## Researching livelihoods and services affected by conflict

# Questions and Challenges Raised by a Large-Scale Humanitarian Operation in South Sudan

Secure Livelihoods Research Consortium

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# About us

Secure Livelihoods Research Consortium (SLRC) aims to generate a stronger evidence base on how people make a living, educate their children, deal with illness and access other basic services in conflict-affected situations (CAS). Providing better access to basic services, social protection and support to livelihoods matters for the human welfare of people affected by conflict, the achievement of development targets such as the Millennium Development Goals (MDGs) and international efforts at peace- and state-building.

At the centre of SLRC's research are three core themes, developed over the course of an intensive one-year inception phase:

- State legitimacy: experiences, perceptions and expectations of the state and local governance in conflict-affected situations
- State capacity: building effective states that deliver services and social protection in conflict-affected situations
- Livelihood trajectories and economic activity under conflict

The Overseas Development Institute (ODI) is the lead organisation. SLRC partners include the Centre for Poverty Analysis (CEPA) in Sri Lanka, Feinstein International Center (FIC, Tufts University), the Afghanistan Research and Evaluation Unit (AREU), the Sustainable Development Policy Institute (SDPI) in Pakistan, Disaster Studies of Wageningen University (WUR) in the Netherlands, the Nepal Centre for Contemporary Research (NCCR), and the Food and Agriculture Organization (FAO).

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# Acknowledgements

# List of acronyms

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| CCM | Camp Coordination and Camp Management |
| CPA | Comprehensive Peace Agreement |
| IGAD | Intergovernmental Authority on Development |
| GRSS | Government of the Republic of South Sudan |
| GOS | Government of Sudan |
| IRC | International Rescue Committee |
| IRNA | Inter-agency Rapid Needs Assessment |
| OLS | Operation Lifeline Sudan |
| POCs | Protection of Civilians' sites |
| SLRC | Secure Livelihoods Research Consortium |
| SPLM | Sudan People's Liberation Movement |
| SPLM/A | Sudan People's Liberation Movement/Army |
| SPLM-FD | Sudan People's Liberation Movement-Former Detainees |
| SPLM-IG | Sudan People's Liberation Movement-in-Government |
| SPLM-IO | Sudan People's Liberation Movement-in-Opposition |
| SRRA | Sudan Relief and Rehabilitation Association |
| SSRRC | South Sudan Relief and Rehabilitation Commission |
| UNHCR | UN High Commissioner for Refugees |

# 1    Introduction

For the past 17 months, South Sudan has been caught in a deep political, military, and humanitarian crisis. The violent conflict that broke out in Juba in December 2013 spread quickly to engulf much of Upper Nile, Jonglei and Unity, with displaced populations also in Warrap, Lakes, and Central and Eastern Equatoria. Throughout 2014, the East African Intergovernmental Authority on Development (IGAD) and several regional governments attempted to broker a ceasefire. While some kind of accord was achieved on paper on a number of occasions, none of these agreements was successful in halting the fighting on the ground. Sporadic fighting continues to be reported in the worst affected states. In late 2014, the ruling political party of Tanzania, the *Chama cha Mapinduzi*, brokered an agreement between three different factions of the SPLM – the SPLM-in-Government (SPLM-IG), SPLM-in-Opposition (SPLM/A-IO) and SPLM-Former Detainees (SPLM-FD) – in an alternative approach to trying to put an end to the fighting. Apparently the thinking behind this approach was that reunification of the SPLM would hasten a final peace deal in the on-and-off talks being mediated by IGAD in Addis Ababa. As the dry season of 2015 wears on, however, it is not clear that any of these approaches is having an impact on resolving the underlying conflict.

In the meantime, the humanitarian situation on the ground has fluctuated, but remains dire. As of early 2015, some 6.4 million people were in need of humanitarian assistance, with the UN planning to address the needs of 4.1 million. 3.6 million had been reached with some kind of life-protecting support during 2014, and this had apparently mitigated the worst impacts of the emergency during the year. But 1.5 million people remain displaced within South Sudan, and nearly half a million have fled to neighbouring countries: Ethiopia, Kenya, Uganda and Sudan (figures from OCHA, 2015). Over 100,000 people continue to languish in 'Protection of Civilian' sites in UN Mission in the Republic of South Sudan (UNMISS) bases, mostly in Juba, Bor, Malakal and Bentiu. There had been talk of an impending famine is 2014. The crisis did not descend to that level of severity, but as 2015 began, some 2.5 million people were assessed as being in severe food insecurity, and food access problems were projected to worsen as the dry season progressed.[1] In short, the political situation remained clouded and the immediate future uncertain; the humanitarian situation was relatively contained, but also uncertain given number of competing priorities facing donors and agencies.

Since 2012, the Secure Livelihoods Research Consortium (SLRC) has been conducting research on livelihoods and access to social services in conflict-affected and post-conflict situations in eight countries, including South Sudan. Since the renewed outbreak of conflict in 2013, SLRC has re-oriented its research towards the current crisis. Interviews conducted with officials of the Government of the Republic of South Sudan (GRSS), donors, affected communities, and humanitarian agency staff by the research team in mid-2014 suggested that the consortium team was well-placed to address the looming question of the unintended consequences of – and questions raise by – a renewed large-scale humanitarian operations in South Sudan. To that end, the SLRC South Sudan team prepared a paper that looked back at the unintended consequences of Operation Lifeline Sudan, the major humanitarian

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[1] Integrated Food Security Phase Classification Updated 2014 Report. December 2014. Juba: IPC Technical Working Group in South Sudan

operation during the civil war (Maxwell et al. 2014).[2]

The present paper reports on field research conducted in October 2014 in Juba, Mingkaman (Lakes State) and Ganyiel (Unity State), inquiring into the nature of the humanitarian response and the questions and challenges raised by it. The analysis shifted slightly from the framework of 'unintended consequences' as it became clear that (a) the analysis addresses the *interactions between* humanitarian aid and the conflict context, not necessarily the consequences of the former upon the latter; and relatedly (b) it may be too early and the situation too fluid to have a clear view of 'consequences' as such. This is not intended to be an analysis of the conflict itself, nor the myriad consequences arising therefrom; it is focused on the humanitarian operations only. We have also not attempted to deal consequentially with the myriad shifts in the situation since our visit and initial drafting of this paper in late 2014; to do so would entail never-ending updates to this text. The reader should keep in mind that descriptions of territorial control and other dynamics were current as of October 2014, unless otherwise noted.

Building on a wide range of earlier fieldwork, some 90 interviews were conducted with GRSS officials, donor and agencies staff in Juba, Mingkaman and Ganyiel, and with leaders and members of displaced and host communities affected by the conflict and being reached somehow by the humanitarian response. All interviews were uploaded to Dedoose software for coding and qualitative analysis. During the stay in Mingkaman and Ganyiel, the team also had opportunities to observe some activities of organisations serving the displaced persons as well as the activities by members of the internally displaced person (IDP) and host communities in the existing communal spaces.

The structure of this report is as follows. Following this introduction, it briefly describes the research context, and then the legacy of Operation Lifeline Sudan. It then examines the current context in relation to three categories of analysis: (1) relations between IDPs and host communities; (2) the potential recognition and legitimisation of non-state actors; (3) the impact of the humanitarian operation on relations between the GRSS and humanitarian actors, and between local authorities and humanitarian actors. Following this, it briefly compares the government-controlled and opposition-held areas along these same lines. The final section summarises the findings and makes several recommendations for humanitarian practice and further research.

## 1.1   The research context

The SLRC team interviewed GRSS officials and humanitarian decision-makers in Juba, and visited two locations outside of Juba, choosing one in Lakes State (GRSS-controlled territory) and one in Unity State (SPLM/A-IO-controlled territory) in order to get a sense – limited though it necessarily is – of the impacts of aid in the two different areas.

Mingkaman town in Lakes has perhaps the largest concentration of IDPs in GRSS territory. The town, which had approximately 5,000 inhabitants prior to December 2013, lies across the Nile from Bor and has long been a port and trading center for the Dinka of Lakes and western Jonglei. At the height of conflict-related displacement in early 2014, Mingkaman reportedly had over 110,000 inhabitants, as

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[2] OLS operated from 1989 until the Comprehensive Peace Agreement was signed in 2005, and wound down thereafter.

men, women, children, and even cattle rushed across the Nile to escape heavy fighting in Bor town. By October 2014, the population had settled down to an official number of 94,000 (16), though NGO staff on the ground reported that the actual number of people physically present in Mingkaman was probably quite a bit lower, perhaps closer to 60,000. Regardless of discrepancy in the numbers, there is no doubt that the community has undergone major changes due to the tremendous influx of displaced persons in a very short time frame. Displaced people who originally settled in town, leading quickly to crowded conditions in some areas, were being moved to three new sites on the outskirts of the existing town at the time of our visit. The town had become a crucial point of access both to markets and NGOs for IDPs throughout southern Lakes and western Jonglei. Due to the relative ease of access, humanitarian agencies have been working in Mingkaman since early in the crisis; there were some 35 agencies operating there at the time of the team's visit (14). It was one of the first locations to have an operational 'Humanitarian Hub,' a product of the cluster coordination system aimed at better cooperation and synchronisation of efforts by humanitarian organisations.

