Who is ruling in South Sudan?

The role of NGOs in rebuilding socio-political order

by
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Contents

Abbreviations and Acronyms

BYDA	Bahr-el-Ghazal Youth Development Agency	NIF	National Islamic Front
CBRC	Community-Based Relief Committee	NPA	Norwegian People's Aid
ECHO	European Community Humanitarian Office	NSCC	New Sudan Council of Churches
		OLS	Operation Lifeline Sudan
		PHC	Primary Health Care
GLRA	German Leprosy Relief Association	SINGO	Sudanese Indigenous NGO
GOS	Government of Sudan	SPLA	Sudan People's Liberation Army
ICBP	Institutional and Capacity Building Project	SPLM	Sudan People's Liberation Movement
		SRRA	Sudan Relief and Rehabilitation Association
ICC	Inter-Church Committee		
IDP	Internally Displaced People	STAR	Sudan Transitional Assistance for Rehabilitation
INGO	International NGO		
JRRC	Joint Relief and Rehabilitation Committee	UN	United Nations
LDC	Least Developed Country	UNICEF	United Nations Children's Fund
MHD	Malteser Hilfsdienst	USAID	United States Agency for International Development
MOU	Memorandum of Understanding		
MSF	Médicins Sans Frontières	VHC	Village Health Committee
NCA	Norwegian Church Aid	WFP	World Food Programme
NGO	Non-Governmental Organisation	WV	World Vision

Acknowledgement

Introduction

"Not only is the third sector operating on a more significant scale, but it is also extending its role in some countries to substitute for government in what might be regarded as 'classic' state functions. In Northern Uganda and Southern Sudan voluntary aid agencies have virtually operated as local administrations, co-ordinating and planning operations..." (Hulme 1991, 4f). Tvedt (1994, 91), referring to the political situation and the INGO-involvement in South Sudan between 1972 and 1983 says: "...[T]hey themselves became local substitutes for state administration. The NGOs assumed in a very efficient manner the welfare functions of an ordinary state." Both statements published at the beginning of the 1990s, reflected the strategic and political situation in South Sudan. Having undergone little change, one can observe today a consolidation of a 'normal' economic life and peace in most areas of South Sudan. Why, even under favourable socio-political conditions, do INGOs and international agencies[1] persist in acting as if there is still a full-scale emergency operation in place?

In South Sudan for almost twenty years a multitude of 'apolitical' international NGOs have been working under the umbrella of OLS. INGOs and their local counterparts have had a significant impact in shaping a new political landscape. In addition it seems that INGOs and international agencies have 'captured' rights and obligations which normally would be part of state administrations.

Considerable scientific literature about the regional activities and effects of INGOs in famine and emergency situations in South Sudan has been provided (African Rights 1997; Keen 1994a, b, 1997; Levine 1997). Nonetheless there is a surprising gap in research results about 'INGO-Governance' in regions suffering from break-downs of the socio-political order.

African Rights (1997, 6f) identifies three major effects aid had on Sudan. Firstly, for the GOS, "it supported the authoritarian tendencies of successive governments" (ibid., 7). For the SPLA, OLS, and the INGOs' humanitarian assistance there existed a constant flow of material resources which ultimately supported their military activities and was also used for diplomatic and propaganda purposes.

What African Rights is underlining is the political misuse of INGOs and their material impact. It is neglecting the political agenda of the INGOs and OLS itself. Humanitarian aid may be not only a material means for government and rebels but it may also represent an intended bid for political influence and direction on the part of the INGOs themselves. Is New Sudan actually the first NGO-istan? During the last five years a number of SINGOs with a clear political agenda were founded. Although widely financed by INGOs they are operating on an independent level. These SINGOs are a clear consequence of the normalisation process in South Sudan and an intended consequence of the political strategy of humanitarian agencies.

If INGOs and international agencies function predominately as public service providers (a classic function of a state), they might also develop a strong social position to behave as regulatory agencies and ultimately they act as the dominant socio-political referees. In the analysis part of this study I want to describe the socio-political determinants of the last ten years which will throw some light on the political stage in South Sudan and might contribute to the main question of who really has the political power and influence in South Sudan today.

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[1] NGOs refer to International NGOs (INGOs) and humanitarian agencies such as OXFAM, World Vision, and UNICEF.

Methodology

The study of contemporary scientific sources, archives and the World-Wide-Web is supplemented by conducting interviews with stakeholders such as representatives and officials of INGOs like OXFAM and MHD, regional and national leaders of SPLM-SRRA, and consultants and scholars on the humanitarian and political situation in the study area.

As a representative of the German Leprosy Relief Association (an INGO), I evaluated the Leprosy and TB projects in South Sudan between 1994 and 2000 biannually which took some ten months in all. During this time I was involved in re-establishing a Leprosy and TB control area with mobile control units (projects) ranging from South-Western Equatoria to North-Eastern Bahr-el-Ghazal. I had frequent contacts with INGO-representatives working in the area (especially UNICEF, MSF, WFP, WV), political leaders (Payam, county, regional) and members of the 'shadow cabinet' of the SPLM (the Secretaries for Finance and Health), and church representatives (bishops, priests, staff of the Dioceses of Western Equatoria and Bahr-el-Ghazal, and NSCC). I entered South Sudan either by road through the West-Nile Region of Uganda or using the OLS and ECHO flight facilities through Nairobi and Lokichoggio in Kenya.

Analysis

History of the conflict and INGO-involvement

The history of the Sudan even before independence was not entirely characterised by the conflict between the 'Christian' South and the 'Islamic-Arab' North. The politically significant role of 'paganism' as an authentic and equal religious and political force in South Sudan together with Christianity and Islam has been emphasised by Johnson (2000a). Systematic suppression of religious activities, especially when they gained political momentum which went beyond local practice was the scene of Muslim-Pagan confrontation (ibid., 82).

Keen (1994b, 20ff) has shown that a systematic plundering of agricultural crops, slaves, ivory, and mineral resources served vested interests in the North. As early as the beginning of the 19th century this 'resource curse' in conjuncture with a failed rural policy of introducing

a diversified agricultural production led to significant pauperisation and sustained underdevelopment. The winners and beneficiaries of this exploitation scenario which covered all aspects of goods and services were clearly the economically rich and politically influential in the North. "When the Sudan gained independence ... in 1956, economic and political power was concentrated in the central Nile Valley region. The regions in the East, West and South were largely underdeveloped" (Johnson 1998, 55).

> Starting with the de-colonisation process and continuing until today, various planned and coincidental political and economic factors resulted in the marginalisation of South Sudan, which led to emergencies, acute famine, and war. ... [T]he British withdrew from Sudan without ensuring that political protection for southern Sudanese was in place. (Keen 1994b, 38)

In the South the executive political vacuum left by the British colonial 'indirect administration' was refilled with the militarisation of ethnic groups in favour of the GOS's political and economic domination in South Sudan.

