged slowly at the most permanent framework in the region for the negotiations between the parties (Ibid.).

The first round of talks in January 1994 aimed at 'gradually [forcing] a compromise around specific items' (Iyob and Khadiagala, 2006:104). The SPLM/A mainstream and SPLM/A Nasir proposed three items for negotiations: 'a cease-fire to facilitate humanitarian relief; the right of self-determination through a referendum [...]; and comprehensive interim arrangements for the transitional period' (Iyob and Khadiagala, 2006:104-5). The government was reluctant to include cease-fire negotiations and self-

³⁸ 'But when the talks resumed in April 1993, the parties could not find common ground on the contentious questions of secularism, the structure of political relationships between north and south, and the interim arrangements. Strengthened by additional military victories over the SPLA, the government was less inclined to budge from its previous positions. To emphasise its growing confidence, in May 1993, the government engaged in parallel negotiations in Nairobi with Machar's faction, further deepening the southern split' (Iyob and Khadiagala, 2006:95).

determination in the basket. The outcome of the first round focused on the formation of a subcommittee for the provision of humanitarian affairs.³⁹ It is interesting to note that the first round of the IGAD peace process which eventually led to the signing of the peace started in substance on negotiations on humanitarian relief.

In 1995 regional tensions brought the peace process to a halt. Although many benefits came from the fact that IGAD is an Eastern African organisation, the mid-1990s were marked by the involvement of neighbours in the war, rising tensions between Sudan and its neighbours and the use of proxy wars. This vacuum was soon filled by a number of other peace initiatives from the Carter Center, Iran, Libya, Malawi, and South Africa, competing against each other and slowly eroding the chances of peace for Sudan (Iyob and Khadiagala, 2006:107-8).

The resolution of the conflict took a new turn in 1997. The government signed a peace agreement with six southern factions but not the SPLM/A mainstream. Using factionalism to its advantage, Khartoum appeared as the peace-maker. A further development in the IGAD peace process was seen as the government of Sudan finally accepted in July 1997, the Declaration of Principles adopted by the IGAD group since 1994. Among the principles adopted in this declaration, separation of religion and

³⁹ 'Nonetheless, the first round secured agreement on the formation of a negotiating subcommittee of SPLA factions, the government, and the UN to deal with issues of relief aid. In April 1994, the subcommittee, in a confidence-building measure, agreed to open up aid corridors to seventy-three relief sites, create five land passages, and immunise children in the war zone' (Iyob and Khadiagala, 2006:104).

state, the principle of self-determination for the South and the recognition of Sudan as a multi-ethnic, multi-religious country appeared as major steps towards a resolution of the conflict.

It was only in 2002 that real progress could be seen with the signing of the Machakos protocol and a renewed Memorandum of Understanding on cessation of hostilities brought a real opportunity for substantive peace talks. Despite being slow, the IGAD process succeeded in bringing a Comprehensive Peace Agreement in January 2005 between the SPLM/A of John Garang (re-united with SPLM/A Nasir in 2002) and the government of Sudan.

The process of conflict resolution in Sudan was slowed down by a number of factors. Among the major obstacles to peace was the problem of factionalism among the southern groups. Even though the southern factions cooperated at times as during the Abuja talks, the government of Sudan exploited factionalism in 1997 and widened the gap between the different southern leaders. As Keen explains, this created agreements between allies rather than an agreement including the principal political and military opponents of the government' (2000:91). Keen also points out that cease-fires were not always seen as steps towards peace as they were perceived to be advantageous to the government using the time to regroup and re-arm (2000:92). Furthermore, this lack of genuine commitment to a cease-fire and good will is also highlighted by Ali and Matthews as they argue that the government was often entering peace talks without wanting peace:

‘The regime continues to capitalise on the popular yearning and international sentiment for peace talks, as long as they remain just talk. Once discussions move to substantive issues, and negotiations are about to begin, the process come to a halt. This is the lesson of all past “talks”’ (1999:214).

Prendergast goes even further and argues that ‘no one [had] a vested interest in a peaceful outcome’ (1997:63). By keeping the South in conflict, the government maintained its hegemony over the country. One has to keep in mind that the government in Khartoum was very much under the pressure of the wider Northern elite not to give in to Southern demands. With a history of political instability and numerous coups, Bashir also needed to play the Northern elite to stay in the game. On the other hand, the SPLM/A benefited from such recognition and legitimacy around the world that its leadership was already enjoying the life of a de facto government (CC 01).

Unfortunately, a few other factors added to the slow resolution of the Sudanese conflict. The IGAD peace process in itself appeared as an issue when the regional situation became tense. Prendergast even argues that the four government members of IGAD, Kenya, Uganda, Ethiopia and Eritrea, ‘have seen their relations deteriorate enough with the Khartoum regime as a result of the latter’s meddling in their internal affairs’ to want to see regime change in Khartoum (Prendergast, 1997:63). Furthermore, the IGAD process was sometimes claimed to lack ‘adequate clout and leverage’ (Iyob and Khadiagala, 2006:101). The emergence of competitive initiatives added to the situation and slowed the process further.

Finally, some would argue that oil prevented a faster resolution of the conflict. As Adar argues, 'to a large extent the countries and oil companies involved in the production of oil in Sudan [...] are undermining conflict resolution efforts in the country' (2001:95). Indeed, Adar explains that the oil revenues since 1999 have allowed Sudan to support its war effort. As he explains, 'the oil revenue spent by the government of Sudan totals \$1 million per day, is equal to the amount which the government of Sudan spends on arms per day' (Adar, 2001:96). Furthermore, the presence of oil in the country also means that financial pressures cannot be exercised on the Sudanese government as a leverage for the peace process.

The question that remained to be answered is why peace then. The first reason seems to be that both parties came to the realisation that there was no unilateral military solution to the conflict (Balencie and de la Grange, 2005:185). Secondly, the involvement and support of the US administration for the peace process appeared as a major incentive. Indeed, September 11 and the 'War on Terror' forced Sudan to cooperate with the international community from fear to be next on the list after Afghanistan and Iraq (Balencie and de la Grange, 2005:185).

How long the peace will last remains to be seen. With an escalating conflict in Darfur and smaller conflicts still unresolved throughout Sudan, the motivations behind the government's signature of the Comprehensive Peace Agreement can be questioned. The death of Garang in July 2005, only

six months after the signing of the peace, may have also changed the aspiration of the newly-created Government of South Sudan. On the second anniversary of the Comprehensive Peace Agreement, the President of South Sudan and Vice-President of Sudan, Salva Kiir Mayardit already accused the Khartoum government of continuing arming tribal militias in the south.

Impact of conflict

The impact of the conflict cannot solely be mirrored by the number of dead combatants on both sides. As Peterson writes in 2001, 'Even if the war stopped today, the south would not be able to feed itself for years. Instead of seeds, southern Sudan has been sown with hundreds of landmines' (2001:200). Such a sustained civil war could only leave deep scars in South Sudan. Part of this was due to the type of violence used during the war, but also the extensive human right violations and man-made humanitarian crisis.

The conflict has claimed the lives of 1.5 million people from the start of the conflict in 1983 until the signature of the peace agreement in 2005 (Jackson, 2006:18). The internally displaced populations (IDPs) are estimated as high as 4 millions according to the United Nations High Commission for Refugees (UNHCR, 2007). The post-peace agreement repatriation programme (2005-ongoing) aims at helping the half a million South Sudanese population dispersed in six different countries in East Africa (UNHCR, 2007). The South has suffered two dramatic famines in

1988 and 1997 in great parts caused by the war. There are no clear estimates of the number of child soldiers throughout the war. However, the SPLM/A through a UNICEF led programme had demobilised 15,000 children by 2005 (IRIN, 2006). The amount of children that fought the war on either side can with no doubt be multiplied by two if not three. Adding to this morbid list, landmines have been scattered all over South Sudan and the socio-economic environment of South Sudan has been forever damaged. It is sometimes said that guns have replaced cattle in South Sudan as the new source of power and pride. In order to understand the depth of the conflict in Sudan, one has to look at the way the war was fought, in other words, the types of violence that was used throughout the war.

The war between the North and the South has been fought on many grounds and in different ways. Over the years, the conflict became more complex with new fronts, or new wars, starting in Sudan. Uprisings against the government were not only found in the South but also in the eastern regions of Sudan, in Darfur, as well as in Khartoum itself. Regimes in Khartoum have always been prone to coups and this was the case during the North-South conflict. After Bashir's take over in 1989, the atmosphere in Khartoum became one of suspicion and fear. The infamous Ghost Houses where people perceived as threats to the regime were tortured became the prime source of fear for the northern population and Khartoum's inhabitants. War was at one time or another present all over Sudan. Whereas a regime of terror developed in the North, the brunt of the fighting remained in the South where the population suffered extensively from forced

displacement, starvation, disease, and raids on villages where houses were burnt, cattle stolen, and people taken, some of them to be slaves for Khartoum's elite. The extent of the population's suffering can be understood when one looks at the characteristics of the war: the use of tribal militias by the Government, tribal factionalism within the rebel movement, and proxy wars with neighbouring rebels and governments.

The North-South conflict has been shaped by the Government's war strategy. Indeed, the Government applied a policy of "proxy war" in the South, a tendency that was greatly intensified with Bashir's rule. Proxy war was implemented in two ways: by exacerbating existing tribal divisions in the South and by supporting neighbouring rebels.

The existing tribal divisions in the South provided the Government with opportunities to fight the war through different means. The population in the South is divided in a number of different tribes: Dinka, Nuer, Shilluks, Acholi, Lotuhu to name only a few. By arming antagonistic tribes, the Government provided the means for anti-SPLA tribes to fight its enemy. This tendency grew with Bashir's take over as Bashir did not trust his army (Peterson, 2001:187). The incentives for such a policy were numerous. This was a cheaper way of conducting a war, an economic incentive that was much needed in an impoverished Sudan. In addition to this, by using tribal tensions and historical tribal conflicts within the South to fight against the SPLA, the Government created further evidence to its claim that the war was a South-South conflict and not a North-South conflict. This argument

was aimed to distance the Government from the conflict raging in the South, allowing its disengagement from peace initiatives as an outsider of the conflict. When this policy failed to achieve military victories, the Bashir Regime created a new wing of the army, the People's Defence Force (PDF). This Force was made of young adults who before being allowed to go to university had to enrol themselves in the PDF. The PDF was accompanied by a strong religious discourse of Holy War and promises of redemption (Peterson, 2001:187).

In the 1990s, waging war by proxy took another turn. As the SPLA found in Uganda a strong supporter after Mengistu's fall in Ethiopia, the Sudanese Government welcomed the presence of the Lord's Resistance Army (LRA), a rebel movement fighting against the Ugandan Government, in South Sudan. The LRA provided a strong support to Sudan's other war strategy, sometimes considered a war aim: the displacement of the population in Southern Sudan mostly through the growing fear of militia raids in villages. Historically, the relationship between the North and the South has been one of raiding and extorting resources. The North used to take the "Three Golds" in the South: White Gold as Ivory, Black Gold as African slaves, and Yellow Gold as Gold. This relationship underlies the causes of the war where water, agricultural land and oil have replaced the "Golds". In this endeavour, population was seen as an obstacle to the North's projects. Through the tribal militias, the LRA and the PDF, the war took the form of small raids on villages.⁴⁰ The impact of the conflict on the

⁴⁰ 'The PDF practised the mindless tactic of mass onslaught, which provided innumerable martyrs but rarely brought victory. Diplomats in Khartoum joked that these were "atrocities"

civilian population was very much dictated by these strategies. There is no such thing as a clean war and the two conflicting parties have had their fair share of human rights and humanitarian violations. Nevertheless, the Government's strategy meant an exacerbation of these violations. The PDF was not a well-trained professional army. The LRA is well-known for its consistent violations of human rights and humanitarian principles. Tribal militias acted without Government control or any type of accountability in a highly tensed environment. These factors explain why the civilian population remained a constant target during the war.

One last factor was instrumental in increasing the targeting of the civilian population. In 1991, the split between John Garang (a Dinka) and Riek Machar (a Nuer) involved the population further in the fighting. As the SPLM/A was now divided along ethnic lines, attacks on the population from the rebels became more frequent. Dinkas belonging to the SPLM/A mainstream (Garang's faction) started targeting Nuer villages. Nuers belonging to the SPLM/A Nasir (Riek's faction) started targeting Dinka villages. The Bor massacre in 1991, allegedly carried out by members of Riek's army on Dinkas, forced thousands of Dinkas to run from the tribal imbalance (Human Rights Watch, 2003). According to Johnson, 'the split in the SPLA reintroduced fighting into areas which had been relatively free from violence for some time' (Johnson, 2004:114). The split was a source of

battalions", because when they pushed the Sudan People's Liberation Army out of an area, then they "moved down all the civilians. It is probably the only role they are qualified to play", said one. [...]With Islamic battle cries, the PDF waged war in its own way, burning villages and killing civilians. Along the battlefield, unlucky innocents were often caught up in the conflict, and the abuse of fellow human beings was systematic. Southerners of course knew these acts as ethnic cleansing. Certainly blackened shells of huts and abandoned villages, left behind by northern troops, were no different from the "cleansed" towns of Croatia and Bosnia in the Balkans' (Peterson, 2001:187).

further violence as ‘not only did the two factions of the SPLA fight each other, they encouraged civilian involvement’ (Ibid.). The division between the two factions was not resolved until 2003.

In many ways, Sudan’s second civil war provides a sad example of how many human rights and humanitarian principles can be broken in an internal conflict. The constant targeting of the civilian population explains the long-lasting humanitarian crisis raging in South Sudan. The impact of the war on South Sudan can only be estimated, but the scars from the war will take a very long time to heal with 1.5 million lives claimed by the conflict, approximately 4 million internally displaced (IDPs), 500,000 refugees, 20,000 orphans who wandered alone during the war, and an estimated 17,000 child soldiers⁴¹ involved in the war (http://www.child-soldiers.org/document_get.php?id=952).

The fear of violent village raids among the population forced most Southern Sudanese to find refuge away from their villages into IDP camps. By the end of the war, the displaced population was estimated to reached 3.7 million IDPs and 500,000 refugees (OCHA-IMU: South Sudan IDP and Refugee Return Population Projections for 2006, 19 September 2005). This represents almost 50% of the estimated 11 million Southern Sudanese population. Such an important internal migration impacted greatly on food security as cattle grazing and agricultural activities could not follow its due course. As Human Rights Watch reported: ‘In the underdeveloped south,

⁴¹ This estimation varies according to different reports.

war, flood, drought, disease, and mismanagement have rendered useless ordinary survival strategies, and made millions wholly or partially dependent on emergency food assistance provided by the United Nations [...] and foreign agencies [...]' (Human Rights Watch, 1993). For years, the population of Southern Sudan survived and relied on humanitarian aid to survive, especially during the famines in the late 1980s and late 1990s which were of biblical proportions. The consequences of such a situation for post-war reconstruction are alarming. Furthermore, it pinpoints the invaluable necessity of humanitarian action during the conflict. It is not surprising, therefore, that the historical agreement on humanitarian action between a rebel movement, a government and the UN through Operation Lifeline Sudan occurred during Sudan's second civil conflict. The humanitarian crisis resulting from war necessitated extensive humanitarian aid. The Operations Lifeline Sudan agreement was also meant to reduce the problem of food diversion and insecurity for humanitarian actors in South Sudan. Both sides in the conflict diverted important amounts of humanitarian aid before and after the OLS agreement. Humanitarian actors also found themselves in extremely dangerous situations where they became, as the civilian population was, targets, a clear violation of humanitarian principles.

Indeed, the conflict provided numerous examples of human rights and humanitarian principles violations beyond the targeting of humanitarian actors and the diversion of humanitarian aid. The use of child soldiers was a norm rather than an exception, especially within the SPLM/A who, after a

few years in the conflict, implemented a systematic policy of child recruitment by tricking children grazing goats outside of villages to follow them to Ethiopia to get “an education”. A former child soldier explains, education for the SPLM/A consisted of knowing how to handle a gun (Former SPLM child soldier 01). Children as young as 8 years old were taken within the rebel army.⁴² Torture was also common. SPLM/A prisoners of war taken by the Government forces were either killed or tortured, even when those were child soldiers.⁴³ The constant targeting of the population as a war strategy remains the main violation of humanitarian laws.

Conclusion

This conflict analysis highlights a number of critical aspects for this research. In order to understand better the process of engagement with armed non-state actors on humanitarian issues, it is necessary to understand the actors involved in the engagement. The first section on the actors of the conflict sheds light on the two main actors of the conflict, the SPLM/A and the Bashir regime. These two actors were the principal and key decision-makers in a number of humanitarian agreements but mainly with regards to peace in the country. The analysis emphasised the attitude of these two

⁴² For a more detailed and specific account of the life of a child soldier within the SPLA see E., Maendeh, *Child Soldier* (2006).

⁴³ Maendeh provides an example in his book *Child Soldier* of child soldiers experiencing torture after their capture by the Sudanese army. The author heard this story while doing research for the book with former child soldiers in South Sudan: ‘They [Government soldiers] tied them to poles using barbed wires which pierced the boy’s skins resulting in unbearable pain. Some of the boys were ironed with hot iron box on their backs and all over their bodies. It seemed in the whole that this camp was meant for torture. There were some holes dug which were enough to take all the body except the head, and those who survived the ironing were placed in these holes and the Arab soldiers would pour in hot oil’ (Maendeh, 2006:56).

actors in regards to human rights and humanitarian norms and the treatment of the civilian population caught in the middle of the atrocities of conflict. Both the government and the armed group have directly caused the suffering of the civilian population and violated numerous human rights and humanitarian obligations. Despite this, both have entered into humanitarian negotiations and signed humanitarian agreements throughout the war. As the last section emphasised, the conflict has been particularly traumatising for the civilian population. This situation has in many ways pushed the boundaries of humanitarian action and imposed the necessity of humanitarian diplomacy. Finally, the history of the conflict has demonstrated the difficulty of dialogue, confidence-building, trust necessary to arrive at a peace agreement between the Bashir regime and the SPLM/A. This makes Sudan a challenging but most puzzling case study to examine whether humanitarian engagement with armed groups effect peace processes.

This conflict analysis provides a first basis for the following chapter, which analyses the data gathered during field work in Sudan. The analysis of the SPLM/A is particularly paramount in understanding and evaluating the extent to which humanitarian engagement impacted the evolution of the Movement and therefore played a role in peaceful conflict transformation.

Chapter VII: Analysing the steps from humanitarian to political engagements: armed non-state actors and humanitarian engagements as underlying factors

Introduction

This chapter is the first of two analysis chapters. Whereas the next chapter will focus on answering the main research question, this chapter will examine the wider issues and questions raised in this research. In particular, this chapter will examine how the different characteristics of armed groups and humanitarian agreements may play a role in whether and how humanitarian engagements impact upon the conflict situation.

A first section will emphasise the role played by the different characteristics of armed groups, drawing conclusions from the case of the SPLM/A. The aim is to highlight the possible factors emerging from the SPLM/A and its characteristics as an armed non-state actor to better understand their impact on the relationship between the humanitarian engagements and the conflict situation. It will be argued that the objectives and aims of armed groups, the leadership and power structure, and finally, the relationship with their constituency and control over territory impact upon the effect that humanitarian engagements with armed groups have on the conflict situation.

The second section will focus on understanding how the characteristics of humanitarian engagements may also play a significant role in defining the relationship between humanitarian engagement and conflict transformation. In the case of humanitarian engagements, a comparative analysis can be made between the three engagements researched, namely Operation Lifeline Sudan, the 1995 humanitarian ceasefire brokered by the Carter Center, and the Deed of Commitment with Geneva Call. This comparative analysis will enable a refined understanding of how the different characteristics of humanitarian engagements may favour or constrain the impact on the conflict situation using the framework developed earlier in the research. Each engagement will first be examined using this framework by asking the questions: Who engages? What is the purpose of the engagement? Why the armed group agrees to the engagement? And finally, what are the challenges faced? It will be argued that the timing and length of the engagement play a significant role, as well as the amount of negotiations and the inclusion or not of all parties to the conflict.

Characteristics of Armed Non-State Actors as underlying factors

A number of factors come into play in analysing the effect that humanitarian engagement with armed groups may have on the transformation of conflict. In the case study presented, the humanitarian engagements that occurred throughout the second Sudanese civil war had some indirect impact on the possibility of peace talks between the Sudan People's Liberation Movement/Army (SPLM/A) and the Government of

Sudan. One may wonder how the characteristics of the SPLM/A impacted the relationship between humanitarian engagements with the SPLM/A and the start of the peace talks that led to the Comprehensive Peace Agreement in 2005. This section aims at examining how different characteristics of armed groups may be important underlying factors that provide the necessary conditions for humanitarian engagements with armed groups to further the possibility of peace talks.

A number of difficulties arise in attempting to answer this question. The first is that this research was not a comparative research and therefore it is difficult to isolate the characteristics of an armed group that may be a factor in this equation. The second difficulty results from knowing what characteristics of the armed group originate from the armed group and what characteristics result from the occurrence of humanitarian engagements. A lot of the literature on the SPLM/A was written after Operation Lifeline Sudan started. The interviews conducted in South Sudan during my field research articulated certain ideologies or policies that may have resulted from a socialisation process that the armed group experienced through their engagements on humanitarian issues. Nevertheless, a number of characteristics present in the SPLM/A may have played a role in favouring or allowing humanitarian engagements to have a positive impact on the peaceful transformation of conflict.

The political profile of armed groups: objectives, aims, structure

An important part of the understanding or analysis of an armed group is uncovering their objectives and aims. There may be a number of reasons why an armed non-state actor takes part in an armed struggle. These objectives and aims play a significant role in understanding the impact that humanitarian engagements with armed groups may have on the conflict situation. In the case studied in this research, the SPLM/A had a clear political aim: creating a New Sudan, a united Sudan where people of all creeds, ethnicity, cultures would enjoy the same rights and opportunities (SPLM a). “”Revolution” rather than separation [was] the SPLM/SPLA’s announced goal’ (Johnson, 2000:58).

Why are the objectives of an armed group important in creating a favourable environment for humanitarian engagements to impact positively on the conflict situation? The objectives of an armed group dictate the behaviour of the group in many ways and tell us how the armed group is positioning itself in relation to its environment. For instance, The New Sudan approach chosen by the SPLM/A does not only inform of the SPLM/A’s goal in fighting the war but also reflects on what position the SPLM/A adopted in relation to the international community and neighbouring state. This ideology was chosen over independence in order to be acceptable by the international community which upholds the values of sovereignty and territorial integrity. This was also aimed at neighbouring states, which were themselves faced with independentist groups such as Ethiopia and the Eritrean independence movements, to ensure their support (Johnson, 2000:57). The SPLM/A’s discourse reflects an adoption of certain

norms and concerns of the international community and shows that the SPLM/A wanted to position itself in a positive rather than a conflictual relationship with the international community.

Petrasek argues, armed groups that aim at becoming the head of a state will be ‘more sensitive [...] since they will understand that a certain conduct is expected of states that join the international community’ (2000:16). The SPLM/A through their New Sudan policy aimed at one day taking an active, if not exclusive part, in governing Sudan and as Petrasek explains, the SPLM/A was aware of the expectations that they had to meet. This first quote exemplifies the awareness the SPLM/A had of what was required for them to be seen as a government:

‘We were the Government, we the SPLM, because we had the three conditions that constitute a government. We had the people of the South [...]; we had a territory called Southern Sudan; we were a structured SPLM government’ (SPLM 01).

It is difficult to know whether this awareness came as a result of a learning process through humanitarian agreements rather than as original knowledge on the part of the SPLM/A that these expectations existed. Nevertheless, this shows that because the SPLM/A wanted to acquire international status as a state, the armed group cared about creating a positive image of themselves among the members of the international community. Zahar argues that ‘the more general the objectives (in the sense that they seek to improve society at large), the more likely it will be that the international community will find a

way to engage combatants on the issues of civilian protection' (2001:56).

Zahar's argument is supported by the experience of the SPLM/A.

As humanitarian engagements with the SPLM/A in South Sudan have impacted positively the perception that international actors in Sudan had of the SPLM/A, creating a wider support base and legitimacy for the SPLM/A during peace talks, one wonders whether this results from the fact that the SPLM/A's aims and objectives necessitated a positive engagement with the international community. In other words, the outcome relating to the third hypothesis proposed could be extended to state:

- Humanitarian engagements with the SPLM/A impacted on the conflict situation by changing the perception that different actors had of the SPLM/A. The SPLM/A's aim to govern a New Sudan favoured this outcome as this objective necessitated a positive engagement with the international community.

As an SPLM interviewee stated:

'It is a big challenge to be recognised. And that is why many movements go for a different option. One of taking hostages and extremes. Another one is to get engaged positively with the international community. [...] And I think the SPLM chose to use a positive engagement and policy in affecting the good aspects and the values of the movement' (SPLM 06).

This extended hypothesis also reflects on the way the SPLM/A justified the fact that it was engaged in an armed struggle. As the SPLM/A was aware that the use of force was frowned upon by the international community, a justification of its involvement in an armed struggle was necessary:

‘When you are fighting a war and you have desperate people needing assistance you have to appreciate the situation. Wars are fought because society are not happy with the government that is governing them. That is the reason for war. Some communities feel aggrieved and when they cannot put their cases in parliament or through institutional arrangements then they resource to arms. So we were fighting for a just cause’ (SPLM 01).

This justification for why the SPLM/A took up arms was very often cited in other interviews. Williams and Ricigliano explain that the way an armed group accounts for the fact that it is armed is a critical factor as it helps understanding how the group might prioritise between continuing an armed struggle and finding a peaceful solution (2005:17).⁴⁴ The SPLM interviewee above justifies the armed struggle, but suggests that it was a solution of last resort. Most of the interviews carried out with the SPLM/A mentioned that

⁴⁴ Williams and Ricigliano argue that the armed group’s perceptions of negotiations is an important factor in analysing armed groups: ‘Does the group have a positive vision for a peaceful future [...]? Do they have a realistic understanding of the value of not negotiating? [...] Do they have a clear vision of what it means not to negotiation a solution [...]? [...] Do they feel it is legitimate to talk to the other sides? Believe that it is in their interests to talk? Do they envision a possible negotiated solution? [...] Do they have the resources [...] and ability to negotiate [...]?’ (2006:17). The second hypothesis proposed in this research examines how humanitarian engagements with armed groups provide a learning-by-doing experience. This learning experience will certainly have a greater impact when the armed group is more isolated internationally. As this interviewee explains: ‘[Humanitarian engagement] is also opening up as you say an understanding of what the requirements are at the international level. So it opens up an awareness of what the international community is concerned about and making them start looking at their own policies and procedures. [...] With the smaller groups, it works that way. With the larger groups they are much more aware’ (GC 03).

the SPLM/A was for peace from the beginning. Again, it is difficult to judge whether this discourse is used as a result of a socialisation process and within a post-peace agreement context or if it reflects a genuine policy within the Movement. On the other hand, for the SPLM/A to create a New Sudan and attain its goal, peace was necessary. Therefore, it may be the case that humanitarian engagements with the SPLM/A had a positive impact on the conflict situation and the start of peace negotiations because the SPLM/A wanted peace in the first place and aimed at creating a positive image of the Movement resulting in their desire to establish a positive relationship with the international community.

The fact that the SPLM/A aimed at being a state or a government furthered their desire to use humanitarian engagements in a political way and in a positive way. They used that platform to publicise themselves. They agreed to be socialised in the norms and behaviours of the international community. They agreed to learn and put in practice what they learnt through that process. This willingness, on the part of the SPLM/A, certainly meant that humanitarian engagements could have a positive impact on the conflict. The socialisation process that humanitarian engagements provided for the SPLM/A, which resulted in favouring the start of successful peace talks, was accepted and instrumentalised by the SPLM/A to help them attain their aims. Since their aims necessitated a peace agreement, this instrumentalisation made a positive step towards the peaceful transformation of conflict.