Ganyiel, in Panyijar County, is an isolated community in the southern tip of Unity State, in SPLM/A-IO territory (at the time of our visit). During the rainy season it is surrounded by swamp, which in turn borders GRSS territory – Lakes State to the south and west, Jonglei to the east. Panyijar County as a whole was said to be home to 120,000 residents and an additional 39,000 IDPs, according to local authorities; the population of greater Ganyiel was officially 56,000 at the time of our visit, of which some 20,000 were IDPs (52). NGO staff based in Ganyiel estimated the actual population of the community to be approximately 32,000 total (53). Many of the IDPs had come from population centres such as Bentiu in northern Unity State and Malakal in Upper Nile as fighting between GRSS and SPLM/A-IO forces wracked those areas. An untold but significant number of IDPs in Ganyiel were also displaced by flooding in outlying villages nearby, rather than or in addition to insecurity. Three NGOs have a presence in Ganyiel: Mercy Corps, German Agro Action (Welthungerhilfe), VISTAS, and the International Rescue Committee (IRC); the first three came to Ganyiel only recently due to the crisis, while IRC has had an established presence in the town since 1995.

## 1.2    The legacy of Operation Lifeline Sudan

Operation Lifeline Sudan (OLS) wound down after the signing of the Comprehensive Peace Agreement (CPA) in 2005. Nevertheless, it was such a major and long-lasting operation that its legacy continues to overshadow many of the perceptions about humanitarian aid in South Sudan, both at the local and the national levels. While the memory of OLS seems to be informed by myth as much as by fact, both are important in shaping contemporary attitudes about humanitarian assistance. This section briefly reviews both the factual and the mythical bases for the continuing legacy of OLS.

In brief, OLS was a tripartite agreement between the UN, the Government of Sudan (GOS) and the Sudan People's Liberation Movement/Army (SPLM/A), that facilitated 'negotiated access' to conflict-affected populations during Sudan's long civil war. It began in 1989 and had separate administrative sectors for areas controlled by the GOS and by the SPLA. It was led by the United Nations, and included some 40 operational agencies. At the core of OLS were the 'ground rules' – the negotiated agreement that governed humanitarian access to civilian populations and ensured the security of humanitarian agency staff. OLS covered only some areas of the South during the civil war, and hence the ground rules did not apply universally. However, they created the conceptual 'space' for other humanitarian operations.

Many humanitarian agency staff interviewed in 2014 noted that they were determined not to 'repeat the mistakes of OLS,' but it was not entirely clear that there was a consensus on what those mistakes

were or how they were to be avoided in the present crisis. Much of the popular discourse at the time focused on accusations about aid dependency, diversion of aid, the exorbitant cost of aid delivery under OLS, the unsustainable nature of humanitarian aid, and about its disempowering impact on local communities (Bailey and Harrigan, 2009; Bradbury, 1998). Some of these were largely challenged by later data, and some of them were probably unavoidable in South Sudan, where distances are vast and infrastructure minimal.

A review of the unintended consequences of OLS for the contemporary conflict in South Sudan revealed four main aspects of OLS's impact. Each of these is reviewed briefly below.

i. *Duration of the conflict itself.*

Some observers believe that OLS prolonged the civil war, and indeed influenced its outcome (Branch and Mamphilly, 2004). By taking care of the civilian victims of the conflict, OLS was accused of having reduced the incentives of both sides to minimise civilian casualties and to resolve their differences more quickly (though other critics are quick to point out that there is little evidence that failing to care for civilian casualties would have offered any incentives to warring parties to end the conflict sooner). This point is straightforward to argue but difficult to demonstrate conclusively. Aid critics have made the same observation about humanitarian operations in other conflicts, and indeed is an argument as old as organised humanitarianism itself. Bradbury et al. (2000: 34) argued that by providing aid in the context of a war through negotiating with the warring parties, OLS constituted 'the programmatic expressions of the acceptance of continuing violence.'

There was also the thesis that OLS, by providing a source of wealth in a very resource-constrained environment, was actually helping fuel the conflict. Indeed, as early as 1997 some analysts thought that it was time to 'pull the plug' on OLS because of aid going astray, its uses unknown but presumed to be military (Minear, 1997). These concerns may or may not (yet) be relevant to the current situation: it remains unclear whether the current conflict can be resolved any time soon, or whether it could go on for a long time. Several related questions that arise today are whether it is possible to manage aid in such a way as to prevent it being an influence on conflict duration, and whether the trajectory of the conflict would significantly change if aid were reduced?

ii. *Expectations about humanitarian aid.*

Although many of the direct accusations about aid dependency were ultimately shown to be unfounded, OLS nevertheless created expectations about aid, and about who was entitled to it. Many actors (including the Government of Sudan, various rebel movements, local authorities and local relief structures) were all involved in diverting, taxing, and redistributing aid (Bradbury, 1998; Bradbury et al., 2000; Duffield et al., 2000; Kevlihan, 2012). All of this created expectations about aid among many South Sudanese actors that have never gone away. Indeed, in the post-CPA period, one of the priorities of the nascent government of South Sudan and humanitarian agencies alike was to get away from the 'OLS mentality' regarding aid (Maxwell and Burns, 2008). The 'needs narrative' tended to persist, however, and the expectations were that outsiders would come to people's assistance. This served to undermine direct links between authorities and human needs in the nascent state (both before and after formal independence).

In many ways, these expectations both shape and are reinforced by the current situation: the large-scale response has confirmed that in hard times outsiders will come to the assistance of

South Sudan (though the level and reliability of the response may be less in 2015 than in 2014). But there appears to be surprise among many South Sudanese actors at a very different set of donor expectations today. Donors, to some degree, turned a blind eye to aid diversion during the OLS period (see, for example, Prendergast, 1996), but are increasingly unwilling to do so in the current context. This has led to accusations from the GRSS that outside agencies are not accountable to government, and has distinctly soured its relations with the UN in particular, and the humanitarian community more broadly (more on this below under state-humanitarian relations).

iii. *Views about the objectives of aid.*

During OLS, there were many questions about the purpose of the aid: Was it intended to build the capacity of local actors to provide similar services, or simply to provide live-saving assistance? Was it, in fact, an indirect means of supporting one party in a conflict? Did it have a role in peacebuilding and conflict resolution, or was its role solely humanitarian? These were questions about the actual intentions. Then there were questions about its unintended consequences: Was it being used or manipulated as a 'magnet' to draw the population into (or push them out of) certain areas? Aid seemed to carry contradictory messages about livelihoods and self-reliance on the one hand, and reliance on food aid and other assistance on the other hand. There were also questions about the extent to which the modalities of aid were tailored to be relevant to the local context in South Sudan, or were simply following aid world 'fashions.'

Again, such questions are relevant to the current situation. One of the worries of respondents among the GRSS, donors, and aid agencies in 2014 was that the large-scale humanitarian effort was drawing both attention and resources away from longer-term development objectives in areas of the country not affected (or at least less affected) by the current conflict (03, 04, 08, 09, 10, 11, 35, 45, 53, 66, 94). Questions are also raised about the ways in which aid is being delivered: mostly in-kind, and often by airdrops and other very expensive means.

iv. *Conferral of legitimacy on non-state actors.*

By negotiating with non-state actors who controlled territory, and by providing some assistance through their coordinating mechanisms, OLS inadvertently (or perhaps intentionally, but unofficially) conferred upon those actors some recognition and legitimacy as enabling and controlling authorities (Riehl, 2001; Duffield et al., 2000). Bradbury et al. (2000) note that this almost certainly contributed to the recognised international standing of these actors, and enabled them (mostly the SPLM/A) to achieve greater recognition of their claim to being the legitimate representative of the people of South Sudan. While on the one hand, this may have prolonged the conflict, it also ultimately enabled a negotiated end to the conflict. There was also greater engagement with local authorities, although this didn't develop as rapidly. Following several failed attempts to allocate assistance fairly at the local level, OLS agencies eventually came to entrust local traditional authorities at the most local level with this task (Deng, 1999).

These factors are highly relevant to the current situation. Although largely unacknowledged, there is a fear that humanitarian aid in opposition-held areas could play the same legitimising role there that it played during the OLS period in SPLA-held areas. This question and the question of engagement between aid actors and local authorities are addressed below.

