

Humanitarian dilemmas in Darfur

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With 13,000 humanitarian workers and a hundred relief agencies, Darfur hosts the largest humanitarian operation in the world. The aid apparatus started its full deployment in mid-2004 in a context of acutely high mortality among internally displaced persons (IDPs) gathered in camps and civilians remaining in rural areas. Since that time – thanks to the relief effort and a decrease in violence – the overall health situation has improved, though it remains extremely fragile. While people are no longer dying *en masse* in Darfur, there are still pockets of excess mortality, and humanitarian organizations are facing new problems, due as much to the transformation in the political/military environment as to dysfunctionality in the aid system.

The war

FOUR WARS AND SOME GANGSTERS

The dynamics of the violence in Darfur have become much more complex over the past two years¹. Today, the conflict between the central government and the rebel movements (which took to arms four years ago to protest against the political and economic marginalization of their region) is tightly intertwined with at least three other wars. The first, between the governments of Chad and Sudan, is being fought by air and rebel proxies². The second pits the rebel factions that have emerged from the fragmentation of opposition forces along community, political, or personal lines—a fragmentation skillfully fueled by the government, with whom certain factions have made alliances³. And the third is between the various paramilitary militias recruited from among the nomadic tribes to carry out the 2003-2004 campaign of destruction. Showing increasing autonomy from the government, these militias (called the *Jenjaweed* by their victims) engage in bloody battles for, among other things, control of the territories seized from the farming populations now gathered in IDP camps. More generally, there is a profound lack of trust developing between the government and the militias. Some have joined the rebel movement or formed their own military and political organizations. Others are now operating as mercenary groups, selling their services to the highest bidder.

The fragmentation of the opposition movement and the militias has been accompanied by an exponential increase in banditry. Humanitarian organizations lost more

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¹ On the Darfur conflict history, cf. Julie Flint & Alex de Waal, *Darfur, A New History of a Long War*, London, New York, Zed Books, 2008.

² Cf. Roland Marchal, « Darfur/Chad : How Two Crisis Merges », *Review of African Political Economy*, 2006, No.109:467-482, and Jérôme Tubiana, *The Chad-Sudan Proxy War and the 'Darfurization' of Chad: Myths and Reality*, Small Arms Survey HSBA Working Paper 12, Geneva, 2008.

³ Cf. Jérôme Tubiana, « Darfour : Les rebelles, combien de divisions ? », *Alternatives internationales*, n° 35, juin 2007 and Julie Flint, « Darfur's Armed Movements », in Alex de Waal (ed.), *The War in Darfur and the Search for Peace*, Harvard University Press, 2007, pp. 140-172.

than 150 vehicles in armed robberies in 2007 (from January through March, 2008, the WFP had 56 trucks stolen). Nor has the Sudanese government been spared. The Ministries of Health and Agriculture, even local and regional political authorities, have all lost vehicles since 2007. With the resulting drop in road travel, robberies have multiplied within the towns and cities. This organized criminality is practiced by all parties to the conflict, and by well-organized criminal gangs who recruit across clan, political, and national lines. Under the protection of the region's governments and armed groups, these gangs feed the black markets in northern Darfur, Chad, and Libya, where the Chadian and Sudanese rebel forces, in particular, get their supplies.

The interplay of four wars and organized crime has created an extremely confused and volatile situation. Ultimately, the government really only has authority in the towns. The countryside is in the hands of the rebel groups and tribal militias, with whom even regular army units must negotiate passage. The territorial hold of these armed groups fluctuates. Vast expanses are not, in fact, under anyone's control.

FEWER VIOLENT DEATHS, YET MORE AND MORE DISPLACED

Quite unexpectedly, the overall number of violent deaths seems to be declining. The United Nations Department of Safety and Security recorded fewer than 3,000 violent deaths (civilian and military) in 2007, compared with 4,470 in 2006⁴. According to UNDSS data, the majority of victims were combatants killed in clashes between militias or between rebel and government forces. However, civilians are still being targeted for collective reprisals that, while less systematic and more localized than in the beginning of the conflict, are still as violent (rape, pillage, and murder), as illustrated by the governmental counter-offensive launched along the Chadian border in February 2008⁵.

On the other hand, the number of displaced persons continues to grow. Between January 2007 and June 2008, OCHA recorded nearly 500,000 new arrivals in the camps, whose total population is now 2.7 million (or 900,000 more than in 2005). These population movements are not just the result of the government's strategy of countering the rebellion by crushing its social base. They are also prompted by local territorial conflicts among the people of Darfur⁶.