Leadership and structure

Zahar argues that the structure of an armed group is a facilitating factor in engaging armed groups on the issue of civilian protection (2001:56). Without implying a necessary link between structure and the protection of civilians, Zahar believes that the least challenging armed group to engage with on humanitarian issues would be one where the objectives are broad and a clear structure exists (2001:56-7). One may wonder whether the structure may be a second factor that may favour the positive impact of humanitarian engagements with armed groups on the conflict situation.

The previous chapter examined the status, role and power of actors that were directly involved in humanitarian engagements. One of the conclusions was that the humanitarian wing of the SPLM/A, the SRRA, did not appear very strong and did not have 'the power on the ground' (UN 02). An interviewee states that the SRRA 'had to go back to the military structure on certain issues, such as the issue of hostages, as the SRRA did not have the clout to move things forward' (UN 02). The power structure of the group meant that the people who were directly involved in the humanitarian engagements did not have a special status or a powerful role from which they could influence the important political and military decisions. The power structure undermined the impact of humanitarian engagements on the conflict situation in this case.

The first hypothesis stated that humanitarian engagements may change the internal working of the armed group by raising the voice of a more moderate faction. This hypothesis seems to be reversed. As an interviewee explains, who your interlocutor is in a group is dictated by the group (GC 03). The power structure of the group is imposed on the organisation engaging an armed group on humanitarian issues (GC 03). It is therefore a constraint that may affect whether humanitarian engagements has a positive impact on the conflict situation. Therefore, the hypothesis is reversed:

- It is not the case that humanitarian engagements with the SPLM/A triggered a change in the internal dynamic of the group, but the power structure or a change in the internal dynamic of the SPLM/A enabled and affected humanitarian engagements and the impact that they may have on the conflict situation.

This is exemplified by the political shift that occurred in 1994 as a result of the Chukudum Convention, which brought together eminent members of the SPLM/A to discuss issues relating to the leadership and power structure of the Movement:

‘After the convention in 1994, because we put our house in order politically, because we elected our leadership, this was the beginning of a process of democratisation [...]. Because of the democratisation within the movement it was easier for us to discuss the issue of the ceasefire [1995 Guinea Worm Ceasefire]’ (SPLM 07).

This confirms Zahar's argument (2001:56) that a clear structure enables humanitarian engagements.

It is difficult to judge the extent to which different power structures and political organisations may affect the possibility that humanitarian engagement with armed groups impacts the conflict situation. Further comparative research would provide stronger grounds. Nevertheless, the power structure within the SPLM/A and the political organisation of the leadership was at times an enabling feature, at other times a constraint.

Armed group – constituency relationship: an economic approach

The relationship between the armed group and its constituency may impact greatly on the position that the armed group adopts regarding the treatment of civilians, humanitarian principles and human rights (Zahar, 2001). The basis for this relationship often comes down to economic relations (Weinstein, 2007) and identification. According to Zahar, 'the higher the perceived identification between a militia and the civilian population that it controls (in-group), the lower the likelihood that the militia will hurt this population' (2001:58). The SPLM/A highly identified itself with the Southern Sudanese population under its control and vice versa. The 1991 split along ethnic lines complicated the situation to a certain extent. Nevertheless, the SPLM/A articulated the grievances of the Southern Sudanese people and in many ways was supported by the population under

its control as they shared this commonality. In that sense, the relationship between the SPLM/A and the population under its control could be described as symbiotic.

Zahar argues that ‘various forms of economic relations affect the incentives for militias to uphold international norms of conduct vis-à-vis civilians’ (2001:48). As an armed group becomes more dependent on the population for food, soldiers and shelter, this population will be treated well as to ensure their compliance. The more independent the armed group will be from the population, the less incentives it will have to apply certain rules to its attitude towards the population (Petrasek, 2000:23). Inversely, ‘the higher a militia’s symbiotic dependence on the civilian population, the less likely it is that the militia will harm the civilians’ (Zahar, 2001:56-7). This symbiotic dependence is expressed in other words by an SPLM interviewee:

‘When you have a movement fighting for the rights of the people supported by the people, you have to make concessions in terms of trying to save life for them. Of course, as a guerrilla movement, you know the concept of a guerrilla is like just the relationship between the population and the movement is just like fish and water. That is why the movement survives within the community. So it has to also address the need of the community, issues like food and other’ (SPLM 02).

The relationship between the SPLM/A and its constituency was not always like “fish and water”. The relationship between the South Sudanese and the SPLM/A as well as between the SPLM/A and the remaining of the

Sudanese population evolved over time. It is difficult to isolate this evolution with the potential impact of continuous humanitarian engagements with the SPLM/A. One major turning point in the changing nature of this relationship remains independent of humanitarian engagement: the loss of the SPLM/A major state sponsor in 1991 changed the economic reliance that the SPLM/A had on their constituency and thus forced the SPLM/A to change its behaviour towards its constituency.

The SPLM/A relied heavily on Mengistu's regime for resources, arms, foods, training camps, safe havens, etc (Johnson, 2000:60). When Mengistu's regime fell, the SPLM/A found itself faced with a desperate situation: a lack of resources coupled with a disgruntled constituency in Southern Sudan. The 1994 Chukudum Convention was very much a re-evaluation of the SPLM/A's policies towards the civilian population in South Sudan as the need to form a strong relationship with its constituency became urgent (Keen, 2000:80). The changing nature of the relationship between the SPLM/A and its constituency meant that humanitarian engagements would help the SPLM/A in winning the hearts and minds of its people and in this sense, certainly helped in convincing the SPLM/A that humanitarian engagements were paramount in supporting the SPLM/A in this endeavour (Duffield, 2000:126; Luk, 1992:45). As one interviewee stated:

'I would say our main objective was to mitigate the effect of war and means for the international community and the organisations to be able to reach the needy people. And the basis for this for us is

the very values that made us to engage the Government of Sudan in the first place in the way. In a sense we rebelled against the denial of our rights as citizens, our human rights as human beings, and the rights of our people, our movement as an organisation is nothing but an organisation of volunteers who step forward when our people in the millions lived in abject oppression and poverty and were marginalised. So yes, we wanted to pursue the war but with the least humanitarian cost as possible' (SPLM 05).

The quote reflects rather well the general answers of different interviews with the SPLM: war was fought for the people of Southern Sudan, we were here to help the people of Southern Sudan, and they were here to help us in this struggle. The reality was in many ways different: as Johnson (2000:63) and Prendergast (1997:57) argue the relationship between the SPLM/A and its constituency is a parasitic relationship. On the other hand, the interviewee expresses, in a politicised or instrumentalised discourse, the fact that the SPLM/A was dependent on the people of Southern Sudan as much as the fate of the people of Southern Sudan was dependent on the success of the SPLM/A. This dependence, whether parasitic or symbiotic, has certainly played an important and crucial role in shaping the SPLM/A's attitude towards humanitarian engagements.

In addition to this, having a population under its control meant that the "humanitarian" impact of humanitarian engagements could be more easily seen and therefore politicised and instrumentalised. In actively showing that the group was taking care of its constituency, the SPLM/A could aspire to greater legitimacy and recognition in the eyes of the

international community and ensure an equal partnership for the SPLM/A at the negotiation table. Humanitarian engagements have impacted the conflict situation in Sudan by changing the perception that other actors had of the SPLM/A. Being able to exemplify its commitments through the betterment of its relationship with its constituency was paramount for the SPLM/A to change these perceptions. On the other hand, a situation where an armed group is engaged on humanitarian issues but does not have control over a population cannot aspire to utilise the engagement in the same way.

Following this argument, the SPLM/A's effective control over a large territory helped them to go further in the implementation of humanitarian accords and demonstrate to the international community their state-like qualities and capabilities. Without a controlled territory and population, the humanitarian engagements that occurred with the SPLM/A may have had less of an impact on the perception of the international community and would have not put the Government of Sudan in a position where negotiations with the SPLM/A became inevitable.

Zahar's arguments on the impact that the nature of the relationship between an armed group and the population under its control may have on the success of engaging armed groups on humanitarian and human rights issues have certainly been confirmed by this research in Sudan. Furthermore, this argument can be extended: a symbiotic dependence between the SPLM/A and the Southern Sudanese facilitated the

humanitarian engagements as well as their implementation and impact on the wider conflict situation.

It is difficult to draw wider conclusions on whether and which characteristics of armed groups may play a role in favouring the positive impact of humanitarian engagements on the conflict situation. A comparative research would enable a clearer conclusion on this matter. Nevertheless, drawing on the literature and the data gathered throughout this research it appears that three characteristics may be an underlying factor in enabling or undermining the positive impact of humanitarian engagements on the conflict situations: the objectives and aims of armed non-state actors, the leadership and power structure of the armed group, and their relationship with their constituency and control over a territory.

Humanitarian engagements and the SPLM/A: the case of three engagements

The case study chosen for this research included three distinct humanitarian engagements with the SPLM/A. In this section, each engagement will be examined specifically using the analysis framework presented in chapter IV and answering the simple questions: Who? What? How? Why? And finally describe some of the challenges faced in the process. After a chronological examination of Operation Lifeline Sudan, the 1995 Guinea Worm Ceasefire, and the Deed of Commitment, a comparative analysis will aim at highlighting the characteristics of humanitarian

engagements that provided underlying factors favouring the positive impact that humanitarian engagements had on the conflict situation in Sudan.

Operation Lifeline Sudan: Humanitarian relief

Operation Lifeline Sudan (OLS) is the name given to a UN programme started in 1989, which included a number of negotiations with the Government of Sudan and the SPLM/A to ensure the safe delivery of relief during the conflict. This programme brought together a number of UN agencies and NGOs working in South Sudan under one umbrella. Using the framework discussed previously, this section will describe this long-running humanitarian engagement by asking: Who? What? How? Why? And finally describe some of the challenges.

Who? Who engaged?

Operation Lifeline Sudan was mainly coordinated by the UN. In order to keep the low-profile as well as the non-political character of the humanitarian engagement, the main actor of this engagement was UNICEF (Akol, 2005:54). Although OLS regrouped a number of NGOs and UN Agencies, ‘the most important humanitarian officials negotiating the OLS agreement were Julia Taft of OFDA, and James Grant of UNICEF’ (Medley, 2000:179). The process was spearheaded by them in 1989 and continued throughout the 1990s with the central involvement of the UN and

more particularly the Department of Humanitarian Affairs (DHA) created in 1992.

What? Purpose of engagement

The purpose of the engagement evolved throughout the conflict. Its main endeavour was to provide a safe and secure environment for NGOs to deliver humanitarian relief in South Sudan and therefore its main focus was on operational conduct. As Peterson explains, ‘since 1989, OLS had made possible the distribution of tens of thousands of tons of relief food in the south, negotiating “corridors of tranquillity” [...]’ (2001:232). OLS I (April-December 1989) included the following points:

- ‘1. The UN has to deal with all the parties to the conflict that control territory through which relief items pass or to which they are delivered.
2. The parties to the conflict commit themselves to the safe and unhindered passage and delivery of relief items to the needy population.
3. The UN, as a neutral body, was to co-ordinate the operations with the parties to the conflict’ (Akol, 2005:54).

Committing the warring parties to the safe and unhindered passage and delivery of relief items remained the central purpose of the OLS I, II and III throughout the conflict.

There was also an initial peace-building and peacemaking purpose (Loane, 2000:26). It was believed that OLS, by providing a unique opportunity to provide aid across the front-line, could provide a ‘tool to create a framework of negotiation’ (Brusset, 2000:135). In 1989, when peace seemed to be possible, OLS was seen as ‘a novel [...] relief programme that served to bring the warring parties together [...] constituting a form of humanitarian diplomacy’ (Duffield, 2000:113). The Ground Rules in 1994 were very much seen in the same light providing a more formalised approach to humanitarian agreements by having a written and signed humanitarian agreement, as ‘their intention, or at least, how they became to be used, was not to make humanitarian aid conditional, they were more concerned with ameliorating the dynamics of conflict in South Sudan’ (Duffield, 2000:124).

With the nearly complete collapse of the OLS at the beginning of the 1990s due to the coup d’état in Khartoum, the programme aimed at bringing a further commitment to the conditions of providing humanitarian aid in conflict. The Ground Rules of the OLS incorporated a commitment to a code of conduct as well as other humanitarian principles such as the Geneva Conventions and the Convention on the Rights of the Child⁴⁵. As Duffield explains:

‘Spurred by the deaths of aid workers, this issue was tackled through the development of the Ground Rule concept. A set of requirements were developed aimed at minimum standards of conduct, to be agreed between the UN and the opposition

⁴⁵ See appendix 4 for the agreement on the Ground Rules.

movement; agreement on these standards would render the movement, or at least its humanitarian wing, eligible for OLS assistance. While the Ground Rules would incorporate humanitarian principles in 1994, when they first appeared in early 1993 they were mainly concerned with improving the security of aid workers' (2000:124).

The Ground Rules helped the emergence of important humanitarian wings within the different SPLM/A factions, which, in turn, made parts of the SPLM/A factions significant humanitarian actors throughout the conflict. There were three important humanitarian organisations emanating from the warring parties: the Relief and Rehabilitation Commission (RRC) was the Government's humanitarian agency, the Sudan Relief and Rehabilitation Association (SRRA) was the SPLM-mainstream's humanitarian agency, and the Relief Association of Southern Sudan (RASS) was the SPLM-united's humanitarian agency. As Prendergast explains:

'From the beginning of OLS, there were attempts to minimise the external nature of the relief intervention by strengthening the capacity of the RRC and the SRRA. The RRC received staff members and other support from OLS. The SRRA, which started from scratch in early 1989, received funds, vehicles, management training, and other support from the United Nations Children's Fund (UNICEF) and NGOs' (1997:58-9).

The Ground Rules also provided the commitment of the SPLM/A factions to a number of humanitarian principles which was not the case in earlier OLS agreements.

How? When? Types of agreement

At the end of the 1980s, reports on the war in South Sudan focused on the humanitarian crisis crippling the Southern Sudanese. Facing such reports, the UN convened representatives from UN agencies, donor countries, NGOs and the Government of Sudan to an international conference on Sudan Emergency Relief in March 1989 in Khartoum to address the crisis (Akol, 2005:52). The conference aimed at organising a relief operation in Sudan under the leadership of James Grant, Executive Director of UNICEF. Grant first proposed that the warring parties come to an agreement on a six-month ceasefire to allow for the delivery of food to stop the number of people dying from war-induced famine, already reaching 500,000 people in 1988 according to some sources (Akol, 2005:52; Iyob et al., 2006:92). Even though the SPLM/A was not convened to the conference, John Garang, SPLM/A Chairman, sent a letter to the conference ‘expressing the SPLM/A’s readiness to co-operate with the organisations and agencies meeting in Khartoum in assisting the needy populations’ (Akol, 2005:52). Although the SPLM/A was not ready to agree to a ceasefire agreement, the Movement was open to ‘explore other modalities for the relief operation’ (Akol, 2005:53). According to Akol, this announcement was followed by a series of meetings with the US Embassy Staff led by Bob Frasure which eventually led to the creation of ‘ceasefire axes “Corridors of Tranquillity”’ (2005:53). This first agreement was termed OLS I and lasted from April 1989 until December 1989.

OLS I was not a written agreement (Akol, 2005:54). This agreement consisted of an informal, oral consent from the SPLM/A and the Government of Sudan to agree to the basic principles of the relief operation given by UNICEF. OLS I allowed the delivery of food in areas in Southern Sudan controlled by the SPLM/A and areas controlled by the Government of Sudan. The delivery of food was made by river, rail and air and, as a result, 'improved health conditions among the population became noticeable' (Akol, 2005:54).

The coup d'état in 1989 forced OLS I to come to an end. A plan for OLS II was discussed but no clear consent was given by the actors involved in the Operation. It was, nevertheless, used to continue relief operations in the South in a semi-legitimate way (Medley, 2000:180). OLS II took an *ad hoc* nature as 'the [Government of Sudan] slowly became the dominant partner, dictating terms to both the SPLA and the UN', thus interfering in the delivery of humanitarian assistance by cancelling and delaying authorisations for relief flights (Akol, 2005:54).

In 1991, an attempt to formally establish OLS III failed again (Medley, 2000:180). Relief operations continued despite this failure. The first agreement on OLS relief to be signed again was achieved 'as a by product of peace talks sponsored by the IGADD regional group of states' (Medley, 2000:180). In this case, it appears that peace talks led to a humanitarian agreement rather than a humanitarian agreement favouring the

start of peace talks. The March 1994 agreement proposed the following principles:

- ‘- The delivery of relief assistance to all needy populations regardless of their locations.
- Humanitarian assistance shall benefit only civilians, and shall not be used by warring parties.
- All humanitarian actions and activities shall be transparent and carried out with the full knowledge of all parties’ (Medley, 2000:180-1).

The March 1994 agreement, however, did not include all the warring parties. Following the 1991 split within the SPLM/A, the UN under-secretary General, James Jonah, refused to sign an agreement with both factions of the SPLM/A, preventing as a result the delivery of humanitarian relief items to areas under the control of the SPLM-United (Akol, 2005:55).

The mid-1990s saw a turning point in the working of the OLS. The Ground Rules mark a formalisation of the humanitarian engagement among the parties to the OLS. The Ground Rules put in place a rare system of ‘a rule-based approach based on document signed by the UN and non-state opposition movements’ (Duffield, 2000:124). Whereas consent was given informally in previous OLS agreements, the Ground Rules offered a written agreement signed by the southern opposition movements, i.e. the factions of the SPLM/A then renamed the “SPLM/A mainstream” with John Garang who signed in July 1995, the SPLM-United with Lam Akol who signed in May 1996, and the SSIM/A (the South Sudanese Independence

Movement/Army) with Riek Machar who signed in August 1995. Duffield emphasises the important development towards a more formal agreement with the Ground Rules (2000:124). Despite the fact that the OLS Ground Rules comprehensively included all the SPLM/A factions, the Government of Sudan, on the other hand, was not a signatory to the Ground Rules agreement (Duffield, 2000:127).

The OLS proposed a number of different types of agreements. OLS I included all the parties to the conflict, the Government of Sudan and the SPLM/A, to an informal agreement with no written or signed document. OLS II and III provided *ad hoc* provisions where the consent of the different parties were not always clear. In addition to this, OLS II and III failed to manage the rebel's factionalism and excluded important factions, denying food to a number of areas. Finally, the Ground Rules provide the most formal agreement within the OLS system as it provided a signed consent to a written document. Unfortunately, as much as it included all the important factions in the South, it failed to incorporate the Government of Sudan.

Why? Motivation of armed group and government

The motivation of the warring parties to join the OLS and the Ground Rules are numerous, but not always straightforward. It is difficult to judge the hidden agenda in joining the humanitarian dialogues. As both sides of the conflict are to blame for diverse violations of human rights or humanitarian principles, one cannot easily explain the engagement of the

warring parties as motivated solely by their eagerness to uphold such principles. This section is a tentative answer to why the SPLM/A, as well as other factions, and the Government of Sudan engaged themselves in this humanitarian process.

To answer the question of what motivated the warring parties, humanitarian relief needs to be thought of as bringing in resources in the conflict zone. As Loane explains, 'it was money which provided the last hurdle in the negotiation of the 1989 OLS agreement with the Government of Sudan' (Loane, 2000:23). The Government of Sudan accepted the agreement on the condition that a preferential exchange rate be agreed on.

Similarly, the OLS brought some resources to the opposition groups. The Operation brought infrastructure in the South as well as food relief. Unfortunately, a large amount of the humanitarian relief brought in the South was diverted by the armed factions. This relief was certainly used by these factions to feed their members. The possibility of acquiring food and other humanitarian relief items from the OLS was certainly a motivation in joining the agreement.

For both the Government of Sudan and the SPLM/A factions, the OLS brought another important type of resource. It offered a forum whereby the warring factions could acquire international sympathy, support and legitimacy. By entering into this humanitarian process, the warring factions could portray themselves as the "good guys" attracting international media

attention, favours from the UN, good relations with donor countries and other governments around the world. This moral grounding was especially important for the Government of Sudan in the 1990s as it slowly became a pariah state. This “moral legitimacy” also appears important in relation to the warring parties’ constituencies.

Challenges

A number of challenges were faced in negotiating for the OLS as well as implementing the OLS. Obstacles came from a variety of sources and actors in the OLS.

One of the main obstacles to the OLS was the perception of the Government of Sudan that the OLS was a breach of its sovereignty. In effect, the OLS appeared as a transfer of sovereignty to the UN in South Sudan (Loane, 2000:23). The Government of Sudan seemed to perceive the OLS as an indirect way for an external intervention in its internal affairs (Iyob et al., 2006:96).

The political volatility on either side of the conflict also made the OLS agreements difficult. The 1989 coup led to the breakdown of the ceasefire and was followed by the breakdown of the OLS I agreement (Akol, 2005:54). The factionalism among the Southern groups in the 1990s also caused confusion in the OLS. As much as the OLS wanted to be all inclusive and engage with all the different SPLM/A factions, it seemed

afraid of causing further factionalism and fuelling the internal Southern conflicts.

The lack of clear agreement and consent resulting from this political volatility led to a more *ad hoc* implementation of the OLS at the beginning of the 1990s. With a looser framework of implementation, manipulation of aid and food diversion became the most publicised characteristic of the OLS. Loane reports up to 80% of relief food 'being sequestered by the Government forces in Juba' (Loane, 2000:25). Food diversion was also prevalent on the side of the SPLM/A and consequently antagonised the Government who perceived the OLS as 'feeding its enemies' (Akol, 2005:54). The lack of an accountability framework for breaching the agreement or, as Duffield terms it, 'an active framework of consent maintained by donor pressure', brought the OLS to a near collapse in the mid-1990s (2000:114). In addition to these diversions, the OLS saw its implementation challenged by the continuous banning of OLS flights by the Government of Sudan (Keen, 2000:92-3). These unfortunate events are at the source of attacks against the OLS arguing that the OLS ended up fuelling the conflict (Loane, 2000:26; Peterson, 2001:233). The diversion of food and manipulation of aid relief was certainly a significant negative effect of the Operation. How much these issues played into fuelling the conflict remains a matter of perception.

The Carter Center: Guinea Worm ceasefire

The Carter Center, an American NGO working under the leadership of former US President Jimmy Carter, brokered in 1995 a six-month ceasefire to allow the treatment of specific diseases and the immunisation of children trapped in the South Sudan conflict⁴⁶.

Who? Who engaged?

The involvement of the Carter Center in Sudan dates back to 1986 when the Center was involved in an agricultural project helping farmers to improve crop yields (Carter Center). Through its Conflict Resolution Program, the Center has been involved in trying to negotiate peace between the warring parties. The Center was involved in an attempt to rekindle the peace process in 1989 after the coup d'état (Iyob et al., 2006:92). The Center also brokered the 1999 Nairobi Agreement between Uganda and Sudan to ease tensions in the region as 'the governments pledged to stop supporting rebels acting against each other' (Carter Center). The Center also provided conflict resolution training for both sides of the conflict as part of the IGAD peace process which resulted in the signing of the Comprehensive Peace Agreement. The long involvement of the Center in Sudan as well as Carter's personal relationships with both Sudanese President Bashir and SPLM/A leader Garang made the signing of the Guinea Worm ceasefire possible.

⁴⁶ See appendix 5 for the press release from the Carter Center on the Guinea Worm ceasefire.

The Carter Center is involved in a number of activities. These include a Conflict Resolution Program, a Health Program, and the monitoring of elections. It is interesting to note that the Carter Center is not solely a “humanitarian actor” and its involvement in Sudan reflects this dichotomy. Carter’s first involvement in the 1989 peace initiative was made possible through its involvement in health and humanitarian issues in Sudan, which then made the signing of the humanitarian ceasefire possible.

What? Purpose of engagement

The 1995 ceasefire was aimed at providing a safe environment for a campaign to eradicate the Guinea Worm disease. It included ‘the treatment of Guinea worm disease, [...] efforts against river blindness, and [...] an opportunity for children to be immunised against polio and other illnesses’ (Carter Center). The purpose of the engagement was very focused and provided six-month of peace to provide much needed health care.

How? When? Types of agreement

Through his personal links with Bashir and Garang, which Jimmy Carter maintained since 1986, the Guinea Worm cease-fire was made possible. The cease-fire was signed by the Government of Sudan, the SPLM/A and the SSIM/A, including the main parties involved in the conflict at the time.

This humanitarian agreement took the form of a ceasefire. According to the Carter Center, the ceasefire was ‘the longest cease-fire ever achieved in civil-war-torn Sudan’ (Carter Center). Unlike OLS which negotiated safe relief while the fighting continued, this humanitarian engagement is significant in bringing an end to the fighting for six months on the ground of humanitarian action.

Why? Motivation of armed group

On both sides of the conflict, the motivation for signing the Guinea Worm Ceasefire in 1995 that was voiced by interviewees was humanitarian. The Government, as the sovereign power, wanted to protect its people from the disease and the SPLM/A, as it claimed to be fighting for the protection of the rights of the people in the South, felt that it was only natural to sign an agreement that would help the people of South Sudan.

‘Well [the Ceasefire] was made because of the Guinea Worm campaign in Southern Sudan. Of course due to the war and lack of facilities, people were suffering. That decision had to be accepted by the SPLM on the initiative of the Carter Center because we believe that we are fighting for our people and if people are exposed to such terrible diseases then there is a need for us to accept that’ (SPLM 02).

In addition to the humanitarian concerns of the SPLM/A, the Ceasefire was seen as a political asset:

‘We didn’t see Guinea Worm as a big priority. But I think politically it was very important. For somebody like Carter to come and champion this, it was really important. And engaging the Americans also. So it was really the focus to have somebody like Carter to get the Americans to know more what is happening in Sudan’ (SPLM 06).

Geneva Call and the Deed of Commitment: The landmine ban

Geneva Call is a Geneva-based NGO working towards the universal ban on landmines. Geneva Call argues that a universal ban on landmines includes a framework to ban the use of landmines by armed groups. As a result, this NGO came up with a standard document called the Deed of Commitment through which armed groups engage themselves by signing this Deed of Commitment. The SPLM/A was their first engagement⁴⁷.

Who? Who engaged?

Geneva Call is a humanitarian NGO and places its work within the humanitarian principles. It is a specialised NGO working solely on landmines (although there are talks of expanding their activities). Geneva Call’s mandate cannot be solely reduced to engaging armed groups for the signature of the Deed of Commitment as its work includes a larger mine action mandate with armed groups such as mine ban education workshops as well as facilitating the implementation of the Deed of Commitment, which include, for instance, demining. Geneva Call is based at the centre of

⁴⁷ See appendix 6 for Geneva Call’s Deed of Commitment signed by the SPLM/A.

the “Humanitarian Capital”, Geneva, working very much within the humanitarian network and the “International Geneva” which includes the UN.

What? Purpose of engagement

Geneva Call’s engagement with the SPLM/A aimed at supporting the SPLM/A prior engagement on the issue of landmines through their unilateral Moratorium on Landmines in 1996. Geneva Call works with a standard document which commits the SPLM/A to the ban on the use, production, transfer of landmines and mine action activities such as demining.