However, some things are distinctly different in 2014-15 compared to the OLS era. There is no formal set of 'ground rules' in place in the present conflict. That said, the tacit understanding of the principles of the ground rules may be informing policy at the moment, even if it is unofficial and

largely unstated. For example, while blocked humanitarian access to the South by Khartoum during the civil war was one of the drivers behind OLS, there has not been any serious question about whether assistance going into opposition-held areas could go via Juba – indeed most of it has. Nevertheless, donors and aid agencies are being very careful to maintain a (perceived) proper distance in order to avoid accusations of favouring or legitimising any actor in the conflict, although the extent to which they are able to do this – or are perceived in this way – is unclear. In short, any assessment of the consequences of humanitarian assistance in the current context has to take account of the long shadow of OLS.

# 2 IDP–host community relations

Approximately 1.5 million people were internally displaced in South Sudan as of March 2015, according to UN figures. There is little internal clarity – in South Sudan or elsewhere – about types of displacement beyond general categories of underlying causes, such as 'conflict-induced,' 'disaster-induced,' etc., and even those categories may contain far more grey areas than they might suggest upon first glance. We offer some broad, potentially overlapping, and admittedly imperfect groupings, however, for the purpose of outlining current displacement in South Sudan. These include displacement to UN 'Protection of Civilians' sites (POCs), to informal IDP settlements in host communities within the displaced persons' own areas, to settlements in areas outside of their own areas, to urban (non-POC) areas, and finally across international borders (i.e. as refugees). Nearly all of the IDPs with whom we spoke were displaced to an informal settlement in host communities belonging to their own ethnic group, either Dinka in Lakes State or Nuer in southern Unity State.

Globally, there is a further lack of clarity regarding what constitutes a 'camp,' and what responsibilities are implied by the label. The UN High Commissioner for Refugees (UNHCR) states that 'camps' may include many types of settlements and collective centres, often with some form of centralised assistance and services available, but that the defining characteristic of camps is 'some degree of limitation on the rights and freedoms of refugees and their ability to make meaningful choices about their lives' (UNHCR, 2014: 4). There are no 'official' IDP camps in South Sudan (IRC 2014), though there are dozens of IDP settlement sites in which the Camp Coordination and Camp Management (CCCM) cluster is operating (CCCM, 2015), which may be as good a metric as any; the POC sites, in particular, satisfy nearly any definition of encampment, including restrictions on the freedoms and movement of those within. The lack of recognition has been attributed to a desire on the part of the GRSS and UN to discourage encampment because of an implied obligation to offer some assistance therein, not least because of the extent to which UN resources are already stretched thin by the complex situations in the POCs alone (5).

Whether or not they are referred to as camps, the vast majority of South Sudan's internally displaced people have moved to areas within host communities—both rural and urban—where they were able to find shelter and relative safety. In this sense, South Sudanese displacement resembles most internal displacement situations around the world, in which more than half of all IDPs take refuge outside of formalised encampment contexts (Davies, 2012). This section explores the relationships between IDPs and their host communities – aside from POC sites – drawing on the limited available research on host-IDP relations globally; there has been almost no research done on these relationships in the current context in South Sudan.

Globally, humanitarian agencies have generally been slow to devote resources to IDPs outside of camp settings, or to the host communities in which many of those IDPs reside, to a similar or proportional extent that they provide support in camps (Davies, 2012). While the need is unavoidable in South Sudan, and there is some agency response, the focus on POCs continues to concentrate most aid attention and resources away from other IDP settlement sites (1, 6, 11). Some areas have received more attention than others, given the varied and rapidly changing nature of the situation as well as different histories of access in different areas. Staff of international agencies and NGOs noted in interviews that it is extremely difficult to track the displaced, as any given location may be host to IDPs speaking a variety of languages, people who have been displaced multiple times and others returning from displacement elsewhere, and a complex set of reasons underlying displacement, including but

going beyond conflict and insecurity (4, 5). Effective tracking systems are critically important but not firmly established in many sites, particularly urban locations, where (globally) some of the poorest and most vulnerable IDPs end up (Wissing, 2014).

There is no systematic approach to monitoring of host-IDP relations in the communities that have received an influx of displaced persons. Collection and analysis of data on hosting relationships – whether and how IDPs are related, known, or unknown to hosts, mechanisms of introduction and communication (particularly across linguistic divides), and other aspects – is recommended to encourage better understanding of the dynamics of host-IDP relationships in context, but rarely happens (Davies, 2012; Brookings Institution, 2013). It was not reported by any respondents in South Sudan.

Where conflicts arise between IDPs and host communities, they are usually related to stress on limited resources due to population influx, as well as perceptions among the hosts that their needs are being neglected while resources are directed toward the displaced population (Brookings Institution, 2013; IRC, 2014). Such challenges were noted in South Sudan in the interim period between the CPA and independence, when millions of displaced people 'returned' from around Sudan and neighbouring countries, placing severe strain on the communities into which they were attempting to integrate (Pantuliano et al., 2008). Some community members and NGO staff alike in both Mingkaman and Ganyiel reported such issues as potential or growing challenges (13, 14, 17, 23, 39). In particular, one NGO staff person in Mingkaman noted that tensions were rising around cattle grazing land, firewood, water, and latrines (14). Some respondents commented that land was plentiful and therefore unproblematic (10, 12, 25, 57, 80). Others offered contradictory reports, particularly related to displaced cattle – large numbers of which were reportedly, extraordinarily, loaded onto boats and carried across the Nile from Jonglei. Those cattle, we were told, may have carried diseases against which cattle in Mingkaman were not vaccinated, and were competing for grazing land and water (13, 14, 17, 23, 39).

Though it was little more than hinted at due to the deep cultural aversion to discussing such issues (particularly with outsiders), sexual violence was another point of tension between IDPs and host communities in the locations visited (31, 34, 39, 40). This is often the case in displacement settings, though reporting is almost certainly extremely limited (Brookings Institution, 2013; IRC, 2014; Vu et al., 2014). In fact, female IDPs had come forward in Mingkaman to report sexual assault by male members of the host community, but subsequent attempts by NGOs to address the issue head-on through chiefs and other local authorities had gone poorly, resulting in damaged relations between chiefs from different communities and between chiefs and the NGOs (34). Unfortunately, the backlash is only likely to further stigmatise and decrease the likelihood of future reporting.

Other than these issues, respondents in Mingkaman and Ganyiel reported very little tension, much less conflict, between IDP and host community populations. Respondents described two central reasons for the generally positive relations. First, in many cases the displaced were connected to the host community either by personal origin (i.e. themselves or their parents having grown up there) or historical marriage or kinship ties (20, 57, 65, 81, 82). Some respondents also noted that displacement followed patterns similar to previous crises, including periods of fighting in 1983 and 1987 during which people from Leer and surrounding areas had fled to the Ganyiel area, and vice versa in 1991 (57). Likewise, many people fled from violence in Bor to Mingkaman in 1991 (14, 19, 30). According to local authorities, in fact, part of the 'permanent,' pre-December-2013 population of Mingkaman was from Bor – people who had sought safety in Mingkaman during the 1991 crisis and never left (19).

The second major reason for relatively good relations was that agencies and NGOs were not distinguishing between hosts and IDPs in the distribution of aid (12, 20, 51, 56, 81, 82, 86). In some cases, at least, we were able to verify that deliberately little or no distinction was being made between IDPs and hosts for the sake of aid distribution; the International Committee of the Red Cross (ICRC), for example, described distributions of seeds and tools in Waat in northern Jonglei to approximately 3,000 households, targeting 50% IDP households and 50% original residents (4). Some other aspects of the aid operation have benefited both IDPs and hosts as well, particularly in Mingkaman where the scale of the humanitarian presence has contributed to growth in the market as well as construction of roads, clinics and schools (16, 18, 20). Some members of the host community expressed pessimism about the maintenance of these positive developments if the conflict were settled and IDPs returned to their home areas (18, 20), suggesting something of a perverse advantage of the conflict to both the displaced and host populations in terms of a temporary increase in access to services.

The importance of responding to both host and displaced community needs and vulnerabilities during crises is increasingly recognised, including notably in both the South Sudan Humanitarian Response Plan 2015 and the Regional Refugee Response Plan (OCHA, 2014). The former document states that '[i]n areas of displacement, assistance will be provided to both displaced and host communities, in line with their respective needs, to prevent tensions within and between communities and promote calm and equitable access to key services'; there is nearly identical language in the latter document.

Both plans also note the importance of coordination with local leaders and authorities. Davies (2012) notes that such engagement is critical to the successful mitigation of tensions between IDPs and hosts and to aid operations in general, as they contribute to a sense of heightened accountability of aid actors to local populations. Chiefs themselves described their role in host-IDP relations in both Mingkaman and Ganyiel as arbiters of community goodwill, sharing of resources, and dispute resolution (17, 80, 86).