The only time of peace for Sudan after independence was between 1972 and 1983 when an agreement between the GOS and the former rebel movement led by Lagu had ensured a regional autonomy for Southern Sudan. One of the main reasons why the regional self-determination finally failed was the absence of a well-trained and skilled administration. "The British did not want to develop an educated elite of Southern administrators, since they feared a detribalised and discontented intelligentsia" (Tvedt 1994, 75).

A systematic involvement of INGOs in South Sudan established to tackle complex emergencies and assist development aid began as early as the 1970s (Tvedt 1998, 188). This together with the fact that the rebel movement was not able to build up strong administrative structures in the liberated territories itself (Tvedt 1994, 76) meant that the first and last attempt at self-determination in the history of Sudan failed.

In 1983 the GOS threatened to introduce sharia-law to the country together with drastic political reforms, which put the autonomy of the South achieved by the Addis-Ababa-Agreement at stake. This sparked off the foundation of the SPLM/A led by John Garang and the start of the present conflict.

Self-determination for South Sudan is not a new political claim, but a 'late, overdue realisation' which was left behind and unsolved when

the British left Sudan and which was erased by the Northern regime; re-colonising, exploiting, and suppressing the South.

> The claim for self-determination in Southern Sudan is based on the colonial history of the territory and the systematic and gross violation of human rights in the territory throughout the independence period of the Sudan. (Abdel Salam/de Waal 2001, 201)

Today, after nearly two decades of war, South Sudan is no longer under the control of the GOS apart from the largest town, Juba, and some garrison towns such as Wau, Torit, Kapoeta, etc. The conflict in South Sudan is tragically known for being the oldest civil war in Africa (almost 20 years) with the highest number of victims – 2 million (Bradbury et al. 2000, 19) and the world's "largest humanitarian aid operation" (Vesely 1999, 1).

Present situation

The SPLM/A and its humanitarian branch, the SRRA has the right to use coercion over external access and over the external defence of 'New Sudan' (the SPLM/A's name for its territory since the 1994 Chukkudum-Declaration, Heinrich 2000, 21). Today in most areas of New Sudan there are no 'hot' front lines with permanent militarily caused bloodshed. We can observe a paradoxical state of affairs where functioning administrative institutions are absent or barely in place in a relatively peaceful and secure environment. The public domain has been occupied by a varied multitude of established INGOs who are in charge of the personnel provision and financing of basic requirements such as health institutions, nourishment centres, road construction, school education, and professional training facilities.

If South Sudan were to gain self-determination today the situation of public administration and service delivery from the side of the SPLM-SRRA would be disastrously incompetent or non-existent as well as financially insufficient (Hoile 1998). A situation comparable to the state of public administration in Southern Sudan 1972–1983 which failed and led to the present unrest.

In this stateless situation, one can observe the revitalisation of traditional-political grass-root movements, the development and networking of new forms of political representation, and local and regional institution building. Since about 1993 hundreds of SINGOs have been dominat-ing the domestic political scene. Their objectives vary from adult education and re-establishment of public schools to re-vitalisation of traditional medicine to wildlife conservation. As systematic records are unavailable local observers estimate the number of SINGOs in Bahr-el-Ghazal at 40 and in Western Equatoria (with the highest population density) at 50 (Ogwaro interview).[2]

INGOs in South Sudan – the role of OLS

Before the creation of OLS, the only large NGO programme in rebel-held areas was that one of Norwegian People's Aid (NPA), which was coordinated directly with the SPLA rather than with the SRRA ... . (African Rights 1995c, 10)

> OLS filled the vacuum left by the dissolving USSR and Mengistu regime in Ethiopia. The comrades then left us alone 'in the fire'. We needed continuous support. Now America and the United Nations started to help us. (Stephen Baak, Chairperson of the SPLM-SRRA for UK and former SPLA commander, 22.05.2001)

OLS was founded in 1989 as one result of promising peace talks in response to the humanitarian crises in North and South Sudan. "[OLS] was made possible by the domestic political opening of the late-1988 peace talks, but relief was an incidental by-product of those talks rather than a central component" (African Rights 1995c, 9).

OLS is operating today out of Khartoum and El Obeid, supplying GOS-territories, and Koboko (Uganda) and Lokichoggio (Kenya), supplying SPLA-held territories. The main stake-holders 'under' OLS are UNICEF and WFP. UNICEF itself is providing logistical help for the INGOs. The annual budget of OLS is about $100 million (Macrae 1996, 1). Nonetheless a realistic figure of the exact amount spent on relief in South Sudan cannot be calculated (Echo 2000, 39). There are only a handful of INGOs not collaborating with OLS. NPA, for instance, is not in line with OLS's cooperation and political agreements with the GOS as it decided not to be part of the OLS network. INGOs can only work legally and relatively securely in South Sudan under the umbrella of OLS (Bradbury et al. 2000, 40).

Today OLS represents a relief operation which is "prolonging the war, by constraining

the military strategies of each side, and contributing to a stalemate ..." and where "unknown quantities of relief are diverted to the military on both sides" (African Rights 1994, 13). As the SPLA is presently not in the position to make effective and profitable use of mineral resources (oil in Upper and Blue Nile Regions), as do their counterparts in Sierra Leone and Angola, humanitarian aid organisations are used as resources. "Asset stripping, with the exception of ethnic schisms within the SPLA itself, has given way to promoting parallel trade and the covert taxing of aid distributed through the UN's Operation Lifeline Sudan" (Duffield 1998a, 85). Or as Macrae (1996, 2) observes: "Relief aid, designed as a short-term response ... is unable to cope with portrayed, highly political emergencies".

OLS emerged as a *humanitarian* result of a *political* process and was not primarily founded to provide humanitarian aid for decades. Today after 18 years of war and 12 years of OLS, the organisation has paradoxically developed into an institution whose member organisations are primarily involved in aid distribution. This relief has become political to such an extent that results of capacity-building and advocacy activities can hardly be recognised as 'clean relief'. The social-economic strategies, such as the improvement of managerial quality and the excellence of administrative performance, have been designed to create the future reservoir for independent local institutions and administrative organs. Surely with the present agenda and political dominance of aid OLS would not have had the agreement of the GOS 12 years ago. The fact that the contract of operation has not been cancelled by the GOS lies in the political advantages on the global diplomatic stage and the domestic material support as well as their leverage to overlook and possibly correct and sanction the activities of INGOs.[3] These control factors outweigh the political disadvantages swallowed by the GOS for the consolidation process of the secession of South Sudan.