In this climate of general insecurity, military control of territory is more vital than ever to Darfur's tribes, including the nomads. For the latter, it's practically the only way they can protect themselves from other armed groups (nomads, rebels, and bandits), get access to farmland, pastureland, and water points, obtain basic services (education and healthcare) from the government or aid system, or even gain political representation at the local or regional level.

⁴ UNDSS Security Briefing, Nyala, February 2008. These figures count civilian and military victims, both Sudanese and foreign (African Union forces and humanitarian workers). The total number of violent deaths is probably higher, given the reluctance of armed groups to acknowledge their losses, and the small number of independent observers in rural areas.

⁵ Cf. Human Rights Watch, « *They shot at us as we fled* », *Government attacks on civilians in West Darfur*, HRW Report, May 2008.

⁶ Cf. Jérôme Tubiana, « Darfur : A War for Land ? », in Alex de Waal (ed.), *The War in Darfur...*, *op. cit.*, pp. 68-91, and Sharif Harir, « "Arab belt" versus "African belt". Ethno-political conflict in Dar Fur and the regional cultural factors », in S. Harir et T. Tvedt (eds), *Short-Cut to Decay : The Case of the Sudan*, Uppsala, Nordiska Afrikainstitutet, 1994, p. 144-185.

In this race to establish a political/military sanctuary, not all clans are on equal footing. The government has not given all nomads the same military and political support. The large pastoralist tribes of South Darfur enjoy an ancient territorial claim, legitimized by land titles dating back to the pre-colonial Fur Sultanate (XVII century – 1916) – though this doesn't prevent violent border conflicts. Other tribes were allotted administrative units in the 1990s. Many clans (especially among the camel herders of North Darfur and the small cattle-herding clans of West and South Darfur) have neither. They “colonize” lands emptied of their populations during the 2003-2004 massacres.

Rural areas thus tend to be divided into a mosaic of “micro-states” defended by tribal militias. Punctuated by bloody clashes⁷, this chaotic process generates large population movements: the expulsion of members of enemy or undesirable clans on one hand, the taking in of relatives from regions where they are in the minority and vulnerable, on the other. Among the expelled are, sometimes, nomads without enough political or military resources to create their own sanctuary. Having lost everything in the raids, other “cleansed” nomadic families are incapable of meeting their own needs, even “at home.” Both come to swell the ranks of the IDP camps.

For all that, the sanctuaries are not “monoethnic.” Families belonging to other tribes can live there, as long as they submit to the dominant authority. Nomads need, in particular, a certain number of geographically stable and agricultural populations to run the markets and cultivate the fields. The relationship between nomads and farmers are extremely variable, ranging from peaceful coexistence to serfdom. Living conditions are particularly harsh in the areas being fought over by several militias, and completely abandoned by the central government⁸.

The camps

POLITICAL CONTROL IN THE CAMPS

The camps are generally organized into sectors housing people from the same villages or regions. Decimated by the war or discredited for their collaboration with the government, traditional leaders (*sbeikhs* or *umdas*) have been replaced by leaders close to the rebels. Their law is enforced by patrols by youth placed under their authority. Indeed, the

⁷ Heavily equipped for counterinsurgency purposes (with machine gun-mounted vehicles, rocket launchers, and automatic weapons), the nomad militias clash in brief but extremely deadly battles that can leave more than a hundred dead in just a few hours. Traditional conflict resolution mechanisms are overwhelmed by the scope of the confrontation, when not being sabotaged by the tactics of young militiamen challenging the elders' authority. Inter-tribal reconciliation conferences organized by the government, whom no one trusts, are described by participants as utterly ineffective and mere propaganda tools.

⁸ For example, life for the Fur people living in villages along the Wadi Toro between Zalingei and the Jebel Marra has become, since 2007, a living hell. With several nomad militias going over to the opposition, the government has had to evacuate its police stations, which were being attacked with regularity. At the same time, nomad militiamen originally from North Darfur began to gain a foothold in the area, at the expense of local nomad militias who had managed to maintain some semblance of stability there. The combination of these two phenomena has resulted in increased pressure on the villagers, who are regularly pillaged, raped, and murdered by militiamen/bandits making the most of the chaotic situation. The villagers try to flee to the Zalingei camps, but have to evade the militiamen bent on keeping them captive – for example, by forbidding the women from leaving the village with their children or from taking even a few pieces of luggage. Late of 2007, more than 6,000 villagers had nevertheless managed to escape, empty-handed, to take refuge in the Zalingei camps.

army, police and paramilitaries rarely venture into the camps. In Zalingei, the main alleys in the camps are traversed by trenches designed to slow any motorized incursion by government forces. The population is tightly controlled politically. In the majority Fur camps, children launch into songs glorifying the SLA leader (*Abdel Wahid kalam wahid!* – Abdul Wahid is a man of his word). Every one of the leader’s public statements is met by large demonstrations of support.