Whether these dynamics are unique to the two locations visited or are common in host communities throughout South Sudan and in neighbouring countries was beyond the scope of this research. However, the limited evidence suggests that they are not entirely unique examples. A series of Inter-agency Rapid Needs Assessment (IRNA) reports based on assessments conducted on an ongoing basis in conflict-affected communities around the country note relatively stable and positive relations between IDPs and hosts. This is true both in communities where most displaced people are staying with relatives and known connections, such as Turkei village in Upper Nile State (IRNA 2014a), and where the displaced and host populations are highly diverse and many have suffered multiple displacements, as in Pigi/Canal county in northern Jonglei (IRNA 2014b). In Kotdalok, another community in Jonglei, the IRNA report (2015) noted good relations based in historical community and intermarriage ties between the local Dinka and Nuer populations, which is particularly notable given the often ethnically-based mobilisation of violence by political actors in the current conflict.

That said, reports from other areas, particularly near and across the borders with neighbouring countries, describe greater tensions, primarily over resources and overcrowding (Sudan Tribune, 2014c). There have also been problems in refugee camps and communities outside of South Sudan where violence has erupted between people of different ethnic groups (primarily Dinka and Nuer) over a variety of issues including resources, accusations of crimes, and other problems (Hovil, 2014; Sudan Tribune, 2014a). Other challenges may already be cropping up elsewhere – particularly among IDP/refugee populations and host communities in the border regions with neighbouring countries – including over cattle water and grazing area, access to drinkable water and firewood, and any perceived inequities in distribution of aid. An example of this is in Eastern Equatoria State around Nimule where

old tensions re-erupted and conflict has emerged over issues of land and cattle (Sudan Tribune, 2014b). The latter issue in particular may become a more serious concern if aid budgets are reduced and agencies have to make tougher decisions about how remaining resources are distributed.

**Box 1: Internally displaced far from their own group and home**

1975 In Ganyiel, a group of IDPs that were not connected by language or kinship to the area described a very different experience in terms of their relationship with hosts, which is perhaps instructive of the potential complexity of the relationships between hosts and diverse IDP populations. The researchers were alerted by an NGO staff person that a group of IDPs was living in the Ganyiel primary school, and had been there since December 2013. Even some other NGO staff in Ganyiel knew almost nothing about their situation. Upon interviewing several members of the group, which numbered approximately 35, we learned that they were all native to the Equatorians in the southern part of South Sudan and had been returning there from displacement in Khartoum when violence broke out in Unity State in December 2013 and they were forced to run for safety, which they found in Ganyiel (85). They had been registered with the help of the NGO and were receiving food distributions, and at least one of the group was employed by the NGO as a community mobiliser, but otherwise the respondent described difficult relations with the local community. She noted that they had no common language with most people in Ganyiel other than, in a very few cases, Arabic or English, so communication was extremely difficult. The absence of common language or any social ties to the community meant that they were very isolated in the school and unable to access any livelihoods options. The lack of a mobile communications network meant that they had long been unable to communicate with their relatives outside of Ganyiel to notify them of their whereabouts and even confirm they were alive. Some had been able to raise the funds from relatives to pay for a seat on one of the regular humanitarian flights in and out of Ganyiel to Juba, but those remaining at the time of our visit were increasingly desperate to leave, considering even attempting to travel by foot or boat down the Nile despite the serious risks of such a trip crossing between SPLM/A-IO and GRSS territories (85).[3] There was no evidence of any mistreatment of the Equatorians by the local Nuer community, and their story is certainly no more than anecdotal, but it may shed light on some of the difficulties faced by diverse groups of IDPs in otherwise ethnically homogenous host communities.

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[3] After our visit, Mercy Corps staff in Ganyiel were able to coordinate with IOM and local authorities to facilitate flights to Juba and travel onward for the remaining Equatorian IDPs in Ganyiel. Their numbers had by then decreased to approximately 15 due to other individual departures (personal communication with Mercy Corps staff).

# 3    Legitimisation of non-state actors

Aid and its provision by international agencies and NGOs is not only seen as a source of material support, revenues, and international recognition but also as a source of legitimacy for armed non-state actors in the eyes of the communities in the areas under their control. As noted above, Operation Lifeline Sudan played a significant role in enhancing the perception of the SPLM/A as a legitimate authority during the past civil war (2). According to Duffield et al. (2000: 179), a senior SPLM/A official confirmed this perception, stating that '[w]e acknowledge the positive role of OLS in our struggle, but not because it provides food. It is primarily because it helps us run a state. Our people now feel that they belong to a government, and that is all because of aid. They think that the SPLM government is responsible for the coming of aid, and in a way we are responsible for it.' Many South Sudanese officials on both sides of the current conflict worked for NGOs, the SPLM's Sudan Relief and Rehabilitation Association (SRRA), or relief wings of other armed factions during OLS, and are therefore quite familiar with this dynamic and its potential. As one respondent stated: 'They know how the game is played' (3). In that sense, the exchange and experience of South Sudanese officials and SPLM/A-IO members with OLS and humanitarian agencies and international NGOs during OLS play into the current relationship between GRSS and SPLM/A-IO on one side and the international community on the other side. Although there have been tensions, both parties to the conflict want the international community – including the UN – to be seen to be on its side (2, 8). According to aid agency staff in Juba, 'both sides want to show that they are facilitating humanitarian access, and both want to claim credit for it. Both recognise the halo effect as well as the legitimisation effect' (2).

Although agencies and NGOs working in SPLM/A-IO-controlled areas engage with local authorities to negotiate access and implement their projects, they report having closer relations with the South Sudan Relief and Rehabilitation Commission (SSRRC, part of the GRSS) than with SRRA (of the SPLM/A-IO) (3, 8). The SPLM/A-IO, in turn, has been getting organised in Nairobi, restarting the SRRA and insisting on a coordination structure in Nairobi and Addis (2, 3, 5). A spokesperson of Riek Machar stated that '[w]e seek to deal directly with international, regional and local relief agencies that operate in the liberated areas. This is important so that it eases their access to our areas and make provisions of relief assistances unhindered and effective.' He added that 'their humanitarian wing was already engaging with stakeholders to make an arrangement similar to the situation during the 21 years of war between the former guerrilla fighters and the Khartoum government' (Sudan Tribune, 2015a). Moreover, the SPLM/A-IO announced that it would introduce 'a civil administration in the rebel controlled areas and beyond, saying they would mobilise the populations in support of the movement as well as provide security and coordinate humanitarian interventions' (Sudan Tribune, 2015b). Such plans cause a lot of concern within GRSS, and a lot of fear that SPLM/A-IO will use humanitarian aid to gain de facto recognition (2). Yet, the UN is adamant that provision of aid in SPLM/A-IO areas does not constitute recognition of the SPLM/A-IO (2). Furthermore, NGOs and agencies are resisting working with the higher levels of SRRA, and attempting to sidestep 'taxes' and other obligatory financial contributions to the SPLM/A-IO (3, 11). Since humanitarian actors can access opposition-held areas from government-controlled areas, the demand to cooperate with the SPLM/A-IO from Addis and Nairobi falls mainly on deaf ears (3). At the same time, some donors refuse to support service provision in SPLM/A-IO held areas altogether (3).

Despite international criticism over aspects of the origins, conduct, and lack of resolution of the conflict, the GRSS is still recognised as the government by the UN (8). Donors continue diplomatic exchange with

GRSS despite criticism, some limited sanctions and threats of further sanctions.  As one humanitarian official stressed: 'agencies have no desire to legitimise the SPLM/A-IO either through taxation or simply through collaboration' (3). Even though GRSS wants the UN 'on its side,' officials are also very wary that the UN presence and humanitarian presence may support and help to legitimise the SPLM/A-IO (8, 10). A respondent from the UN noted that the UN is now seen [by the GRSS] as '"giving oxygen" to the opposition by helping people in their areas. Even something like Plumpy'Nut [a fortified nut paste for use against malnutrition] is looked upon as being potentially military assistance' (8). UN agencies are trying to pursue neutrality in order to avoid this perception, but are also tied to the political and military presence of UNMISS (8). The SPLM/A-IO, on the other hand, has been pursuing the support of the international community and hopes that the UN and donors condemn GRSS (8). A spokesperson of the SPLM/A-IO explained in early January that the group wants to directly work with external actors: 'We seek to deal directly with international, regional and local relief agencies that operate in the liberated areas. This is important so that it eases their access to our areas and make provisions of relief assistances unhindered and effective' (Sudan Tribune, 2015a). That said, and despite the rhetoric at higher levels of the SPLM/A-IO about trying to acquire the support of the international community, international agencies have in some cases been prevented by SPLM/A-IO commanders from accessing beneficiaries.