African Rights has changed its attitude towards OLS, reflecting the increased political importance and authentic recognition the institution was receiving after the agreement on the Ground-Rules.

One of OLS's enduring weaknesses has been the way in which it was essentially imposed upon the political forces in Sudan. Domestic political interest groups have subsequently been built around OLS, particularly in the South, but initiative, power and money have largely remained in the hands of the humanitarian international. (African Rights 1995c, 9)

African Rights (1997, 360) comments a few years later:

> OLS ... has become an institution in its own right determined to preserve itself. Its donors are also determined to see it continue ... . The Southern Sector [of OLS] has found itself drawn into a vacuum of quasi-governmental responsibility, that it cannot adequately fill, by the shortcomings of the SPLA and SRRA.

The development of OLS started as an institution "imposed upon the political forces". Today we can identify "quasi-governmental responsibility" in South Sudan. OLS is only reflecting in 'concentrated form' the degree of politicisation the INGOs have manifested during the 1990s. Together with its own capacity-building programmes (ICBP) and advocacy projects (which have been either delegated by INGOs to OLS or have been implemented from its own resources) it stands for a 'condensed version' of the INGOs. Rather than being a tool for INGOs to provide logistic and material resources to facilitate their operations legally and technically, OLS has become a politically operating end in itself.

The relationship between SPLM/A-SRRA and INGOs

Since the inception of OLS and enhanced INGO-involvement in South Sudan we can observe a 'love-hate relationship' between the SPLM/A-SRRA and external humanitarian agencies. On one hand the movement was hesitantly acknowledging the fact that agencies' humanitarian presence is alleviating the most dramatic humanitarian shortcomings, especially in the health, nutrition, and education sectors. On the other hand, the SPLM/A-SRRA was reacting to their political presence as if competing with a rival power or even hostile enemy. INGOs' interventions were indirectly demonstrating the SPLM/A's inability, incompetence, or unwillingness to constitute political organs such as the SRRA as politically effective competent forces. This led at times to frustrated statements.

> We don't need these NGOs. In fact we Southerners should found our own associations. Then local NGOs could apply for funds to international agen-

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[3] Christian missionary INGOs are not allowed to import missionary pamphlets, bibles, pictures etc. beyond personal use by using the flights provided by OLS. These are banned items within the same category as firearms. The frequent violation of this rule led to the temporary expulsion of NSCC in 1999.

cies. These big international NGOs assess their own needs and not the needs of the local people. In fact there are NGOs which are interested in prolonging the war for their own advantage because most of their budgets go into travels and salaries and not to the people they are supposed to help. (Elizabeth Ogwaro, Chairperson of the SPLM-SRRA for UK-Midlands and women's representative for UK, 13.05.2001).

By negotiating the Ground-Rules together with the GOS, OLS had recognised the SPLM/A-SRRA as a political partner. The dilemma of the SPLM/A was that it was still operating and thinking as a rebel group despite the fact that the political environment was in need of a strong political commitment and civic vision after the mid-1990s. African Rights (1997, 268f) evaluates the "big missed political opportunity" by the SPLA at the beginning of the 1990s as follows:

> The SPLA lacked a strong concept of civil administration .... The SPLA took a straightforward militaristic view of relief as a welcome flow of resources but a potential security threat. A more politically adept movement would have integrated external relief into a practical social and political programme, and strengthened its domestic legitimacy and capacity ... .

The SPLM (2000, 22) is contemplating the 'waste' of relief resources, which could have been used to boost a developmental process in South Sudan although a weak civil sector could not be compatible with the management of full scale development programmes.

> ... Operation Lifeline Sudan (OLS) and international humanitarian organisations have spent about $2.0 billion on relief supplies during the last ten years that translates to $200 million annually. Half of this amount would have had significant developmental impact on the livelihood of the people of the New Sudan.

Before the introduction of the Ground-Rules the SPLA had practised a "nihilistic attitude towards civilians and existing social structures" (African Rights 1997, 82). Civilians were valued as a resource for plunder rather than authentic and rightful actors in a developing civil society (Bradbury et al. 2000, 16). Since 1993 peace negotiations between the GOS and the SPLA have developed into more of a seasonal ritual than serious problem-solving encounters (the most recent one in May 2001 in Nairobi). The SPLA was torn between the strategic paradox in needing supplies for their fighters (indirectly provided by the OLS and the INGOs) to continue the war (cf. Stockton interview) and realising that an emergency could no longer be identified or justified in most of Western and

large parts of Eastern Equatoria where peace has prevailed for more than a decade. The SPLM/A noticed that they were losing control due to their inability to formulate their own humanitarian agenda and strategy. This humanitarian vacuum was occupied by OLS/INGOs. The longer the war situation was prolonged, the more difficult was the establishment of civil acts of executive control and supervision, such as elections and referenda (Keen 2000a, 32f).

In this 'stateless state' INGOs had hardly any organised control or external supervision, and no coordination of activities or effective cooperation. This 'anarchic' situation was terminated by the introduction of Ground-Rules in 1995 on operational activities and the Memorandum of Understanding in 2000 on the relationship between (SPLM/A) SRRA and the INGOs, which all humanitarian agencies involved in relief and rehabilitation activities in South Sudan had to agree upon; otherwise they had to terminate their activities and evacuate the area.

The 'Agreement on Ground-Rules' and the 'Memorandum of Understanding' between OLS/INGOs and SPLM

In the first half of the 1990s the humanitarian situation was characterised by a number of infringements on humanitarian assets and properties belonging to INGOs as well as some violent encounters resulting in casualties among expatriate and locally employed staff. An agreement over the principles of relief work and the rules and regulations was necessary to ensure the continuity of the aid flow and its unhampered organisation and distribution.

The introduction of the Ground-Rules (full text in Bradbury et al. 2000, 76–78) was the result of the relatively strong influence of OLS and INGOs in South Sudan and the strategical and operational weakness and fractionalisation of the SPLM/A-SRRA during the time of negotiations. The seven sections of the Ground-Rules were determining reciprocal property rights, responsibilities, and obligations of the OLS-INGOs as well as the SPLM and its humanitarian wing, the SRRA. They built up a cornerstone for an improved security situation for foreign and indigenous INGO staff and their assets. Violations of the Ground-Rules from either side were not punishable or subject to a formalised juridical procedure. JRRCs were supposed to have an appeasement function by recording and reporting disagreements and violations to higher authorities. The parties concerned met frequent-

ly to discuss drastic violations. In practice, violations of the Ground-Rules happened but were widely dealt with informally and without official exchange of letters.[4] Today the standard of interaction between the parties involved enjoys a tremendous improvement compared to the situation of the beginning of the 1990s.

