



## SUDAN: Humanitarian Access into Southern Kordofan and Blue Nile States

### Overview and Recommendations

Agreements by the Government of Sudan (GoS) and the Sudan People's Liberation Movement-North (SPLM-N) concerning aid operations are an initial step that may allow the international community to address the needs of hundreds of thousands of displaced persons. The signings by the GoS and the SPLM-N of separate Memorandums of Understanding on August 5, 2012 will hopefully allow humanitarian access into Southern Kordofan and Blue Nile, if the parties can agree to the details of aid operations. However, until the GoS and SPLM-N agree on a ceasefire and how to deploy the assistance, the civilian population will not receive vitally needed relief.

The ongoing negotiations to determine the details of the deployment of humanitarian assistance in Southern Kordofan and Blue Nile are vital to ensure that unrestricted assistance will reach as many people as possible. Unfortunately, to date, no progress has been made in the negotiations and international assistance remains out of reach for hundreds of thousands of persons.

During the negotiations, the U.S. government and the international community must be mindful of the Government of Sudan's history of delaying implementation of agreements and denying humanitarian access to populations in Darfur and other areas of Sudan. All stakeholders must remain steadfast in insisting on a speedy and robust implementation of the United Nations, African Union, and League of Arab States proposal for delivery of humanitarian assistance in the two states.

The U.S. Commission on International Religious Freedom (USCIRF) recommends that the U.S. government:

- Press the Government of Sudan and senior Sudanese officials strongly, bilaterally, and with international partners to implement the two MOUs' so that neutral and independent actors can provide unrestricted humanitarian access to affected populations as soon as possible in all areas where there are affected populations;
- Work with partners on the UN Security Council to undertake a trip to the

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International Religious  
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conscience, and religion  
or belief abroad, as  
defined in the Universal  
Declaration of Human  
Rights and related  
international instruments,  
and to give independent  
policy recommendations  
to the President,  
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region, should negotiations stall, to support the work of the United Nations, African Union, League of Arab States, and the African Union High Implementation Panel during their negotiations with the GoS and SPLM-N concerning humanitarian operations, cessation of hostilities, and a political solution to the fighting in Southern Kordofan and Blue Nile states;

- Fund humanitarian relief operations in the two states generously; and
- Press the Government of Sudan to end its targeting of individuals in the conflict zone based on their religion or perceived religious affiliation.

## Background

Fighting began on June 5 in Southern Kordofan, one month after the SPLM-N protested the result of state-level elections and five days after a government deadline for the SPLM-N's troops in the two states to disarm. Failure by the two warring parties to agree on political and security arrangements<sup>1</sup> led to the conflict's expansion to Blue Nile state on September 1<sup>2</sup>. The fighting has been characterized by government aerial bombardments of civilian populations; targeted assassinations and arrests of SPLM-N supporters, Nubans, and Christians; and denial of humanitarian assistance in rebel held areas.

In October 2011, Tiffany Lynch, Senior Policy Analyst for USCIRF, and former USCIRF staff member David Dettoni interviewed more than 80 religious leaders and refugees from the two states in Juba and Yida refugee camp in South Sudan. The refugees provided eyewitness accounts of Sudanese Armed Forces (SAF) and government-supported militias targeting, killing, and arresting Christians and SPLM-N supporters; shooting into churches and mosques as civilians sought refuge in those shelters; and the indiscriminate bombing of towns, mosques, and churches. The refugees also spoke of drastic humanitarian needs in their home areas<sup>3</sup>.

The aerial bombardments by the Sudanese government and ground fighting between the government's forces and the SPLM-N continue today. The United Nations reports more than 850,000 persons, Muslims and Christians alike, from the two states are displaced in Sudan or in neighboring countries<sup>4</sup>. More than 650,000 persons are estimated to be internally displaced in Southern Kordofan and Blue Nile, 520,000 and 145,000 respectively. 205,000 have fled to South Sudan and Ethiopia—168,000 to Unity State and Upper Nile State in South Sudan and 37,000 to Ethiopia. The number of refugees fleeing Southern Kordofan and Blue Nile into South Sudan rose significantly in June 2012, reaching almost 1,000 daily during the second half of that month. While the Sudanese government has permitted the UN World Food Programme to provide humanitarian assistance to government held areas in Southern Kordofan, it has denied such assistance in rebel controlled areas.

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<sup>1</sup>On June 28, 2011, the Government of Sudan and the SPLM-N signed the Addis Ababa Framework Agreement on political and security arrangements in Southern Kordofan and Blue Nile. Three days later, Sudanese President Omar al-Bashir denounced the agreement and has since banned the SPLM-N and refused to enter into direct negotiations with the party.

<sup>2</sup>On September 1, SPLM-N chairman Malik Aggar was illegally removed from his post as governor of Blue Nile, his house was torched, and the Sudanese Armed Forces (SAF) arrested more than 150 SPLM-N party supporters.

<sup>3</sup>For more information, read USCIRF's report at <http://www.uscirf.gov/images/Sudan%20SK-BN%20policy%20focus.pdf>.