# 4 State–humanitarian relations

As already noted, relations between the GRSS and the international community have drastically changed in the wake of the violence that broke out in December 2013. Before then, donors supported GRSS with large amounts of international aid for state building, infrastructure projects, service delivery, governance and capacity building endeavours, and worked closely with central government institutions.[4]

Since December 2013, relations between the international community and the GRSS have grown very difficult, as mentioned above. The international community is now wary of providing direct budget support to GRSS as a party to the conflict (8), particularly in view of alleged atrocities committed by security forces. Donors have largely suspended development cooperation and capacity building activities with the central government, including key ministries (3).[5] In general, in view of the large humanitarian crisis, international community's engagement abruptly switched from state building and recovery to protection and relief, and from a tone of cooperation and support to GRSS to one of caution.

## 4.1 Reduction/redirection of development to humanitarian assistance

Since the outbreak of the humanitarian crisis, a large part of international aid spent in South Sudan has been urgently channelled as humanitarian aid to areas that are immediately impacted by armed conflict and areas with large numbers of IDPs (8). This is both a simple matter of budgetary decisionmaking, with greater priority being given to humanitarian assistance in the short term, and also, in some cases, a matter of development assistance being withheld as a signal of disapproval of the role of the GRSS in the conflict and the lack of progress towards a settlement. A number of development and infrastructure projects and activities aimed at civil society strengthening that were planned before the crisis have been halted (3). Funding for service delivery and development in areas that are not directly affected by the armed conflict has been reduced, putting access to services, livelihoods and potentially also stability in these more stable areas at risk (3, 53, 94; Maxwell and Santschi, 2014). As an expatriate working for a humanitarian agency noted, there are many areas in South Sudan unaffected by the crisis, but which are now receiving few resources; if people in these areas are not assisted and feel overlooked and aggrieved, the crisis could well spread (Maxwell and Santschi, 2014).

Development activities and service delivery are often coordinated with and channelled through the government in an effort to increase local ownership and foster the capacity of government institutions, but this is less the case with humanitarian aid – again partly as a matter of principle (independence) and partly as deliberate distancing from the GRSS in this case (5, 7, 36a). As noted, misappropriation of aid was widespread during the OLS era (2, 10). In the current context, donors no longer accept this kind of conduct, apparently leading to some surprise among local actors: 'It seems GRSS is not happy and does not understand why humanitarian principles are being invoked now. It never interfered with SPLM/donor relations during civil war', one respondent noted (3). External humanitarian officials

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[4] Between 2006 and 2013/2014 donors committed to spend over $7 billion in South Sudan (GRSS, 2013).

[5] Some donors such as Japan have resumed development aid to South Sudan (*Sudan Tribune*, 2014d).

believe senior and middle level officials of GRSS purposely ignore humanitarian principles and expect that the international actors also overlook them (10).

As a consequence, GRSS institutions are, in many instances, less incorporated into the ongoing humanitarian response than they were in development and state-building activities before the onset of the crisis – or than they had been through the SRRA during the civil war. Officials complain that humanitarian agencies circumvent them and that humanitarian agencies are not accountable to the GRSS, which is, after all, still the internationally recognised government (Maxwell and Santschi 2014).

Considering that the ongoing humanitarian engagement primarily aims to respond to the acute crisis, respondents noted assumptions that humanitarian agencies will leave little behind in terms of capacity, services and structures following their eventual departure (5, 7, 16, 35a). South Sudanese respondents called for recovery and development activities despite the crisis, and expressed their desire for humanitarian actors to share their exit strategies and do more for capacity and institution-building, longer-term livelihood support, community resilience and construction of more permanent structures (16, 35a, 45, 57, 94). These requests, by definition, call for greater engagement with state and local authorities. As an expatriate respondent working for an NGO put it, 'The presence of the NGOs is an opportunity to build: in a sense, state-building by way of humanitarian assistance' (45). In practice, a number of agencies and NGOs already engage in more (theoretically) long-term programming such as food security and livelihoods, or building more permanent structures such as sanitation etc. (9, 35a).[6] Yet, donors seem to expect that humanitarian agencies will leave as soon as they can, so are reluctant to work on anything but the most temporary of activities (35a), and as noted, some agencies and donors are ambivalent about engagement with the GRSS. Attitudes about engaging with local authorities vary, and will be discussed later in this report.

## 4.2    The legal and operational environment

Relations between the GRSS and international agencies have been characterised by an increasing lack of trust on both sides. The GRSS is perceived by outside agencies as having hardened its line vis-à-vis international NGOs, the UN and other international agencies. The authorities are seen as being less accepting of critical voices from the international community and trying to restrict international actors' room to manoeuvre (10). These new tendency is associated with various recent GRSS practices, orders and pieces of legislation, particularly the NGO Bill. The long-discussed NGO bill – which passed the South Sudanese Legislative Assembly in May 2015 – is described as 'very restrictive,' emulating legislation from Ethiopia and Sudan (3, 6; IRIN News 2015). In mid-September 2014 the Ministry of Public Service and Human Resource Management riled humanitarian agencies and NGOs by circulating an order that NGOs release all foreign employees by mid-October (Radio Tamazuj, 2014a). Under heavy international pressure, the order – which would have strongly impacted the ongoing humanitarian response – was rescinded a few days later (*Daily Nation*, 2014), but the now-passed NGO Bill contains similar restrictions on hiring. A letter signed by more than 100 international NGOs refers to 'the increasing trend of harassment and interference targeting NGOs that is marked by increased hostility

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[6] The EU funded for instance reconstruction work in Bor town (*Sudan Tribune*, 2014e).

and threats from officials'.[7] In another example of these turbulent relations, the GRSS spokesman threatened to shut down the United Nations' operations after the UN radio station had published an interview with an exiled politician (Radio Tamazuj, 2015a).

In contrast to the OLS period, agencies and international NGOs can access nearly all opposition (SPLM/A-IO)-held areas directly from government-controlled territory (2, 3, 8), on the government's condition that all access has to go through SSRRC (3). Yet, in practice, access to GRSS and to SPLM/A-IO held areas is sometimes restricted (1, 10, 11). Humanitarian flights are not always allowed to take off for SPLM/A-IO areas, and at the time of our visit there were growing restrictions on transporting cash, supplies and goods (5, 11). Yet, the restrictions are mild in comparison to OLS times. Access by road has been difficult because of impassable roads during the rainy season, illegal roadblocks and the high cost of illegal bribes and taxes.[8] Due to limitations of access by road, large amounts of relief goods have been delivered by airdrop. Airdrops are, however, exceedingly expensive and accordingly seen as unsustainable (3). National staff of international agencies have also been arrested and detained while travelling on UN flights to and from SPLM/A-IO held areas (*Sudan Tribune*, 2014f).

Some humanitarian agencies and NGOs believe that the challenges they face in accessing SPLM/A-IO controlled areas are basically political. They assume that the GRSS does not want humanitarian aid to reach SPLM/A-IO controlled areas at all or only to a limited degree (1, 11). One respondent noted that there are few functioning markets and a need for more food aid, but not much enthusiasm on the part of the GRSS to allow more food to go in (11). Both GRSS and SPLM/A-IO have accused UN agencies and other international actors on a number of occasions of supporting the other party of conflict by helping people living in areas controlled by the other (2, 8).[9] The approach of GRSS to the international community, overall, appears ambivalent. On one hand, the GRSS rejects international criticism, accuses the UN of siding with the SPLM/A-IO and tries to restrict the engagement of international actors; on the other hand (and like the SPLM/A-IO), it appears to try to curry favour with the UN and the international community (2, 8).

## 4.3    Aid replacing the functions of the state

Before December 2013, the international community prominently supported service delivery, recovery and relief activities in South Sudan, largely through GRSS institutions. Since the outbreak of the crisis, GRSS commitment and funding for service delivery and relief have diminished, with the result that international agencies and NGOs play an even more important, and more direct, role in service delivery.

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[7] The letter relates to the detention and expulsion of foreign workers, 'escalating rhetoric and the overall hostile tone toward [the] international community' and concerns of 'increased surveillance of NGO communications' (Yahoo News, 2014).

[8] It is not clear how much control either GRSS or the SPLM/A-IO have over road blocks on the ground one respondent noted as negotiations with top commanders did not stop these practices (2, 3). See also VOA News (2014).

[9] In March 2014 tensions were high between GRSS and UNMISS over weapons found on UNMISS vehicles in Rumbek, Lakes State (*Sudan Tribune*, 2014g). The incident led to a lot of suspicion of the UN on the part of GRSS (2).