The procedure in carving out the Ground-Rules was characterised by a common humanitarian goal and solidarity, but the atmosphere surrounding the MOU (full text can be found in: www.members.tripod.com) was fundamentally different and characterised by a top-down approach. The SPLM/A issued an ultimatum (01.03.2000) according to which the MOU had to be signed, otherwise the INGOs would be forced to evacuate from South Sudan. The MOU contained, among other things, technical procedures by which country fees for issuing work permits had to be paid to the SRRA. Individual INGOs working under the umbrella of OLS had to agree and sign independently.[5] By the end of the 1990s the position of the SPLM/A had consolidated strategic-militarily and diplomatically. Under normal – 'state' – conditions it constitutes managerial normality that administrative fees and revenues are demanded for INGO-activities whether they are based on relief, rehabilitation, or development activities. INGOs argued that they were not prepared to pay fees for the provision of humanitarian assistance. In the wake of the negotiations eleven OLS-INGOs withdrew from the entire relief-involvement for Sudan (OLS 2000, Monthly Report, Feb./Mar., 1).

The SPLM-SRRA's late awakening to the nightmare of political irrelevance was confronted with the INGOs' refusal to recognise the quasi-legitimate political institution. The Oxfam Deputy Director Nicholas Stockton argued that, for OXFAM, the problem of signing the MOU did not exist (although there were prior doubts) because OXFAM recognised the political reality and necessity to legitimate existing power structures for the sake of continuing develop-

ment programmes. Disagreement with the MOU could have had disastrous public consequences, as the example from the field that I witnessed shows: the unprecedented withdrawal of WV from Yambio County (Western Equatoria) in 2000 (following its resistance to signing the MOU) and the resulting collapse of the PHC programme, which was entirely in their mandate, led to immense suffering for the people.

The reason behind the introduction of the MOU was not so much the demand for fees but the symbolic recognition of the fact that the SPLM-SRRA could not be circumvented any longer. That the MOU was more of a 'paper tiger' than a solid political re-organisation reflected the statement of the representative of MHD, noting that "not much really changed" but the self-awareness of the movement towards the INGOs. The MOU was an attempt to underline 'who is in charge' of outlining the political route for development. A fully implemented and carried out MOU would in fact have been a serious coup d'état attempt in NGO-istan but it failed due to the underdeveloped administrative capacity of the SRRA to oversee, coordinate, re-direct, and sanction project implementations of INGOs. In essence the MOU could be seen as a copy of the 'NGO Registration Form' of Uganda with some further remarks about emergency and relief conditions. Under relatively normal conditions and with a functioning state administration the strengthening of civil institutions would have been a much applauded development of civil society. In the case of South Sudan the political directive and development coordination remained widely in the hands of INGOs and their networks.

Dimensions of the political impact of INGOs

The political impact of INGOs has been based on the tacit understanding between INGOs and SPLM-SRRA that each organisation is being given managerial space to do their job. As the SPLM-SRRA's ambition for enhanced political control in reality hardly goes beyond financial and material requests, the INGOs' political space and access to classic state functions reaches far beyond their mandate.

> There is a tacit deal between the key NGOs and the SPLM/A about the range and the extension of political impact in their areas. The USAID STAR project has had negative consequences for the judiciary of New Sudan because the grass-root (to

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[4] Within the aid infrastructure of the Catholic Church in the Tambura-Yambio Diocese in Western Equatoria between 1995 and 2000 only one violation of the Ground-Rules (open claim and theft of five bicycles by SPLA soldiers) was reported to the higher authorities to be solved and even that case was later solved with a mutual agreement.

[5] In reality many individually acting INGOs were able 'to hide behind the back' of 'leading agencies' as GLRA and MHD did. Their continuing work in South Sudan was based on NSCC signing the MOU. In such a way one could avoid ideological incompatibilities with individual INGO manifestos

train 'bare-foot lawyers') approach weakened the establishment of formal juridical institutions, especially in the areas liberated since long like Western Equatoria. The capacity-building projects of OLS following the 'Ground-Rules Agreement' in 1995 have created an 'institutional memory' of OLS and go beyond any political manifestation experienced in other complex emergencies such as Somalia or Ethiopia. What is unique about South Sudan is that the same situation persists for such a long time. The politicisation of OLS was a natural consequence. (Alex de Waal, Director of Justice Africa, 09.07.2001)

STAR (introduced in 1998) is a USAID-sponsored programme, which supports grass-root rehabilitation efforts for good governance and capacity-building and links "donor foreign policy objectives with those of development and humanitarian aid" (Bradbury et al. 2000, 22).

The 'desperate' attempts of the SPLM-SRRA to influence and benefit from INGOs' activities by the introduction of quasi-laws (MOU) should be evaluated concerning the extent that the SPLM-SRRA could improve their political-administrative commitment to value support for civil rather than military strategies.

> OXFAM and other NGOs don't have a hidden political agenda, maybe an un-stated one. There is nothing like an un-political activity in a complex emergency. It can go as far as the NPA, which is openly funding the position of the SPLM/A. OXFAM, does not directly support the SPLA but undoubtedly relief assets go into their command. But for us and many others the sheer material dimensions are just too small to consider a political impact being decisive. Only in very particular situations might it be. How Alex de Waal could let Paul Kagame write the introduction to his recent publication 'The Phoenix State' was a big political mistake. We would never allow Garang or El-Bashir to write an introduction to an OXFAM publication. (Nicholas Stockton, Deputy Director of OXFAM, 04.07.2001)

INGOs operating outside of OLS are being used by Western governments to circumvent existing agreements, which could not be breached if channelling funds through UNICEF/OLS. US support directly meant for the SPLM/A was handled in that indirect 'diplomatic' manner (Bradbury et al. 2000, 52f). It is important that one of the key supporters of the SRRA and the civil administration in South Sudan, the NPA (which is not part of the OLS-umbrella and the NCA which is a member of OLS) was receiving funds to be used for a purpose which was beyond diplomatic discretion and rationality.

> NGOs underestimate their real political power. They are not prepared to acknowledge reality – for

good reasons. NGOs have to be 'merciful', that is their role. (John Ryle, Regional Specialist, 09.07.2001)

In the present situation INGOs play an ambivalent role. They are actually helping to implement a policy of self-determination. The colonialists who left the political question unsolved half a century ago have turned into international donors who are enabling their organs to become quasi-'agents of vicarious liability'. Future political perspectives about the disintegration of Northern and Southern Sudan which, for whatever reasons, could not be realised shortly before independence or were sabotaged by post-colonial Khartoum governments have been finally achieved. INGOs in their capacity as instruments and transfer organs of civil society are contributing to a manifestation of political capabilities and expertise, which can only be reversed by a loss of control over South Sudan. Whether OLS and INGOs like it or not, by having quasi-recognised the SPLM/A and SRRA as equal partners (besides the GOS when signing the Ground-Rules) OLS and the INGOs working under their umbrella extended their work field of relief assistance. Humanitarian assistance went beyond orthodox transfer of food, clothing, and medicine.