The large camps with IDPs of different origins and political affiliations are the most explosive. At Kalma, a camp of more than 100,000 located at the edge of Nyala, at least 15,000 Zaghawa and Masalit IDPs were expelled in October, 2007 by an organized militia of young Fur and Dajjo IDPs. This “cleansing” (which resulted in at least 27 dead) was triggered by conflicts over the control of the markets and food distributions.

In effect, the *sheikhs* have a great deal of influence over the registration of “beneficiaries” for food aid and essential non-food items (plastic sheeting, blankets, jerrycans, soap, etc.). NGOs sometimes resort to drastic measures to counter the *sheikhs*’ tactics, seeking to divert part of the assistance by inflating population figures. At Kalma in early 2007, the NGO implementing food distributions on behalf of the WFP made an appeal...to the army and the police. At ten o’clock in the morning the camp was surrounded by security forces, who blocked all the entrances and exits. The NGO then began its registration, section by section. IDPs who had left the camp early that morning to go work in the town or the bush were not counted. As for those held “prisoner” inside the camp, a significant portion fled the NGO employees, fearing that they were acting in collusion with the security forces to expel them. Ultimately, 80,000 people were registered. According to another NGO count, the camp’s population was actually closer to 130,000 IDPs (in other words, nearly 50,000 IDPs were left off the food distribution lists). Other organizations prefer to turn a blind eye to the diversions orchestrated by the *sheikhs*.

THE HUNT FOR “MIGRANTS” AND “PROFITEERS”

Within the aid system, uncertainty over the numbers is generating serious paranoia, and the new IDPs are the main victims. Obsessed by the fear of diversions and “perverse effects” (do no harm!), the humanitarian actors want to make sure that the people they’re helping are not “profiteers” or “economic migrants” (nearly synonymous terms). Thus, there are now draconian restrictions on the registration of new IDPs as beneficiaries. Since 2007, the WFP conditions any new inclusion upon a “verification process” conducted by the organization itself. This exercise is supposed to determine whether aid candidates already have a distribution card, and whether they are not, in fact, IDPs (fleeing the war), but rather “migrants” (fleeing poverty) – in which case they will be refused any food aid. There are a limited number of WFP verification teams, and so new IDPs must wait several months before their registration is confirmed, if it is. The WFP also tends to restrict the “IDP” category (and thus food aid) to those whose villages have been burned.

Obviously, the war in Darfur does not come down solely to the burning of villages (still happening but on a far less frequent basis than during the 2003-2004 terror campaign). Among the victims who continue to arrive the camps are peasants fleeing extortion, harassment, and killings, and nomads driven out by clashes between militias. In addition, unless one believes that there is no connection between poverty and war, it is impossible to distinguish between those displaced by war and those displaced by economic necessity. The conflict is having a major impact on agricultural production, livestock farming, and the

markets – not to mention the vagaries of the climate, which in 2007 hit the harvests very hard, amplifying the effects of the conflict. It is clear that, when combined with the general insecurity, these “economic” factors are also at the root of population displacements. But how – and why? – do we try to distinguish between fear from want in order to decide whether a displaced person needs help or not?

Besides the fear of being manipulated by the *sheikhs*, relief workers are increasingly worried by the uninterrupted growth of the camps. While the repatriation of IDPs seems a remote prospect and, in fact, the countryside is being emptied of its last farmers, the threats to aid operations pile up: on one hand, there’s the rising insecurity, and on the other, weariness on the part of donor institutions, who declare that they will not continue to pay 800 million dollars a year for Darfur forever⁹. Under these conditions, no one “wants” to see the camps grow, neither the humanitarians, the Sudanese government, or the donors.