In government-controlled areas in locations with large numbers of IDPs (such as Mingkaman) and in SPLM/A-IO held areas where many IDPs seek refuge (such as Ganyiel), international agencies and NGOs distribute material assistance and provide important basic services such as health care and access to water and sanitation (5, 10, 17, 26, 27, 37, 46, 77). In SPLM/A-IO-held areas, which are disconnected from the central government, relief and the few services available are either provided by UN agencies, international NGOs or church organisations, or by unpaid local volunteers such as teachers and health workers who have continued working despite lack of support or supplies.

People's expectations vis-à-vis the international community and the humanitarian agencies in terms of their delivery of goods and services are high. Numerous respondents in Mingkaman and Ganyiel stressed that they expect international agencies and NGOs to provide assistance and services including health, water, sanitation, veterinary services and education (17, 29, 32, 37, 47, 52, 56, 57, 60, 61, 65, 66, 68, 75, 80, 83, 89). Respondents also called for services supporting their livelihoods, income generating opportunities and training (45, 56, 67). Some respondents expected only the humanitarians to provide services, expressing that the government was not taking care of them (20, 56, 75). Multiple female respondents from Ganyiel noted: 'The government keeps changing and they do not care [about the people]' (56). Other respondents associate the government with service delivery and aid, but noted that the government did not have the capacity or was presently unavailable to carry out such responsibilities (56, 57, 70). 'It's the government's [GRSS] responsibility to provide those things but because of the crisis we have to ask the agencies to do it.' (70). Even if government institutions were not directly involved in service provision and relief, they were – at least in GRSS-controlled areas – still associated with it (3, 18, 27, 29, 33, 35a). 'All aid is brought by *kawajas* [white/European people] but they don't see anything from the government – so their assumption is that the government asked the agencies to come here, that they're behind the aid effort' (18). That said, similar statements were made to the research team during previous fieldwork in 2013, before the outbreak of the conflict and the scaling up of a large-scale humanitarian operation, so it is not clear to what extent these observations are about humanitarian assistance in particular or about external aid in general.

Several respondents criticised the GRSS and the SPLM/A-IO for delegating the responsibility for humanitarian aid and service delivery to the international community while spending large amounts of money on warfare (2, 3, 36a, 94). Bloomberg News reported in mid-2014 that the GRSS has spent almost as much on waging the war as the international community has spent containing the resulting humanitarian crisis (Maxwell and Santschi, 2014); of course the SPLM/A-IO and its supporters have spent large – though unknown – amounts of money fighting the war as well. One respondent suggests that, in view of prevalent international practices during the OLS era, officials assume that humanitarian actors will once more take over the responsibility for the populace while the GRSS concentrates on warfare. This puts the international community in a challenging position. If they abandon humanitarian aid to conflict-affected areas, the lives of many South Sudanese are in peril (3, 36a). Moreover, if service provision programmes were halted, currently stable areas could collapse, according to one donor representative, 'because it's not like if aid stops, the government would step in' (36b). As an expatriate NGO worker described the conundrum international actors are facing, 'GRSS doesn't really care that much about [service provision]. NGOs will stay because leaving would violate the humanitarian imperative at this point. [It is] not clear where that leaves us – no one knows the end game' (3). Many donors have stopped bilateral development programmes, but there is an argument for rechanneling them to those areas with chronic humanitarian needs, to keep them as stable as possible.

A South Sudanese citizen noted in reference to the GRSS's lack of engagement in service delivery: 'The questions is; why does GRSS not deliver services? Does GRSS not deliver services because NGOs are

here? What happens if NGOs are not here? Would then the government start to provide services? Will the government ever provide services while NGOs are here? I hope for a government that takes the lead in service delivery. Support from external actors should only be a supplement' (94). He suggested that the GRSS can be made to take up responsibility by gradually phasing out humanitarian and development aid (94).

All of these points raise old – and still unanswered – questions about the role of external aid in conflict, and highlight the extent to which humanitarian aid can be held hostage to political agendas. These questions were raised during the OLS era (Bradbury et al. 2000), and are being raised again now. But clearly the middle of a major humanitarian emergency is not a conducive time to make clear-headed policy choices. Humanitarian assistance in some form will almost certainly continue as long as the conflict persists. Whether and how such assistance will continue to be funded, and what happens after the cessation – or impermanent suspension – of conflict, are perhaps the larger questions that needs to be addressed.

# 5 Local authorities-humanitarian relations

Since the outbreak of the current crisis, donors and the international community have been reluctant to work with and directly support the national government, yet out of necessity they engage and coordinate with local authorities in both government and SPLM/A-IO-controlled areas. Due to the armed conflict, various local authority 'structures' now exist. In GRSS areas there are local government institutions that continue to be in place and answer to Juba.

Mingkaman has been the county headquarters of Awerial County since 2009 (12). A range of local authorities there serve as active arbiters of the humanitarian operation. Among the many tens of thousands of IDPs who found refuge in Mingkaman were a number of chiefs from Greater Bor, who now continue their chiefly activities in their new location, for instance settling disputes together with host community chiefs (12, 16, 17). Furthermore, IDPs from Bor have their own SSRRC representative who works together with the local Awerial County SSRRC commissioner and county commissioner (12, 17).

In Ganyiel as well, IDP and host chiefs have shared meetings and dispute resolution mechanisms (62). Chiefs noted that they closely work with the SRRA [IO], to the extent that it would not be able to operate without them: 'we are their hands in the community' (80). While most chiefs across all ethnic groups in South Sudan are male, there was a female chief in Ganyiel, though we have no way of knowing how this impacted the gender dynamics or representation of women's concerns overall among chiefs.

The previous structure of local government endures in SPLM/A-IO-controlled areas in Jonglei, Upper Nile and Unity States, though the current local authorities do not answer to Juba.[10] In these areas, including Ganyiel, two parallel administrations claim to be responsible for governance functions. Although GRSS stopped paying salaries to local authorities and staff of government agencies or sending material to SPLM/A-IO held areas,[11] we were told that funds from Juba are still transferred to Unity State, remaining with GRSS staff members based in Bentiu. 'The money is flowing, but of course it's going to someone who is sitting in Bentiu, Malakal, wherever; that person is not actually doing anything,' according to an international agency staff person in Ganyiel (92). In other words, there are, on one side, GRSS commissioners, ministers and administrators who are located in Juba or in GRSS-held state capitals under GRSS control, such as Bentiu or Malakal, to whom budgets and authority continue to be allocated despite their limited authority (2, 92). On the other side, they are local authorities on the ground, many of whom previously worked in the same positions for GRSS institutions such as the SSRRC or other

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[10] Individual post holders changed. In case of Ganyiel a new commissioner in addition to a SRRA representative were appointed. In informal conversations local respondents noted that the commissioner is just a temporary potholder. The former commissioner travelled to Bentiu the state capital before the crisis. In Bentiu the commissioner was delayed and stayed on during the crisis. Then he fled to Juba and is now in Juba and therefore associated with GRSS (52). It seems that the respondents greatly respect the commissioner who is now based in Juba. One respondent stated that a new person took over but that the new person is not a commissioner. The new person's main task is to prevent people from attacking their neighbours. An expatriate respondent, however, underlined that the new commissioner is widely respected. 'He was brought in by people. He is peoples' choice. They are loyal to him. The young armed men are also loyal to him. He has bodyguards who protect him' (91).
[11] That said, there are occasional reports of exceptions to this resource freeze, including supplies of drugs going to local health centres in SPLM/A-IO-controlled areas through the South Sudan Ministry of Health – see Radio Tamazuj, 2015b.

institutions, which the SPLM/A-IO took over. Some more senior authorities have, however, been appointed by SPLM/A-IO leadership.

In early 2015 the SPLM/A-IO announced that it would introduce a civil administration and create 21 new states (*Sudan Tribune*, 2014h). In relation to that, the SPLM/A-IO appointed a number of their own new officials including the governor and deputy governor for the newly introduced Bieh state covering Lou Nuer territory (*Sudan Tribune,* 2015c) and appointed also governors for areas that are under control of GRSS such as the newly created Rumbek State (*Sudan Tribune*, 2015d). Other than being a rhetorical assertion of authority, it is unclear whether this declaration has had practical implications for people living in these areas or for engagement with authorities there.