INGOs as peace-makers or war-mongers? Creating normality in an abnormal situation

> NGOs are clearly contributing to prolonging the war in South Sudan. Without their involvement in the humanitarian context the conflict would look different today due to limited supplies and international recognition of the different warring parties. This has been openly acknowledged for instance in the 'OXFAM Poverty Report' of 1995. (Tim Allen, London School of Economics, 29.06.2001)

> NGOs are running welfare programmes such as health and education, they are paying salaries to teachers (NCA) and medical personnel, which should have been state obligations. There is no doubt about the civil-administrative dominant role of many NGOs in the area. In many LDCs they build parallel structures (MSF-run hospitals in the West-Nile region in Uganda) but in South Sudan nothing was in place to be run parallel. The SPLM-SRRA contrary to their political desire have no technical capacity and expertise to compete with the NGO-machinery. (Nicholas Stockton, Deputy Director OXFAM, 04.07.2001)

Stockton's arguments are supported by my own experiences from Yambio (the administrative centre of Western Equatoria). In the year 2000 the Catholic church and their Dutch counterpart

BILANCE threatened to withhold any additional funds if the SRRA-run hospital was not taken over by the Catholic Diocese of Tambura-Yambio. After years of negotiations the SRRA agreed. This example from a SRRA-run medical institution could be projected to other sectors of public service provision. SRRA-run schools such as the Yambio Secondary School, were operating because of the material and personnel impact the 'Christian Brothers' (an Ireland-based missionary society focused on education) were providing. Non-INGO supported medical and educational institutions were operating in reality only on paper, if there were any at all.

By claiming the entire humanitarian and development agenda for themselves, INGOs created a dangerous cognitive and interest vacuum for administrative institutions if they were not able or willing to share material assets, developmental responsibility, and project authority. Ownership of developmental processes should be based on homogeneity rather than exclusivity. This was one of the major mistakes of NCA during their involvement in Eastern Equatoria until 1987. "[I]n future development assistance programmes in the Southern Sudan more emphasis should be given to institution building, including support to local state institutions" (Tvedt 1998, 206).

Today the two largest Norwegian development bodies, NCA and NPA, have learned their lessons (cf. Stockton interview) and the Scandinavians belong to a small group of INGOs who openly support the re-building of a public administration in South Sudan. For example, Bradbury et al. (2000, 5) advocate "[using] aid in the search for political solutions" [and to] "incorporate humanitarian assistance into broader political approaches to build peace".

The first attempts to create civil administrative structures in the SPLA-territories were started ten years ago with the Torit- and consolidated in 1994 with the Chukkudum-Declaration. The results were that the administrative structure in the SPLA-territories is now dominated by a Zonal commander who is the (SPLA High Command appointed) head of the civilian and military organisation in a region such as Equatoria or Bahr-el-Ghazal. The next layer of authority lies within the county, which is headed by a commissioner whose tasks are more of an administrative and civil nature (control of commerce and tax collecting, control of INGO-activities). The commissioner and his/her staff are in charge of the day to day cooperation of the INGOs concerning logistics and transport. The Zonal Commander and his/her team are the ultimate authority when it comes to initial access, work permits, and new INGO-projects in the area. Not unlike the 'indirect rule' during the colonial era and the administrative concept of 'native administration', the SPLM/A adopted this concept by supervising the executive powers of traditional chiefs and courts in case of civil trouble and juridical appeal (Johnson 1998, 68ff). To sum up, the administrative structure is not democratically based, but rather reflects a militaristic top-down approach. In fact, the only democratically based political-administrative institutions are the chiefdoms. In the majority of cases the succession to traditional offices is a result of electoral processes rather than appointments. However the SPLA does not allow candidates to protest against hostilities or members in opposition to the SPLA: "In the absence of government, UNICEF and other agencies were undertaking roles that would normally be the responsibility of civil and political institutions (Bradbury et al. 2000, 30).

In the political situation of South Sudan any civil initiative either as an institution, a SINGO, or as an informal gathering of concerned citizens can easily be mistaken and undervalued as being 'externally dependent' or 'egoistically motivated' to gain immediate access to relief funds. The presence and regulating practice of INGOs and OLS in South Sudan should not lead to a ubiquitous condemnation of local civil activities even if they would appear differently without the presence of INGOs. The emergence of SINGOs is indeed part of the normalisation and peace-building process. In this context it is irrelevant whether they were initiated by INGOs or not. The capacity-building process will empower people to form SINGOs without the 'push from outside', thereby paving the way to the future.

On 03.03.2001 the Nairobi correspondent from the influential German *Süddeutsche Zeitung* reported that UNICEF had built a headquarters for the SPLM/A in Rumbek (Bahr-el-Ghazal). It is surprising how international agencies such as UNICEF have today taken sides in the potpourri of 'good and bad' in South Sudan. It is doubtful, however, whether UNICEF would agree to pay for the building of any GOS building in Khartoum.

South Sudan would look different today without the war. There is a negative tendency, for instance, by African Rights to identify new

institutions and SINGOs only in the light of INGO-activities and not as agencies in their own right with different strategies to that of mainstream INGO humanitarian and development plans. In the particular case of South Sudan the public voice can be articulated as two-fold: By contributing self-help, community labour activities, and active engagement, and by choosing INGOs which best serve their interests. This indirect civic power can lead agencies to change their original agenda and accommodate activities in line with local wishes in order to maintain and continue their presence in the field. My own experiences with VHCs over six years in Western Equatoria and Bahr-el-Ghazal have shown that the longer they exist the more self-aware and reality-oriented are their approaches and demands towards INGOs. African Rights (1995c, 39ff) per se negative attitude towards SINGOs in the mid-1990s, must then be reassessed and evaluated anew.

Is the emergency over? For large areas such as Western and Eastern Equatoria and southern parts of Bahr-el-Ghazal this is the case insofar as the situation is not fundamentally different from other unstable regions in Africa such as Northern Uganda and Eastern Congo. Despite the fact that the population is still vulnerable and a peace-treaty is not yet in place, the situation on the ground would permit sustainable developmental efforts and the building of civil institutions. If the same standards of development programme introduction were to be applied to other unstable regions in Africa then all aid should be called relief and rehabilitation.