Anxious to curb the growth of the camps, humanitarians are questioning their own responsibility and are drawing some hasty conclusions: ultimately, the continual influx of IDPs may be explained not so much by the war, as by the abundance of free social services made available to a population that has never had them. Thus the necessity to distinguish between “IDPs really affected by the conflict” and “migrants attracted by the aid,” the latter apparently people who, though still capable of providing for themselves, prefer (out of laziness?) to crowd the outskirts of towns in order to get free aid and become dependent on an aid system whose financial and logistical capacities are already tightly stretched.

To my mind, this analysis overestimates the role of humanitarian actors. While there is no way to categorically prove this, it seems to me that the “pull factor” fueled by the humanitarians constitutes an incentive secondary to the “push factor” that is forcing rural families to abandon their land, their way of life, and their autonomy to become urban exiles. In the end, it’s not the aid system that’s producing urbanization, but the war and insecurity accelerating the rural exodus. Aid workers are only accompanying the demographic explosion of the towns to reduce the human cost. They are not its cause.

Still, the fear of diversions and perverse effects is resulting in a hunt for “profiteers” and “economic migrants” whose primary effect is to deprive the highest risk people of aid. In Zalingei, only half of the families fleeing harassment by bandits/militiamen have been registered...nine months after their arrival at the beginning of 2007.

MORTALITY UNDER CONTROL AND ACUTE MALNUTRITION ON THE RISE?

While the political control of IDPs and the inflexibility of the aid system are depriving some victims of the aid intended for them, the health situation in the camps remains stable overall. If we are to believe the surveys done by the UN agencies and Sudanese government, the crude mortality and under-five mortality rates are far below the emergency thresholds and have been steadily decreasing for the past four years¹⁰. Although

⁹ The budget for operations run by UN agencies in 2007 was over 800 million dollars. This figure does not include aid mobilized by the ICRC or the NGOs operating with their own funds (e.g. MSF and Caritas).

¹⁰ According to surveys, between 2004 and 2007, the crude mortality rate among the “war affected population” of Darfur dropped from 0.72 to 0.29 deaths/10,000/day, and the under 5 mortality rate from 1.03 to 0.66 deaths/10,000/day. Cf. *2008 Food Security and Nutrition Assessment of the Conflict-Affected Population in Darfur* (a survey conducted by the WFP, UNICEF, HAC, MoH and MoA using 30 clusters of 25 families selected from each of Darfur’s states, among the IDPs and “conflict-affected residents”).

these figures should be interpreted with caution¹¹ (if only because they mask the existence of localized pockets of excess mortality), they are generally consistent with field data and observations.

Despite their shortcomings, the general distributions help keep the displaced population afloat. Families that are not registered get assistance from their friends and kin and from parallel authorities. Part of the aid diverted by the *sheikhs* is given to them. What's more, a whole range of "self-service" humanitarian services are available without registration (or payment): water, immunization, primary and secondary health care, nutrition supplements for pregnant or nursing women and moderately undernourished children, public latrines, trash collection, vector control, primary school or kindergarten, etc. Finally, detection of and early response to epidemics (e.g., cholera and meningitis) help prevent disasters.

However, several indicators highlight a trend toward deterioration of the nutritional situation. According to the UN and the Sudanese government¹², the prevalence of global acute malnutrition in the camps and "conflict-affected areas" rose from 12.9% in 2006 to 16.1% in 2007 (whereas it had dropped from 21.8% to 11.9% between 2004 and 2005). In 2007 and 2008, several localized nutrition surveys have shown prevalences surpassing the emergency threshold at about ten sites¹³. The number of admissions to Médecins sans frontières therapeutic feeding centers increased roughly 70% between 2006 and 2007.

The cause of seasonal and annual variations in the prevalence of acute malnutrition remains something of a mystery. Each year, the number of cases increases quite markedly between June and October, a period corresponding to the rainy season. The seasonal peak might be explained by the aid system's deficiencies and the subsequent dependence of IDPs on the markets (the rainy season is the hunger gap period, when there is also an increase in food prices); and by the increased prevalence of infectious diseases at this time (primarily diarrhea, respiratory infections and, to a lesser extent, malaria, which peaks after the rains, in October-December). As for the increase in malnutrition between 2006 and 2007, one of the most likely explanations is the deepening social inequalities inside the camps, and the emergence of a class of IDPs that is especially impoverished and under-served by the humanitarian system.

¹¹ Because these figures were co-produced by the GoS and the UN agencies, we might reasonably suspect the former of having favored a downward estimate. Indeed, the crude mortality rates for 2004 are astoundingly low relative to those recorded at MSF missions during the same period (see box).