Respondents noted in relation to services and more generally that they have no government in Ganyiel (57, 90): 'Currently there is no government here' (57). Some described local authorities as authorities but not as 'government' (90). Yet, other respondents and administrators refer to local authorities as the local government, while acknowledging that it lacks the resources to fulfil many government responsibilities (51, 65, 89). 'The local government is not helping. The community has received nothing from the commissioner and other local authorities' (51). The term 'government' is still used in relation to the government in Juba despite the fact that a number of respondents are very critical of GRSS. Interestingly, local respondents in Ganyiel did not describe higher-level SPLM/A-IO institutions as 'government.' Yet, the local authorities including the commissioner are responding to and are in contact with higher-level SPLM/A-IO ranks. Furthermore, it was evident and stressed by NGO staff members that UN and other flights need the clearance of the local authorities to be able to land in Ganyiel. Visitors who come to Ganyiel (such as the SLRC team) first have to see the commissioner and get his approval. This supports his position and potentially fosters his legitimacy in the eyes of the local population (91).

## 5.1   Working relationships between international agencies and local authorities

Exchange and cooperation between international agencies and NGOs on one side and local authorities and community members on the other side takes different shapes in various contexts. In Mingkaman, NGOs and agencies closely work with the local authorities and chiefs. Chiefs are mostly involved in the targeting of vulnerable individuals for distribution of non-food items such as fishing supplies and agricultural tools (17). Furthermore, chiefs are engaged in the movement of IDPs to the newly constructed settlement sites by mobilising people, including conveying information and supporting and advising on the moves (17). Local authorities and chiefs in Mingkaman were meeting humanitarian agencies on a weekly basis at the time of our visit (5, 12, 17, 33). While humanitarian agencies reported asking chiefs about the challenges facing their community members, local respondents reporting seeing no positive outcome from the meetings (17, 32, 33). Several chiefs themselves stated that the meetings did not help to solve problems (17). Community members did not attend the meetings between agencies and chiefs, and were reportedly not regularly consulted (5, 26).

Humanitarian agencies that have staff members in opposition-held areas and that run flights into those areas must negotiate with both GRSS and SPLM/A-IO local authority structures (2). Thus to access Ganyiel, humanitarian agencies had to negotiate with the GRSS commissioner of Panyijar County, based in Bentiu, as well as with the SPLM/A-IO commissioner on the ground in Ganyiel (2). In Ganyiel, NGOs work with the SRRA, the local authorities and chiefs. At the county level, county departments – answering to the SPLM/A-IO – continue to exist and work with international NGOs. An NGO working on education, for instance, worked in cooperation with the county-level education person and signed a memorandum of understanding with the county officials (66). International NGOs are also partly

coordinated through the SRRA (66). An international NGO staff member noted that as long as SRRA and the county commissioner support NGOs, they would continue to work with them (66).

Chiefs are consulted as well and informed of aid going to the community. They are also often involved in the targeting of aid by identifying vulnerable individuals and households in their communities, or individuals to participate in trainings and other activities (57, 62, 80). Chief courts are sometimes called upon to settle cases related to the humanitarian response; for instance, hearing cases linked to the theft of ration cards (86).

In Ganyiel, NGOs conduct meetings with local authorities and, at times, with chiefs and other community leaders. The SLRC team attended a meeting involving all of the above, the purpose of which was to strengthen communication between the local authorities and the agencies and other stakeholders that are all working in Ganyiel (60). In practice, it was mainly a briefing about the NGOs' activities.

A chief attending the meeting noted that: 'We have many meetings but we need to see what happens' (60). Although meetings with local government authorities and international NGOs happen, the information passed and the issues discussed are not necessarily shared with the chiefs and other community members in Ganyiel (61, 87), nor are community members consulted (56). The relations between external actors and local authorities vary. Some agencies and NGOs described having very good relations with local authorities, while others said that they have to constantly renegotiate these relationships.

Staff of international NGOs and the UN stated, overall, that the relations with the local authorities in Mingkaman were positive (12). The commissioner, who was educated at a US university and knew (and apparently supported) humanitarian principles, was praised by international respondents (10, 16). Chiefs in Mingkaman appeared to share the positive relations – they underlined their sense that the humanitarian actors were trying their best to support the IDPs, and said the efforts were appreciated (17).

Local authorities from Ganyiel described a sufficient but not ideal working relationship with international agencies and NGOs (89). Yet, they expressed a hope that the NGOs would increase their engagement in their area. Local authorities had high expectations in reference to aid and service delivery, and criticised the international community for (reportedly) not delivering adequate food aid and services (52). Complaints that not enough food is distributed contradicted the perceptions of NGO staff (53). Local authorities expected the international community to support education in Ganyiel, arguing that such support was necessary because: 'children have a right to education' (52). The tone of the exchange with local authorities was one of entitlement: 'the agencies should be coming here and bringing us these things. We don't understand, and we are upset by, the inability of agencies to respond adequately and provide all the food (we say) we need, to rebuild the hospital, to take care of our needs' (52).

Chiefs in Ganyiel noted that NGOs worked with them and described a generally good relationship (80). Yet, the relation between chiefs and NGOs has also been difficult at times, as misunderstandings emerged between local authorities and agencies about the targeting of aid. Interviewed chiefs said that they should always be involved in targeting processes, but that, in practice, NGOs did not always consult them (61). The chiefs noted that people who did not receive aid would go to them to complain, which put them in an awkward position in which they had no input or influence into targeting but were being held responsible for it by their constituents. They also criticised the frequency with which different visitors have come to see them and repeatedly asked the same questions, promising help but often not showing up again (61).

## 5.2   Use and abuse of aid funds

Misappropriation of funds, taxes, contributions and attempts to confiscate assets of international NGOs are phenomena that may significantly impact the relationship between external actors and both local and national authorities. Misappropriation and diversion of aid is a constant worry, according to a respondent working for an UN agency (2).

SPLM/A-IO forces are informal and often not in uniform, and it is very difficult to tell who is a combatant and who isn't, making it extremely difficult to know whether food is going to combatants (2). The presumption, according to several international agency staff, is that some food is going to armed forces and armed groups, though it is unclear how much (2, 91). UN agencies met White Army[12] mobilisers and tried to convince them that food assistance is for IDPs and not for fighters, but it is very difficult to control what happens on the ground. Much of the food distribution is done by mobile teams, so what happens after they leave is not only impossible to control, but nearly impossible to track, the respondent explained (2).[13]

In Ganyiel, taxes are collected by the local administration in the form of grains. Community members also are asked to contribute – for instance, to pay teachers and the local defense group, and to contribute food for the most vulnerable families (53, 57, 61, 86, 90, 91). The research team was told that taxes were an ongoing point of contention between local authorities and NGOs in Ganyiel. The NGOs, already taxed by GRSS in Juba, had refused to pay double taxes to local authorities. The authorities then demanded 10% of the salaries of local NGO staff be paid as taxes. The local authorities insisted on collecting these taxes, to which NGOs responded by contacting the leadership of the SPLM/A-IO to complain. The authorities stopped asking for taxes, though later confiscated satellite phones belonging to local NGO staff, seemingly in retribution (53). In March 2015 the SPLM/A-IO announced that local and international humanitarian workers living in areas under SPLM/A-IO control would be asked to pay a 5% tax (*Sudan Tribune*, 2015e). The decision was withdrawn the following day (Radio Tamazuj, 2015c).

Taxation of NGOs and the confiscation of their assets has led to tensions between the international NGOs and the local authorities in Ganyiel and in other opposition-held areas (3, 53). Informal taxation and roadblocks also hamper the delivery of aid in both SPLM/A-IO and GRSS controlled areas (Radio Tamazuj, 2015d). In Ganyiel and other SPLM/A-IO controlled areas the relationship seems to be a constant process of negotiation. The local authorities try to appropriate resources and control aid as far as possible, yet they depend heavily on the international NGOs for aid and service delivery. The same may well be true in many GRSS-controlled areas, though Mingkaman is something of an exception, with its accessibility and reportedly good relationships between international actors and local authorities. If

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[12] The White Army is a loosely-organised militia composed mostly of young male ethnic Nuer fighters from Greater Upper Nile (Jonglei, Upper Nile and Unity States), emerging during the second civil war and maintaining a feared and relatively poorly understood presence ever since.

[13] An expatriate respondent working for an international NGO noted that the introduction of humanitarian hubs is also related to the misappropriation. The humanitarian hubs are located in areas that are in distance to the armed factions thus in areas where no high military presence exists. With this practice the humanitarians aim at preventing misappropriation (10). In practice this does not necessarily prevent misappropriation as armed groups are mobile. They can move to hubs to access humanitarian aid.

NGOs left any of these areas, it would severely impact the local population's situation and also potentially undermine the legitimacy of the local authorities.