How? When? Types of agreement

The SPLM/A was approached by Geneva Call through the facilitation of the Kenyan Campaign Against Landmines and another Kenyan partner in Nairobi. Geneva Call’s first meeting was with Operation Save Innocent Lives (OSIL), a humanitarian wing of the SPLM/A already involved in demining in South Sudan (GC 02). Geneva Call invited the SPLM/A to join their Pioneering Conference in Geneva in March 2000 where the NGO was officially launched. Commander Lino, SPLM/A Director for External Security and Member of the New Sudan Authority on Landmines and Commander Aleu, the Executive Director of OSIL joined Geneva Call at the Pioneering Conference where they manifested a desire to

sign the Deed of Commitment. Both Aleu and Lino were responsible for lobbying the SPLM/A internally (GC 02) especially the Chairman, John Garang. All the negotiations with Geneva Call were done by Nyal Deng Nyal with the presence of Commander Lino, a high level military figure (GC 02).

The signing of the Deed of Commitment always occurred in Geneva in one of the Canton of Geneva's official venues. In the case of the SPLM/A's signature of the Deed of Commitment, Nyal Deng Nyal signed on behalf of the SPLM/A in the presence of the Government of Sudan represented by its Ambassador to Geneva in October 2001. By highlighting the humanitarian side of the agreement, the presence of both SPLM/A officials and Sudanese Government officials was made possible (GC 01). Geneva Call mentions, retrospectively, that signing with the humanitarian/political wing of the movement may have hindered the implementation of the engagement as the military wing of the SPLM/A did not automatically recognise and accept the signing of the Deed of Commitment by the humanitarian/political wing (GC 02).

Even though the Government of Sudan was not a signatory of the Deed of Commitment which is reserved for armed non-state actors, Geneva Call has a policy of working in transparency with the government hosting the armed group. In the implementation of the Deed of Commitment, a few workshops were organised in South Sudan by Geneva Call, who always

announced to the Khartoum authorities their intentions without mentioning the exact dates and places for security reasons (GC 01).

Three important characteristics need to be highlighted. Geneva Call's engagement is very particular as it has a standard document that is signed by all their signatories. This makes Geneva Call's engagement rather formalised. In addition to this, the signing of the Deed of Commitment in Geneva opens the possibility for armed groups to connect with the international community of UN agencies and NGOs in Geneva. Indeed, the SPLM/A was contacted by the UN Mine Action Service (UNMAS) to draw up a Memorandum of Understanding with the Government of Sudan. The meeting took place in Geneva following the SPLM/A's signature of the Deed of Commitment. Finally, Geneva Call's engagement process is very much focused on the armed group. In Sudan, Geneva Call's has mostly been in contact with the SPLM/A whereas its contact with the Government of Sudan is very much limited to its Ambassador in Geneva.

Why? Motivation of armed group and reaction of the Government of Sudan

The SPLM/A's engagement in the signature of the Deed of Commitment was very much a result of the work of Commander Lino and Commander Aleu as well as a few other SPLM/A members involved in the humanitarian/political side of the Movement. As mentioned earlier, there was a period of internal lobbying to convince the rest of the leadership. The issue of landmines was, however, already seen as a problem by the SPLM/A

as the Movement had already issued a Moratorium on landmines in 1996. As Commander Aleu explained during Geneva Call's workshop in 2003 in Kapoeta, South Sudan:

“As freedom fighters, we first considered mines as good weapons because we did not know the consequences of their use. Then we started to realise that mines are not of strategic or tactical importance. As an active commander, I saw what they did to my own soldiers.” Aleu challenged other fighters at the meeting, “I do not think any one of you here can tell me of a single objective denied to the government forces by landmines. Not one” (International Campaign Against Landmines, 2004:752).

The commitment of the SPLM/A was very much an acceptance of the principles of the Deed of Commitment.

In addition to this, there was a certain concern among the SPLM/A leadership about the difficulty of post-war reconstruction in a land contaminated by, at best, 500,000 landmines, at worst, up to 2 million landmines:

‘SPLM/A Chairman and Commander-in-Chief, Dr; John Garang de Mabior, opened the workshop, and stressed the urgent need to implement the mine ban in order to facilitate Sudan's recovery from 20 years of civil war and in support of the ongoing peace talks’ (Geneva Call, 2003:1).

In order to support Sudan's recovery, Geneva Call was seen, especially by the deminers of OSIL as an opportunity to acquire resources and help in demining South Sudan (GC 02).

Challenges

The process of engagement was a straightforward process. Geneva Call highlights that the Government of Sudan has been cooperative throughout the engagement process (GC 01). Geneva Call's engagement with the SPLM/A was, in fact, welcomed by the Sudanese Ambassador in Geneva (GC 01, GC 02).

As mentioned earlier, Geneva Call felt that it should have ensured the commitment of the SPLM/A as a whole not solely relying on the humanitarian/political wing of the movement and engaging with the military wing of the SPLM/A more pro-actively from the beginning (GC 02).

This may explain the few allegations of mine use after the signing of the Deed of Commitment (International Campaign Against Landmines, 2004:752). This alleged use reflect 'the need for an education campaign directed at [the SPLM/A's] rank and file' as the SPLM/A pointed out 'the challenges of changing the behaviour of its military and the practical difficulties in disseminating its policy over the vast and remote areas under its authority' (Geneva Call, 2003:1).

Characteristics of humanitarian engagements as underlying factors

The section above laid out the principal characteristics of each engagement researched. Where comparing characteristics of armed groups is not possible because of the focus on a single armed group, this case study provides an opportunity to compare and contrast the three humanitarian engagements examined. Analysing the data independently for each engagement enables us to highlight the characteristics that affected the relationship between the process of humanitarian engagement and the process of conflict transformation. Not all characteristics of humanitarian engagements seem to impact on the possible effect that humanitarian engagement may have on conflict transformation. Thus, this section emphasises the “who” and the “how and when”.⁴⁸

“Who” matters

Who engages with armed non state actors on humanitarian issues matters in terms of the wider impact that an engagement will have on the conflict situation. This factor affects the potential for the creation of a platform for communication between the parties to the conflict as well as amongst different important actors in the international community that may as a result, change their perception of an armed group. The outcomes of a process of socialisation with the international community impact the way an

⁴⁸ Whereas “why” the armed groups engages in humanitarian engagements also matters, this has already been discussed in the section on the characteristics of armed groups.

armed group may be perceived as well as their capacity and status during peace talks.

In the case of the SPLM/A, the largest platform created resulted from Operation Lifeline Sudan. OLS was an historical tripartite agreement between the UN, a government and an armed group. The forum that OLS provided for the SPLM/A played a significant role in shaping the SPLM/A diplomatic skills, in publicising the SPLM/A's propaganda, and in creating sympathy, almost support, for the SPLM/A during the peace talks. Most interviewees took part to some extent in OLS. The wide-spread knowledge of the process among the higher strata of SPLM/A members proves that OLS had a significant impact on the Movement. The fact that the UN was at the forefront of this engagement gave OLS a wider dimension. On the other hand, the 1995 Guinea Worm ceasefire brokered by the Carter Center and the Deed of Commitment with Geneva Call were perceived as smaller engagements and seemed to have had a smaller impact as not every interviewee was knowledgeable about these engagements.

However, the 1995 Guinea Worm ceasefire brokered by the Carter Center had a very specific impact in terms of how it helped the SPLM/A in their search for recognition and status at the negotiation table.

'We didn't see Guinea Worm as a big priority. But I think politically it was very important. For somebody like Carter to come and champion this, it was really important. And engagement with the Americans also. So it was really the focus to have

somebody like Carter to get the Americans to know more what is happening in Sudan' (SPLM 06).

This quote was used in the previous section to show that the SPLM/A's agreement to the Ceasefire was motivated by political reasons. Indeed, the fact that the ceasefire was brokered by a former US President seemed to have played a significant role in creating a network between the SPLM/A and the United States. This network became an important political asset when it came to supporting the SPLM/A in the peace talks.

'[the Ceasefire] also helped us to open up and increase contacts of the SPLM with the United States. [...] These connections became very useful. [...] All the same, we benefited from some important contacts in the Christian Right so it helped us. It gave us some techniques, we trained our people through different organisations, short courses, a week or two weeks, in conflict resolution. It opened up a lot of avenues' (SPLM 07).

The engagement on the issue of Landmine through the Deed of Commitment with Geneva Call certainly appears less significant in terms of the actors involved. Contrary to the symbolic institution that is the UN and the presence of a former US President, Geneva Call is a small NGO and as such the engagement on landmines appears to have had less political impact on the general conflict situation than OLS or the Ceasefire.

The literature on the issue of who leads the humanitarian engagement emphasises the benefits of low-key non-government organisations (Hofmann, 2004). This argument supports the claim that such

low key actors are necessary to avoid recognition and legitimacy (Hottinger, 2005:58). In terms of the extent to which humanitarian engagements with armed groups affect the wider conflict situation, this research shows that the higher the status of the actor engaging with the armed group, the greater the impact on the political and conflict situation is.

“How and when” matter

A second important factor in understanding the different conditions for humanitarian engagements to impact the wider conflict situation is when and how the engagement happens. One of the reasons why the Deed of Commitment with Geneva Call did not seem to have played a significant role in impacting the conflict situation is that the engagement occurred in 2001 at the very end of the conflict when the possibility of successful peace talks was already palpable. Operation Lifeline Sudan occurred early in the conflict and this timing can also explain why it has had such a significant wider impact.

A second aspect relating to how and when humanitarian engagements occur is the length of the engagement. One interviewee from the Government side was asked after claiming that ‘without the OLS, the war would still be going on’ (HAC 02) why, even though the OLS started as early as 1989, the peace talks that led to the peace agreement started in 2002. His answer to this was because it was a social work and it needed a long time to know each other (HAC 02). In other words, the longer the

engagement the more impact it has on the conflict situation because the impact that humanitarian engagements have on the conflict situation partially happens through a socialisation process. This explains why OLS seems to have a more significant impact than the Guinea Worm ceasefire or the Deed of Commitment.

The length of the engagement often entails that the engagement has a long implementation period. This aspect favours a more significant impact on the conflict situation as a post-humanitarian agreement implementation period means further negotiations and a crucial learning experience in resolving through dialogue issues that may arise as a result of this implementation. Again, OLS started in 1989 and carried out its work throughout the conflict. As an interviewee explained:

‘When you want to implement an agreement, you are going to face a lot of problems here and there. [...] This is why [...] the UN and the Government and the SPLA agreed that they have to improve the Operation Lifeline Sudan. This is why they agreed that every year, they draft an agreement that they start with. All these agreements are targeting the improvement of the humanitarian assistance’ (HAC 01).

The continuous negotiations that the OLS required favoured the building of a working relationship between the Government of Sudan and the SPLM/A and as such had a more important impact on the possibility of successful peace talks.

However, a long implementation period may also heighten tensions between the parties to a conflict. Indeed, in the case where continuous violations occur, mistrust and negative perceptions of the other may result from the implementation of humanitarian engagements. Despite stating that ‘humanitarianism brought the Comprehensive Peace Agreement’, an interviewee from the Government of Sudan highlights that Operation Lifeline Sudan had a negative impact because of violations and the belief that ‘rebels were using relief to feed soldiers’ (HAC 02). An interviewee from the SPLM/A also mentions violations of the agreement as an issue raising tension:

‘Every time they [the Government of Sudan] can deny certain areas of flights and services...and by then there were no roads so the only way is by air and unless the place is cleared by Khartoum from the Southern Sector it would not fly to Southern Sudan.

Q: Do you think that raised tensions between the SPLM and the Government?

Well, of course, there was no trust by then’ (SPLM 03).

It is surprising that even though violations of Operation Lifeline Sudan were mentioned systematically by both sides during interviews, the general opinion remained that Operation Lifeline Sudan had created a number of spill-over effects that favoured successful peace talks. One explanation could be that Operation Lifeline Sudan allowed both sides to react to violations and broken agreements putting into place a general peaceful conflict resolution dynamic between the two sides and testing this working relationship.

In addition to this, the occurrence of actual negotiations matter in understanding whether or not humanitarian engagements may play a role in favouring the start of peace talks. In the case of the Carter Center's Ceasefire, one interviewee strongly agreed that the negotiations for the ceasefire has been 'a school for negotiation' (SPLM 05):

'It [the humanitarian Ceasefire] played a role because it was negotiated and that constituted a school for the negotiations that we conducted later at the ceasefires as well as also for really negotiations the ceasefires for the Comprehensive Peace Agreement and for negotiating the very body of the Comprehensive Peace Agreement' (SPLM 05).

On the other hand, in the engagement with Geneva Call, a standard document is proposed and therefore there are not negotiations between the armed group and the NGO. As an interviewee from Geneva Call explained, 'we are not really negotiating. We are making a proposition. We are saying take it or leave it' (GC 03).

The aspects of humanitarian engagements described above relate to the timing and length of the engagement. The final aspect that favours the impact of humanitarian engagements with ANSAs relates to whether or not the engagement is bilateral (between an organisation and a party to the conflict), multilateral (between an organisation and two or more parties to the conflict) or unilateral (engagement made unilaterally by one party to the conflict). Among the three engagements examined in this research two are

multilateral and one is bilateral. Operation Lifeline Sudan and the Guinea Worm humanitarian ceasefire involved the Government of Sudan, the SPLM/A (as well as other factions of the SPLM/A) and the UN and different NGOs for Operation Life Sudan and the Carter Center for the Ceasefire. Geneva Call's engagement with the signing of the Deed of Commitment only engaged the SPLM/A.

As the impact that humanitarian engagements with armed groups may have on the conflict situation works through a number of indirect processes, whether the engagement is unilateral, bilateral or multilateral affects these processes. Indeed, as the changing communication patterns, the changing perception of actors, trust building and strengthening a working relationship play a significant role in how humanitarian engagements impact on the conflict situation, any characteristic that may affect these processes will also affect whether or not humanitarian engagements impact the transformation of conflict.

One can hypothesise that as a humanitarian agreement moves from a unilateral agreement to a multilateral engagement, a greater number of negotiations and therefore more dialogue will occur, a more formalised and institutionalised agreement will become necessary, thus increasing the potentiality of a greater impact on the conflict and the dynamic amongst the actors involved. This research supports this argument as Operation Lifeline Sudan, which was more formalised and more encompassing of all the actors of the conflict, had a greater impact than the Carter Center's engagement. In

the same way, the Carter Center's engagement, which engaged actors from both sides of the conflict and was more formalised than Geneva Call's engagement, had a greater impact in changing certain patterns and dynamics in the conflict, thus favouring a peaceful transformation of the conflict.

Indeed, Operation Lifeline Sudan had a greater impact as the two sides of the conflict were to meet more regularly due to the implementation of the agreement and the constant need to ensure the agreement of all sides.

As one interviewee explained:

'We used to have regular meetings on humanitarian [issues], almost twice a year in Geneva or Oslo. [...] That is usually headed by people at the level of ministers on our side, the senior army representatives of the SPLA as well as the intelligence representatives. It used to be 5 each side. We used to have almost every six months these meetings and we used to talk about issues related to all these activities' (HAC 04).

In opposition to this, Geneva Call's work focused on the SPLM and the only communication with the Government of Sudan aimed at guaranteeing their principle of working in transparency with governments. As an interviewee from Geneva Call mentioned, 'we are not creating communication between the two parties. We are not bringing parties together' (GC 03). The formal inclusion of a government and an armed group forces dialogue, in certain situations even creates dialogue. This has more impact on the communication pattern between the parties to the conflict.

McHugh and Bessler argue that the way humanitarian negotiations occur may affect the willingness of an armed group to 'enter into negotiations and reach an agreement in the future' (2006:45). One interviewee states that 'the elements negotiated in humanitarian agreements condition future peace talks' (Expert 02). These two arguments support the belief that it is not only the occurrence of humanitarian engagements that may affect the conflict situation but it is also the characteristics, elements, and the way humanitarian negotiations occur that affect the impact that humanitarian engagements may have on the conflict situation. This research enables us to start drawing certain conclusions about these characteristics and how they may affect the relationship between humanitarian engagements and peace processes.

The first conclusion is that the earlier the agreement in the conflict the greater the impact. Secondly, the longer the implementation period of the humanitarian agreement the greater is the impact on the conflict situation, although this impact may be negative if violations are not dealt with or positive if it furthers the establishment of a good working relationship. Thirdly, the more negotiations there are during the engagement process, the greater the impact is on the peaceful transformation of conflict. Fourthly, the more the humanitarian engagement encompasses the different actors involved in the conflict and in the possible peace process, the greater the impact on the conflict dynamic is.

Conclusion

Examining how the characteristics of armed groups and humanitarian engagements may play a role in favouring or constraining the impact that humanitarian engagements have on the conflict situation help to provide the underlying factors affecting this relationship. This first analysis chapter concludes that an array of different factors come into play in order to provide favourable underlying conditions for this relationship or impact between a humanitarian process and a political process to occur.

Despite the absence of comparison, the findings highlight that a number of characteristics of armed groups are factors in understanding how and when humanitarian engagements have a wider impact on the conflict situation. Three general conclusions can be made. First, humanitarian engagements with the SPLM/A impacted the conflict situation by changing the perception that different actors had of the SPLM/A: the SPLM/A's aim to govern a "New Sudan" favoured this outcome as this objective necessitated a positive engagement with the international community. Secondly, it is not the case that humanitarian engagements with the SPLM/A triggered a change in the internal dynamic of the group, but the power structure or change in the internal dynamic of the SPLM/A enabled and affected humanitarian engagements and the impact that they may have in the conflict situation. Finally, a symbiotic dependence between the SPLM/A and its constituency facilitated humanitarian engagements as well as their implementation and impact on the wider conflict situation.

The comparative analysis made between the three humanitarian engagements researched highlight a number of characteristics that factor in the relationship between humanitarian engagements and their impact on the conflict situation. Despite claims made in the literature that low-key non-government organisations facilitate humanitarian engagements, the opposite becomes true when evaluating the impact that humanitarian engagements have on the conflict situation as this research shows that the higher the status of the actor engaging with the armed group, the greater the impact on the political and conflict situation is. Secondly, the earlier the humanitarian engagement occurs in the conflict and the longer the implementation period of this engagement, the greater the impact is on the conflict situation. The more negotiations occur in the process of engagement, the greater the impact of the humanitarian engagement on the conflict situation is. Finally, the more the humanitarian engagement encompasses the different actors involved in the conflict and in the possible peace process, the greater is the impact on the conflict dynamic.

Chapter VIII: Humanitarian engagements in the second civil war in Sudan: Analysing the steps from humanitarian to political engagements

Introduction

This chapter is the second of two analysis chapters. Whereas the previous chapter examined the characteristics of humanitarian engagements and armed groups as underlying factors, this chapter focuses on answering the main research question through the three proposed hypotheses in relation to the case study. The research question asks whether humanitarian engagement with armed non-state actors impact upon the possibility of peace talks and if so how does this process of impacting on peace talks happen? The three hypotheses outline the possible ways in which this process or link can be conceived. The first hypothesis examines the possible impact that humanitarian engagement may have on the internal working of an armed group:

Hypothesis 1: Humanitarian engagement may affect the internal dynamics of the armed group by raising the voice of a moderate faction (may affect power distribution and decision-making procedures).

The second hypothesis examines whether humanitarian engagements may provide a “training” opportunity for armed non-state actors to acquaint themselves with negotiations skills and the diplomatic know-how that could be needed in future peace talks:

Hypothesis 2: By offering the opportunity for the armed group to acquire greater knowledge of negotiation procedures or other skills necessary in the process of political negotiations, the process of humanitarian engagement might reduce the group's apprehension to enter in further negotiations.

Finally, the third hypothesis examines the possibility that humanitarian engagements help to build a positive environment for peace talks by encouraging communication, a more positive perception of the actors involved and creating confidence between the parties:

Hypothesis 3: Humanitarian engagement may allow for a continuous communication channel between the different parties to the conflict. Humanitarian engagement may act as a confidence-building measure affecting the dynamic among the different actors involved in peace negotiations (NGOs, IOs, UN Agencies, ANSAs, Governments).

This chapter will follow the structure of the three hypotheses. Each of these hypotheses will be examined in the light of the presentation and analysis of the data gathered during the fieldwork in Sudan. It will evaluate whether the statements made in the hypotheses have been proven on the basis of the fieldwork. This evaluation will enable each statement to be reformulated in the light of the analysis.

The final section of the chapter will present and analyse the data that does not fall into the three hypotheses. Special attention will be given to the

data highlighting the negative impact that humanitarian engagements with armed non-state actors have had on the possibility of peace talks. This analysis will enable us to provide an informed answer to whether humanitarian engagements with the Sudan People's Liberation Movement/Army (SPLM/A), that occurred throughout the second civil war in Sudan, have had a positive impact on the peace talks that led to the Comprehensive Peace Agreement in 2005.

Analysing the impact of humanitarian engagements on the internal dynamics of the Sudan People's Liberation Movement/ Army

The first hypothesis examines whether humanitarian engagements have an impact on the internal dynamic of armed groups. This hypothesis relies on the assumption that the members of armed groups involved in humanitarian engagements represent a more moderate trend in the group. A second assumption behind this hypothesis is that through their involvement in humanitarian negotiations and agreements, the profile of these more moderate factions is raised and their power or influence heightened. The research has therefore focused on identifying the type of people involved in humanitarian agreements by asking the simple questions: who was involved? What were the contacts within the armed group that facilitated meetings with organisations? Identifying the power structure within an armed group is not an easy task, therefore the research focused on attempting to understand how decisions were taken within the groups, how the armed group arrived at the agreement, what types of negotiations were

there, especially within the group in terms of internal lobbying and advocacy.

These simplistic assumptions proved to relate to a more complex reality in the case of the humanitarian engagements that occurred in Sudan with the SPLM/A. The data gathered incorporated four main themes relating to this issue: whether technical personnel rather than political were involved; was there high involvement of military and intelligence personnel; were the people involved in the humanitarian negotiations involved in the Comprehensive Peace Agreement negotiations; and finally, whether the history and evolution of the SPLM/A made it possible for humanitarian engagements to occur, while these engagements furthered the already existing trend of moderation within the Movement. While the hypothesis focuses on changes within the armed group, the research seems to extend the issue of people involved and evolution of the organisation to both parties involved, the SPLM/A and the Government of Sudan.

The assumption that humanitarian engagements may involve more moderate factions of the parties involved is believed to come from the humanitarian character of humanitarian engagements: because humanitarian engagements are humanitarian in character, the assumption is that actors involved in humanitarian engagements on the side of the government and the side of the armed group are moderate, more prone to peace and more attentive to humanitarian principles. In the case of Sudan, there were specific organisations involved, organisation that were sometimes created as

a result of the humanitarian engagements. The Government of Sudan established in the late 1980s and early 1990s the Humanitarian Aid Commission (HAC) to coordinate all humanitarian efforts in the country. The SPLM/A also created a humanitarian wing within its organisation, the Sudan Relief and Rehabilitation Association (SRRA). These two organisations were involved in the three different engagements researched, Operation Lifeline Sudan (OLS), the Guinea Worm Ceasefire and the Deed of Commitment. The majority of the fieldwork interviews for this study were carried out with people who worked in the HAC and the SRRA.

The interviews carried out on the side of the Government of Sudan revealed an interesting trend: in the Government of Sudan, there seems to be a very clear separation between humanitarians, who consider themselves technical personnel, and the “political” sphere, which, according to the “Humanitarians”, include the intelligence, security and military apparatus of the state. For instance, one interviewee mentioned: ‘I am not a political person. I am a technical person’ (GoS 06); while another stated: ‘We are not politicians, we are technicians. [...] Me, myself, I am a humanitarian worker’ (HAC 01) [...]. Very often these statements were triggered by the more “political” questions I asked regarding the possible impact of humanitarian dialogue on peace processes. One of the interviewees extended his answer to explain where his career started and how he came to be Commissioner in charge of aid and humanitarian relief for the Government of Sudan:

‘If I go back [to] my field experience, originally I am a veterinarian. I worked for the Ministry of Animal Resources. I went to Libya. Then I came back in 1980 something. In 1983, I worked for an NGO in the South for 5 years. Then I joined what they used to call the Relief and Rehabilitation Commission [renamed Humanitarian Aid Commission later on]. That was the Commission which was in charge of the OLS Operation. Since that time I was first at the Department of Rehabilitation, I also worked as Deputy Commissioner and Commissioner of this Relief and Rehabilitation [Commission] for some times’ (HAC 03).

It is indeed very clear that one cluster of people who were involved in humanitarian dialogue remained technical humanitarian workers or civil servants for the Government of Sudan. This is confirmed by a UN worker who was involved in the OLS, as he stated that the mandate and profession of his interlocutors in the Government of Sudan were humanitarians (UN 02).

As a result, the relationship between the “Humanitarians” and the more political actors in the Government of Sudan seems ambiguous. On one hand they are part of the Government of Sudan, while, on the other hand, they feel that their technical nature allows them to take on a more neutral role. The interviews revealed that lobbying between the different sections of the Government took place:

‘Before the meetings, we meet here together. We organise ourselves, sometimes, in most cases, we would meet high decision makers, high policy makers in order to put issues like policies and other issues like security issues, military issues [...]. *We*

concentrate on the humanitarian issues. Sometimes, while you are talking about humanitarian issues, security issues come up. Then military issues come up. So *we* try always the way it is for humanitarian assistance [sic]. *We* try to suppress the military and security issues. [...] *Their* thinking is always the war because *they* are thinking in military and security terms always and *we* try to suppress that. This is why we raise the humanitarian assistance rather than this [sic]' (HAC 01).⁴⁹

The interviewee refers here to the internal preparation that took place before the OLS meeting which comprised of the UN representatives and representatives from either side of the conflict. The language used confirms the division between the humanitarians and the other sectors of the Government involved: 'we' the "Humanitarians" is opposed to 'they' the military and security people. Another interviewee, who was a Commissioner of the HAC at the time of these humanitarian engagements, explains that he facilitated meetings between the UN in Khartoum and the security and intelligence sections of the Government in Sudan in order to 'improve the humanitarian access and facilitation for humanitarian workers' as without this, 'it would have been very difficult to convince the security then' (HAC 04). These two examples inform us that not only lobbying between the "Humanitarians" and the military and security agents took place within the Government of Sudan but that there was a need to convince a seemingly more powerful influential section of the Government made of the military and security organs of the Government. Whereas the HAC and the

⁴⁹ The italics were added by the author as an emphasis for the purpose of the analysis.

“Humanitarians” within the Government apparatus appear less powerful, they used this “Humanitarian” status to take a mediating role.

‘Planes [carrying relief] from Lokichiogo [northern Kenya] were refused by the military in the Government of Sudan. The UN had to threaten to take the issue to the Security Council. The HAC negotiated between the UN and the military’ (HAC 02).

The hypothesis did not take into account the impact that humanitarian engagements could have on the Government of Sudan by focusing on the armed group only. The data gathered demonstrates that a whole section of the Government of Sudan emerged and developed due to the amount of relief and humanitarian aid organisations and agencies working in Sudan during the Second Civil War between the North and the South. This new section of the Government defines itself as technical and humanitarian in opposition to political. While it appears as less influential and a weaker party of the decision-making process, it takes on a “neutral” role for the betterment of humanitarian work, facilitating and mediating relations between the UN and the security and intelligence apparatus of the State.

On the side of the SPLM/A, a clear division between “humanitarians” and military and political organs of the armed group did not appear. The SPLM/A consisted of two main organs: the SPLM, which was the political steering organ; and the SPLA, which was the army. This was a clear division within the armed group. As one of the interviewees mentioned, there was in the SPLM/A ‘elements of a benign dictatorship but evolving

towards a less militaristic approach' (UN 02). The leadership consisted very much of John Garang and few trusted people. This leadership had power over both the SPLM and the SPLA. Within the SPLM or what came to be the Civil Administration, the SRRA represented the humanitarian wing of the armed group. Whereas the relationship between the leadership, the SPLM and the SRRA was clearly a hierarchical one, it is more difficult to understand the type of relationship that the SRRA had with the SPLA or military side of the armed group.