¹² WFP/FAO/UNICEF and Sudan MoH/MoA/HAC, *EFSA 2008*.

¹³ Surprisingly, the increase in malnutrition rates does not seem accompanied by a systematic increase in under-five mortality rates is surprising. This dissociation can be seen not only at the Darfur level, but also at the level of certain sites where nutrition surveys have been done. While this is not the place for an epidemiological or clinical discussion of this dissociation, it is important to stress its existence. At most, we can hypothesize that the overall, Darfur-wide data are likely to mask localized pockets of malnutrition-related excess mortality, and that we should heed the hypothesis, advanced by Alex de Waal in 1989 (Alex De Waal, *Famine that Kills, Darfur, Sudan*, Oxford University Press, 1989 & 2005, revised edition), that safe drinking water, sanitation measures (e.g. latrines and waste management), measles vaccination campaigns, and curative health care services are capable of containing excess mortality in periods of nutritional crisis.

Polemics on the mortality of the conflict

There have been several contradictory estimates of the overall mortality from the conflict. The differences reflect the methodological difficulties inherent in assessing the number of deaths in a war zone, and the weight of politics in the production of mortality figures – which is almost always a matter of “guesswork with a cause,” to use the expression of one *New York Times* journalist¹⁴. The Sudanese government suggests a figure of 9,000 violent deaths between 2003 and 2006, while those who called for an international military intervention in Darfur cite at least 400,000 victims over the same period.

Most of the figures used in the public debate rely on only two sources: a quantitative sociology survey, done at the request of the US government by the Coalition for International Justice (CIJ), of 1,136 refugees in Chad between July and August 2004¹⁵, and a series of retrospective mortality studies conducted at roughly the same time by the WHO at IDP camps in North and West Darfur, and at the Kalma camp in South Darfur, covering the period June-August 2004¹⁶. Based on these studies (which describe mortality rates ranging from single to triple, depending on the camp), the head of the WHO’s emergency department, David Nabarro¹⁷, “calculated” an average mortality rate for the entire displaced population (2.6 [1.6-3.2] deaths/10,000/day) using a very unconventional method¹⁸. Applying this average rate to the total displaced population, he inferred that between 35,000 and 70,000 people died of hunger and disease during the seven-month period from March through September 2004. In October 2004, Nabarro and the majority of commentators adopted the upper value of the estimate, from which they inferred that 10,000 people were dying each month in the IDP camps due to the deplorable health conditions. It was based on this that, in March 2005, the UN Office for the Coordination of Humanitarian Affairs (OCHA) proposed the figure of 180,000 nonviolent deaths since September 2003 (18 months of conflict, with 10,000 deaths per month)¹⁹.

These highly risky projections were used by some sociologists to calculate the total number violent and nonviolent deaths in Darfur. Extrapolating from the WHO data and the study done by the CIJ in Chad (which did not follow any standard epidemiological methodology), they concluded that between February 2003 and April 2005 there were 396,563 deaths due to the conflict, 142,944 of them violent²⁰. Combining, in sometimes extravagant ways, these same studies and other mortality surveys, several activists proposed even higher figures – some as high as half a million deaths²¹. The figure of 400,000 people “massacred” is the one most often cited by those advocating armed intervention.

All of these estimates suffer from serious methodological flaws. In particular, they extrapolate linearly to the Darfur level from local data that is itself questionable in terms of how representative it is at the local level²². And yet the crisis’ mortality rate is extremely variable, both

¹⁴ M. Lacey, “Tallying Darfur terror: Guesswork with a cause”, *The New York Times*, 11 May 2005.

¹⁵ US State Department, *Documenting Atrocities in Darfur*, State Publication 11182, Released by the Bureau of Democracy, Human Rights, and Labor and the Bureau of Intelligence and Research, September 2004.

¹⁶ WHO, EPIET, *Retrospective Mortality Survey Among the Internally Displaced Population, Greater Darfur, Sudan, August 2004*, Geneva, 15 September 2004.

¹⁷ In January 2004, Dr. Nabarro distinguished himself during the Tsunami crisis by predicting (contrary to all historical and epidemiological evidence) that the disaster would be accompanied by an epidemic more deadly than the wave itself – which events indeed proved incorrect.

¹⁸ WHO, “Mortality projections for Darfur. Presented by David Nabarro, Representative of the WHO Director-General, Health Action in Crisis,” 15 October 2004. In his presentation, Nabarro invited those curious about his method for calculating the average rate to contact him directly.