<sup>4</sup>UN Office for the Coordination of Humanitarian Affairs Sudan, *Monthly Humanitarian Bulletin – Issue 06*, July 2012

## Tripartite Proposal

As the Famine Early Warning Systems Network predicted that parts of Southern Kordofan and Blue Nile would reach emergency food insecurity levels in March, the United Nations, African Union, and League of Arab States on February 9 submitted a proposal to the GoS and SPLM-N (“Tripartite Proposal” or “UN-AU-AL Proposal”) to allow for humanitarian access and operations in the two states. While the SPLM-N quickly accepted the proposal, Sudanese President Omar al-Bashir both rejected it and denied that a humanitarian crisis existed in the two states. The Tripartite Proposal includes: the creation of a humanitarian operation oversight committee comprised of representatives of the Tripartite partners, Government of Sudan, and SPLM-N; deployment of humanitarian situation assessment teams comprised of Tripartite representatives; and steps to deliver aid. It also permits the GoS to maintain oversight of humanitarian aid operations by granting authority to its Humanitarian Aid Commission to approve all movements of persons and aid into the two states.

Not until June 27, almost five months after the proposal was made, did the GoS submit to the UN Security Council a formal response and conditional acceptance of the Tripartite Proposal. Sudan’s conditions stipulated the affirmation of the government’s sovereignty to supervise aid operations in its territories, review of plans to address the humanitarian situation, and enforcement of its laws, regulations and directives for delivery of aid. The SPLM-N rejected such conditions arguing that they can be used to control and restrict assistance, as has been seen in past humanitarian crises.

## UNSC Resolution 2046 and Initial Agreement Reached

In response to the fighting in March and April 2012 between Sudan and South Sudan along their border<sup>5</sup> and the two nations’ failure to agree on post-Comprehensive Peace Agreement issues, including border demarcation and oil revenue sharing, the UN Security Council on May 2 unanimously adopted resolution 2046. This resolution called on the two states to end hostilities, return to negotiations and resolve their disputes by August 2, 2012 or face potential sanctions. Resolution 2046 also included language on Southern Kordofan and Blue Nile, calling on the GoS and SPLM-N to accept the Tripartite Proposal and negotiate a political and security arrangement, with the help of the African Union High Implementation Panel (AUHIP) and the Chair of the Inter-Governmental Authority for Development (IGAD)<sup>6</sup>.

Indirect talks between SPLM-N and GoS began on July 23, 2012, with each side meeting separately with the AUHIP. The SPLM-N entered into the negotiations affirming its commitment to the UN-AU-AL proposal, but with two caveats: 1) a temporary, but immediate, start of aid operations along cross-border, not cross-line, systems<sup>7</sup>, and 2) a one month renewable cessation of hostilities, to start at the signing of the MOU, to facilitate

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<sup>5</sup>On March 26, fighting between the Sudan and South Sudan armies started around the oil town of Heglig which lies in Sudan, but which South Sudan is contesting in the border negotiations arguing that the town and oil fields belong in its territory. For almost a month the two armies fought in Heglig and other areas along the Sudan-South Sudan border and Sudan forces bombed areas of South Sudan. The fighting stopped in reaction to international pressure and UNSC Resolution 2046.

<sup>6</sup>African Union High Implementation Panel (AUHIP), led by former South African President Thabo Mbeki, serves as the mediator of Sudan-South Sudan negotiations over post-Comprehensive Peace Agreement issues. The Inter-Governmental Authority for Development (IGAD) is an East African regional body to address regional economic and political issues.

<sup>7</sup>Cross-border operations would allow for aid to be brought to the two Sudanese states across the border from South Sudan. Cross-line operations would bring aid to affected populations in the two states from within the Sudanese territory.

aid operators' access to affected populations<sup>8</sup>. Khartoum reiterated its conditional acceptance guaranteeing the government the right to permit only approved operations in SPLM-N held areas.

On August 5, three days after the UNSC resolution's deadline for an agreement to be reached, the Sudanese government and the SPLM-N signed separate MOUs with the UN-AU-AL on humanitarian access in Southern Kordofan and Blue Nile states. However, a number of differences between the two MOUs must be addressed before relief operations will begin<sup>9</sup>. These differences include:

1. The GoS MOU includes conditions on aid operations, including those that reinforce Sudan's sovereignty and control over aid operations. The SPLM-N MOU references these conditions as an area of concern<sup>10</sup>.
2. The GoS MOU calls for a meeting between the government and the assessment team to meet at an undefined time to determine the parameters of their work, whereas the SPLM-N MOU calls for the deployment within two weeks of the MOU signing of the humanitarian needs assessments missions comprised of a representative from each Tripartite partner.
3. The GoS MOU expires 90 days from August 5, and is renewable only with government approval; the SPLM-N MOU does not include an expiration date.
4. The GoS MOU's cessation of hostilities is limited to areas in which aid operations are underway and a cessation does not begin upon the MOU's signing. The SPLM-N MOU declares a cessation of hostilities for one month.

The differences between the two Memorandums of Understanding raise the question of whether any concrete deal can be reached. The distance between the two MOUs highlights the difficulty remaining for the Tripartite Partners, the U.S. government and the international community to ensure that relief is delivered to affected populations in Southern Kordofan and Blue Nile states.

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<sup>8</sup>Hsiao, Amanda Down to the Wire: An Update on the Negotiations Between the Sudans The Enough Project, July, 31 2012, Washington, DC

<sup>9</sup>Christian, Jenn Have the Tripartite Partners Secured Humanitarian Relief for Southern Kordofan and Blue Nile? The Enough Project, August, 15, 2012, Washington, DC

<sup>10</sup>The SPLM-N MOU states, "NB: Despite its reservations, in particular the fact that the whole operation is dependent on the consent of the GoS on access to the SPLM/North controlled areas, the SPLM/North decided to sign this Memorandum of Understanding in order to respond to the civilian populations urgent needs."