# 6    A comparison of Mingkaman and Ganyiel

The two locations visited by the SLRC team are notable for their similarities as well as expected differences. Mingkaman is in Lakes State (GRSS-held) while Ganyiel is in Southern Unity (held by the SPLM/A-IO at the time of our visit). Both have been significantly affected by population influx and corresponding space limitations, though we found that integration of IDPs into the community was relatively smooth at both sites. The relative lack of tension between IDPs and host communities may be largely attributable to the fact that the IDP populations were – generally speaking – not unknown or unconnected to the hosts prior to displacement and have the same ethnic background. In Mingkaman, the displaced population coming from Bor and elsewhere in western Jonglei State had longstanding kinship ties to the host community, including marriage and trade relationships. In addition, a number of IDPs had previously been displaced to Mingkaman following the 1991 SPLA split and Bor massacre. In Ganyiel, we found that many of the displaced people interviewed were originally from the community, and had moved elsewhere for work, education and other purposes. Nevertheless, many IDPs in Mingkaman in 2014 came from Twic East, Duk and Ayod counties, and were less well connected locally – though still of the same ethnic group. The comparative ease with which both communities have absorbed these new populations should not necessarily be taken as indicative of relationships between IDPs and host communities elsewhere in South Sudan and neighbouring countries, as noted above. That said, in both places, respondents noted that positive relations had been supported by the availability of aid to both IDPs and hosts, and evidence from elsewhere seems to support this practice.

Livelihoods in both communities were under severe strain, not least because of a dearth of desirable land available for living, grazing and planting, as well as the lack of inputs and absence of other income-earning opportunities. In Mingkaman, there appeared to be growing tension regarding grazing land, though few were willing to speak openly to the team about this issue. Many IDPs settled adjacent to the Nile and near the port area, which resulted in overcrowding and animosity between new arrivals and previous tenants in these more accessible and desirable locations. As a result, resettlement to three newly constructed sites on the outskirts of Mingkaman was in process at the time of the team's visit – a project of the local government in partnership with humanitarian agencies and NGOs. Livelihoods support in the form of seeds and tools was said to be available or under development to a limited extent. In theory, then, those IDPs who had resettled to the new sites with more space might have been able to plant some crops, but not until the following planting season – assuming the seeds and tools arrived at the right time. Other livelihoods activities observed included livestock keeping, trade or businesses such as boda bodas in the market areas, and casual labour, though such trade and labour opportunities appeared limited, probably to individuals who were already thus engaged to some extent prior to the crisis. Most of the IDPs interviewed, particularly those in the new settlement sites, reported few or no livelihood activities.

As noted above, the market in Mingkaman was thriving, and had reportedly burgeoned with the population influx. Overall, the town also had substantial infrastructure and new construction, including new roads, the market, new settlement sites for IDPs, and other new buildings including the county government headquarters. While there was a less fully developed market in Ganyiel, trade was clearly part of what was sustaining the local economy, including trade with GRSS-held areas. Land in Ganyiel was a scarcer asset due to flooding in October and the preceding months; even the IDP shelters that had been constructed on the edges of the small community were empty at the time of our visit due to rising water, and in many cases IDPs were living in host homes (52). Arable land was limited or

unavailable for nearly all IDPs in the community, regardless of their length of residency; few IDPs relocated with cattle, so grazing space was less of a salient issue, though not altogether absent. More pressing for livestock owners was the problem of flooding, which left cattle grazing in chest-high water and vulnerable to a range of infections for which there is generally no treatment available (65).

Mingkaman also has an effective communications network, essentially available to anyone with the money to purchase a mobile phone. In Ganyiel, in contrast, there has been no mobile phone network since the beginning of the conflict in December 2013 (despite a large tower dominating the town), so only the few NGO staff and local authorities with satellite phones have any capacity for communication beyond the immediate area.

There was seemingly a pressing need for cash in and around Ganyiel (57, 58, 72), to the extent that NGO staff reported demands from community members that they be paid cash to attend distributions of other aid such as food, seeds and tools (53). This may reflect long-standing NGO presence and processes in the community as much as current circumstances, but there is also no doubt that both cash and goods are currently extremely scarce in Ganyiel due to its present conflict- and flood-related isolation. There were some NGO efforts underway in this regard, both in terms of local programming and planning from Juba, though the difficulties of transporting goods or cash to SPLM/A-IO areas was an obvious complicating factor (11).

Respondents in both Mingkaman and particularly in Ganyiel described fears for their safety and security amid ongoing conflict and uncertain living conditions in the foreseeable future. The team heard similar narratives from both men and women in both places about the conflict, including uncertainty about the purpose of the fighting or why their communities had been involved and attacked, and their own desire for peace and returning to their previous livelihoods (19, 38, 41, 56, 80, 87, 88). More people in Ganyiel than Mingkaman appeared concerned about security overall and particularly in the dry season, when they feared fighting would begin again between the SPLM/A-IO and GRSS forces and would threaten the community (58, 59, 62, 64). There were some similar concerns in Mingkaman, but with less concern about a direct threat to the community itself: people expressed faith in the protection offered by government and community security mechanisms (18, 41, 43, 47), not to mention that Mingkaman is less likely to be attacked due to its location and the dynamics of the conflict.

# 7 Conclusion

Any large-scale humanitarian operation will unavoidably have both intended and unintended consequences, and raise new issues and questions. A major consideration is how to anticipate these challenges, mitigate potentially negative consequences, and adjust operations accordingly. This study has attempted to identify some of the challenges and questions raised by and impacting upon the current context.

One clear potential consequence follows from the experience of OLS: while during the last years of the civil war – particularly with increasingly bad relations between Khartoum and the west – donors had an interest in legitimising the SPLM cause. At the moment, there is no sense that anyone wants this kind of game to continue. But even relatively even-handed treatment (that is, humanitarian neutrality in a conflict) is viewed as abandonment by the GRSS, which continues to call for accountability to itself on the part of humanitarian actors. But this underscores the dilemma: on the one hand, to ensure access the humanitarian effort must be seen as impartial and not taking sides in the conflict; on the other hand, 'not taking sides' means in many ways withdrawing from former partners within the GRSS to some degree – particularly in conflict-affected areas, which is undermining relations with the GRSS. This is not a new situation – indeed it is a feature of practically every conflict situation – but is somewhat different in this situation, given not only relatively strong relations between international actors and the GRSS prior to December 2013, but also given the rather different 'rules of the game' during the OLS era. At a minimum, there should be greater efforts at transparency, coordination where possible, and continued support to non-conflict areas.

It would seem to be in everyone's interest to maintain humanitarian access to opposition-held areas via Juba or other transit points within South Sudan. For humanitarians, this is the most direct means of accessing those areas, and it avoids politicizing aid. It is in GRSS interests because, even though it may appear as though it is aiding its adversary in the short term, it prevents greater recognition of the opposition by international agencies who would otherwise have to negotiate access separately with SPLM/A-IO and, by doing so, potentially increase their perceived legitimacy.

At a somewhat different level, this also raises old questions about whether or not the continuation of a large-scale aid effort in some ways 'condones' the continuation of the conflict. This kind of implicit support is less overt today than it was during the OLS era, when Bradbury et al. (2000: 34) described the humanitarian operation as the 'the programmatic expression of the acceptance of continuing violence.' Again, the current dynamics between donor and governing authorities (both the GRSS and the SPLM/A-IO) are significantly different from those of OLS; however, the perception that external actors will indefinitely prop up the humanitarian situation still persists. On the other hand, no one in the humanitarian community would suggest shutting off life-saving assistance to conflict-affected populations as a means of trying to force the belligerent parties to come to a settlement; indeed, no evidence exists that such a drastic measure would be successful in inducing a serious peace deal. Ultimately, the continuation of an aid effort that is very expensive and is not particularly aimed at making long-term investments or building capacity may be the only available interim option, but this is certainly a question that bears more investigation. The extent to which this situation is an unintended consequence of the humanitarian operation versus the extent to which it is the predictable consequence of the conflict itself (and the playing out of the regional interests of Uganda, Sudan, and Ethiopia) is also a potentially researchable question.

There are other, more programmatic questions raised by the conflict and the humanitarian response, as well. At this point, the future course of the humanitarian effort is hard to foresee. If there were a peace deal – current prospects of which seem quite low – then both the immediate need and donor appetite for a large-scale humanitarian effort may decline significantly. This could mean rapidly declining budgets, with no clear guarantee that there would be a concomitant scaling up of other forms of assistance. Such a development could mean a period of declining support overall – as indeed happened in the immediate post-CPA era. But even if the conflict ceases, the disruption to livelihoods will be enormous, and recovery will take a long time. On the other hand, if fighting continues, as has happened in 2015 – heavy fighting was displacing thousands of South Sudanese in Unity State as this report went to press in May 2015 – or if the various protracted peace negotiations are called off entirely or continue to produce no real accord, then there could be a kind of 'no-war, no-peace' situation. Either could spell a potentially extremely difficult period ahead for humanitarian operations, and one in which the temptation to make use of humanitarian assistance for other purposes could increase, all with potentially further devastating effects for the people of South Sudan.

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