¹⁹ See “180,000 die from hunger in Darfur”, *The Guardian*, 16 March 2005.

²⁰ J. Hagan, W. Rymond-Richmond, P. Parker, “The criminology of genocide: the death and rape of Darfur”, *Criminology*, August 2005, 43, 3, pp. 535-540.

²¹ See the various articles by Eric Reeves, published on his website (www.sudanreeves.org), and the calculations by neurologist Jan Coebergh, in “Sudan: genocide has killed more than the tsunami”, *Parliamentary Brief*, February 2005.

²² The retrospective mortality surveys are conducted by questionnaire to nuclear families randomly selected to form a sample considered representative of the population under study. The families are asked to state the

temporally and spatially²³. The extent and the causes of mortality were not the same during the period of large massacres in 2003-2004, where humanitarian aid was minimal, and during the period of great instability that followed, in which there was massive deployment of humanitarian aid. The health and security situation in the rebel-held areas is different than that which prevails in IDP camps or in regions under nomad control, etc.

To try to overcome these limitations, several researchers have attempted to refine the estimates by using all of the available retrospective mortality surveys, as well as other data, both quantitative (prevalence of malnutrition and normal mortality) and qualitative (weighting by historical and geographical factors). Analyzing 44 mortality studies, the Center for Research on the Epidemiology of Disasters (CRED) estimates the number of conflict-related deaths between September 2003 and June 2005 to be 131,060, of which 40,935, or 26%, were murders²⁴. Using the same approach, researchers working for the US State Department give a range of 63,000 to 146,000 deaths between March 2003 and January 2005 (but cannot, using their methodology, estimate the proportion of violent deaths)²⁵. Finally, using the WHO and MSF surveys, two sociologists suggest a figure of 170,000 – 255,000 deaths between October 2003 and May 2006²⁶.

The value of these efforts to synthesize the data lies less in approximating the total number of deaths (which will long remain the object of speculation) than in highlighting the orders of magnitude and trends. They underline the fact that mortality rates have far surpassed the emergency thresholds during the period of large massacres in 2003-2004. Starting in 2005, the mortality rate dropped below the emergency thresholds, and sometimes below the pre-war thresholds. This globally positive change masks pockets of high mortality in areas with sporadic clashes and in areas where the level of humanitarian assistance is inadequate for reasons not always related to difficult access. Epidemiological surveillance systems confirm the improvement trend in 2006 and 2007, although this past year registered a worrisome deterioration in the nutritional situation (see below)²⁷. As for the number of violent deaths found by the United Nations system, it was on the order of 4,470 in 2006 and 3,000 in 2007 (civilians and combatants, Sudanese and foreigners).

number and cause of deaths that have occurred among them since some readily identifiable date (e.g., religious holiday, first rains, etc.), more or less remote depending on the needs of the survey, knowing that the longer the period, the less reliable the results. According to the epidemiologists who designed them, these studies have many limitations requiring their results to be interpreted with caution. Among these limitations are uncertainties regarding the representativeness of the sample used (in general, at least 30 clusters of 30 families, or 900 questionnaires), especially when the assumption of a homogeneous distribution of deaths within the population under study is not confirmed. There are other sources of bias: the choice of the reference value for “normal” mortality, errors in including or excluding deaths during interviews, survival bias (the families completely wiped out having no survivors to report their massacre), etc. The surveys are always accompanied by a discussion qualifying their results with regard to the identified sources of bias. For more information, see F. Checchi, L. Roberts, *Interpreting and using mortality data in humanitarian emergencies*, ODI, London, Network Paper n° 52, 2005.

²³ For a more detailed methodological critique, see D. Guha-Sapir and O. Degomme, *Darfur: Counting the Deaths. Mortality Estimates from Multiple Survey Data*, May 26, 2005, CRED.

²⁴ See D. Guha-Sapir and O. Degomme, op. cit., and D. Guha-Sapir and O. Degomme, *Darfur: Counting the Deaths (2). What are the trends?* December 15, 2005, CRED.

²⁵ The results of this study are presented in D. Guha-Sapir and O. Degomme, *Darfur: Counting the Deaths. Mortality Estimates from Multiple Survey Data*, May 26, 2005, CRED.

²⁶ J. Hagan and A. Palloni, “Death in Darfur,” *Science*, 15 September 2006. 313: 5793, pp. 1578 - 1579.