The people involved in the humanitarian engagements on the Government side were adamant to define themselves as "humanitarians". This was not the case regarding the interviews with the SPLM/A. One of the interviewees stated that 'in the SRRA, we did find some people who did not have a military background' and that there was 'a very deliberate effort to put a humanitarian face in SRRA' (UN 02). This expression 'putting a humanitarian face' reflects very much the opinion that the SPLM had a political rather than a humanitarian agenda regarding the humanitarian engagements (Expert 01). In the case of the engagement with Geneva Call, while their interlocutors were working within the humanitarian wing of the SPLM/A (GC 01, GC 02), an expert on Sudan and the SPLM actually pointed out in his interview that the two main actors involved in the Deed of Commitment with Geneva Call had been 'central pillars of the external and internal security apparatus of the SPLM', wondering 'How humanitarian is that?' (Expert 01). This clearly refutes the assumption that the actors involved in humanitarian engagements are necessarily more moderate and

“humanitarian”. On the other hand, it reinforces the statement that humanitarian engagements for the SPLM were very much political in nature rather than grounded in humanitarian interests.

The data gathered also pointed to the presence of internal disagreements within the SPLM/A. Similarly to the way the HAC had to defend its humanitarian space, lobbying and advocacy regarding the decision to enter into a humanitarian dialogue occurred within the SPLM/A. Geneva Call explained that the two actors they engaged within the SPLM carried out a long lobbying process with the leadership, and John Garang more specifically, and that negotiations within the SPLM/A took place before signing the ban on the use of landmines (GC 02):

‘We should have gone on the ground to acquire a greater understanding of the different trends within the Movement in order to ensure a more widespread internal adherence. Looking back, [...] we should have gone there to meet Garang as well as different Commanders’ (GC 02).

Another interviewee mentioned that there were some disagreement regarding the SPLM’s adherence to the Ground Rules agreement linked to OLS, and that ‘some senior commander [...] felt that the Ground Rules were tying one hand of the SPLA on their back’ (UN 01).

Without a clear humanitarian entity to engage, the question of whom to engage with within the armed group is a potent one. Geneva Call mentions that if they had to do this humanitarian engagement again with the SPLM/A,

they would certainly engage with the political wing and the military wing separately (GC 01). One of the lessons learnt from Geneva Call's experience is the necessity to 'enter into the intimacy of the armed group to understand how decisions are taken, who is influential on who, who is more diplomatic' (GC 02). An SPLM member attempts to relate the difficulty of decision-making in the SPLM regarding their humanitarian engagements:

'You know the Guinea Worm and Landmines are smaller issues but they are also related to the war. To be able to deal with this issue of Guinea Worm in a war zone, you first of all have to get the Administration to accept it. Then you have to have the military people to respect it. And then, you have to mobilise your people [...]' (SPLM 09).

Lobbying and negotiations took place internally regarding the signing of the humanitarian engagements. The humanitarian character of the SRRA was put into question by some people interviewed. The complexity in understanding how decisions are taken, the relationship between the military and the political and how the SRRA positioned itself within this relationship makes it hard to confirm or refute the hypothesis that more moderate factions are involved in humanitarian engagements. More importantly, one should look at whether the SRRA was influential within the movement. As it was the case for HAC within the Government of Sudan, it appears that the SRRA did not hold a position of strength and influence with the SPLM/A:

‘There were people from outside⁵⁰ appointed by Garang [to the SRRA]. But they were not necessarily the people that had the power on the ground. [They] had to go back to the military structure on certain issues, such as the issue of hostages, as the SRRA did not have the clout to move things forward. The SRRA was useful but not necessarily strong’ (UN 02).

From my own observations during my field research, it appears that members of the SRRA were either retired military from the SPLA or ‘people from outside’. The SRRA did not seem to involve a technical humanitarian elite although it meant to have a clear humanitarian mandate as an organisation. The SRRA also appeared as a façade for international actors in Sudan. Decision making was at the leadership level which remained throughout the conflict, and despite attempts at changing, very much dictatorial. Lobbying could only be successfully done by individuals trusted and close to John Garang, who remained the final decision maker and the only influential “implementer”.

The humanitarian wings of the Government of Sudan, HAC, and the humanitarian wing of the SPLM/A, SRRA, were not the only representatives of the parties involved in the humanitarian engagements. Governments, especially in a time of conflict, and armed groups are mostly political and military organisations and not humanitarian organisations. In the case of Sudan, the military and intelligence apparatus of the Government of Sudan and the SPLM/A were very much involved in humanitarian negotiations, especially in the case of OLS. The implementation of OLS

⁵⁰ Here ‘people from outside’ refers to Southern Sudanese who came from abroad where they had studied rather than the “bush” or a military background.

comprised of numerous meetings and committees to ensure the due implementation of the agreement. These different committees included a representation from the military and security people: ‘One of the constraints is that because it is a war zone area, the Technical Coordination Committee was in fact a lot of military and security people here’ (HAC 01). As mentioned above, the HAC had to mitigate the military and security issues and the presence of military, security and intelligence personnel was felt like a constraint by the HAC. Another interviewee explained that there were a multitude of actors involved:

‘And then the Operation was of course supervised by the Government and the United Nations and when they come to issues, they have a committee for the Government and the United Nations and they used at that time what they call the Operation Supervisory Group. This Group was formed from the Government of Sudan. It was headed by the Commissioner [of the HAC] and then the members were the head of the UN offices here, for example the head of WFP, WHO, UNICEF, UNDP and then the United Nations presented to these members. Then along the Government side, you have the Ministry of Foreign affairs, Ministry of Defence. And you have [from] the Ministry of Defence, mainly they are [sic] the intelligence people and the Intelligence Department’ (HAC 03).

All humanitarian meetings seem to have involved important representations from the security and intelligence people in and outside of Sudan:

‘And then the other thing is that we used to have regular meeting on humanitarian [issues], almost twice a year in Geneva or Oslo.

On humanitarian issues. That is usually headed by people at the level of Ministers on our side, the seniors army representatives of the SPLM as well as the intelligence representatives. [...] It was not only humanitarian representation. It was very serious representations from both armies, from both intelligence service, from politicians' (HAC 04).

In the midst of an internal conflict, one should expect to have an involvement of the military. Nevertheless, the 'serious representations' of the security and military organs of the Government and the SPLM/A certainly reflect a security worry related to humanitarian dialogues, as well as a more political or strategic approach of humanitarian dialogues rather than a humanitarian one. As one interviewee stated, 'I came to feel that all the leaders were not interested in their people's issues as much as maintaining their personal power' (CC 02). It is to be noted that, during my field research, I did not have any interview with the military, security or intelligence organisations as I was told by my gatekeepers that it would be impossible. I had been informed by a researcher and expert on Sudan that humanitarian issues were considered rather political in Sudan and therefore a lot of suspicion remained around the topic (Expert 01).

It appears that the assumption made in this hypothesis regarding the possibility that moderate actors have their voices raised and more influence as a result of their involvement in humanitarian engagements is rather challenged by the data gathered during these interviews. Surprisingly, the actors that were involved in the humanitarian dialogues were also involved

in the peace talks that resulted in the signing of a Comprehensive Peace Agreement (CPA) in 2005.

On the side of the Government, the team of negotiators with OLS was the same as the team of negotiators for the peace negotiations (HAC 02). This might be explained by the fact that the IGAD process of negotiation, that successfully brought about the peace agreement in 2005, started with negotiations on humanitarian issues (HAC 02). One interviewee even stated that ‘it is humanitarians that brought the CPA’ (HAC 02). Another interview pointed out the helping role of individuals who had been in contact with the other sides during the humanitarian negotiations as facilitating the peace process as ‘individuals who have got confidence [and] who have a wavelength with the other side’ (HAC 05). Similarly, my observations confirm that the people interviewed on the side of the SPLM/A and who were personally involved in the different humanitarian talks were also playing an important role in the negotiating team during the peace process.

The hypothesis states that humanitarian engagements may affect the internal dynamic of an armed group. The data demonstrates that this relationship is more of a circular one rather than a cause-effect direct relationship. Indeed, it seems that the SPLM evolved in a way that enabled the humanitarian engagements while at the same time, each engagement reinforced that evolution impacting the SPLM to move towards a more important civil administration and democratisation of the movement.

‘It [the humanitarian ceasefire of 1995] came at a very difficult time. You know in 1991, there was a split. After the split [...], we had a lot of problems. We were fighting among ourselves and there was no ceasefire at all. The Government [of Sudan] at that time thought that the SPLM was weakening. Until we had our convention in 1994. After the convention in 1994, because we put our house in order politically, because we elected our leadership, this was the beginning of a process of democratisation in 1994, which gave us a good image [sic]. 1995 was a transition. Because of the democratisation within the movement, it was easier for us to discuss the issue of the ceasefire. It would have been very difficult to discuss that before 1994. The Convention and the humanitarian ceasefire were great important phases in the history of the Movement. It gave confidence in ourselves. We had reorganised politically, even militarily. So we were confident that we could do business with the Government of Sudan’ (SPLM 07).

The interviewee refers to very important turning points in the evolution of the SPLM/A. At the beginning of the 1990s, the SPLM/A faced two radical changes. The first one was the fall of the Ethiopian President, Mengistu Haile Mariam, who was the primary sponsor, financially and logistically, of the SPLM/A. His fall meant that the SPLM/A had to leave their safe haven in Ethiopia and settle their headquarters in South Sudan. With this move came the realisation that the Southern Sudanese population had grown hostile towards the SPLM/A due to forced recruitment of children, village raids and looting. With no powerful sponsors behind them, the SPLM/A also had to ensure that the population in South Sudan would provide some support to them. The Chukudum convention in 1994 was very much a

response to these problems: democratisation and the improvement of the relationship between the SPLM/A and their home community became the new battle of the SPLM/A.

A second event changed the face of the SPLM/A in 1991. With the fall of Mengistu, John Garang's position could potentially be overthrown as it was not supported by a state sponsor vital to the SPLM/A. Some members of the leadership led by Riek Machar, a powerful Nuer leader in the SPLM/A, and Lam Akol, attempted to overthrow John Garang. When this failed, they split away from the main SPLM/A group.

These events triggered and led to the Chukudum convention that started the creation of a civil administration in SPLM/A controlled area but that also clarified the decision-making within the political wing of the SPLM/A. The interviewee explains that these changes were certainly paramount in explaining the possibility of a humanitarian ceasefire in 1995. In other words, the hypothesis is reversed: it is not the case that humanitarian engagements with the SPLM/A triggered a change in the internal dynamic of the group, but a radical change in the internal dynamic of the SPLM/A enabled those humanitarian engagements.

Rather than being a simple cause-effect relationship, it seems that the Chukudum convention and the enabling of humanitarian engagements through the democratisation of the SPLM/A created a spiral of events. Once the decision to create a civil administration came, humanitarian

engagements and agreements with the SPLM/A provided some support and help in furthering this development from a less militaristic organisation to a governing entity.

‘And it is all because there was this agreement [OLS], there were basic services going on and where there was some relative peace. The SPLM started putting on the ground some civilian administration’ (SPLM 09).

The establishment of the civilian administration with the support of OLS seems to have gone a long way in building confidence in the SPLM that they would make a transition from an armed group to a “government”.

‘I suppose it [OLS] helped us building confidence in ourselves: try to set a system, assisting our policy [sic]. It [OLS] helped us engage in other sectors, for example health and education. So we start laying down the foundation of our governance. For me, it was good to build people’s confidence in themselves. Creating a meaning for peace, a sustainable way of creating peace. I think Operation Lifeline Sudan did a good work’ (SPLM 06).

In light of this analysis, the hypothesis should be revised to a great extent. In general, the data has not confirmed the hypothesis. The data does not support the argument that humanitarian engagements affect the internal dynamic of armed groups by raising the voice of moderate factions within the movement. Nevertheless, the data supports the fact that humanitarian engagements of armed groups have a certain impact regarding the internal working or evolution of the parties involved and that the people involved in

humanitarian engagements from both parties to the conflict found a new role to play, although not necessarily an influential or powerful one.

In the case of Sudan, the different humanitarian engagements researched have enabled and furthered the development of a civil administration in the SPLM/A held areas during the conflict. This had a powerful impact in giving the SPLM/A the confidence that they could govern themselves and go to the peace-talks with this strength.

The humanitarian engagements enabled the creation of a “humanitarian elite” in the Government of Sudan that lobbied and advocated for humanitarian principles. This “humanitarian elite” proved to be an important technical support during the peace talks as well. Indeed both with the SPLM/A and the Government of Sudan, the teams that were involved in the humanitarian engagements were present and involved in the peace talks that led to the Comprehensive Peace Agreement in 2005. This individually built confidence, channels of communication and a better understanding, which enabled certain issues to be solved more easily during the talks. On the other hand, these individuals did not see their profile raised due to their involvement in the humanitarian engagements as the hypothesis stated and their position remained a weak one in the decision making process of either parties.

The data highlighted the fact that organisations should not be perceived and analysed as homogeneous entities. There are different trends

and beliefs within these entities and there is a need for external actors involved in engaging governments and armed groups on humanitarian issues to understand these dynamics and the power relationships within these organisations.

Finally, the hypothesis should have not just included armed groups as being potentially impacted by humanitarian engagements. The assumption that governments are not impacted because they are more structured and formal organisations does not hold. Therefore, a revision of the hypothesis should include taking into account the possibility that both parties involved in humanitarian engagements might be impacted by their involvement in humanitarian engagements.

Analysing the impact of humanitarian engagements on the reduction of the SPLM/A's apprehension to enter into peace talks: are humanitarian engagements a learning-by-doing experience for armed groups?

The second hypothesis focuses on humanitarian engagements as a process of negotiations. This hypothesis relies on the assumption that humanitarian negotiations appear less threatening and their success less vital to armed groups due to their humanitarian character. As such, negotiating for a humanitarian agreement provides a “test-case” for armed groups where they have nothing to lose and everything to gain in terms of their experience. Indeed, the main gain for armed groups would be to test, acquire and confirm their knowledge of negotiation procedures and improve their negotiating skills. This would impact the possibility of a peace process

positively as the armed group would feel more confident and less threatened to enter peace talks. The hypothesis focused on armed groups taking into account that armed groups are often the weaker parties in negotiations as they tend to be marginalised diplomatically. This is mostly not the case with governments who already have a ministry of international affairs, embassies and a technical civil service that works in different setting to negotiate for state's interests. The research therefore focused on understanding how negotiations happened and if it builds capacity to negotiate within the armed group.

'[Humanitarian agreement] does help prepare for negotiations' stated an expert mediator involved in a number of mediations with the Government of Sudan and the SPLM/A (Expert 02). On the surface the data seems to confirm this hypothesis that humanitarian engagements had a positive impact in Sudan in preparing for negotiations. Asked about the humanitarian ceasefire in 1995 and the formality of the agreement, an interviewee stated:

'Definitely, it played a role because it was negotiated and that constituted also a school for negotiations that we conducted later at the ceasefires as well as also for really negotiating the ceasefires for the Comprehensive Peace Agreement and for negotiating the very body of the Comprehensive peace Agreement.

Q: What do you mean by a school for negotiations?

It was a school in the sense that the parties practised their skills for negotiations and they definitely learnt lessons. They also learnt insight into understanding the adversary that they were seating

with. And that also definitely made them gain insights and skills which I am sure have been very useful' (SPLM 05).

The quote strongly supports the claim made in the hypothesis⁵¹. This was an opportunity to ask whether the SPLM/A as an armed group perceived some difficulties in being recognised as an equal party at the negotiations.

'It has always been the case. In the beginning, the Government has always entered the negotiations with an advantage of being the recognised party, as a state actor, while we are not state actors. As non-state actors, we will always be seen even in terms of protocol that the other side is senior to this side. They will always listen to the Government more than us. Because basically the Government of Sudan is a member of their club. And we are not a member of their club. We are basically guests into, actually disdain guests sometimes. But because we entered, we turned tables as sometimes against the Government of Sudan and we earned the respect through the way we handled ourselves and through the way we negotiate' (SPLM 05).⁵²

This second quote emphasises the issue with armed groups and peace talks: there is a clear perception that they are at a disadvantage. It seems therefore a rather important impact if humanitarian engagements enable armed groups to gain confidence and capacity for negotiations. In the case of the Sudanese conflict, it appears even more paramount as there was a strong feeling that

⁵¹ This quote was used in the previous chapter to demonstrate that the occurrence or not of negotiations will impact the way a humanitarian engagement will impact the conflict situation.

⁵² The quote continues : 'and sometimes there has been a lot of disadvantage in the sense that the UN and indeed all the other countries and states, they will always think that, you know they have got some sense of hidden solidarity towards the sates. And they consider those who rise against the states as outlaws who should be, they are always, we are seen to be the side that should concede. You know because they assume we are the wrong and we have to prove that no we are right. We need and we have to be strong' (SPLM 05).

the Southern Sudanese had been cheated in the last peace agreement between the Government of Sudan and Southern rebels in 1972.

This perception was not only shared by the SPLM but also by organisations who have been involved in negotiations with the SPLM for humanitarian purposes.

‘It [humanitarian negotiation] is for them to exercise and learn. They were quite acute and smart, less ideologically driven than the Government, but they were the weaker party as not the recognised government. They learnt throughout the process. [We] could see an evolution in the negotiations with the UN, [they] were looking at the bigger picture’ (UN 02).

Another UN interviewee reiterates this observation but with a strong word of caution:

‘They learnt about compromise, not to always take take take. It [OLS] helped them engage with the UN and NGOs in a different way. [It was] not always positive because it also gave them the knowledge of what language to use, how to manipulate language. They learnt what language worked’ (UN 01).

In other words, it may appear as a negative consequence that the SPLM/A did not only acquire the knowledge and skills to negotiate but also the knowledge and skills to manipulate through their discourse. Humanitarian engagements provided the SPLM/A with the opportunity to socialise

themselves with the international community through the UN, NGOs and donor Governments.

‘Q: Do you think that the process of negotiating for the humanitarian ceasefire helped the SPLM learn about processes of negotiations in general?

Yes of course. Definitely, it did. [...] We learnt, we learnt, we learnt. We learnt about the international community responding to issues of humanitarian concerns or the concerns of people like [former US President] Carter and there are many of them in the world. And we learnt to respond to each and every concern. It was important. It also helped to open up and increase contacts of the SPLM with the United States, with local groups in the United States. Whether the Congress, State Department, National Security, or some institutions in the United States or people who are very very influential in the policy formation. It helped us to get connected’ (SPLM 07).

One UN interviewee mentioned that there were real concerns on the part of the SPLM/A for the people in Southern Sudan and this was certainly a reason for their engagement, but it was also the case that ‘they perceived their engagement as being something good for them to get international support especially for Garang vis-à-vis the US. Also, it was a way to get the knowledge of governments involved’ (UN 02). This was reiterated in another interview: ‘All along the SPLM had taken this idea “we are trying to try to look good for the international community. [There was] a deliberate strategy to play for international support’ (Expert 01). There was a clear instrumentalisation of the process of humanitarian engagement to get the knowledge and understanding of international actors who would possibly be

involved in supporting or mediating the peace talks in the future. As a mediator explains, 'The SPLM did not come thinking that they knew how to negotiate but that they had the support of the international community and that Khartoum had no choice but to negotiate' (Expert 02).

The data has confirmed that humanitarian engagements in Sudan provided an opportunity for the SPLM/A to gain and improve their negotiation skills. Nevertheless, the hypothesis does not go far enough as a second type of learning-by-doing occurs. Indeed, the SPLM/A smartly instrumentalised humanitarian engagements as a forum where they could acquire a better understanding of the international community, the UN, influential donor Governments, NGOs. This opportunity for socialisation in the international system has been positive in building confidence in the SPLM/A's capacity to negotiate for a "fair" peace agreement. On the other hand, the political instrumentalisation of a humanitarian process could be perceived by many humanitarian actors as detrimental to humanitarian action in general. As such, this consequence of humanitarian engagements with armed groups could be qualified as a negative one.

Analysing the impact of humanitarian engagements on improving communication, confidence-building and a changed relationship between parties to the conflict in Sudan

The third hypothesis focused on understanding whether and how humanitarian engagements could impact on the dynamic of conflict by creating a space for communication, confidence-building and an evolution

of the relationship between the parties to the conflict as well as the multiple actors involved both in humanitarian engagements and peace processes. This hypothesis has proved to be very central in all the interviews conducted. In many ways, the data has confirmed that, in the case of Sudan, humanitarian engagements provided a space for communication, created some sort of confidence-building and impacted upon the perception of the different actors involved of each other. On the other hand, the data has highlighted that the hypothesis is not one but three very distinct ways in which humanitarian engagements may impact upon the transformation of conflict. Briefly, these are confidence-building measures, space for communication, and changed perception of actors involved.

Confidence Building

Three different themes emerge from this hypothesis. The first relates to the impact of humanitarian engagements on the transformation of conflict through confidence building. In the case of Sudan, humanitarian engagements created some confidence building and were qualified as confidence building measures by some interviewees. However, the confidence building that it created was a specific type of confidence: the confidence that the parties could work together; the confidence that each party could commit to the agreement despite violations from both sides.

Indeed, humanitarian engagements may not have provided an opportunity for building a general feeling of trust between the parties.

However, the data shows that humanitarian engagements provided an opportunity for both parties to prove to each other, and the international community, their willingness and ability to commit to an agreement on humanitarian issues

‘Definitely, you cannot just bring people for the first time to come and sit and then come to an agreement. There has to be to have such joint activities for a long time. We used to have these joint meetings on humanitarian issues and there were the only meetings between the Government and the SPLM [...]. And everyone was competing to show that they were committed to this more than the other. I think it was a very strong drive and very essential for the peace process for the whole peace process’ (HAC 04).

There was a realisation from both sides that it was important to be the party that could commit, the party that had the will to stick to its decisions and agreements. According to one interviewee, humanitarian agreements were an opportunity to build that capacity and learn to commit.

‘So it really found basis first of all for the two parties to learn how to respect rules that they have signed’ (SPLM 09).

As stated before, one of the perceived reasons for the beginning of the conflict was the abrogation of the 1972 peace agreement and the lack of commitment to this agreement. Honouring what you agree on was a significant step to take to build some kind of confidence between the two parties (SPLM 09). As an expert mediator stated in one of the interviews:

‘Sometimes these humanitarian agreements are a test of tasting the water. Each one is trying to test the other’s willingness to commit’ (Expert 02).

The confidence that the parties could work together and agree to commit to an agreement was made possible very much because of the humanitarian nature of the agreement.

‘[...] When people talk from a humanitarian point of view, they will agree on all the things. They will agree for the sake of Sudan, for the sake of the children, for the sake of women. And this itself paved the way for this political agreement’ (HAC 03).

According to the Government interviewees, humanitarian engagements were made possible because of their humanitarian character. As another interviewee stated, ‘We are talking about others, not about ourselves’ (HAC 01). Indeed, ‘at the time, the only agreement possible was on humanitarian issues and yes, it built confidence’ (HAC 02). One observer from the UN explained that he frequently chaired meetings ‘where people were political enemies but negotiated around the table on humanitarian issues’ (UN 01). The character of the engagement being humanitarian provided a sense of a non-threatening agreement as well as an agreement that would not harm any parties to the conflict. There was a sense that it was something beneficial for both parties to be engaged in these processes and come to an agreement on humanitarian issues.

The ability to commit to an agreement is rather important. As one expert stated:

‘In a peace process, you do not build trust. It is not trust that you build, but a way of working with each other’ (Expert 02).

Having the ability to commit to humanitarian agreements provided an opportunity for the SPLM/A and the Government of Sudan to work with each other on humanitarian issues.

‘The good thing about this approach is that we have certain things, a neutral kind of things, that we all agreed to have enough food, water, health and medication for the people of the South [sic]. And this is an agreed target. So we are working under the supervision and the support of the international community. So also the approach of putting an agreed and mutual target and then asking the parties to work together, [...] that also helped seeing that each other, from the other side, from the South, and working together. So I think that also really helped. It is confidence building and building the approach of partnership between ourselves because we now are partners. But now, after those meetings, we start seeing each other, talking about general issues, not how to fight but how to work together our points of difference’ (HAC 04).

This feeling was more present on the side of the Government of Sudan than on the side of the SPLM/A. The reason for this certainly relates to the fact that the people involved in humanitarian engagements on the Government side were “technical humanitarians”. If indeed a peace process aims to find a way for both parties to work together, humanitarian engagements certainly

provide a test-case during the conflict for both parties to see the possibility as well as the limits of a possible partnership.

The SPLM/A interviewees, on the other hand, voiced a similar feeling when stating that humanitarian engagements created a feeling that if an agreement on humanitarian issues was possible, an agreement on political issues might also be possible.

‘So if we could talk peace and accept an agreement that allows somehow the alleviation of catastrophe and crisis in Southern Sudan and other parts, then why don’t you go beyond and talk about the real issues about peace. [...] So I think OLS was crucial and critical. Everybody realised that we could talk peace in the aspect of humanitarian action, why could we not talk peace in respect to a global peace settlement’ (SPLM 01).

This realisation was made by the parties to the conflict as well as mediators involved.

‘To bring the parties and agree they can hold war for them to then to give the opportunity for international organisations and local NGOs to reach to the people and take care of their health problems it was very good. And actually, the 1995 Guinea Worm was followed by many other ceasefires. [...] And indeed, it made it possible also to the mediators to the warring parties that it is possible to solve problems [sic]. So that built an experience that made them actually to be convinced that it is possible to resolve the conflict despite the fact that it was very complex’ (SPLM 05).

Humanitarian agreements indeed built a positive experience that transmitted a strong feeling that peace was possible.

‘It is the time when people realised that it is possible to go in the agreement. [...] It created confidence and it made the parties realise that yes peace is possible. At least if we can sign a ceasefire or a cessation of hostilities for that matter [immunisation and medical aid against the Guinea Worm disease], then if we can respect it, then there is a possibility of us reaching peace’ (SPLM 03).

The fact that humanitarian engagements can be a source of trust and build confidence is limited by violations of the agreements. Indeed, most interviews mentioned that humanitarian engagements in Sudan were violated by both sides. The Government of Sudan accused the SPLM/A of ‘misusing the food to feed its forces’ (HAC 04). On the other side, the SPLM/A mentioned that lack of cooperation of the Government of Sudan as relief flights were cancelled as ‘the Sudan Government tried and attempted to use the access for humanitarians as a tool for pressure on the SPLM and use it as an act of war’ (SPLM 05). My questions relating to trust and confidence between the parties to the conflict tended to fire a long monologue in the SPLM interviews about how little trust there is today even after the signing of the Comprehensive Peace Agreement.

‘It [OLS] helped as it actually started the building of trust and confidence. This is where the parties came to know that yes if we come for the peace agreement then maybe it could be respected. For us, in the SPLM, we do not believe that the Government of

Sudan can sign an agreement and respect it. And even after now, I do not believe that when it was signed the Government was genuine' (SPLM 03).

Humanitarian engagements in Sudan provided an opportunity to “taste the water” for either side. Humanitarian engagements built experiences where commitments were made and agreements respected to a great extent. The parties to the conflict found a way to exercise the possibility of working together and partnership. Humanitarian agreements planted a peaceful seed in creating a situation where the different parties would ask themselves if we can agree on humanitarian issues why not try to agree on the political issues. In that specific way, the data has supported the hypothesis that humanitarian engagements provided a flourishing environment for peace talks to occur in Sudan between the SPLM/A and the Government of Sudan.