Shaping a ramshackle state: Ground-Rules as INGO-legislation and the Memorandum of Understanding as proxy for laws

With the signature of the Chairperson of the SPLM/A, John Garang, and the highest representatives of OLS, the Ground-Rules became a 'constitution' between two partners and their affiliates (SRRA for SPLM and INGOs for OLS) which officially and formally recognised their reciprocal rights and duties. Until today these basic principles have not changed apart from annexes mentioned in the MOU. They became an informal substitute for international respect and order in a stateless situation. Moreover "... the Ground-Rules became an educational document for building civil society in South Sudan" (African Rights 1995c, 21).

The Ground-Rules created the framework through which OLS and INGOs were able to start their massive capacity-building activities (ICBP). During this period USAID began to implement the STAR-programme. Both training and educational programmes laid the base for the mushrooming foundations of indigenous institutions. "The military objectives of the SPLM/A, and its failure to support the emergence of a civil society in its early years ... underpin problems encountered later by capacity building initiatives of OLS" (Bradbury et al. 2000, 16).

With the introduction of the Ground-Rules, the humanitarian community lost its political innocence and changed sides. The GOS was no longer officially the dominant political executor in South Sudan apart from militaristic interventions and strategical changes. The Ground-Rules created a political condominium with SPLM/A-SRRA and the INGO-community, and " ... helped shape the internal changes in the SPLM/A" (Bradbury et al. 2000, 16).

Especially during the initial phase of state formation in South Sudan it was important that state-like institutions such as SPLM/A-SRRA were trying to establish target-oriented and not only revenue-oriented relationships. The negative attitude from INGOs towards state cooperation was often the result of short-sighted ignorance and un-reflected prejudice than proven negative experience.[6] Often state organs and capable individuals were not being given the chance and the opportunity for cooperation. This was fertile ground for creating small but exhausting 'internal battles' about questions on who was 'in charge' regarding service provision and regulation. Popular INGOs have captured the 'communal memory' as personifying best practice for public service provision. State efforts have been constantly tarnished as an 'obstacle to development'. This judgement led to an 'attitude of bitterness' towards state bureaucracy and a general 'free-ticket of approval' towards INGO-activities which they, in many cases, did not deserve, at least not without reflection. Macrae et al. (1997, 226), for example argues for the case of South Sudan that: "relief aid does not imply international recognition, nor legitimation of the government or other authorities controlling territory".

The particular situation of a 'permanent emergency' which is prevalent in South Sudan demanded a different approach because 'NGO-

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[6] This is not only the case for South Sudan but for nearly all regions and countries where you can find massive INGO-involvement such as in Mozambique (Hanlon 1991, 248ff).

relief' became so 'normal' that strategies which were typically applied to manage relief and emergency situations could in many areas no longer be identified.[7] The MOU was a logical result of this situation.

Tvedt (1994, 100) refers to the administrative standard NCA had established after 1972 in Eastern Equatoria as being "not only a counterweight to the state, but an alternative". He further argues that as the colonial 'indirect rule' had left its legacy in the political set-up of the administrative structure, in addition:

> the NCA programme and its operation will have a legacy for future state building. NCA and the other NGOs were not important enough to bar the development of a universalistic bureaucratic rule over the region, but by establishing its own localised bureaucracy with stronger infrastructural powers than the regular state in important sectors of the society, they represented one of many centrifugal powers.

By introducing the MOU, the SRRA wanted to make sure that the mistakes of self-determination between 1972 and 1983 were to be avoided. Lack of managerial knowledge on the part of the regional administration mixed with disrespect and unwillingness on the part of the INGOs to cooperate with local authorities led to the failure of Southern Sudan and its first era of self-determination.

> Some of the government representatives also irritated the action-oriented agencies; they demonstrated a combination of 'officialdom' and lack of knowledge about what was going on in the rural communities. There were NGOs which did not bother about whether they were registered by the host government. Some of them did not want to discuss their projects with the regional and local authorities ... . (ibid., 92).

Political recognition and the creation of an institutional framework through an organisational set-up had a higher value than uncoordinated aid. This managerial procedure had two major consequences for the SRRA: firstly, to create a systematic and calculable base for development initiatives, and secondly, to regain political dominance and administrative exclusivity. Whether these measures were effective and efficient is not part of this study.

Normally, MOUs are introduced between legitimate state organs and organisations which want to carry out operations in their territory on their behalf. The movements in South Sudan are not the legitimate representatives of a state but they behave in such a way due to the normative power of the fact that they are in control of the territory and the exclusiveness of using structural and direct violent measures.

Since the Memorandum of Understanding was signed our work in South Sudan was not significantly effected compared to the situation before but you can say that the SPLM-SRRA is reacting considerably self-awarely towards NGOs. They try increasingly to identify new opportunities to enrich themselves by milking the NGOs as they have done already successfully with UN/OLS. The entire NGO-community is dragged into enhancing conflicts and compromises which have nothing in common with the original mandate. It's getting tight for us too. Their most recent trick: All NGOs have to employ a special radio operator, salary $150, otherwise the radio equipment will be confiscated. The radio operator is of course from the SPLA. (Adolph Diefenhardt, Representative of MHD for South Sudan, 10.07.2001, e-mail communication)

Rather than being part of fundamental developmental competence and organisational capacity, the introduction of the MOU was more of a political symbolism: internally the MOU symbolised for the SRRA political executive power and decision-making capacity. Externally the INGOs made clear that by signing the MOU the GOS was no longer the competent partner and legitimised to speak or deal with, regarding developmental and humanitarian affairs of South Sudan.

Civil society – The role of the churches, SINGOs, and new institutions

Before OLS started its operation in 1989 with the coordination of INGOs, but especially after the introduction of the Ground-Rules in 1995, no considerable institutionalisation process was in place. The SPLA, and most importantly its civil wing, the SPLM, was unable to impose a civil culture within the territory (African Rights 1995c, 33).

The political independence of OLS/INGOs was clearly overlooked when the Ground-Rules opened up the strand of capacity-building for cadres of SPLM/A and SRRA as part of humanitarian activity (Bradbury et al. 2000, 50f). The

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[7] Just two examples: up to the year 2000 WFP was flying edible oil to Western Equatoria despite the area's fertility (three harvests per year and their 'drowning' in Vitamin A rich palm-nut oil). Up to 1999 WFP was still air-dropping maize into areas of Bahr-el-Ghazal which were affected by the 1998 famine. The maize was widely used for beer-brewing because the local stores were bursting.

intention of avoiding setting up parallel relief structures ultimately led to the creation of independent 'political' structures, as in the widespread appearance of SINGOs. The parallel introduction of Ground-Rules and the formation of SINGOs is obvious. The 'institutional boom' of the 1990s set the pre-condition for the lively civil activities visible today, not the civil agenda of the SPLM or the SRRA.