²⁷ See the WHO *Weekly Morbidity and Mortality Bulletin*, available on the World Health Organization website (<http://www.emro.who.int/sudan/>).

The rural areas

“NOMAD’S LAND”: MAKING PEACE WITH THE NOMADS?

The health situation outside the towns is harder to comprehend, due to the low population densities and the meager humanitarian deployment in rural areas. With some rare exceptions, the aid system neglected the nomad populations since the beginning of the conflict. Right up to the end of 2005, the nomads had been considered spared by the conflict, or no better than a gang of war criminals unworthy of help. The nomads not only supplied the bulk of the militias implicated in the 2003-2004 massacres – in addition, many of them settled as “squatters” on the land previously occupied by the farmers. Helping them, or even meeting with them, meant complicity in “ethnic cleansing,” if not “genocide.” Furthermore, the humanitarians didn’t believe it necessary to negotiate security guarantees with militias that were supposedly acting on army orders. A green light from the government was considered more than sufficient.

In late 2005, the growing number of bandit-militiamen attacks on the roads started to seriously threaten ground access to the camps, as well as to the rural villages that had been spared by the destruction – where several humanitarian organizations (including the ICRC) intended to develop activities to counterbalance the “pull factor” of the camps, and thus encourage the farmers to stay in the countryside. Realizing that the police and the African Union were powerless to make the roads safe, some NGOs began to establish direct relations with the nomads ensconced at the periphery of the camps and along the roads they took.

These initiatives were encouraged, starting in 2006, by OCHA, which created interagency working groups (“Nomad Gap Group”) designed to foster the development of aid programs aimed at the nomads. The issue was not so much to bring relief to a conflict-affected population as to “promote peace and reconciliation *with* nomad populations” [emphasis added].²⁸ Aid actors quite rightly considered themselves in conflict with the nomads and obliged to reconcile with them in order to continue getting around in the rural areas²⁹.

In practice, the NGOs and UN agencies quickly ran into numerous difficulties, the first being identifying the “right” counterpart to deal with. How would they know which group controlled which territory, or who was its leader? The segmented structure of nomadic societies, the upheaval in the traditional hierarchies, the emergence of young militia leaders challenging the elders’ authority, the groups’ mobility, their territorial conflicts, their ambiguous ties to the bandits and the military intelligence, etc. made the exercise especially tricky...and dangerous. Negotiating with one militia leader might irritate some rival who considered himself the only legitimate authority in the region. It wouldn’t take long for him to demonstrate this by way of an ambush on a theoretically “secure” road. And quite often, there was no “right” person. In many regions, the process of forming clan territories is not yet complete (see above). Several groups are competing for the same space that is, in fact, controlled by no one. When one clan does manage to

²⁸ OCHA, “Nomad Gap Group Mission Statement”, El Geneina, October 2006.

²⁹ Beyond humanitarian concerns, a portion of the international political staff, abandoning its moralism, discovered the nomads (behind the *janjaweed*) and began seeing them as a key actor in the conflict, with whom the UN political mission had not yet developed contacts.

triumph over the others, it isn't always able to effectively control either its territory or its own militias to the extent that it can prevent bandit attacks.

Once humanitarian actors think they've identified a clan with a firm hold on the territory, they run into a second problem: the nomad's expectations don't fit what the former are able to offer them. In their relations with international relief actors, nomad leaders seem most concerned with gaining recognition of the wrongs they've suffered and the legitimacy of their struggle³⁰. Tired of being lumped together as *janjaweed* (an insulting term describing a godless, lawless bandit), they want to give their version of the conflict and its history. They no longer trust the government to defend their interests, and want to be heard by the international community (and its troops!), by way of the humanitarians.

In addition to this request, they have concrete demands. The nomad leaders expect international aid to be invested in basic public services neglected by the government for decades: schools, water points, health posts, livestock vaccination, etc. The raids, the restriction of pastoral migrations, the depressed livestock markets, the worsening terms of trade for livestock vs. grain, and the exodus of the farmers with whom they are accustomed to trade for sorghum and vegetables also create a demand for food aid.

To what extent is food aid needed? This can't be determined by the "multi-agency food security assessments," done in a few hours. Only one thing is certain: unlike the farmers, the nomads travel with at least part of their capital and their means of production (their livestock); families that are completely ruined generally end up in the IDP camps. Humanitarian actors rarely distribute food to the nomads living in the bush, preferring to vaccinate their livestock or give them seed and tools for producing their own vegetable crops. A few relief agencies have specialized in this type of activity, which covers a negligible portion of the nomad population.