Space for communication

The second theme relates to the impact of humanitarian engagements on the transformation of conflict through the creation of a space for communication. This theme relates to the above one as this space for communication was necessary to create opportunities for trust and confidence building. In the case of Sudan, humanitarian engagements created a space, even a forum, where different actors could interact regularly as the implementation of those engagements required further consultations. This forum offered a place for socialisation for the different actors involved. The Government of Sudan had a non-threatening controlled arena to taste

the water with the SPLM and understand their adversaries better. There was very much a process of socialisation for both parties to the conflict. The SPLM used this forum to socialise with the UN, Governments, and NGOs. The international community used this forum to engage with both parties without putting pressure on possible peace talks. As one expert explains:

‘In modern warfare, communication with each other is as important as fighting. It can build a minimum level of trust on some issues but not on the hard issues. They level the ground in such a way that they know what they can share with others and what they cannot’ (Expert 02).

Operation Lifeline Sudan created a platform where communication was made possible between the two parties to the conflict. The rationale for communication was “technical”, concerning the implementation of OLS and humanitarian action and as such provided a more neutral ground to talk. The UN was also there to normalise communication between the two parties:

‘The UN is playing the role of the mediator and without the UN there, I don’t think that it would have been possible. If there are any problems then the UN is there to meet, call for meetings, to start discussions and so on’ (HAC 01).

This enabled the two parties to ‘break the barriers’ (HAC 01) and it built confidence as ‘it opened communication’ (HAC 02).

Continuous channels of communication between the two parties enabled the parties to understand each other better.

‘I think because there was ground for communication [...]. Before that people were not able to sit together. We sat and we talked. It is a lot of communication. It is a matter of getting to know each other’ (HAC 03).

It also enabled the creation of platforms or networks for both sides of the conflict, but more importantly the SPLM/A, which was, as an armed group, marginalised from other existing international diplomatic networks. These networks enabled further engagements and humanitarian action to be carried out as well as more substantial dialogues to occur. The UN found that OLS and the ground rules, ‘provided an operational platform’:

‘We could negotiate for certain things that would not have been possible without it. For example, the demobilisation of teachers from the SPLA. We were able to negotiate and do that because of this agreement on principle’ (UN 02).

The interviewee continued to explain that the SPLM/A used these networks and platforms very effectively to show their positive engagement and using these humanitarian engagements internationally as ‘something to show’ (UN 02). The interviewee concluded that ‘the communication was fair and open’ and ‘this permanent relationship helped’ (UN 02).

The 1995 Guinea Worm humanitarian ceasefire that was brokered by the Carter Center and Former President Carter himself, provided an invaluable

opportunity for the SPLM/A to extend their “diplomatic” network to the United States. As one interviewee from the Carter Center explained:

‘The idea behind President Carter’s involvement was also to demonstrate that the Carter Center was working in a neutral, non-obstructive way, equally with each side of the conflict, in the hope that when the decision to start negotiation was taken, the Carter Center would be recognised as having had the right attitude’ (CC 01).

Following this comment, the interviewee explained that President Carter kept the contact with President Bashir and John Garang throughout the conflict. This was the only “official” link with the United States and this connection became useful when the peace talks started and the United States wanted to get involved (CC 01). One interviewee from the SPLM/A explained that Guinea Worm disease eradication was not necessarily a priority but they saw an opportunity in engaging with the Carter Center in a positive way, in a way that could benefit engagements on bigger issues.

‘We didn’t see Guinea Worm as a big priority. But I think politically it was very important, for somebody like Carter to come and champion this. It was really important. And also engaging the Americans. So it was really the focus to have somebody like Carter to get the Americans to know more about what is happening in Sudan. We know that Carter was very assertive from that aspects in terms of founding the humanitarian company and then an outreach. [...] Carter managed to use that one as a platform to engage on bigger issues and that was very positive. So the link is

not per se the humanitarian work, but it has welcome people like President Carter to be engaged in the peace' (SPLM 06).

This quote was used previously to note the political motivation behind the SPLM/A's engagement in the Guinea Worm issue. The SPLM/A understood very well the opportunities offered to them with the creation of such platforms and channels of communication and used these opportunities to their political advantage.

In the case of Geneva Call's engagement with the SPLM/A on the issue of landmines, this engagement in Geneva triggered a number of other connections which led to the Joint Demining project in the Nuba Mountains. Geneva Call opened the door for the UN Mine Action Service (UNMAS) to engage with both parties in Geneva and sign a Memorandum of Understanding to establish a common mine action programme.

'This meeting [with UNMAS] that we initiated, I think that each time we manage to make people talk, it is an element that can build peace. The worst for peace is when people do not talk to each other any more' (GC 01).⁵³

Geneva Call has been a forum for the SPLM/A to also meet with mine action organisations from the North of Sudan. In one workshop organised by Geneva Call in Sudan, for the first time a representative from the Sudanese Campaign Against Landmines who was a Northerner met with the

⁵³ Quote translated from French by the researcher : 'Cette rencontre [avec UNMAS] qu'on a initié, je pense que chaque fois qu'on arrive à faire en sorte que des gens se parlent, c'est un élément en tout cas constructeur de paix. Le pire pour la paix c'est quand les gens ne se parlent plus' (GC 01).

SPLM/A in South Sudan. As Geneva Call stated, ‘It is interesting that a small NGO like ours can start creating links between people. [...] It is small actions like this that help go beyond stereotypes’ (GC 01).⁵⁴ Another member of Geneva Call explained that through their engagement on landmines with Geneva Call, the SPLM/A networked with other humanitarian organisations in Geneva on issues such as human rights and child soldiers, as well as Governments (GC 02). Building this platform or network, explained the interviewee, enabled the SPLM/A to create their own diplomatic setting where they could communicate and build a sense of confidence between them and some influential international actors (GC 02).

The data confirms that humanitarian engagements opened channels of communications and offered a platform where parties to the conflict could interact with others. These platforms were also used by the SPLM/A to create their own diplomatic channels in Geneva, the United States and with different organisations involved in South Sudan. As the weaker party in the negotiations, the SPLM/A used these networks to fish for support and legitimacy. Continuous channels of communication provide a way to gain a deeper understanding of the dynamics of the conflict and become a helpful tool to avoid missing opportunities for peace. If we agree with Zartman’s theory of ripeness (1995), these continuous channels of communications and the creation of such platforms enable third parties to find out when the conflict is ripe for resolution and when opportunities for mediation arise.

⁵⁴ Quote translated from French by the researcher : ‘Au deuxième workshop, ils avaient invité le responsable de la campagne soudanaise du nord et c’était la première fois que quelqu’un du nord débarquer là-bas. C’est intéressant qu’une petite ONG, tu peux commencer à créer des liens. C’est aussi par des petits trucs comme ça, [que tu peux] détruire des clichés’ (GC 01).

Changing perceptions

The third theme brings together the above two themes and relates to the evolution of the perceptions of the different actors involved in the process of humanitarian engagements. Through the socialisation and the confidence building, humanitarian engagements impacted the perception of actors involved. The Government of Sudan acquired a better understanding of the rationale behind the formation of the SPLM/A and their continued struggle. The Government of Sudan discovered, through the processes of humanitarian engagements, 'that the SPLA was genuine about what they were fighting for':

'Through the humanitarian engagements, the Government of Sudan had a better idea about why and for what the SPLA was fighting and through this the Government of Sudan realised that this was not just a mere rebelling faction but a very genuine movement' (HAC 02).

Following this statement, I asked the interviewee the reason why humanitarian agreements, which started as early as 1989, did not bring peace in Sudan earlier. The interviewee explained that it was a social work and it needed a long time to know each other and change the perception they had of each other (HAC 02). As another interviewee explained:

'It developed a better understanding between North and South, between the lines of conflict. We built more of a personal

relationship, which really helped in getting a better understanding of each other' (HAC 04).

From my observation during interviews, I believe that there was a real change of perception in the sense that through these humanitarian engagements the Government of Sudan realised the extent to which the SPLM/A was representing genuine grievances within the Southern population. The Government of Sudan came to understand also the extent to which the SPLM/A was a structurally strong organisation. The Government of Sudan has been faced with many rebellions within its boundaries and has felt powerful enough to resolve the problem militarily or to offer an “unfair” peace agreement. From the interviews with the members of the Government of Sudan, I felt that this realisation was genuine. On the other hand, I believe that having the interviews in the post-agreement period has tainted some interviews to become biased towards a general feeling of reconciliation and acceptance towards the SPLM/A. As a UN worker stated in one of the interviews:

‘[The perception] was neither better nor worse. These people knew each other. They were not strangers to each other. OLS was not big enough or long enough to change a perception or the knowledge that was there many years before’ (UN 02).

This view may be a bit cynical. However, it relates to an important parameter. The leadership of the SPLM/A and the leadership of the Government of Sudan very often had encountered each other during military training before the conflict started. There were not indeed strangers. On the

other hand, I do believe that the interviews with the Government of Sudan reflect a genuine reality when stating that the humanitarian engagements enabled a better perception of the reality through continuous encounters as well as changed the perception of the Government of Sudan who strongly believed until the mid-1990s that the SPLM/A could be dealt with militarily.

The interviews with the Government of Sudan do not support to a significant extent a change in the Government's perception of the international community, governments involved, the UN, and NGOs. As mentioned in one interview:

'There was a lack of trust as both sides saw OLS as biased. There was no trust that it would do a fair and impartial job. Over the years that trust grew and OLS was more respected' (UN 02).

The Government of Sudan remained through the 1990s, and some could argue today, a marginalised government in international diplomacy as accusations of providing a safe haven for international "terrorists", as well as a radicalisation of religious politics, slowly turned Sudan into a pariah state. The Government of Sudan has always perceived humanitarian intervention as a breach of their sovereignty. However, one interviewee mentioned that the presence of an expatriate community in Khartoum provided an opportunity to 'develop an international dimensions, the understanding of humanitarian action, [...] it changed mentalities as people started thinking about peace' (HAC 02).

The SPLM/A went from being another guerrilla movement in Sudan to the realisation that the SPLM/A was representing a large part of the Sudanese population, both in Southern Sudan and the rest of Sudan. The Government of Sudan's perception of the SPLM/A was changed by their socialisation with them in the processes of humanitarian engagements. The image of the SPLM/A changed as well. The international community perceived the SPLM/A very differently in 1989 when the first OLS negotiations occurred and in 1995 when the negotiations of the Ground Rules within the OLS started.

'The ceasefire [humanitarian ceasefire in 1995] gave the SPLM more legitimacy and created a perception that they were ready to be more in control of humanitarian assistance coming into their areas. [...] I think the SPLM benefited from the ceasefire more than the Government of Sudan' (CC 02).

The engagement of the SPLM/A by the international community in Operation Lifeline Sudan has often been qualified as a historical move by the UN. As an interviewee explained, 'it is a first step, a form of recognition, but at the same time putting the other in an uncomfortable position because they have to accept that you exist' (Expert 02). The UN was always worried of sponsoring some kind of political recognition of the SPLM/A (UN 01). Whether OLS did or did not give political recognition to the SPLM/A is debatable, but what is more important, as the interview above stated, is that by engaging the SPLM/A in OLS the UN recognised the fact that the SPLM/A was in control of a territory and of a population. In other words, the rationale behind the SPLM/A being involved in the OLS

appears very much to be that without the SPLM/A on board, humanitarian action in Southern Sudan may not have been made possible. Beyond this, as one interviewee recalls, there was a general feeling of hope among the Governments and donors involved in the OLS and the signing of the Ground Rules in the mid-1990s, that the SPLM/A would change and behave differently as a result of the humanitarian engagements and took the SPLM/A's engagement in the OLS as 'an encouraging sign' (UN 01).

In my interviews with the organisations involved in humanitarian engagements, respondents were always careful in answering the question of whether their perception of the SPLM/A changed as a result of the humanitarian engagements. This caution reflects a general attitude of not seeming to have given some undue recognition or legitimacy to an armed group through humanitarian engagements.

The answers of the SPLM/A regarding this question supported the feeling that the international community came to see them in a different light during these humanitarian engagements.

'In fact, they [the UN] pretended at first not to recognise us. That we were a rebel movement and why the hell they had to talk to us, but we told them "how do you go to Southern Sudan without us". [They said] "no, on moral grounds, your people are dying and therefore you are rebels that are not considerate of the life of your people". [...] They realised that Khartoum, nobody could influence us, but we were shafted from the UN system. They told us you are murderers, you are warmongers. [...] When they came

they realised and James Grant, the executive director of UNICEF, who first made an agreement with us [sic]. [...] They recognised that we were not from the jungle, that we had a system and that was important. [...] From this very rebellious, illegal movement, we were recognised as a structure that could not be wished away' (SPLM 01).

Another interviewee explains:

'In the beginning, the discussion started by a strong impression from the UN as seeing the SPLM as a rebel movement and recognising the Government in Khartoum as the law enforcer and the protector of rights. So even though it started with the Government having more leverage and more respect, it ended with the SPLM gaining more recognition and more status as a result of the outcome of the implementation and continuous negotiations' (SPLM 05).

One could say that these answers are part of a well rehearsed propaganda. While there must be an element of it, the relationship with the SPLM/A and the UN improved through the implementation of OLS. The Ground Rules in the mid-1990s engaged the SPLM/A as well as other Southern factions, but did not engage the Government of Sudan. It appears that the UN managed to establish a ground for further humanitarian negotiations with the SPLM/A by the mid-1990s. As one interviewee explained:

'I think it polished our image in many different circles that branded the SPLM as not terrorists as such but just a military organisation that was thirsty, killing people, burning villages, violence. So it helped improve our image in UN circles, the circles

of the human rights organisations. Because before that, we had some problems with certain human rights organisations. [...] These people started asking questions: “these people are serious people that are concerned with humanitarian issues, maybe they have genuine problems and let us talk to them”. [...] We start to open up to areas that were not accessible before, started dialoguing with human rights organisations who later became friends really, because they started to understand us better’ (SPLM 07).

Whereas the Government of Sudan could use the General Assembly of the UN and other international fora to explain themselves to the international community, the SPLM/A could not. They found in the forums created by humanitarian engagements a platform to communicate their side of the story. Furthermore, while nobody could claim that the SPLM/A are “angels”, my personal observation during my fieldwork was that expatriates working for the UN, NGOs and Governments are more vehement in criticising the Government of Sudan than the SPLM/A.

The SPLM/A, as stated before, manipulated their engagements in humanitarian agreements rather smartly to their advantage and were very much successful in changing the international community’s perception of them. The SPLM/A was very much an active rather than a passive part of this process as their perception of the Government of Sudan did not change much. On the other hand, their understanding and knowledge of the international community deepened and the SPLM/A mastered the “humanitarian discourse” to their advantage.

‘We actually entered these agreements that were humanitarian and nobody likes to be seen to be in flagrant violations of human rights and humanitarian principles. Of course these agreements provided food, shelter, water, medicine and services to the people. And if you stand against it domestically and internationally you lose to credibility. This is why none of the parties objected to the signing of these agreements’ (SPLM 03).

As another interviewee explained:

‘It is a big challenge to be recognised. And that is why many movements go for a different option: [...] taking hostages, extremes. Another one is to get engaged positively with the international community. [...] I think the SPLM chose to use a positive engagement and policy in affecting the good aspects and the values of the movement. [...] It was a question of engagement to be in good care with the international community. [...] You have to use it [humanitarian engagement] positively’ (SPLM 06).

Gaining this international credibility seemed paramount for an armed group who wanted to be accepted as an equal and strong partner at the negotiation table.

‘Of course, the new credibility became a huge political card that was very useful to relating to the international community, relating to the UN system. So it was very useful. It also created a strong ground for negotiations’ (SPLM 05).

The SPLM/A’s perception that they had acquired more credibility, whether they did or did not, through these humanitarian engagements made the

SPLM/A more confident that they could enter peace talks with more support from the international community and therefore be in a strong position to negotiate a “fair” peace agreement. As one interview demonstrated:

‘Well it is the perception of the Government that the SPLM after 1991 [the split] was weakened. [...] It was only a perception. It was the same agenda that we discussed in 2004 that we started in 1991. [...] They wanted us to sign a cheap agreement at that time because they thought we were weak’ (SPLM 07).

Some kind of recognition and changing the perception of the Movement clearly appeared as a political objective of engaging on humanitarian issues with international organisations.

‘We managed to impose the recognition of our authority as a warring party and we actually improved our credibility and what we are in practice and the way we conduct ourselves. Like for example, more UN agencies and organisations representing many countries of the world came to be operating on our areas and behind our lines and they were finding more cooperation and more freedom and more protection than what is being offered by states themselves. And we also started to impose our regulations to them. They would not recognise us at the beginning, but in the end they recognised us’ (SPLM 05).

Another interviewee explained how humanitarian engagements played a role in this process of recognition:

‘Well of course from the very beginning they [the Government of Sudan] used to call us terrorists. [...] For that matter they were, they had not been ready to talk. But there were pressures from the international community, they had to succumb to the signing of the agreement [OLS] and after signing of the agreement ultimately, it paved the way to the peace talks. Because after all, they have already entered into a contract, reached an agreement with us and signed it. It means that they do recognise us, that there is a body here called the SPLM’ (SPLM 03).

The SPLM/A wanted to be perceived as more than a mere guerrilla movement and found in the humanitarian engagements a platform for propaganda.

‘Yes. That agreement [OLS] made it. It made the SPLM to be seen different from other group and therefore it made it, it gave the SPLM the opportunity to be seen as a movement that was fighting for values and for objectives. At the centre of them, as I said, we as a movement, the core values is the fight to return the basic rights and freedom of our people. [...] The SPLM has shown the international community through the UN that it is committed to defend and promote the rights of the people and to provide them access while the Government of Sudan proves itself to be an anti-human rights system and always obstructing the access of humanitarian assistance and not caring about the rights and the lives of the people in Sudan’ (SPLM 05).

Humanitarian engagements have brought about change in the perception that different actors in humanitarian engagements had of each other. Whereas the Government of Sudan became a pariah state in the 1990s, their perception of the SPLM/A as a mere guerrilla movement that could be

wished away by a coercive and militaristic operation changed to a realisation that the SPLM/A represented a disgruntled Southern population who had genuine grievances. The SPLM/A on the other hand instrumentalised their socialisation with the humanitarian organisations and the UN agencies working in Southern Sudan to acquire the recognition of the SPLM/A as more than a mere guerrilla movement, but a movement that aspired to statehood and had the capacity to negotiate a peace agreement in their favour.

This third hypothesis can be re-written into three different conclusions regarding the case of Sudan. Humanitarian agreements have provided a space for the creation of a humanitarian elite in the Government of Sudan that played a mediating role in humanitarian action and in the peace process. Humanitarian agreements with the SPLM/A supported their effort to establish a civilian administration and change the SPLM/A from a militaristic dictatorial movement into a de facto authority on the ground. Humanitarian engagements provided a space, a platform and continuous channels of communications between the parties to the conflict. Humanitarian engagements provided a positive engagement with different parties that would play a role in the peace process that allowed an opportunity to understand each other better and change their perceptions of each other.

Analysing the negative impact that humanitarian engagements had on the Sudanese conflict

The three hypotheses presented in the conceptual chapter focused on the possible positive impact or ways that humanitarian engagement with armed groups could impact on a positive transformation of the conflict. The data has supported strongly that there is a positive link between humanitarian engagements and a peaceful transformation of conflict. Nevertheless, humanitarian engagements do not only have a positive impact. In the case of Sudan, the positive impacts have over powered the negative impacts. However, there are negative impacts of humanitarian engagements that pose serious concerns: violations of the humanitarian agreements harm a possibility of trust and confidence building; the platform created by humanitarian agreements is another battle ground for the parties to the conflict; finally, the political instrumentalisation of a humanitarian process, as the SPLM/A has done, remains a serious concern for humanitarians and their neutral, non-political standing.

Violations

The overall result remained that humanitarian engagements created a possibility for the SPLM/A and the Government of Sudan to find a way to work together in partnership. It was an opportunity to build that confidence that if a peace agreement were to be agreed on, a partnership in implementation could work. The analysis of the data has also pointed out the importance of showing that the parties could commit to and honour their

agreements. However, throughout the implementations of humanitarian agreements, there were serious violations on both sides.

In almost every interview, the SPLM/A voiced their concerns with the serious violations of the agreements with the Government of Sudan. The issues of the cancellation of flights by the Government of Sudan came up very often.

‘What was really unfortunate is that during the implementation of the agreement of OLS, the Sudan Government tried and attempted to use the access for humanitarians as a tool for pressure on the SPLM, and use it as an act of war. And this is documented. Planes have been denied, routes have been denied, access to humanitarian convoys...’ (SPLM 05).

On the other hand, the Government of Sudan raised concerns over the manipulation of food aid by the SPLM/A to feed soldiers.

‘At that time there was a question of whether this OLS operation prolonged the war in the South. Some people say because there was misuse of food by the rebels, and misuse of giving to the rebel soldiers’ (HAC 03).

Some government interviewees said that OLS had a negative impact because of the manipulation of food (HAC 02). Third party interviewees explained that there were violations on both sides of the conflict (UN 02). One interviewee mentioned that as his work was to build capacity in the

South, there was a ‘feeling that they were building capacity for them [the SPLM/A] to know how to manipulate relief later’ (UN 01).

The data reflects very well the on-going debate in the humanitarian community about Do No Harm and the issue of humanitarian action being a cause for continuation of the conflict rather than benefiting the conflict. Humanitarian engagements occurred in a highly sensitive environment and such violations could be a trigger of further animosity and distrust. In the case of Sudan, these violations remained very much a sensitive issue as the occurrence of the topic in interviews demonstrate. However, it has not been qualified as preventing the feeling from both parties that humanitarian engagements provided a good test of what type of partnership would be possible in the future between the SPLM/A and the Government of Sudan. A very high level of distrust remains between the two parties post-peace agreement and was voiced during the interviews.

A Space for a “moral” battle

The communication space and the platform created by humanitarian engagements in Sudan was captured by both parties to the conflict as another battle field, although this time a battle of words and actions. As one Government interviewee explained, ‘everyone was competing to show that they committed to this more than the other’ (HAC 04). Humanitarian engagements were used by either side to fire at each other and fight on moral grounds. As one expert on Sudan stated, ‘Humanitarian

[engagements] is a propaganda and a strategic asset' (Expert 01). In interviews with the SPLM/A, they would explain that the Government of Sudan did not sign those humanitarian engagements genuinely but because of pressures:

'I think they [the Government] agreed because for the first time the international community through the UN had come in the face of the huge humanitarian crisis to pressure on the Government of Sudan to allow this operation [...]' (SPLM 05).

When the members of the SPLM/A were asked during interviews to state their motivation for war, it would typically start a long answer explaining that the SPLM/A had started the war to free the people of Southern Sudan and Sudan in general and therefore it followed that they should do anything in their power to help the people caught up in the violence. These answers felt like a well-rehearsed propaganda.

'So I would say that our main objective was to mitigate the effect of war and means for the international community and the organisations to be able to reach the needy people. And the basis for this, for us, is the very values that made us to engage the Government of Sudan in the first place in the war. In a sense, we rebelled against the denial of our rights as citizens, our human rights as human beings, and the rights of our people. Our movement as an organisation is nothing but an organisation of volunteers who step forward when our people in the millions rejected the economical and social economic conditions that were prevailing. Our people had lived in abject oppression and poverty and were marginalised. So yes, we wanted to pursue the war but

with the least humanitarian cost as possible. And OLS as an organisation came in to pursue these goals, to prosecute the war and providing attention to the needs that arise as a result of war itself' (SPLM 05).

The SPLM/A and the Government of Sudan claimed that their humanitarian engagements were entered into on moral grounds and on matters of principles. Each wanted to demonstrate that they had the well-being of the people at heart and that they were the entity that enabled the improvement of people's lives during the conflict.

The Government of Sudan claimed, as the SPLM/A did, that the rebels entered the humanitarian agreements as "a face lifting operation":

'They [the SPLM/A] needed a face lifting operation. They had if you were a rebel movement you are bound to step off of the human rights principles. Because at the time they were needing soldiers I think they were accused of conscribing children in the villages under age children, child soldiers. All these are human rights operation. Some say they had put under fire. So they needed a face lifting operation. I think one of the reasons for them to join the treaty was to have this face lifting operation' (HAC 05).

Despite the fact that the data supports the argument that humanitarian engagements created a neutral, non-threatening space for communication and interaction between the parties to the conflict, that space was also caught in the cross-fire between the SPLM/A and the Government of Sudan.

Both parties aimed at gaining more legitimacy and more recognition through their engagements on humanitarian issues.

Instrumentalisation of a humanitarian process to achieve political ends

Humanitarian engagements were a means to an end, more specifically a humanitarian means for a political ends. This was more true of the SPLM/A. As the weaker party, as the “illegal” guerrilla movement, the SPLM/A had much more to gain from these humanitarian engagements. The SPLM/A learnt how to use the opportunities arising from the humanitarian engagements to their own benefits. The SPLM/A gained experience in manipulating discourse and ‘learnt what worked’ (UN 01). They instrumentalised their humanitarian engagements as a way of gaining recognition, legitimacy and resources.

The SPLM/A came to understand through their continuous engagement with the international community that the more they played the game of the international system the better off they would be. They understood that they needed to seem humanitarian, in respect of human rights and that the development of a civilian administration would provide them with more support.

It is debatable whether this is a positive or negative consequence of humanitarian engagements. On one hand, humanitarians are concerned with the politicisation of humanitarian action and would therefore qualify this as

a negative consequence. On the other hand, the SPLM/A needed to feel that the backing of the international community to genuinely enter a peace process. They needed to feel that the peace agreement was going to be in their favour or at least fair and this could only happen if they felt they were standing on strong grounds.

Conclusion

Humanitarian engagements have an impact on the dynamic of conflict. Most of this impact is a positive one in terms of strengthening the possibility of a successful peace process, i.e. a peace process that would lead to the signing of an agreement.

Hypothesis 1 stated:

Humanitarian engagement may affect the internal dynamics of the armed group by raising the voice of a moderate faction (may affect power distribution and decision-making procedures).

The conclusions that can be drawn from the analysis of the data is that humanitarian engagements did not only impact the dynamic within the SPLM/A but also within the Government of Sudan. The data showed that it was not necessarily a moderate faction that was involved in the humanitarian engagements in Sudan but a multitude of actors: military, security, humanitarian “technical” elite. The main interlocutors who remained humanitarian actors in semblance were not necessarily powerful

and influential within their organisations. Their involvement did not result in providing them with a higher status. However, it provided them with some status as the same people who were involved on either side in the humanitarian engagements were also involved in the peace talks in Kenya that led to the Comprehensive Peace Agreement in 2005.

Hypothesis 2 stated:

By offering the opportunity for the armed group to acquire greater knowledge of negotiation procedures or other skills necessary in the process of political negotiations, the process of humanitarian engagement might reduce the group's apprehension to enter in further negotiations.

The data supported that some learning by doing occurred. The SPLM/A found an opportunity to exercise their negotiating skills and diplomatic skills. The most important learning that occurred for the SPLM/A was to understand how the international community worked and acquire a strong knowledge of a diplomatic and humanitarian discourse that they could manipulate and instrumentalise for their own political benefits. Humanitarian engagements also proved to reduce the SPLM/A's apprehension to enter into a formal peace process as they felt that they had the backing of the international community as they built confidence that the SPLM/A was more than a mere guerrilla movement.

Hypothesis 3 stated:

Humanitarian engagement may allow for a continuous communication channel between the different parties to the conflict. Humanitarian engagement may act as a confidence-building measure affecting the dynamic among the different actors involved in peace negotiations (NGOs, IOs, UN Agencies, ANSAs, Governments).

The data supported this hypothesis strongly. The continuous communication channels between the SPLM/A and the Government of Sudan allowed a better understanding of the other. The international community could also use these communication channels to monitor opportunities for peace.