African Rights (1995c, 23ff) identifies four types of major institutional committees in South Sudan: Joint Relief and Rehabilitation Committees (JRRCs), Community-Based Relief Committees (CBRCs), Inter-Church Committees (ICCs), and Village Health Committees (VHCs). African Rights (1995c, 221f), however, doubts whether these local institutions can be interpreted as authentic and sustainable evolutions of civil institutions because they were externally imposed and serve only their own interest as well as the ones of local humanitarian entrepreneurs. Civil activities and developmental achievements during the last five years, however, have proven that for an effective outcome and developmental output it is not significant where the SINGOs originated from but rather that they are able to move forward in terms of extending the range of integration into the emerging civil society in South Sudan. My own experiences with SINGOs and emerging community-based institutions in South Sudan over six years were overall constructive and progressive despite the immense frustrations, set-backs, and disappointments.

Today the political impact of INGOs, civil institutions, and SINGOs in areas such as Western Equatoria where you can find the highest density of local institutions, is dramatic and ubiquitous. African Rights (1995c, 31) computes 8,611 members for a single cooperative in Maridi County, Western Equatoria. During the implementation phase of the rehabilitation a Health Centre in Nzara (Western Equatoria, Yambio County) in 1997 we had 12 meetings in 10 days with individual INGOs (WV, UNICEF etc.), SINGOs (VHCs, catholic parish, etc.), and SPLM-SRRA. All meetings proved to be highly relevant and opened the way for a participatory and transparent plan of action. During a similar developmental initiative of GLRA in Agangrial (Bahr-el-Ghazal) the programme was similarly organised and equally intensive.

The political implication of OLS/INGO-activities are well ahead of formal political recognition. That New Sudan is moving into a civil future by creating 'civil institutional facts' can be as important as gaining territory through military means. Evidence of this tendency was reflected through the recent workshop on capacity-building where the key actors in supporting and creating civil society hammered out a future strategy. Among them were NSCC and BYDA (SINGOs) as well as OXFAM (UK), SRRA, and UNICEF-OLS (Capacity-Building Working Group for Southern Sudan 2001, 9). Politicisation of OLS and INGOs (de Waal interview) equated politicisation as political power for change in South Sudan. By means of capacity-building, continued support for local institutions, and the initial fostering of attention, INGOs were enabled to introduce their political strategies and instrumentalise capable personnel within the SPLM-SRRA for their own political agenda.

"[M]ore than 50 SINGOs that sprung up in Nairobi between 1993 and 1997 were formed and headed by former SPLM/A officers" (South Sudan Post, Sept. 2000, 3). Regarded as the "proto-SINGO" (African Rights 1995c, 46), NSCC is clearly on the side of SPLM-SRRA. The Chairperson of the SPLM/A, John Garang, once called NSCC the "spiritual wing of the Movement" (African Rights 1995b, 29) compared to the SPLM as its 'civil wing'. One of the civil results of this large and most influential Christian organisation is the formation of SINGOs with a Christian backing. One of the most prominent SINGOs with its roots in the SPLM/A-SRRA, the Christian Church, and Dinka intellectuals is BYDA (founded in 1998) by the former SPLA top brass and Garang's chief of staff (Willis 2001, 5-7). BYDA is concentrating on educational and agricultural development. With serious commitment and an intelligent, open, and participatory approach BYDA gained respect from the international donor community, especially with its role in the revival of Rumbek Secondary School (ibid., 7). Today BYDA is the most influential SINGO and has been approached by a number of INGOs to carry out projects on their behalf (www.reliefweb.int, 21.06.2001, Appeal from a consortium of Christian INGOs for relief work in Bahr-el-Ghazal for more than $1 million).

To sum up, the civil influence of INGOs in South Sudan, especially with the tools of ICBP, had a strong politicising effect on social conscience and maturity of the mushrooming SINGOs.

Discussion

In permanent emergencies the social fabric is affected in such a way that indigenous political implementation is impossible. The establishment of imposed political structures by INGOs can have three main effects. Firstly it is weakening existing institutional capacities and is creating new long term dependencies. Secondly, rare material and cognitive resources from local regional power groups (SPLM-SRRA) are absorbed into activities counterproductive to the support of civil society (fungibility problem). And thirdly, they are sensible to political turbulences and therefore not sustainable.

The fatal mistake of alienation between the regional/local government and INGOs during the first period of self-determination 1972–1983 can only be avoided in the future if both sides occupy separate niches of useful and beneficial activities. For instance, social welfare initiatives, projects, and programmes should not be left entirely to INGOs (because they have the material backbone). Political voice should be part of SINGOs. Binding regional and local development plans (for education, health, and social welfare) as benchmarks of joint task forces can lead to streamlined, rational socio-political objectives with material and service inputs by both the SPLM-SRRA and the INGOs.

"The conflict in Bosnia, as in Somalia and Eritrea earlier, has again presented traditional humanitarian NGOs with a moral dilemma: speaking out means taking sides" (Tvedt 1998, 220). There is no INGO working in South Sudan that is, in some way or another, not preparing the ground towards South Sudan's self-determination. The longer INGOs stay and work in a specific area the more they turn their vested interests into political observation which leads to active support, participation, and decision making. In South Sudan the world opinion against fundamentalist Islamism is congruent with the secession process and self-determination. The British pre-independence government in Khartoum missed out on a lasting political solution half a century ago and left this 'open political wound' behind. For INGOs being effectively political is 'easy' as in the case of South Sudan. In Ethiopia during the Derg-regime where the predominant political rule was against the mainstream world opinion it was comparatively difficult to politically oppose regime decisions.

One way to achieve sustainable social change in South Sudan today is to create synergetic social capital through binding cooperation between the different social and political decision-makers. By doing so the political legitimacy and the economic accountability of the public administration and the INGO-infrastructure will be easier to achieve. Frustrating statements about the future of INGO-involvement like the one of Elizabeth Ogwaro could be avoided.

The main problem in South Sudan is the ideological indifference of all the stake-holders concerned. The SPLM-SRRA cannot accept the political domination of INGOs in nearly all fields except for military defence. The INGOs cannot openly declare that this is the case (cf. Stockton interview). All parties, and most importantly the suffering population, would benefit if there were a mutual agreement to work out a visionary plan of action to overcome the 'at loggerheads' situation between INGOs and the SPLM-SRRA at present.

