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Have the Tripartite Partners Secured Humanitarian Relief for South Kordofan and Blue Nile?

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Recently, the government of Sudan and the Sudan People's Liberation Movement-North, or SPLM-N, signed separate memoranda of understanding, or MOUs, with the so-called "Tripartite Partners" comprised of the United Nations, the African Union, and the League of Arab States. While challenges remain, the MOUs are a positive step forward in securing unfettered access for international humanitarian aid organizations to conflict-affected populations in South Kordofan and Blue Nile. According to the U.N.'s estimates, the affected population numbers over 700,000. The vast majority of these people have been sealed off from international humanitarian assistance since at least September 2011. Notably, there are discrepancies between the texts of the two MOUs. These differences, coupled with the continued lack of a ceasefire agreement between the government and all militarily active components of the Sudan Revolutionary Front, or SRF, call into question the efficacy of the two MOUs. These two caveats temper the degree to which the two MOUs will be effective in creating an environment in which the Tripartite Partners and their affiliated organization will be able to adequately deliver aid to conflict-affected populations, particularly those in SPLM-N-controlled areas.

Given the ambiguities that remain in the agreements' texts, the Enough Project recommends that the Tripartite Partners, backed by other international actors, closely monitor the implementation of the two agreements. In particular, the international community should exert pressure to ensure that the government of Sudan permits independent, third-party humanitarian access into the two states. As well, assessment teams comprised of representatives of the Tripartite Partners should be deployed no later than August 18, 2012 to all conflict-affected areas. Finally, pressure should be applied on both parties to maintain a cessation of hostilities in all conflict-affected areas—not just those areas where humanitarian operations are taking place—and to press the government of Sudan to negotiate a comprehensive ceasefire agreement with the SPLM-N and the other militarily active components of the SRF.

Critical Discrepancies between the Two MOUs

The government of Sudan and the SPLM-N signed *different* MOUs with the Tripartite Partners, the texts of which differ in critical ways, namely:

- **Degree of Government Control over Humanitarian Operations:** The government of Sudan's MOU incorporates by reference the nine principles concerning the delivery of aid to South Kordofan and Blue Nile, which the government laid out in early July 2012. Among other things, these principles reiterate the Sudanese government's sovereignty and control over any humanitarian aid operations undertaken in the two states. In contrast, the SPLM-N's MOU does not incorporate these nine principles, nor does it explicitly provide for the government of Sudan's control over aid operations. Instead, the SPLM-N MOU contains a reservation articulating its concern that aid operations in the two states are "dependent on the consent of the GoS [government of Sudan] on access to the SPLM-N controlled areas." As such, the potential for the Sudanese government to invoke sovereignty to limit humanitarian access, in particular by barring entry to certain international actors or to limit access to areas that it does not want to recognize as rebel-controlled territory, remains.
- **Deployment of an Assessment Team:** The SPLM-N's MOU provides for the deployment, within two weeks of August 4, 2012, of a team comprised of one representative each from the Tripartite Partners to conduct a needs assessment in the two states. The government's MOU, on the other hand, does not explicitly provide for the deployment of an assessment team; instead, the MOU provides for a meeting between the government and the Tripartite Partners to approve a plan of action concerning the conduct of a field assessment.
- **Duration of the MOUs:** The government of Sudan's MOU expires ninety days from August 5, 2012, subject to renewal with the approval of the government and the Tripartite Partners. Alternatively, the SPLM-N's MOU does not explicitly expire; however, the cessation of hostilities provided for in the SPLM-N's MOU expires one month from August 4, 2012, subject to renewal. As the Tripartite Partners are unlikely to deliver humanitarian aid absent a cessation of hostilities, the SPLM-N's MOU, in effect, may be read as expiring one month from August 4, 2012, subject to renewal.
- **Cessation of Hostilities:** In principle, both MOUs provide for a cessation of hostilities; however, the scope and length of the cessation of hostilities varies between the two documents. In the government's MOU, any cessation of hostilities is limited in scope to any area in which humanitarian aid operations are underway, pursuant to prior and agreed upon programs for the delivery of aid. This leaves open the potential for Sudanese government forces to undertake hostilities in areas in South Kordofan and Blue Nile in which humanitarian aid operations are not ongoing. As well, the government's cessation of hostilities is not immediate; it is contingent on the development

and implementation of programs for the delivery of aid. The SPLM-N's MOU, however, provides for an immediate cessation of hostilities for a one-month period of time, subject to renewal. The scope of the cessation of hostilities appears to be the entirety of South Kordofan and Blue Nile, although this is not explicit in the SPLM-N's MOU.

Recommended Steps to Mitigate the Effects of These Discrepancies

In light of the above identified discrepancies as between the two MOUs, the Enough Project recommends that the Tripartite Partners and the international community:

- Remain constantly engaged with the implementation of the two MOUs, paying particular attention to any indications that the government of Sudan intends to use sovereignty as a pretext to continue to deny much needed humanitarian aid to civilian populations in SPLM-N-controlled areas of South Kordofan and Blue Nile. In light of the government of Sudan's demonstrated pattern of limiting or outright denying access to international humanitarian aid organizations in Southern Sudan, Darfur, the eastern states of Red Sea, Kassala, and Gedarif, South Kordofan, and Blue Nile, the SPLM-N's reservations concerning the government's continued control over international humanitarian aid operations within Sudan are likely well placed and should be heeded.
- Immediately take steps to deploy, no later than August 18, 2012, assessment teams comprised of representatives from the Tripartite Partners to all conflict-affected areas in South Kordofan and Blue Nile. These teams should be allowed the opportunity to make independent assessments of the situation in the two states, free from interference and biased information from either the government of Sudan or the SPLM-N. As well, the Tripartite Partners must immediately seek assurances from the government of Sudan that it will cease hostilities throughout the two States during the assessment period, so that the assessment teams may travel securely and unhindered.
- Exercise concerted diplomatic pressure on both the government of Sudan and the SPLM-N to remain committed to a cessation of hostilities in *all conflict-affected areas*, and not just those areas in which aid operations are underway. The Tripartite Partners and their affiliated organizations are less likely to deliver aid into insecure areas where a cessation of hostilities is not guaranteed or is otherwise unclear. Efforts must also be made to ensure that both MOUs are renewed upon their respective expiration dates, so as to ensure the continued flow of aid.
- Immediately initiate efforts designed to pressure the government of Sudan to directly negotiate the terms of a comprehensive ceasefire agreement with the SPLM-N and the other militarily active components of the SRF. While the political dynamic between the Sudanese government and the SRF may not lend itself towards the immediate conclusion of a comprehensive ceasefire agreement, the international community must explore

options to pressure the government of Sudan to initiate such a process as soon as possible. Absent a comprehensive ceasefire, the likelihood of continued conflict in the two states will remain high. This insecurity will, in turn, continue to hamper efforts on the part of the international community to deliver vital humanitarian aid to conflict-affected populations within the two states. Further, continued insecurity will cause even greater numbers of civilians to flee to South Sudan and Ethiopia, where international humanitarian aid organizations are already struggling to meet the needs of over 200,000 refugees.