Confidence that a partnership and a way forward in the conflict was possible was helped by the fact that the parties to the conflict were able to agree on humanitarian issues. The fact that an agreement on humanitarian issues was possible build up the hope that an agreement on the general issues of the war and peace was possible.

The dynamic between the different actors was also impacted by the humanitarian engagements. The Government's perceptions of the SPLM/A changed from seeing the SPLM/A as a weak guerrilla movement to realising that the SPLM/A represented genuine grievances and was structurally strong enough to challenge the sovereignty of the Government. The SPLM/A perceived that their status was heightened as a result of their engagement in humanitarian engagements as interactions with the international community increased. The SPLM/A believed that their engagement in humanitarian agreements provided them with the necessary legitimacy and recognition

from the international community to ensure that no peace agreement would be unfair.

Although the hypotheses were to a great extent supported by the data, a number of concerns can be raised on the negative impact that humanitarian engagements can have on the conflict dynamic. Violations of humanitarian agreements from both sides provided rationale and support for continued mistrust and animosity. Humanitarian agreements became another type of battle field for the parties to the conflict as each wanted to win a war of moral high grounds. The SPLM/A manipulated and instrumentalised all opportunities arising from the humanitarian engagements to benefit their political ends.

Chapter IX : Conclusion

Introduction: purpose and aims of the research

This research was concerned with finding what the consequences of humanitarian engagement with armed groups are on the conflict situation. More specifically, the research aimed to find ways in which humanitarian engagement with armed groups can have a positive impact on conflict and under what circumstances. The research found that, indeed, humanitarian engagement with armed groups has an impact on conflict and that these consequences could be both negative and positive.

This research had a further purpose. In order to understand the impact of humanitarian engagement with armed groups, understanding the process of humanitarian engagement itself was paramount. An in-depth study of three different humanitarian engagements with the Sudan People's Liberation Movement during Sudan's second civil war (1983-2005) enabled a comparative analysis which uncovered how characteristics of humanitarian engagements play a role in the way humanitarian engagements impact the conflict situation.

While there was no comparative analysis of armed groups, the research aimed at providing a better understanding of armed groups. The behaviour of armed groups is under-researched. In order to understand how humanitarian engagement with armed groups impacts upon the conflict

situation, it is necessary to understand how armed groups behave, what can influence them and what are their perceptions of humanitarian engagements. The case study enabled an in-depth analysis of the Sudan People's Liberation Movement/Army (SPLM/A), through interviews with members of its leadership. This in-depth analysis allowed a partial answer to how characteristics of armed groups may shape the impact that humanitarian engagements can have on conflict transformation. However, further comparative research would provide a more systematic answer to this question.

Summary of findings

Three hypotheses were presented as a conceptual framework to guide this research:

Hypothesis 1: Humanitarian engagement may affect the internal dynamics of the armed group by raising the voice of a moderate faction (may affect power distribution and decision-making procedures).

Hypothesis 2: By offering the opportunity for the armed group to acquire greater knowledge of negotiation procedures or other skills necessary in the process of political negotiations, the process of humanitarian engagement might reduce the group's apprehension to enter in further negotiations.

Hypothesis 3: Humanitarian engagement may allow for a continuous communication channel between the different parties to the conflict. Humanitarian engagement may act as a confidence-

building measure affecting the dynamic among the different actors involved in peace negotiations (NGOs, IOs, UN Agencies, ANSAs, Governments).

In the light of the data analysis, these hypotheses were re-evaluated. The first hypothesis proved to be more complex. It stated that humanitarian engagement may affect the internal dynamics of the armed group by raising the voice of a moderate faction which may affect the power distribution and decision-making procedures. The analysis revealed that humanitarian engagement did not only impact the dynamic within the SPLM/A but also within the Government of Sudan. The assumption that a moderate faction was involved in humanitarian engagement was not supported by the data. On the other hand, the analysis showed that a multitude of actors were involved in humanitarian engagements in Sudan including military actors, security and humanitarian “technical” elite. The people involved in humanitarian engagements in Sudan were not necessarily influential within their organisations, be it within the SPLM/A or the Government of Sudan. Their involvement did not result in providing them with a higher status. However, the data showed that the people who were involved in the humanitarian engagements were also involved in the peace talks in Kenya which led to the Comprehensive Peace Agreement in 2005. Finally, the analysis of the data showed that in the case of the SPLM/A, it is not only the case that humanitarian engagements with the SPLM/A triggered a change in the internal dynamic of the group, but the power structure or change in the internal dynamic of the SPLM/A enabled and affected humanitarian engagements and the impact that they may have on the conflict situation.

The second hypothesis focused on the opportunity for learning by doing that humanitarian engagements offer. The data supported the hypothesis as some learning occurred. The SPLM/A found an opportunity to exercise their negotiating and diplomatic skills. Most importantly, the SPLM/A acquired a greater understanding of how the international community worked and how to manipulate and instrumentalise their diplomatic and humanitarian discourse for their own political benefits. This outcome was favoured by the fact that the SPLM/A aimed to govern a “New Sudan” and this objective necessitated a positive engagement with the international community. In other words, the political aims of the armed groups shaped the way humanitarian engagements were instrumentalised and therefore the impact that they had on the conflict situation. Finally, humanitarian engagements proved to reduce the SPLM/A’s apprehension to enter into a formal peace process, as the hypothesis stated. The SPLM/A felt that they had the backing of the international community as the international community build confidence that the SPLM/A was more than a mere guerrilla movement.

The third hypothesis revealed, in the light of the data analysis, to have three distinct components, which were re-written into three different propositions. The first was concerned with communication between the parties to the conflict. Continuous communication channels between the SPLM/A and the Government of Sudan allowed a better understanding of the other. The international community could also use these communication

channels to monitor opportunities for peace. The second was concerned with confidence and trust building. Confidence that a partnership was possible and a way forward in the conflict was possible was helped by the fact that the parties to the conflict were able to agree on humanitarian issues. Finally, the third proposition was concerned with the changing relationship and perception of the actors involved. The analysis of the data revealed that humanitarian engagements allowed a changing dynamic between the actors involved and changing perceptions.

Although these hypotheses were supported to a great extent by the data, some concerns can be raised in the light of the negative impact that humanitarian engagement can have on the conflict situation. The data showed that violations of humanitarian agreements raised animosity between the SPLM/A and the Government of Sudan. Humanitarian agreements became another battle field for the parties to the conflict as each wanted to win a war of moral high grounds. Finally, the SPLM/A instrumentalised humanitarian engagements for their political ends. Humanitarian actors are concerned with the manipulation of humanitarian action and this instrumentalisation could be a significant negative consequence for them.

Regarding armed groups, the analysis allowed some tentative answers on how characteristics of armed groups shape the impact that humanitarian engagements have on conflict transformation. Three characteristics were highlighted. The political aims of the armed groups

shapes the way the armed group reacts to humanitarian engagements and therefore the consequences they have on the conflict situation. The internal organisation and dynamics of the armed groups enables or disables the possibility of humanitarian engagements as well as how they impact the conflict situation. Finally, the relationship between the armed group and its constituency shapes the impact that humanitarian engagements can have on conflict transformation.

The comparative analysis of the three engagements researched allowed some conclusions to be made. The higher the status of the actor engaging with the armed group, the greater the impact on the political and conflict situation. The earlier the humanitarian engagement occurs in the conflict and the longer the implementation period of this engagement, the greater the impact is on the conflict situation. The more negotiations occur in the process of engagement, the greater the impact of the humanitarian engagement is on the conflict situation. Finally, the more the humanitarian engagement encompasses the different actors involved in the conflict and in the possible peace process, the greater is the impact on the conflict dynamic.

These findings have three important implications. The findings of this research tell us to change the way we approach humanitarian engagement or dialogue with armed groups in internal conflicts and to change the way we approach peace processes. As humanitarian engagement proves to have a number of political impacts, there is a need to move away from the apolitical concept of humanitarianism. In more pragmatic terms,

this means that humanitarian engagements with armed groups need to be evaluated to understand their potential to help further the start of peace talks or to hinder that development. This evaluation includes analysing the actors involved and especially the armed groups involved. Furthermore, when establishing strategies for engagement, the engagement itself needs to be evaluated as a parameter that could potentially help or hinder peace.

The findings of this research establish that humanitarian engagement, under certain circumstances, impacts positively the peaceful transformation of conflict. In light of this finding, there is a need to look at peace processes as a wider process of conflict transformation involving other processes such as humanitarian engagements. Humanitarian engagement with armed groups can help the start of formal peace talks, but can also influence the way peace is negotiated, agreed and implemented. In order not to miss opportunities or ripe moments, there is a need to evaluate the potential for peaceful conflict transformation in the light of all the engagements or negotiations that occur within a conflict, including humanitarian engagements with armed groups.

Finally, these research findings support the argument that inclusion rather than exclusion of violators of human rights and humanitarian principles can not only improve the treatment of civilians but can also trigger opportunities for a peaceful transformation of conflict. At a time where punishment rather than engagement is at the forefront of third party involvement in conflicts (War on Terror, International Criminal Court, etc.),

these findings support the argument that, under well evaluated and analysed circumstances, engagement provides a better strategy to trigger a peaceful transformation of conflict and a more sustainable solution to conflict.

Conflict transformation: a review of the literature in the light of findings

This section links the literature on the impact of humanitarian engagements on conflict as well as the conflict transformation literature with the outcomes of the analysis. This aims at answering the following questions: Does the analysis resulting from the data gathered on humanitarian engagements with the SPLM/A support general arguments presented in the literature on peace processes? Does it refute the existing literature? It will be argued that the findings have supported general arguments presented in the literature on peace processes and peacemaking.

This research draws extensively from Interactive Conflict Resolution (Fisher, 2003:61). The a priori motive for this was the similarity of Interactive Conflict Resolution (ICR) workshops with humanitarian engagement in providing a neutral, less-threatening environment for parties to a conflict to interact. The findings from this research on the impact that humanitarian engagements with armed group may have on the peacemaking effort or transformation of conflict prove to be similar to the findings reported in the literature on ICR.

Kelman's work and experience with ICR in involving Israelis and Palestinians provided four main learning experiences on which this research was based (1990:211-3). First, Kelman argues that ICR provides 'some insights into the perspective of the other party'. Humanitarian engagements with the SPLM/A and the Government of Sudan provided the parties to the conflict with this first type of learning experience. As one interviewee from the Government explains, through humanitarian engagements the Government of Sudan was able to change their perception by having a better idea about the reasons behind the SPLM/A's struggle and realised that the SPLM/A was not just a mere rebelling faction but a very genuine movement (HAC 02).

The second learning experience Kelman reports is that ICR creates 'a greater awareness of changes that have taken place in the adversary' (1990:211-3). This learning experience was less present in the findings of this research. However, a number of changes occur through humanitarian engagements through a socialisation process between the parties to the conflict. As Rouhana explains, ICR contributes to conflict transformation in 'a slow but dynamic and potentially important [way] through a number of effects that characterise social change' (2000:312). One interviewee mentioned that for humanitarian engagements to have an impact there needs to be time for a social work to happen to get to know each other (HAC 02).

The third learning experience that Kelman presents is the heightened awareness of people involved in ICR workshops of 'the significance of

gestures and symbolic acts and become more aware of action they could take that would be meaningful to the other' (1990:211-3). A similar learning occurred or resulted from humanitarian engagements with the SPLM/A and the Government of Sudan. However, this learning experience was more specifically targeted towards actions that would bring trust in the possibility of establishing a working relationship between the parties to the conflict. Rather than seeing humanitarian engagements or actions taken around the implementation of the humanitarian agreements, actors involved in these engagements valued the possibility to show each other their ability to commit and implement an agreement. Demonstrating this ability to commit and implement an agreement was symbolic in opening the option of a potential sustainable peace process.

Finally, the fourth learning experience that Kelman presents is the knowledge that 'there is someone to talk on the other side and something to talk about' (1990:211-3). The findings on humanitarian engagements in Sudan emphasise the role that open communication channels and constant communication channels provided by these engagements play in furthering the possibility of talks. As most people involved in humanitarian engagements were also involved in the peace talks leading to the signature of the Comprehensive Peace Agreement, one can argue that it is during humanitarian engagements that individual relationships formed to provide this awareness that there is someone to talk to on the other side. Furthermore, continuous communication allows a change in perception. Coupling with an existing dialogue on humanitarian issues, these two

factors help furthering this feeling that a peaceful solution is possible as there is someone to talk to on the other side and something to talk about, if only humanitarian issues.

Similarly to Kelman, Lieberfeld identifies three types of transfers resulting from ICR that provided a theoretical base for this research (2005). Lieberfeld argues that ICR fosters the support for negotiations, as well as support for the “diplomatists” on either side of the conflict (2005:121). Analysing the findings from this research on humanitarian engagements in Sudan, this argument did not find supporting evidence. This may be due to the differences between ICR workshops and humanitarian engagements. Nevertheless, from interviews carried with different actors involved in humanitarian engagements in Sudan, as well as actors involved in humanitarian engagements in general, there is little evidence that external processes support moderate members of armed groups or governments. Indeed, it seems that third parties must work within the constraints of hierarchy or power distribution given by the armed group or government, rather than third parties influencing or supporting a certain type of actors within the armed group or the government (GC 03). However, support for negotiations and actors involved in negotiations can be fostered by ICR and has been fostered by humanitarian engagements in creating learning-by-doing opportunities in terms of exercising negotiation skills and diplomatic skills. To extend this transfer to fostering support for the “diplomatists” does not find grounds in this research. Whether this support occurs or not, it does not change the power structures and influences actors involved in

humanitarian engagements and therefore cannot be said to have a great impact on the political processes and the peaceful transformation of conflict.

Lieberfeld argues that ICR has a number of substantive transfers which include the clarification of positions and the generation of options to manage the conflict (2005:121). This argument is similar to Kelman's learning experience as participants become more aware of the perspective of other parties (1990:211-3). The opportunities for dialogue and communication provided by ICR are similar to the ones provided by humanitarian engagements and thus, substantive transfers occurred as a result of humanitarian engagements with the Government of Sudan and the SPLM/A.

The final transfers resulting from ICR according to Lieberfeld are procedural transfers relating to the 'changes in the political cultures of each side in ways that make the parties more receptive to negotiations' (2005:121). Similarly, humanitarian engagements in Sudan provided some procedural transfers in demonstrating the viability of agreements between opposite sides of the conflict. This was highlighted in interviews when a number of interviewees stated that humanitarian engagements created a sense of 'if we can agree on humanitarian issues, then we could agree on more substantial issues relating to the conflict'.

The parallel between ICR and humanitarian engagements proves to be a useful one in strengthening and answering research issues and

questions relating to peacemaking. Fisher argues that ICR workshops provide support for parties to consider entering into negotiations as:

‘The typical process and outcomes of workshops are deemed to include more open and accurate communication, more accurate and differentiated perception and images, increased trust, and a cooperative orientation, all of which may be transferable to official interactions’ (2005:4).

This summary could easily be transferred to the experience of humanitarian engagements with armed groups in conflict. More open and accurate communication resulted from humanitarian engagements in Sudan. More accurate and differentiated perceptions and images were an important outcome of humanitarian engagements as perceptions of different actors changed throughout these engagements. Increased trust and a cooperative orientation seems to have gone hand in hand in the case of humanitarian engagements. Trust was increased as the possibility of a working relationship between the conflicting parties increased, thus fostering a general cooperative orientation.

A second important theory was examined as part of the conceptualisation of this research. Zartman’s theory of ripeness and more importantly the pitfalls highlighted by Zartman himself, provided a building block for this research (Zartman, 1995; Zartman 2000). ‘Ripe moments’ for a peaceful transformation of conflict, according to Zartman, ‘are composed of a structural element, a party element, and a potential alternative outcome – that is, a mutually hurting stalemate, the presence of valid spokesperson, a

formula for a way out' (1995:18). According to Zartman, further research is needed to refine this theory in order to understand what actions can be taken to support the identification of ripe moments:

'More work needs to be done on ways in which unripe situations can be turned ripe by third parties so that negotiations and mediation can begin, and, of course, the mainstream of negotiation research on how to take advantage of ripe moment by bringing the parties to a mutually satisfactory agreement needs to be continued' (Zartman, 2000:245).

Researching the effects of humanitarian engagements as a third party intervention in the conflict on the transformation of conflict is inscribed in finding ways in which unripe situations can be turned ripe. The transfers, learning experiences or impacts that humanitarian engagements in Sudan had supported in many ways the different elements of ripeness.

Zartman's approach was certainly supported by the findings of this research. The communication channels opened and maintained throughout the conflict in Sudan between the SPLM/A and the Sudanese Government provided the possibility to "perceive" a mutually hurting stalemate, the existence of spokesperson as well as a way out of the conflict. The Government of Sudan believed throughout the 1990s that a military victory over the SPLM/A was possible. Through humanitarian engagements and the resulting communication opportunities, the Government of Sudan realised that the SPLM/A was not a mere guerrilla movement, that it was a strong military and political force in South Sudan, thus perceiving the situation in a

very different light. Humanitarian engagements in Sudan not only helped identifying the existence of spokesperson and ensuring that both sides perceived the existence of spokesperson, but furthered the creation of changed relations between individuals involved in these engagements. Finally, the establishment of a continuous working relation through the implementation of humanitarian engagements enabled each side to understand the issues and limits of that cooperation as well as the possibilities and potential opportunities for a successful cooperation providing the parties to the conflict with a more practical and thorough understanding of the type of formula for a peace agreement that could work, as well as the safeguards that needed to be put in place for it to be sustainable.

Methodology: lessons learned

Armed groups

Armed groups are under researched, mostly due to the difficulty to access information, as well as the legal and security constraints. In the context of this research, the armed group was studied after the signing of the peace agreement. This was made possible by the fact that the structure of the armed group was maintained in the post-agreement period. Studying armed groups in the post-agreement period allows researchers to reach the

members of the armed groups and acquire a better understanding of the organisation.

The post-agreement period allows researchers to study armed groups in transition towards a government or political party. However, there exists a post-peace agreement bias. In the context of this research, the difficulties of implementation of the peace agreement were often at the forefront of interviews rather than the subject of the research. This issue with a bias in the post-peace agreement period reflects the problems linked to researching a dynamic organisation. Armed groups, as any organisation, change all the time. The history of an armed group can change how the story is told and who tells the story. In the case of the SPLM/A, the death of the long-lasting leader John Garang led to significant changes in the leadership of the SPLM/A.

Triangulation

Triangulation is necessary but difficult. In this research, triangulation was done by interviewing three different clusters of interviewees: the Government of Sudan, the SPLM/A and the organisations that were involved in the humanitarian engagements. By clustering the interviews in this way, the aim was to acquire a more rounded, balanced picture of the situation. This aim was difficult to reach. The organisations that were involved in the humanitarian engagements were difficult to contact and when the contact was established it was difficult to track the people who had

been involved in the humanitarian engagements. NGOs or UN agencies experience a very high level of turn over and therefore the people involved in the humanitarian engagements have moved on or retired. Furthermore, people working in such organisations are very much embedded in the organisation's culture and mandate. It proved difficult to make a humanitarian actor talk about the peace process and vice versa. Finally, triangulation was made difficult as constraints were put on meeting certain people in the Government of Sudan, mostly for security reasons. The Government of Sudan appeared very secretive and fragmented and there is a strong feeling that nobody had the whole picture in mind.

Elite interviews

Elite interviews seem the best research tool to acquire the subjective perception of certain actors that were involved in non-public processes such as peace talks or humanitarian engagements. However, elite interviews remain difficult to guarantee and are usually short due to the busy schedules of actors interviewed. As a result, the data is rich in content but small. The data provides a very special overview of the situation and documents and records perceptions and beliefs not recorded elsewhere. On the other hand, it is open to criticism as the data is not large and relies on a small numbers of interviews.

Conclusion

Humanitarian actors are not reduced to delivering aid only. The complexity of internal conflicts is challenging. The growing practice of humanitarian engagement with all actors involved in the conflict opens an array of unanswered questions. This research has provided some initial answers and a greater understanding of the consequences that humanitarian engagements with armed groups have on the conflict situation.

This research examined one armed group in one conflict. Further research should take a comparative approach. Comparing between conflicts and armed groups would enable a more acute understanding of how these aspects may shape the impact that humanitarian engagements with armed groups has on the conflict situation. The comparison of three humanitarian engagements with the SPLM/A during Sudan's second civil war provided answers to how the characteristics of humanitarian engagements can shape the impact that humanitarian engagement have on conflict transformation. Further studies can use these initial answers to control for the variable relating to humanitarian engagements and compare armed groups or conflict situations. This would enable a wider understanding of the circumstances in which humanitarian engagement can have a positive impact and a negative impact on the conflict situation. As humanitarian engagements with armed groups impact the political environment to favour the beginning of peace talks, peace negotiations, the peace agreement as well as the implementation of the agreement may be shaped by prior humanitarian engagements with armed groups.

Humanitarian actors are reluctant to see their work as “political”. Understanding the wider consequences of humanitarian action is paramount. Being blind to these consequences does not erase the problems. A continuous questioning of the impact of humanitarian action, and humanitarian engagements with armed groups in particular, needs to be made in order for practitioners to work within the ethics of humanitarianism and the do no harm principle. In other words, the politicisation of humanitarian action is a fact and needs not to be taken as a negative aspect of humanitarian action, but as a natural consequence of humanitarian action that needs to be understood better in order to use it towards better ends.

Appendix 1 : Interview Schedule

This table is a list of all the interviews carried out for this research. Codes are used to guarantee the anonymity of respondents. Codes are made of the initials of the organisations the respondent works with (or worked with at the moment of humanitarian engagements) and a number to differentiate between respondents from the same organisations.

SPLM = Sudan People's Liberation Movement/Army

SSDF = South Sudan Defence Force.

UN = United Nations.

Expert = designates respondents who were interviewed because of their expertise.

Third Party = designates different international NGOs who were present during the conflict in South Sudan.

ANSAs = Armed non-state actors (other than SPLM/A).

CC = Carter Center.

HD = Centre for Humanitarian Dialogue.

ICRC = International Committee of the Red Cross.

GC = Geneva Call

HAC = Humanitarian Aid Commission of the Government of Sudan.

GOS = Government of Sudan.

Codes	Date	Location	Description
SPLM01	24/01/2007	Juba, South Sudan	One of the leading members of the Sudan Relief and Rehabilitation Association, the humanitarian wing of the SPLM/A
SPLM02	26/01/2007	Juba, South Sudan	Gatekeeper
SPLM03	30/01/2007	Juba, South Sudan	One of the leading political figures in the SPLM/A
SPLM04	01/02/2007	Juba, South Sudan	One of the leading political figures in the SPLM/A
SPLM05	02/01/2007	Juba, South Sudan	Former military, one of the leading humanitarians in the SPLM/A and one of the leading negotiators during the peace talks
SPLM06	06/02/2007	Juba, South Sudan	One of the leading political figures in the SPLM/A

SPLM07	08/08/2007	Khartoum, Sudan	One of the leading political figures in the SPLM/A, one of the key negotiators during the peace process
SPLM08	12/08/2007	Khartoum, Sudan	One of the leading military person in the SPLM/A, one of the negotiators during the peace process
SPLM09	14/08/2007	Khartoum, Sudan	One of the leading political figures in the SPLM/A
SPLM10	15/08/2007	Khartoum, Sudan	Former high level military person who converted to humanitarian work as part of the SRRA in the SPLM/A
FORMER SPLM CHILD SOLDIER 01	01/02/1007	Juba, South Sudan	Former SPLM child soldier working in post war reconstruction
SSDF01	28/01/2007	Juba, South Sudan	Former military leader in the SSDF
UN01	07/09/2007	Phone Interview	Humanitarian worker working for OLS UNICEF in South Sudan in the 1990s on the Ground Rules programme
UN02	11/01/2008	Phone Interview	Worked for OLS UNICEF in the 1990s in South Sudan at a high decision-making level
Expert01	03/01/2006 and 23/10/2007	Phone Interview	Journalist and researcher specialised on Sudan and the Sudan People's Liberation Movement
Expert02	26/10/2007	Phone Interview	Track 1 Mediator working on mediation involving armed groups. Worked with the SPLM/A
			Expert on

Expert03	8/11/2007	Phone Interview	humanitarian action
Third Party 01	15/11/2007	Phone Interview	Humanitarian worker in Sudan
ANSA1	05/06/2007	Geneva, Switzerland	European representative of an armed non-state actor
CC01	03/01/2007	Phone Interview	Mediator, who worked for the Carter Center on peace mediation in Sudan
CC02	01/2007	Email Interview	Humanitarian worker for the Carter Center who worked on the Guinea Worm ceasefire
CC03	20/06/2007	Phone Interview	Technical and policy level person
HD01	07/06/2007	Geneva, Switzerland	Former scholar at the Centre for Humanitarian dialogue
HD02	08/06/2007	Geneva, Switzerland	Human rights and humanitarian action specialist
ICRC01	08/06/2007	Geneva, Switzerland	Former delegate with the ICRC
GC01	18/12/2006	Geneva, Switzerland	Humanitarian actor working on engaging armed groups on a ban on landmine
GC02	18/12/2006	Geneva, Switzerland	Humanitarian actor working on engaging armed groups on a ban on landmine
GC03	29/05/2007	Geneva, Switzerland	Humanitarian actor working on engaging armed groups on a ban on landmine
GC04	29/05/2007	Geneva, Switzerland	Humanitarian actor working on engaging armed groups on a ban on landmine
HAC01	31/07/2007	Khartoum, Sudan	Humanitarian actor working for the Government of Sudan, the

			Sudan, the Humanitarian Aid Commission throughout the 1990s
HAC02	31/07/2007	Khartoum, Sudan	Researcher, former humanitarian worker for the Government of Sudan, the Humanitarian Aid Commission throughout the 1990s
HAC03	14/08/2007	Khartoum, Sudan	Humanitarian worker for an NGO in the South before joining the Humanitarian Aid Commission. Took part in the peace talks
HAC04	16/08/2007	Khartoum, Sudan	One of the leading members of the Humanitarian Aid Commission
HAC05	16/08/2007	Khartoum, Sudan	One of the leading members of the Humanitarian Aid Commission, working as a humanitarian worker now
GOS06	19/08/2007	Khartoum, Sudan	Technical person who worked on the Guinea Worm issue for the Ministry of Health of the Government of Sudan

Appendix 2: Network Diagrams Contacts Sudan

- Gave contacts of or facilitated meeting with
➔ Advised to interview

For the purpose of safeguarding anonymity, codes are used in these diagrams. Codes will reflect organisation affiliation of the person and a number, referencing the sequence of meeting. In the case where the person is a former member of an organisation, the mention “former” will be indicated in brackets right after the code.