INGOs are helping to prepare South Sudan for self-rule which was actually on the political agenda before the British left Sudan. Despite facing the danger of being regarded as cynical, the permanent emergency (de Waal interview) created a situation which more easily facilitated an implementation of self-determination than any other historical period where the future of the Sudan was at a point of change (1956 Independence, 1972 Addis-Ababa-Agreement, 1983 start of SPLA war, 1991 strongest SPLA position). The INGOs are therefore fulfilling a socio-political role that the SPLM-SRRA cannot at present play, due to the obvious imbalance of material and cognitive resources. The externally obvious rivalry between INGOs and SPLM-SRRA is internally compensated with the notion that in the case of self-determination the sustainable future of New Sudan can only be guaranteed if international agencies maintain and even reinforce their involvement in order to avoid the mistakes of the 'test period of self-determination', 1972–1983, which failed. Tvedt (1994, 91) notes that the role of INGOs during that period was destructive: "In the Southern Sudan, the NGOs contributed unintentionally to the erosion of the authority of the very weak state. ... They themselves became local substitutes for state administration".

There will never be 'true love' between INGOs and state or war administrations. But for the benefit and sustainable welfare of the people both parties should not keep on repeating the

mistakes of their predecessors. A base for understanding could be the persuasion of both sides that a 'politicisation' of the INGO-involvement is not only necessary but inevitable. The SPLM-SRRA should realise that 'power-sharing' with INGOs does not necessarily entail a loss of political authority, but rather an enhancement of political legitimacy. As INGO-activities are widely applauded and positively valued by the public concerning the quality of service delivery and provision, a tolerant super-vision might contribute to a democratic acknowledgement of this grass-root opinion. De Waal's vision of a "rebel-humanitarian coalition" (African Rights 1997, 344ff) could therefore lead to an improvement of the humanitarian as well as the political preparation for self-determi-nation.

The political institution-building process in South Sudan is perhaps more developed or advanced than many development experts might guess. It might have even passed the orthodox SPLA-position.This is a dangerous development as South Sudan is still being regarded as a war-zone. Embryonic institutional processes could quickly be either exploited or destroyed due to the absence of a binding legal framework. The various institution-building processes can be a result of a dynamic and lively civil society. In the case of South Sudan it is a survival response to a basic political order which is lacking.

I do not subscribe to African Rights' opinion that local institutions, due to their emergence through and support by INGOs, are bound to fail or are not sustainable at all. Founded for humanitarian and developmental reasons, streamlining and organising relief could ignite new initiatives. Many now influential and pow-erful organisations were founded in comparable environments (TASO in Uganda, OXFAM in Great Britain). That institutions fail can be evaluated as an unavoidable learning process, especially in the difficult societal terrain of South Sudan. The future of SINGOs does not merely depend on the existence of INGOs only but also on the peaceful development of South Sudan. African Rights' 'pathological' phobia about negative INGO-impact on indigenous institu-tions is 'western-centric', misleading, and undemocratic. Examples from other unstable regions such as Northern Uganda have proven that in a situation where INGOs had to leave a field of operation, indigenous institutions and NGOs did not automatically collapse.

> The humanitarian international must recognise at the outset that humanitarian assistance cannot build authentic civil institutions in South Sudan. ... A civil institution springs from a social contract between political authorities and the people. External organisations simply cannot be party to such a social contract: their relationship with the people is fundamentally different. (African Rights 1995c, 51)

African Rights should realise that the institution building and SINGO-emergence, which have taken place in South Sudan since 1993, were not a result of "humanitarian assistance" only, but rather a dynamic civil adaptation of a real and existing normalisation process 'under-cover'. Due to the embryonic state of the civil-political administration and virtually non-existing democratic processes the new institutions made their 'contracts' not with the aforementioned "political authorities" but with the INGOs. While African Rights knows much about the conditions which lead indigenous institutions to die, they know little about how these institutions adapt to changing conditions in an extremely hostile and disadvantaged environment.

So, who is ruling in South Sudan? Prominent actors are many on the political stage but their repertoire is different. There are artists, actors, and subordinate parts. The GOS with no active direct participation in the rebel-held territories is still playing the role as 'big man' in the back-ground with the power to cancel any agreements made with OLS. This can only happen by sacri-ficing the recently regained international credi-bility and is unlikely. The SPLM/A-SRRA? Their present role reflects that of a permanently offended playwright who is irritated that his/her play is not being performed due to the permanent interventions of the consortium of directors (INGOs) which pays for the whole show. The main actors presently and for the future, if peace prevails, will be SINGOs and local institutions both of which will remain responsible for the establishment and mainte-nance of civil society, having in mind that the one who blows the horn sets the tune – but the 'melody of development' can be differently interpreted.

The SPLM/A-SRRA has not realised up to the present day (Baak and Ogwaro interview) that despite the lack of a peace-treaty, political-economic development, and political consoli-dation as second best options are nevertheless viable and existing processes of civil organisa-tion.

Summary

The often emphasised paradigm of 'African state failure' in creating the legitimate, fertile ground for INGO-domination does not exist in South Sudan. INGOs have the unique opportunity to help create their understanding of civil organisation by providing training and capacity-building facilities to future administrators. The SPLA has won the war against the GOS, but lost against the 'armies of INGOs' which occupied their territory in the name of humanitarianism. The Ground-Rules of 1995 developed into an INGO-constitution while the MOU of 2000 can be interpreted as a hasty and hot-tempered legislation attempt by the SPLM/A-SRRA in order not to lose face in the battle for the political leitmotiv.

The artificial maintenance of a relief atmosphere and emergency environment allowed INGOs to continue their informal assistance without allowing direct interference from local authorities. Informal assistance meant support for SINGOs. Two socio-economic conditions led this path dependency. Firstly, the absence of a formal peace-treaty ('permanent emergencies') and the 'pathological' weakness and inefficiency of officially introduced relief institutions (such as SRRA). This 'in vitro creation' of replacements for local organ's responsibility was accompanied by the paradoxical phenomenon that the population, living 'officially' in a war and emergency situation created a multitude of local organisations with the assistance and unofficial leadership of SINGOs which is actually a social result of a peaceful political environment.

The MOU was not only 'too little too late' but also wrongly directed and based on a misleading needs assessment. Instead of being the basis for regionally adapted and comprehensive developmental strategies (with the civil arm of the rebels being the steering agent), it showed only regulatory competence which suited the command structure of an institution with a military background. The MOU was a counterweight for the prevailing unregulated activities playing and testing the field of South Sudan, which proved to be ineffective in that it did not have any considerable impact on the work of INGOs.

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Resource persons and interview dates

David Keen (London School of Economics)	May/June 2001
Elizabeth Ogwaro (Chairperson SPLM/SRRA, UK-Midlands)	13.05.2001
Stephen Baak (Chairperson SPLM-SRRA, UK)	22.05.2001
Tim Allen (London School of Economics)	29.06.2001
Justin Willis (University of Durham)	02.07.2001
Douglas Johnson (James Currey Publishers)	04.07.2001
Nicholas Stockton (Deputy Director OXFAM)	04.07.2001
Alex de Waal (Director of 'Justice Africa')	09.07.2001
John Ryle (Regional Specialist)	09.07.2001