Organisations:

UN: United Nations

PRDU: Post-War Reconstruction and Development Unit

SPLM: Sudan People’s Liberation Movement/Army

MSF: Médecins Sans Frontières

PACT : Pact

SSDDR : South Sudan Disarmament, Demobilisation and Reintegration Commission

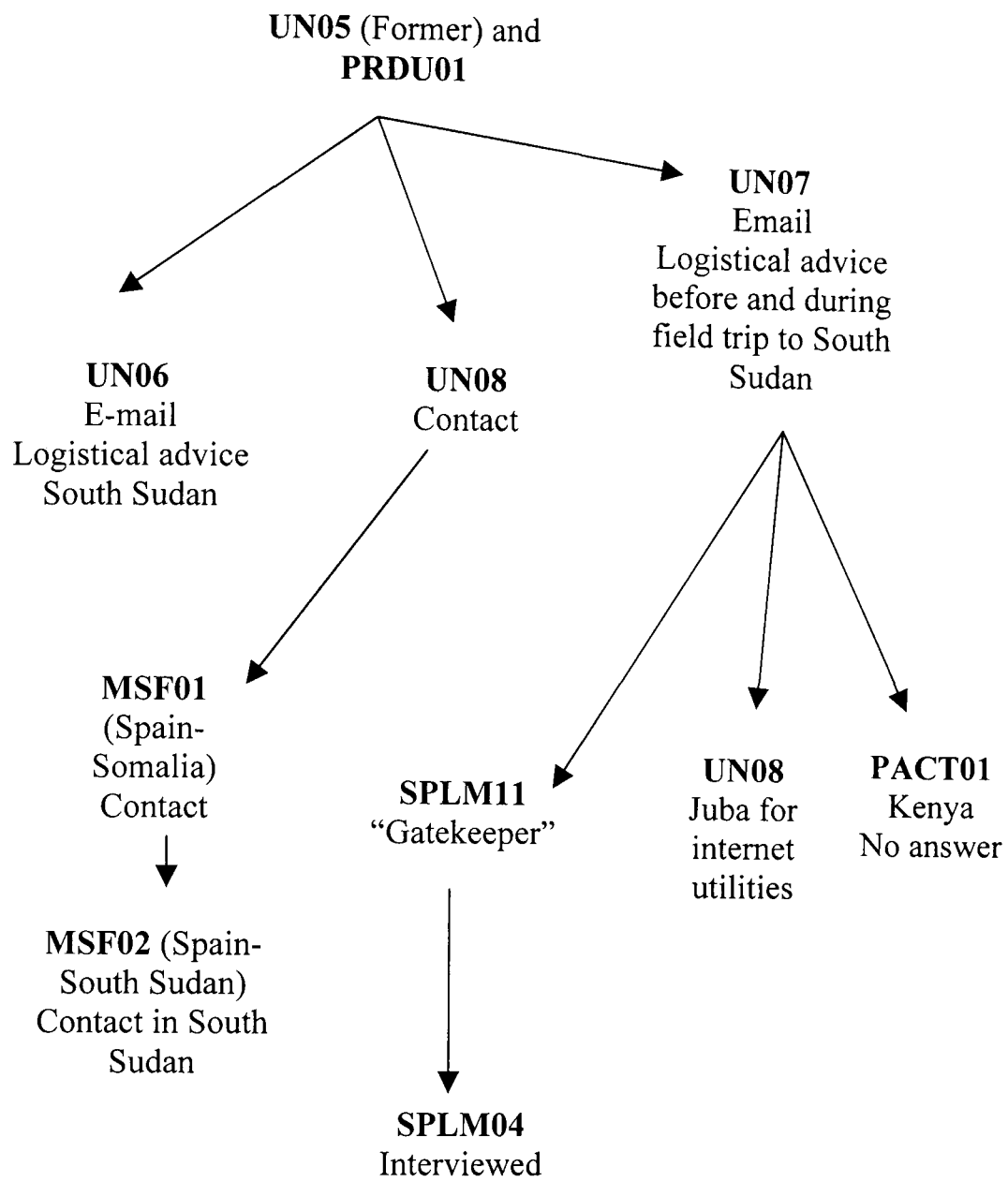
CA: Christian Aid

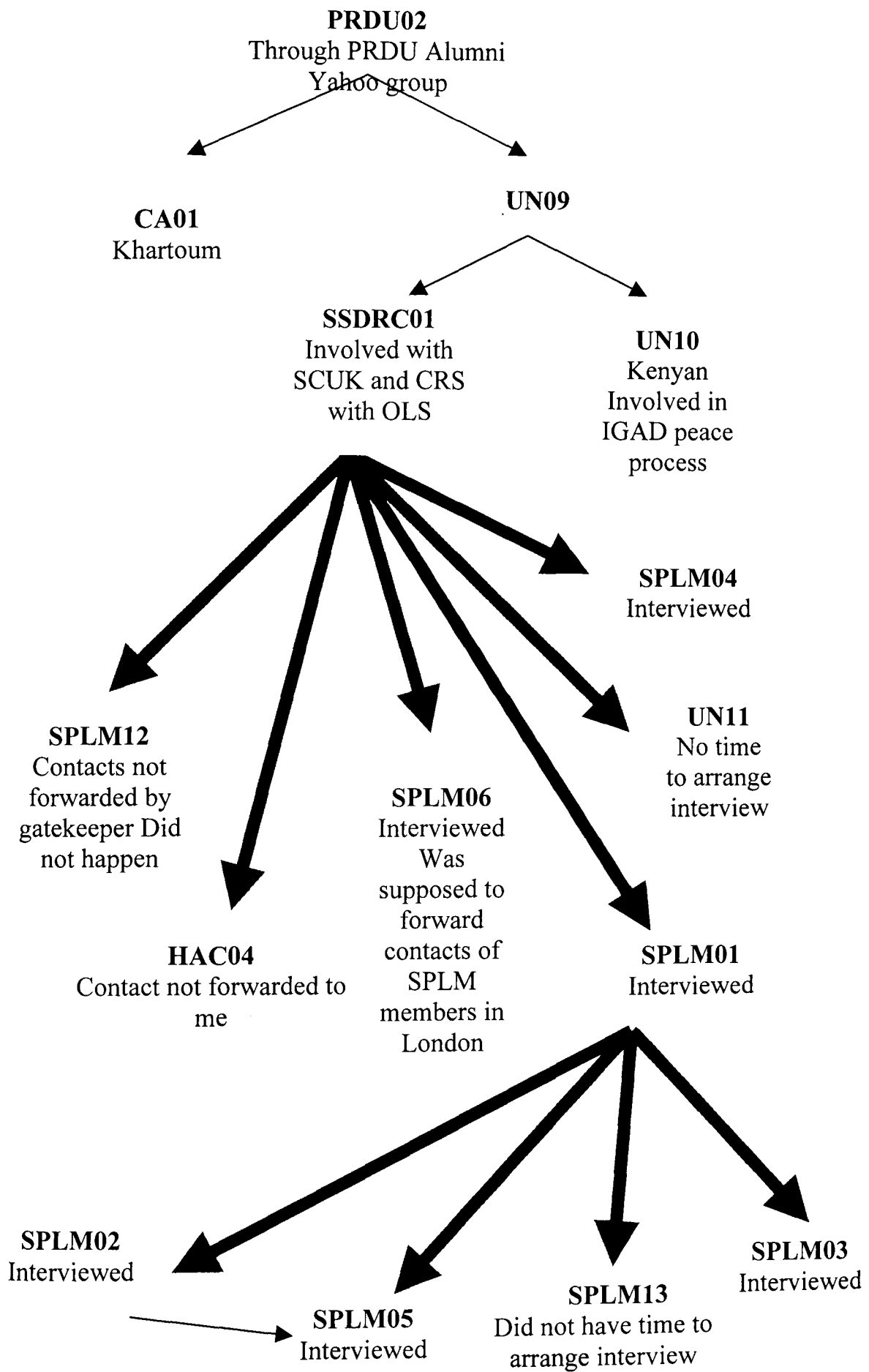
CC: Carter Center

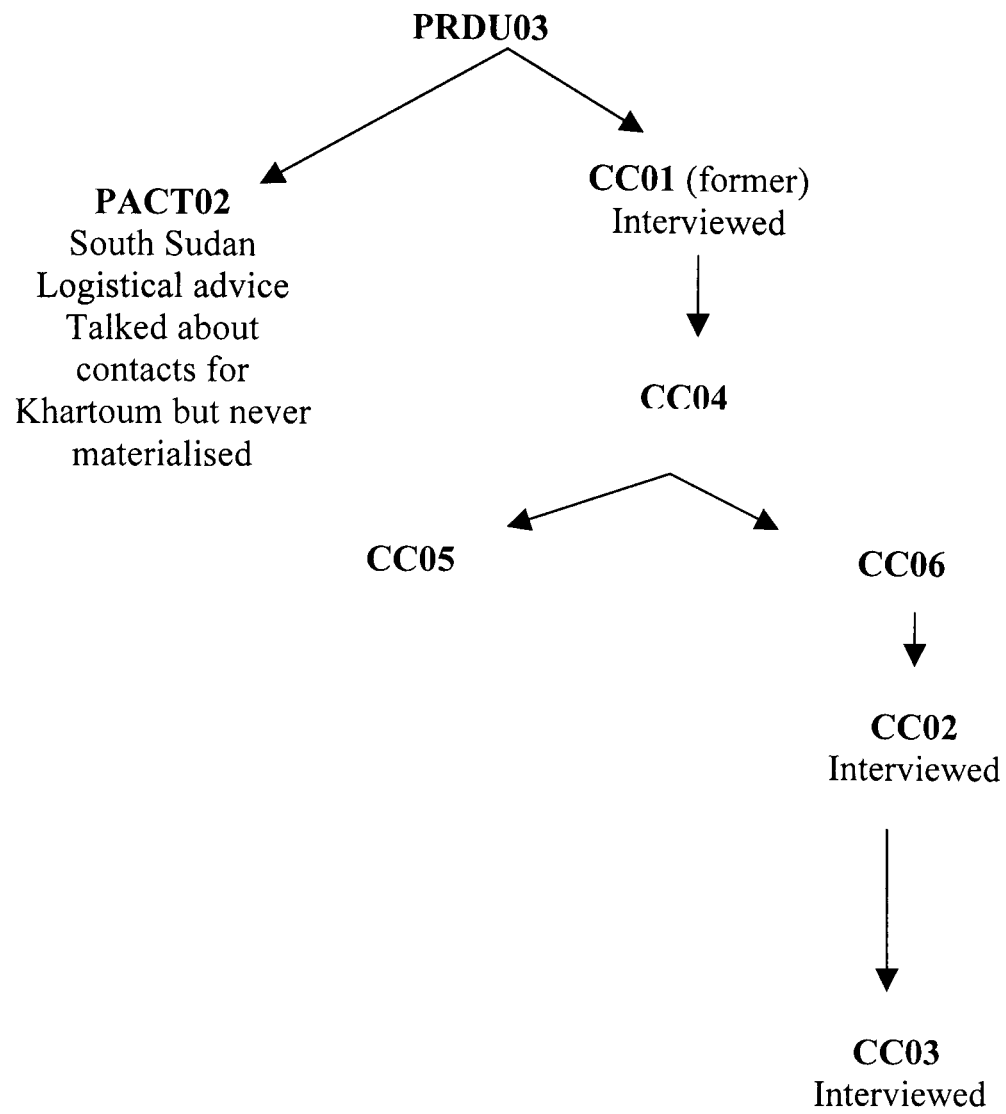
GC: Geneva Call

KCAL: Kenyan Campaign Against Landmine

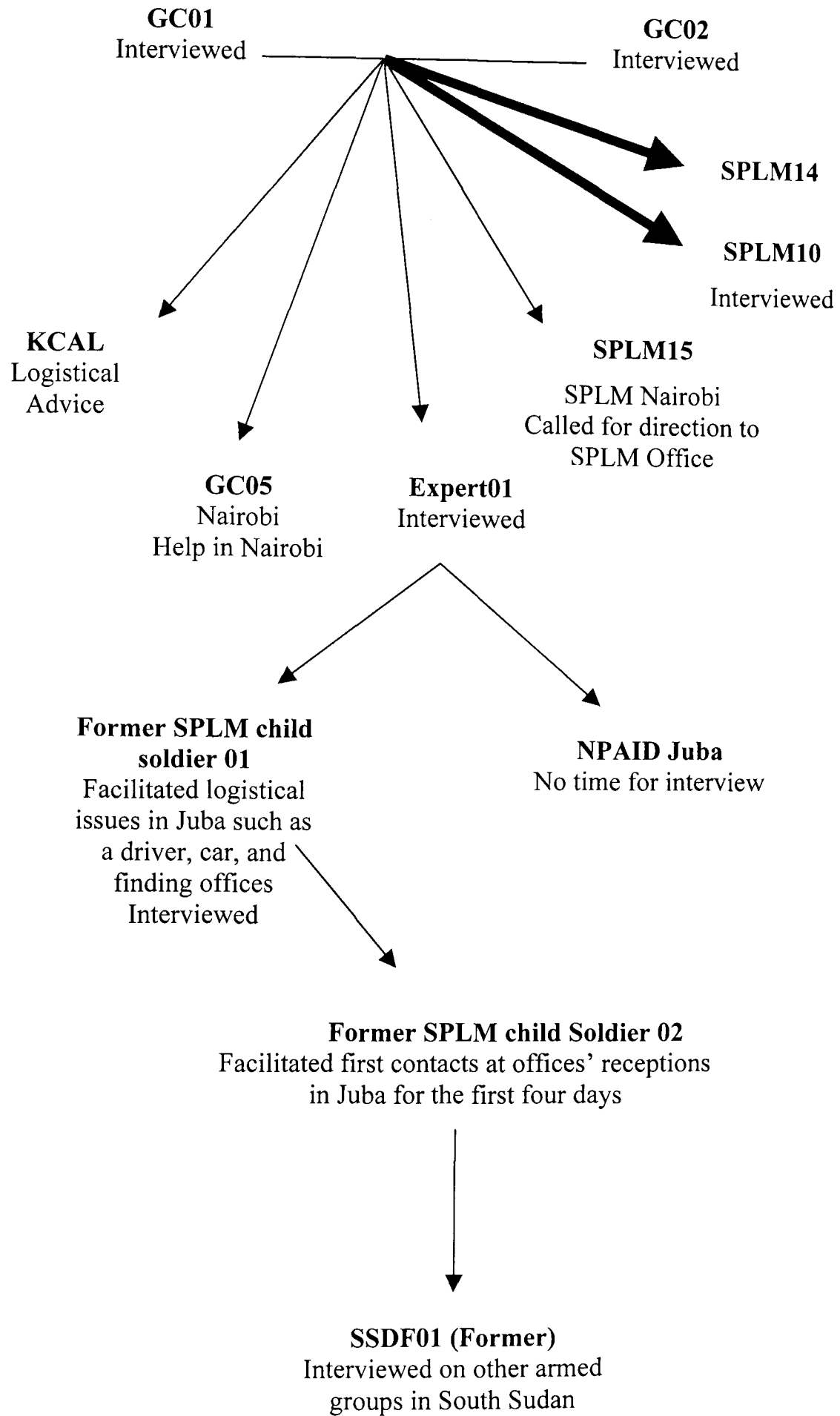
NPAID: Norwegian People’s Aid

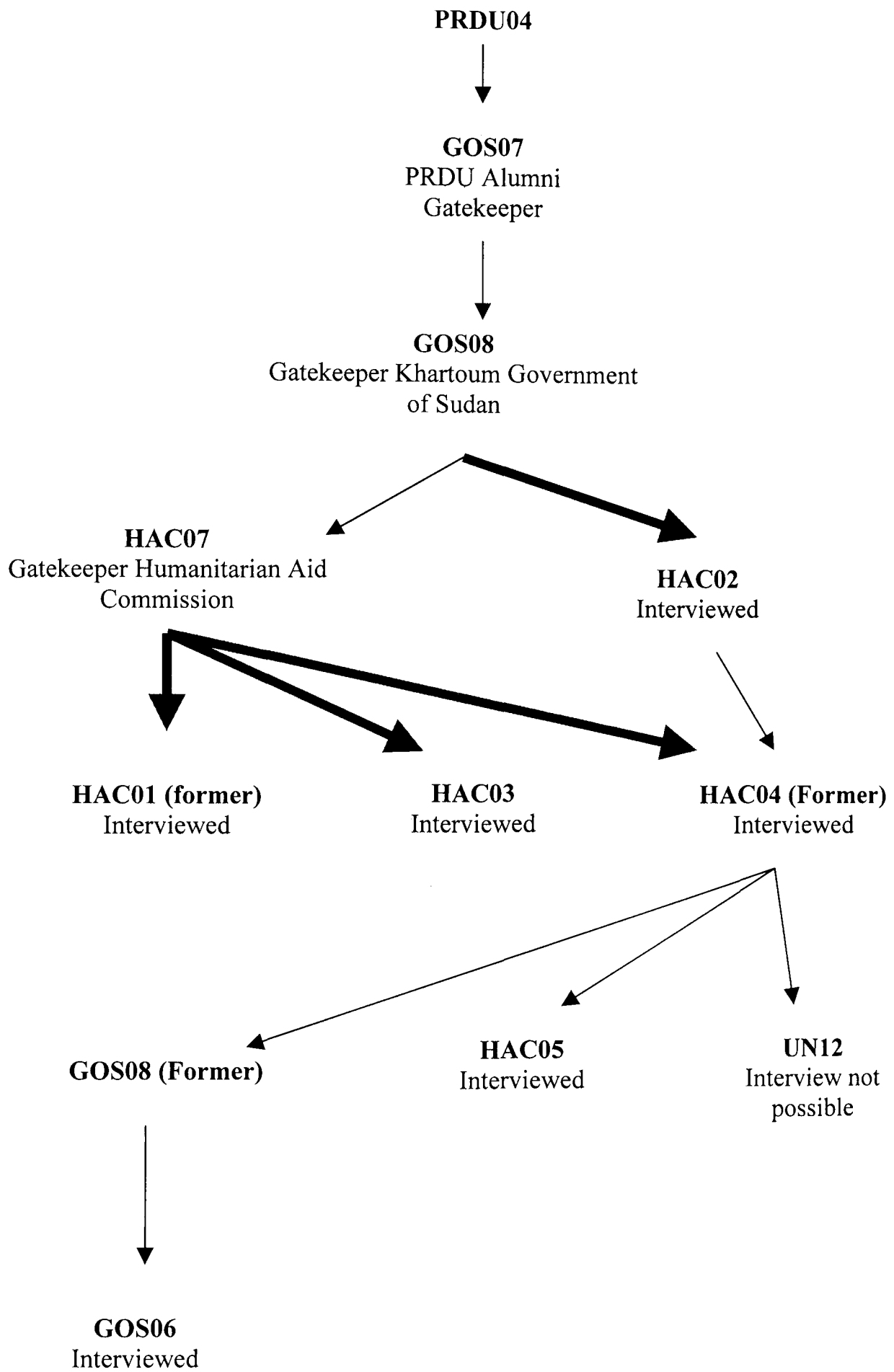




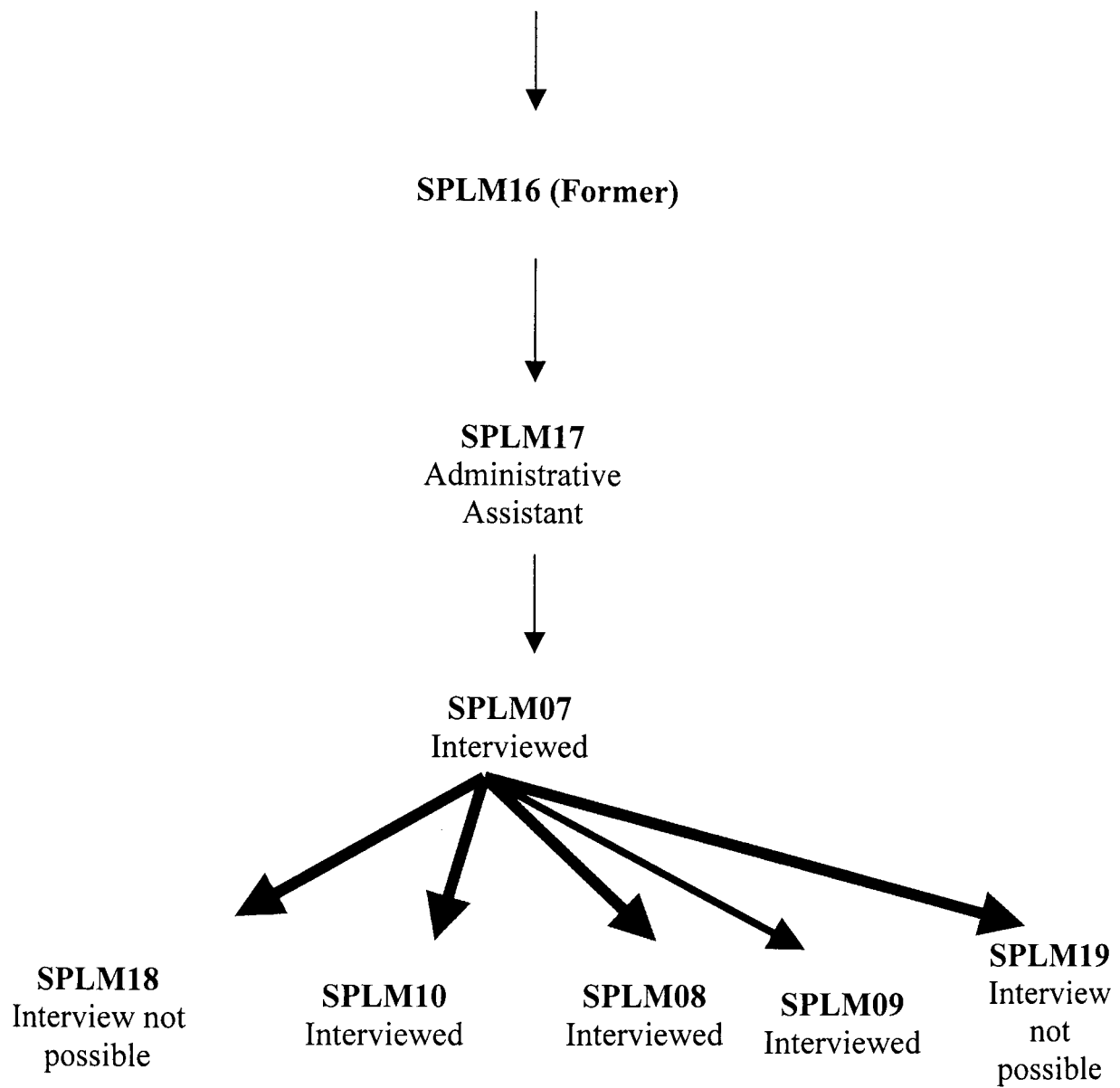


More contacts from GC, but did not work : no answers to e-mails and phone numbers out of use





Conference in Geneva organised by Geneva Call



Appendix 3: Chronology of the Sudanese Conflict (1983-2005)

Chronology:

(This chronology relies on Woodward (1990), Sidahmed and Sidahmed (2005), IRIN website (www.irinnews.org),

16th-19th Century: Arabisation and Islamisation of Northern and western Sudan.

1820: Turco-Egyptian invasion.

1838: Captain Salim Qaduban, Turkish sailor, successfully penetrates the Sudd swamp in southern Sudan. This breakthrough launches an era in which the South becomes the object of ruthless plunder – primarily of ivory and slaves, first by Egyptians, then expatriate merchants, and eventually northern Sudanese.

1840s-1850s: Christian mission operates in southern Sudan.

1881-1885: Revolt of Ahmed al-Mahdi, withdrawal of the Turco-Egyptians.

1885-1898: Khalifa Adballahi, successor of al-Mahdi.

1896-1898: Anglo-Egyptian conquest, Madhist forces crushed.

1899: Anglo-Egyptian agreement, British dominated condominium.

1930: “Southern Policy” introduced secretly to isolate the south. Aimed at separating the south from the north.

1945: The Umma Party is founded under the patronage of Sayyid Sir Abd al-Rahman al-Mahdi.

1947: Juba Conference. South integration with the North.

1953: Sudan’s election, National Unionist Party (NUP) wins.

1955: Fear of northern domination in the South cause the Equatoria Corps to start a mutiny in Torit and cause widespread killing of northerners in the South. These events can be seen as the premature signals of the first civil war between North and South.

1956: Sudan’s independence.

1958: General elections return the Umma/PDP (Peoples’ Democratic Party) coalition under Abdullah Khalif.

October 1958: Amidst political uncertainty General Abboud leads a military coup, encouraged by Abdullah Kahlif.

1962: Government adopts Missionaries Act. Foreign Christian missions asked to leave the country. Sustained guerrilla war with Anyanya, the main opposition group, in the South.

1963: Formation of Anyanya to lead the war in the South.

1964: October Revolution overthrows Abboud’s regime and establishes national government under Sir al-Khatim al-Khalifa.

1965: The old parties force Sir al-Khatim to resign and create a new coalition of NUP, Umma and the Islamic Front under Muhammed Ahmed Mahjoud.

April 1965: General elections: coalition of Umma, NUP, Southern Front and Beja Congress under Muhammed Ahmed Mahjoud. Round table conference on Southern Sudan fails to end civil war.

1969: May Revolution led by Ga'afar al-Numeiri. Rule through the Revolutionary Command Council (RCC) which has a close relationship with the Sudan Communist Party (SCP). Left wing Arab nationalists.

9 June 1969: Declaration by the new regime, to resolve the southern problem along the lines of giving regional autonomy to the South.

1972: Addis Ababa Agreement. South become a self-governing region.

1975: After a serious attempted military coup Numeiri centralises power in his own hands.

1977: Nimeiri declares national reconciliation with al-Mahdi and Muslim Brothers. Committee formed to make Sudanese laws conform to the teaching of Islamic *Sharia*.

1978: Oil is discovered by Chevron at Bentiu in Southern Sudan.

1980: Southern boundaries redrawn to enable government to transfer oilfield into the north.

February 1980: Nimeiri issues decree dissolving regional government and assembly in the south. Re-division controversies dominate southern politics through 1981-3.

November 1981: IMF reform package.

1982: Nation-wide student demonstration protesting against economic reform measures.

1983: 'Following disputes over Numeiri's backing of the redivision of the south, civil war erupts once more with the Sudan Peoples' Liberation Army led by John Garang' (Woodward).

16 May 1983: Mutiny of battalion 105 of Sudanese army stationed at Bor, Pibor, and Pochalla in the Southern region triggers the second civil war in Sudan.

22 May 1983: Nimeiri approves division of the Southern region into three sub-regions.

June 1983: Nimeiri issues Republican order No.1 which abrogates the Addis Ababa Accords and regional self-government for the South.

September 1983: Numeiri announces the introduction of *sharia*.

February 1984: Southern rebels attack Chevron drilling site at Bentiu, the company halts its operations in the site. Rebels also attacks Jonglei canal construction and kidnap seven French workers, bringing work in the canal into a halt.

1985: Numeiri deposed by senior army officers. A transitional military council and civilian cabinet rule.

May 1985: Founding of the National Islamic Front (NIF) led by Hassan al-Turabi.

1986: General Elections: coalition with Umma Party, DUP, and Southern parties under Sadiq al-Mahdi.

March 1986: Koka Dam Declaration signed in Ethiopia between, the SPLM/A and several political forces in the north, but excluding NIF and DUP, proposing a peace framework.

April 1987: Former US President Jimmy Carter initiates talks to end civil war in Sudan within the framework of the IGAD countries.

1988: New coalition Umma, DUP and National Islamic Front under al-Mahdi.

December 1988: DUP negotiates with SPLA to begin a peace process. Initially rejected by parties in the coalition. DUP leaves coalition.

1989: After defeats, army submits a memorandum demanding the pursuit of the peace process. New Coalition: Umma and DUP without Islamic Front under al-Mahdi. DUP peace process resumed with SPLMA.

1989: Operation lifeline Sudan.

May 1989: One-month ceasefire.

30 June 1989: Military coup followed by military regime. Led by Umar Hasan Ahmed al-Bashir and backed by the NIF. The New regime forms a 15-man Revolutionary Command Council (RCC), dismisses senior commanders of the army, detains government officials, bans all political parties and dissolves trades unions.

July 1989: Al-Bashir declares a brief ceasefire in the civil war, offers amnesty to members of the rebel movement, and expresses willingness to discuss an end to the civil war with Garang.

September 1989: Government convenes National Dialogue Conference to discuss ways to end the conflict in Sudan. The participants are appointed by government. Conference ignores all peace initiatives prior to the coup. Endorses 'Sudan Charter' prepared in 1987 by the NIF calling for federalism and exception of the south from *Sharia* application.

October 1989: Fighting resumes in the south after a six-month ceasefire.

November 1989: Government legislates for the formation of the Popular Defence Forces (PDF) as a paramilitary militia to aid the government's war in the south.

December 1989: Former president Carter mediates talks between SPLMA and government in Nairobi; talks come to nothing. Reports of at least 600 southerners, mostly Shilluk, by pro-government militia at al-Jabalin in Upper Nile.

April 1990: Twenty-eight officers are executed a few hours after a failed coup attempt.

End of 1990: World Food Program (WFP) and FAO warns of wide-scale famine in Sudan.

May 1991: SPLA forces forced to leave Ethiopia after the fall of Mengistu. 300 000 southern Sudanese force to return to South Sudan.

August 1991: Riek Machar and Lam Akol defect from SPLA, denouncing lack of democracy. Nasir faction later SPLA-United.

September 1991: Thousands reported to have died from hunger-related disease.

November-December 1991: Over 200 000 flee Bor district after 5 000 civilians are massacred by forces loyal to SPLA Nasir.

January 1992: *Jihad* declared in Nuba Mountains at a meeting in al-Obeid of regional governors of Southern Kordofan.

March 1992: Government offensive. 100 000 estimated displaced.

June 1992: Abuja I: Nigeria tries to mediate between government and the two SPLA factions. Question of *sharia* emerges as a stumbling block.

December 1992: UN condemnation of violations of human rights by Sudanese Government.

May 1992: Abuja II collapse.

August 1992: Sudan appears on the list of states sponsoring terrorism in US. At the same time, over 100 000 southerners flee into neighbouring countries because of Government offensives.

September 1992: IGAD committee for peace in Sudan formed: Ethiopia, Eritrea, Kenya, Uganda.

February 1994: The Khartoum Government creates a federal structure of 26 states.

July 1994: Reports of infighting between SPLA factions resulting in heavy loss of lives especially civilian ones.

December 1994: Eritrea breaks diplomatic ties to Sudan.

December 1994: Umma and SPLA mainstream sign agreement recognising self-determination for the South in Chukudum.

1995: Carter Center Guinea Worm ceasefire agreement between the Government of Sudan and the SPLM/A. For the first time, health teams are able to reach villages and areas never reached since the conflict started. The ceasefire lasted six months as the initial agreement stated.

April 1995: Uganda breaks off diplomatic relations with Sudan.

January 1996: UN Security Council resolution 1044 condemns Sudan's involvement in terrorism activities.

April 1996: UN Sanctions against Sudan.

January and February 1997: National Democratic Alliance (NDA) begins military offensive against government forces and positions in Eastern Sudan. Sudan Allied Forces (SAF) launched by former army officers – emerges as the main 'northern' military group on the eastern front alongside SPLA forces. Government called for *jihad* to counter the opposition offensive.

April 1997: Tensions rises between Khartoum, Eritrea, Ethiopia and Uganda.

April 1997: Government signs the 'Khartoum Peace Agreement' with six southern factions that had broken away from the SPLA. Agreement endorses the right of self-determination to be exercised after a three-year transitional period. SPLA mainstream rejects the Khartoum Agreement.

July 1997: Sudan government accepts the Declaration of Principles (DoP) adopted by the IGAD group since 1994. The Declaration includes: separation of religion and state; principle of self-determination for the South; recognition of Sudan as a multi-ethnic, multi-religious country.

August 1997: Riek Machar, leader of main faction that signed the Khartoum Peace Agreement with government becomes chairman of the newly created Southern States Coordinating Council.

October 1997: IGAD talks begins.

November 1997: US Government places sanctions on Sudan because of its terrorist activities and human right violations.

December 1997: Madeleine Albright holds a meeting in Kampala with NDA leaders including John Garang.

1998: Nairobi Agreement brokered by the Carter Center between the Government of Uganda and the Government of Khartoum to stop proxy wars and other activities raising tensions between the two countries.

July-August 1998: Government and SPLA declare unilateral ceasefire to allow aid organisation to operate.

August 1998: Talks in Addis Ababa come to nothing.

October 1998: Heavy fighting in eastern Equatoria; government declares wide *jihād* mobilisation.

October 1999: Sudan starts oil production at 20 000 barrels a day.

September 2000: Bashir holds exploratory talks with NDA leader Muhammad Uthman al-Mirghani in Eritrea.

November 2000: Fighting between NDA and government forces.

2001: The Government of Sudan begins cooperation with US intelligence agencies to identify terrorist networks. UN Security Council lifts diplomatic sanctions against Sudan. US sanctions remain in place. Resumption of IGAD negotiations.

2001: SPLM signs the Deed of Commitment of Geneva Call taking a stance to stop the use of landmines, production and transfer and commit to mine action activities.

2002: Nairobi declaration signed between Garang's SPLM/A and Machar's Sudan People's Defence Forces (SPDF). SPLM/A and SPDF attacks lead to suspension of oil-drilling operations.

January 2002: Government of Sudan and SPLM/A landmark ceasefire 6-month renewable in Nuba mountains.

July 2002: Machakos Protocol signed between Government of Sudan and SPLM/A. Right of self-determination for the south after a six-year transitional period, south exempted of *sharia* law. Garang and Bashir meet face-to-face for the first time through the mediation of Museveni.

September 2002: government breaks off talks because of SPLM/A seizure of Torit spoiling the atmosphere of talks, and due to the SPLM/A reopening the issue of separation of state and religion by demanding that Khartoum be *sharia* free.

October 2002: Government of Sudan and SPLA agreement for cessation of hostilities.

November 2002: Memorandum of Understanding on cessation of hostility between the Government of Sudan and the SPLM/A.

2003: The conflict in Darfur takes a more serious conjuncture.

January 2003: UN negotiates separate bilateral agreement with SPLMA and Government of Sudan to allow the delivery of humanitarian aid into the disputed region of southern Blue Nile for the first time.

February 2003: addendum to MoU on cessation of hostility.

April 2003: The Sudanese Government agrees to the opening of corridors along River Nile to facilitate humanitarian access.

September 2003: Government and SPLM/A sign security deal clearing major stumbling block to peace talks.

October 2003: Lam Akol merges SPLM/A-United to SPLMA.

December 2003: Government of Sudan and SPLMA agree in principle for the sharing of oil revenues. SPLM/A sends first high-profile “goodwill” delegation to meet government officials in Khartoum.

January 2004: Accord on sharing country’s wealth during transition period of 6years.

January 9 2005: Comprehensive Peace Agreement signed in Naivasha.

July 2005: Garang dies in an helicopter crash. Replaced by Lt. General Salva Kiir Mayardit as Sudan’s vice president and South Sudan’s president.

Annex 1

SPLM/OLS Agreement on Ground Rules

[NB: The example which follows is the agreement signed between the SPLM/OLS. Although signed separately, the content of the agreements with other movements was, to all intents and purposes, the same.]

This agreement is intended to lay out the basic principles upon which Operation Lifeline Sudan (OLS) works and to lay out the rules and regulations resulting from such principles. It seeks to define the minimum acceptable standards of conduct for the activities of OLS agencies and Sudan Relief and Rehabilitation Association (SRRA), as the official counterpart in areas controlled by the Sudan People's Liberation Movement/Army (SPLM/A).

We, the undersigned, enter into this agreement in a spirit of good faith and mutual cooperation in order to improve the delivery of humanitarian assistance to and protection of civilians in need.

In signing this agreement, we express our support for the following international humanitarian conventions and their principles, namely:

- i. Convention on the Rights of the Child 1989
- ii. Geneva Conventions of 1949 and the 1977 Protocols additional to the Geneva Conventions

A. Statement of Humanitarian Principles

1. The fundamental objective of OLS and SRRA is the provision of humanitarian assistance to populations in need wherever they may be. Such humanitarian assistance seeks to save life, to ease suffering, to promote self-reliance, self-sufficiency and the maintenance of livelihoods. The right to receive humanitarian assistance and to offer it is a fundamental humanitarian principle.

2. The guiding principle of OLS and SRRA is that of humanitarian neutrality — an independent status for humanitarian work beyond political or military considerations. In other words:

- i. Humanitarian aid must be given according to considerations of human need alone. Its granting, or its acceptance must not be made dependent on political factors or upon race, religion, ethnicity or nationality. It must not seek to advance any political agenda. Where humanitarian assistance is inadequate to meet the needs of all, priority must be given to the most vulnerable
 - ii. The passage of humanitarian assistance to populations in need should not be denied even if this requires that aid passes through an area controlled by one party in order to reach the needy in another area, provided that such passage is not used for military advantage.
 - iii. Relief assistance is provided solely on the basis of need; those providing assistance do not affiliate themselves to any side in the ongoing conflict.
 - iv. The only constraints on responding to humanitarian need should be those of resources and practicality.
3. All humanitarian assistance provided is for the use of identified civilian beneficiaries. Priority must at all times be given to women and children and other vulnerable groups such as the elderly, disabled and displaced people.
4. Those carrying out relief activities under the auspices of OLS must be accountable to the beneficiaries and their representative structures in first place, and to those who fund the activities. This places the following obligations on the various parties:
- i. those rendering humanitarian aid have a duty to ensure its appropriate end use. This includes a right to monitor and participate in the distribution of humanitarian aid on the ground in partnership with SRRA.
 - ii. local authorities, through the SRRA, must ensure that aid is distributed fairly to civilian beneficiaries. Diversion of aid from intended beneficiaries is regarded as a breach of humanitarian principles.

HUMANITARIAN PRINCIPLES: the soul of Sudan experience

⁵⁵http://ochaonline.un.org/humanitarian negotiations/Documents/References/SPLM_OLS_Agreement_on_Ground_Rules.pdf, accessed 07/02/2009.

decision-making on the selection of beneficiaries and the monitoring of the use of inputs and resources must be, and be seen to be, transparent and responsive to broad-based decision-making at the level of affected communities. Local authorities and relief agencies should involve local representatives of communities in the processes of targeting and monitoring of aid. Where possible, this should be done through the Joint Relief and Rehabilitation Committees which include elected community representatives.

5. OLS is based on the complete transparency of all its activities. This means that local authorities have the right to expect that OLS agencies provide full information regarding the resources to be provided. In return, it is expected that local authorities will report honestly and fairly in all their dealings with OLS with respect to needs identified, populations in need, use of resources, etc.

6. All humanitarian actions should be tailored to local circumstances and aim to enhance, not supplant, locally available resources and mechanisms. Strengthening local capacity to prevent future crises and emergencies and to promote greater involvement of Sudanese institutions and individuals in all humanitarian actions is an integral part of OLS's humanitarian mandate.

7. The fundamental human right of all persons to live in safety and dignity must be affirmed and supported through appropriate measures of protection as well as relief. All those involved in OLS must respect and uphold international humanitarian law and fundamental human rights.

8. *Bona fide* staff members of OLS agencies and others living, working or travelling in Sudan under the auspices of OLS have the right to go about their business freely and without restraint provided that they adhere to these Ground Rules and to local laws and customs. In all their dealings, relief workers and local authorities must demonstrate mutual respect.

B. Mutual Obligations

1. All externally supported programmes and projects in SPLM/A-controlled areas, must be approved by the SRRA (both locally and at SRRA head office) prior to their implementation. NGOs or UN agencies are responsible for ensuring that such approval is obtained in writing. Project implementation should be based upon a letter of

understanding between the agency, SRRA and OLS which defines roles, responsibilities and commitments of all sides plus procedures for resolving differences and grievances.

2. All UN/NGO workers are expected to act in accordance with the humanitarian principles previously defined: provision of aid according to need, neutrality, impartiality, accountability and transparency. This includes non-involvement in political/military activity. NGOs and UN agencies must not act or divulge information in a manner that will jeopardise the security of the area.

3. All UN/NGO workers must show respect for cultural sensitivities and for local laws and customs. Relief agencies must ensure that their staff are familiar with these laws and customs.

4. UN agencies and NGOs shall strive to offer the highest possible standards of service to their beneficiaries. This means that all agencies commit themselves to recruiting only those staff judged to have adequate technical and personal skills and experience required for their work.

5. UN agencies and NGOs must ensure that all their staff living, working or visiting Sudan are bearers of valid entry passes from the respective political authorities.

6. The SRRA must commit itself to the humanitarian principles defined above and not allow itself to be motivated by political, military or strategic interests. It should seek to provide an efficient and effective coordinated information and planning service for relief and rehabilitation activities.

7. The SPLM/A recognises and respects the humanitarian and impartial nature of UN agencies and those NGOs which have signed a letter of understanding with UNICEF/OLS and SRRA.

8. The SRRA should facilitate the flow of relief goods and services and provide accurate and timely information regarding the needs and the situation of civilians in their areas.

9. Local authorities assume full responsibility, through the SRRA for the safety and protection of relief workers in areas under their control. This responsibility includes:

- i. providing an immediate alert to relief workers in potentially insecure areas;

10. Facilitation of safe relocation when necessary: protection from any form of threat, harassment or hostility from any source: relief staff or agencies are not expected to pay for such protection either of themselves or of their property.

11. UN/NGO compounds should be respected as property of these institutions. Those living in these compounds have the right to privacy and compounds should only be entered with the permission of their residents. No military or political activity should take place in these compounds and no personnel bearing arms may enter them except when the safety of their residents is threatened.

C. Use of relief property and supplies

i. All UN/NGO property, including vehicles and property hired by UN/NGOs, is to be controlled and moved at the discretion of UN/NGOs or their agencies, unless such property is formally donated to another party. Project agreements between NGOs, SRRAs and UN/OOLS should clearly define which assets will remain the property of the agency concerned and which are project assets which must remain in Sudan even when the agency concerned leaves temporarily or permanently. Those assets defined as agency assets remain the effective property of the agency at all times and may be removed whenever a project terminates or an agency withdraws from a location for whatever reason.

ii. Project assets are those which are for direct use by project beneficiaries or are integral to the running and sustainability of the project. These goods remain the property of UN/NGOs until formally handed over to the SRRAs or local communities and their leaders. Decisions regarding the distribution and use of such items should be made, whenever possible, jointly between NGOs and local authorities, under the auspices of the Joint Relief and Rehabilitation Committee following the humanitarian principles stated above.

2. UN and NGO flags are for exclusive use by these agencies.

3. UN and NGO staff will be allowed unrestricted access to their communication equipment and to exercise normal property rights. Except for emergencies, all messages should be written and recorded. Use of UN/NGO radios or

other communication equipment will be limited to information on relief activities only. All messages will be in the English language. Operation shall be by a locally designated radio operator seconded and selected jointly by the local authorities and relief agencies. Whenever necessary, UN/NGO personnel will be allowed to transmit their own messages.

4. No armed or uniformed personnel is allowed to travel on UN/NGO vehicles, planes, boats or cars. This includes those vehicles contracted by UN/NGOs.

D. Employment of staff

1. All UN agencies and NGOs have the right to hire their own staff as direct employees. These agencies should be encouraged to employ appropriately qualified and experienced Sudanese as part of a capacity building strategy.

2. In the cases of Sudanese staff seconded to an NGO supported project (e.g. health staff), appointments and dismissals are made by the local authority in consultation with the agency which is expected to support payment of that worker's incentives. The number of workers to be supported must be agreed jointly. An NGO or a UN agency may ask the local authorities to withdraw seconded staff considered incompetent, dishonest or otherwise unsuitable for their jobs.

3. Local authorities should ensure that the Sudanese staff of UN/NGOs and especially those staff who receive special training programmes to upgrade and improve their skills, are exempted, whenever possible, from military or other service so that they can contribute to the welfare of the civilian population.

E. Rents, Taxes, Licences, Protection money

1. No UN/NGO should be expected to pay rent for buildings or areas which are part of their work, for example, offices or stores when they have built these buildings themselves or where they are donated by the local authority.

2. In the case of public buildings which are being rented by an NGO as living accommodation, a reasonable rent may be paid by the NGO/UN agency to the civil administration. Genuine efforts should be made to make moves towards standardisation of these rents.

3. All OLS agencies shall be exempt from customs duties for supplies (including personal supplies) and equipment brought into Sudan. Any taxes to be paid will be agreed between the agency concerned and the local authority as part of the project agreement.

F. Implementation of this agreement

1. All signatories to this agreement must accept responsibility for ensuring that it is disseminated to all their officials and staff working in Sudan. It should also be publicised in public places in Sudan to ensure that local communities and beneficiaries understand its principles and rules.

2. UNICEF/OLS, together with the SRRA will be responsible for ensuring the holding of workshops and meetings in all key locations in which the principles and rules of this agreement are explained and discussed with all relevant personnel.

3. The SRRA is fully responsible for ensuring compliance with this agreement by the local authorities and communities.

4. Joint Relief and Rehabilitation Committees established in all relief centres and involving all relevant actors should meet together on a regular basis to plan, implement and monitor the delivery of humanitarian assistance. These committees will be regarded as the custodians of the principles of this agreement at local level and responsible for

ensuring that the rules are upheld and respected by all sides.

G. Mechanisms for resolving alleged violations of Ground Rules

1. In cases where allegations of non-compliance with this agreement are made, all parties commit themselves to resolving differences as speedily as possible in an attitude of good faith.

2. Where alleged violations of Ground Rules have occurred, the allegation should be documented in writing by the complainant.

3. The issue should then be taken to the local Joint Relief and Rehabilitation Committee, where this exists.

4. If unresolved, it should then be discussed at local level with meetings between the area secretary of the SRRA, the county Commissioner and the local head of the UN/NGO, together with the UNICEF/OLS Resident Project Officer, where appropriate.

5. If the issue remains unresolved at local level, it should be referred to central authorities in writing to be dealt with by the senior officials of the agencies concerned, i.e. the SRRA head office, the head of the NGO and, if appropriate, the UNICEF/OLS coordinator.

**Appendix 5: 1995 Carter Center's Guinea Worm Ceasefire –
Press release**⁵⁶

**Historic Cease-Fire Enables Health Workers to Attack Guinea Worm
and Other Diseases in Sudan**

17 June 1995

A historic cease-fire negotiated by former President Jimmy Carter has enabled health workers to reach remote regions of Sudan to treat Guinea worm and other diseases. The agreement marks the longest cease-fire ever negotiated to fight disease and implement preventive health programs.

The disputing parties in Sudan's 12-year-old civil war took a bold step this spring by agreeing to a two-month cease-fire. President Carter and Sudan's military leader, Lt. Gen. Omar Hassan al-Bashir, announced the cease-fire in late March, with the Sudanese People's Liberation Movement/Army (SPLM/A) and the South Sudan Independence Movement/Army (SSIM/A) signing on a few days later. The announcement came during a trip to Africa by President Carter and former First Lady Rosalynn Carter to assess progress toward Guinea worm eradication. In late May, the government, the SPLM/A, and the SSIM/A extended the cease-fire for another two months.

"The primary purpose of the cease-fire is to permit the leaders and citizens of Sudan, working with others, to carry out a major effort to eradicate Guinea worm disease, prevent river blindness, and immunize children against polio and other diseases," President Carter said.

More than 1 million people, mostly civilians, have died as a result of fighting or famine and disease caused by the war, which has pitted the northern-based Islamic government against southern Sudanese rebels. Because of the cease-fire, health workers are able to distribute cloth filters used to prevent Guinea worm disease; deliver the drug Mecti-zanr to treat river blindness; vaccinate children against polio, measles, and other diseases; and distribute Vitamin A, an essential nutrient for children.

The Center's Global 2000 program is leading the effort to eradicate Guinea worm disease by the December 1995 target date. Guinea worm affects people in India, Pakistan, Yemen, and 16 African nations. The total number of cases worldwide has dropped almost 95 percent since 1986.

The Center has many partners in this effort: the Centers for Disease Control and Prevention; the U.S. Agency for International Development; UNICEF; the U.N. Development Program (UNDP); the World Health Organization; the Japan International Cooperation Agency; and the governments of the United Arab Emirates, Saudi Arabia, Norway, and the Netherlands, among others. In addition, DuPont Co., Precision Fabrics Group, and American Home Products have donated cloth filters, larvicide, and educational materials.

⁵⁶ <http://www.cartercenter.org/news/documents/doc169.html>, accessed on 07/02/2009.

Of all endemic countries, Sudan has the highest number of Guinea worm cases remaining. In 1994, Sudan had more than 53,000 cases out of 163,000 reported in the world. Ninety percent of Sudan's cases were in the south.

The same region has some of the most severe cases of river blindness in Africa. Spread through the bites of black flies, river blindness causes persistent itching, rashes, and depigmentation of the skin. Ultimately, it can cause blindness. Eighteen million people in Africa, Latin America, and the Middle East are infected. Of those, 400,000 are permanently blind.

Guinea worm disease is also devastating. People become infected by drinking water contaminated with microscopic larvae. A year later, mature, thread-like worms up to a yard long work their way out through painful blisters on the skin. Emergence of the worm and resulting infections can cause permanent scarring and crippling similar to polio.

More than half of a village population may be unable to farm or attend school for weeks or months. No cure exists. But Guinea worm is preventable by:

- straining drinking water through a cloth;
- treating drinking water with the nontoxic chemical Abate; or
- finding other ways to provide safe drinking water sources, such as drilling borehole wells. These techniques are now being used in Sudan.

"The southern warring parties have both said they can get rid of Guinea worm if the logistics and supply lines are provided," said Donald Hopkins, M.D., senior health consultant for Global 2000. "The cease-fire has clearly provided these requirements."



After the cease-fire began, the Sudanese government, UNICEF, and UNDP provided planes and trucks to deliver health supplies and educational materials. (Photo: Frank Richards)

After the cease-fire began, the Sudanese government, UNICEF, and UNDP provided planes and trucks to deliver health supplies and educational materials. Health teams have made substantial progress. By mid-July, they already had:

- visited 2,253 Guinea worm villages;
- distributed 115,425 cloth filters to households;

- vaccinated 34,481 children for polio and 40,000 children for measles;
- given Vitamin A supplements to 35,000 children;
- treated 9,031 children with oral rehydration therapy for diarrhea; and
- delivered 200,000 Mectizanr tablets, donated by the American pharmaceutical firm Merck & Co. Inc., for distribution in the field to treat river blindness.

Merck and The Carter Center have worked together since 1988 to facilitate drug distribution through the Mectizan Donation Program. The program is administered by The Task Force for Child Survival and Development, an independent partner of the Center. A committee of experts oversees distribution of the drug, which, when given once a year, prevents river blindness.

"Since the beginning of the cease-fire, the government of Sudan, U.N. agencies, and the NGO communities in Khartoum and Nairobi have made significant progress in public health promotion," said Health Policy Fellow William Foege, M.D., chair of the Mectizan Expert Committee. "This is proving to be a circular process. The success of the public health initiatives has strengthened the cease-fire."

The Carters will return to Sudan in July to assess progress on the health initiatives and explore the possibility of advancing the peace process.

**Appendix 6: Geneva Call's Deed of Commitment signed by
the Sudan People's Liberation Movement/Army⁵⁷**

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geneva call
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**DEED OF COMMITMENT UNDER GENEVA CALL
FOR ADHERENCE TO A TOTAL BAN ON ANTI-PERSONNEL MINES
AND FOR COOPERATION IN MINE ACTION**

WE, the Sudan People's Liberation Movement and Sudan People's Liberation Army (SPLM/A), through our duly authorized representative,

Recognising the global scourge of anti-personnel mines which indiscriminately and inhumanely kill and maim combatants and civilians, mostly innocent and defenceless people, especially women and children, even after the armed conflict is over;

Realising that the limited military utility of anti-personnel mines is far outweighed by their appalling humanitarian, socio-economic and environmental consequences, including on post-conflict reconciliation and reconstruction;

Rejecting the notion that revolutionary ends or just causes justify inhumane means and methods of warfare of a nature to cause unnecessary suffering;

Reaffirming our determination to protect the civilian population from the effects or dangers of military actions, and to respect their rights to life, to human dignity, and to development;

Resolved to play our role not only as actors in armed conflicts but also as participants in the practice and development of legal and normative standards for such conflicts, starting with a contribution to the overall humanitarian effort to solve the global landmine problem for the sake of its victims;

Accepting that international humanitarian law and human rights apply to and oblige all parties to armed conflicts;

Acknowledging the norm of a total ban on anti-personnel mines established by the 1997 Ottawa Treaty, which is an important step toward the total eradication of landmines;

NOW, THEREFORE, hereby solemnly commit ourselves to the following terms:

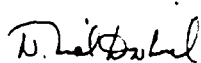
1. TO ADHERE to a total ban on anti-personnel mines. By anti-personnel mines, we refer to those devices which effectively explode by the presence, proximity or contact of a person, including other victim-activated explosive devices and anti-vehicle mines with the same effect whether with or without anti-handling devices. By total ban, we refer to a complete prohibition on all use, development, production, acquisition, stockpiling, retention, and transfer of such mines, under any circumstances. This includes an undertaking on the destruction of all such mines.

⁵⁷ <http://www.genevacall.org/resources/testi-reference-materials/testi-deed-sud-04oct01-splma.pdf>, accessed 07/02/2009.

2. TO COOPERATE IN AND UNDERTAKE stockpile destruction, mine clearance, victim assistance, mine awareness, and various other forms of mine action, especially where these programs are being implemented by independent international and national organisations.
3. TO ALLOW AND COOPERATE in the monitoring and verification of our commitment to a total ban on anti-personnel mines by Geneva Call and other independent international and national organisations associated for this purpose with Geneva Call. Such monitoring and verification include visits and inspections in all areas where anti-personnel mines may be present, and the provision of the necessary information and reports, as may be required for such purposes in the spirit of transparency and accountability.
4. TO ISSUE the necessary orders and directives to our commanders and fighters for the implementation and enforcement of our commitment under the foregoing paragraphs, including measures for information dissemination and training, as well as disciplinary sanctions in case of non-compliance.
5. TO TREAT this commitment as one step or part of a broader commitment in principle to the ideal of humanitarian norms, particularly of international humanitarian law and human rights, and to contribute to their respect in field practice as well as to the further development of humanitarian norms for armed conflicts.
6. This Deed of Commitment shall not affect our legal status, pursuant to the relevant clause in common article 3 of the Geneva Conventions of August 12, 1949.
7. We understand that Geneva Call may publicize our compliance or non-compliance with this Deed of Commitment.
8. We see the desirability of attracting the adherence of other armed groups to this Deed of Commitment and will do our part to promote it.
9. This Deed of Commitment complements or supercedes, as the case may be, any existing unilateral declaration of ours on anti-personnel mines.
10. This Deed of Commitment shall take effect immediately upon its signing and receipt by the Government of the Republic and Canton of Geneva which receives it as the custodian of such deeds and similar unilateral declarations.

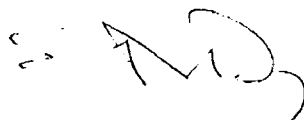
Done this 4th of October 2001 in Geneva, Switzerland.

For THE SUDAN PEOPLE'S LIBERATION MOVEMENT
AND SUDAN PEOPLE'S LIBERATION ARMY (SPLM/A):



NHIAL DENG NHIAL
Chairman of SPLM Commission for External Relations, Information & Humanitarian Affairs

For GENEVA CALL:



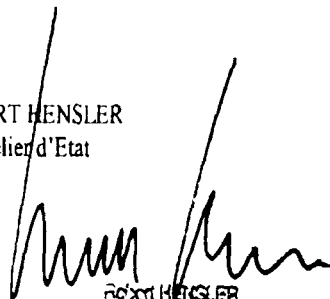
ELISABETH REUSSE-DECREY
President



LARE OKUNGU
Regional Director for Africa

For THE GOVERNMENT OF THE REPUBLIC AND CANTON OF GENEVA:

ROBERT HENSLER
Chancelier d'Etat



Robert HENSLER
Chancelier d'Etat

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