As far as social services (education, water, health posts) are concerned, developing these requires that a significant population be concentrated around a quasi-stable geographical center, which is not always the case. Even agropastoralist nomads live dispersed over vast expanses, far from roads, in the middle of the savannah. Some clans do, however, have a main seat, sometimes an administrative capital, or more often a *damrat* – a permanent encampment where the women, the elderly, and the children live.

Other population concentrations are the product of clashes between militias and the resulting population displacements. Fleeing the violence, some nomads abruptly settle in villages or on land formerly occupied by farmers. Their living conditions resemble those of the other IDPs, the biggest difference being that they often manage to migrate with their possessions (shelter, blankets, jerrycans, etc.) and variable numbers of livestock (both capital and means of production). The water supply, sanitation, access to health care and to

³⁰ Among other wrongs, the nomads complain of livestock raids by rival or rebel groups and obstacles to pastoral migration. The division of Darfur into militarized sanctuaries (clan or rebel) has nearly put a stop to north-south transhumance. Animal prices are collapsing on the livestock markets (where the number of transactions has dropped dramatically), to the point where camel is often the least expensive meat. Above all, however, the nomads without traditional land titles want modern law applied, in order to have full legal access to pastureland and farmland. In short, they want their own territory. They acknowledge that some among them have responded to their government's call, in order to defend themselves from the rebels and from livestock thieves. But they say that they have no genocidal intentions regarding the Fur, Masalit, Zaghawa, etc. They wish to renew peaceful relations with the farmers, though they know this will be difficult, due to the exceptional violence they have inflicted on the latter. Fearing bloody reprisals by their former victims, they believe that keeping their weapons is necessary to their survival. They want to be included in political negotiations, in order to assert their rights. They do not trust the government, which they say is ready to sacrifice their interests to ensure its own political survival.

vaccination campaigns are often worrying. But the size of these population concentrations and their global health condition rarely justify emergency intervention.

When action does seem required (vaccination, water supply, construction of health posts or schools, distribution of non-food items or nutritional supplementation), humanitarian actors wonder about who the land on which the nomads have settled belongs to. The aid workers are afraid that their assistance is actually contributing to an internal colonization effort often described as “ethnic cleansing.” They are uncomfortable with the idea that in setting up public services they are helping the nomads strengthen their grip on territory that wasn’t necessarily “theirs” a few years ago. This discomfort is sometimes made worse by the fear of reprisals by the displaced, who sometimes openly oppose activities likely to help nomads set down roots in their native land (sinking wells, in particular).

The humanitarian actors then turn into anthropologists and historians, consulting various traditional leaders to find out who holds the traditional land title. In cases of “illegal occupation,” the prospective aid projects are often abandoned. By consulting traditional land rights, however, humanitarian organizations are acting as the guardians of a feudal territorial order whose legitimacy is contested³¹. Still more worrisome, these humanitarian scruples sometimes result in basic aid (vaccination, water) being withheld from populations that have great need of it.

THE REBEL-HELD AREAS: REAL IDPS AND FAKE CAMPS

Humanitarian organizations have many fewer qualms about working in rebel-held areas. But the international presence there remains limited, due to the widely dispersed population, access problems (logistics and security), and the restrictions imposed by certain rebel groups opposed, for example, to sending any “Arab” staff into the regions they control. Depending on whether the armed movements are from the local community or not, and are allied with the government or not, the situation for the civilian populations there can be quite different.

Located in the middle of Darfur, the Jebel Marra mountain is now almost entirely controlled by the Abdul Wahid faction of the SLA (which, conversely, is almost totally surrounded by the militias and the regular army). Though constantly in a state of internal reshuffling (accompanied by political killings), this faction tends to act as a local self-defense militia and enjoys the manifest support of the Fur population. Government offensives have yet to dislodge them. At each attempt, rebels and villagers take refuge in the upper reaches and in relatively inaccessible valleys. Government troops settle for

³¹ As explained by Jerome Tubiana (“Darfur: A Conflict for Land”, *art. cit.*), “Darfur’s traditional land tenure system was developed under the Fur sultanate, a centralized state with effective bureaucratic and military systems that lasted from the seventeenth century until its destruction by the British in 1916. Masters of the land, the sultans distributed *hawakir* (territories with clear boundaries, singular, *bakura*) to Fur leaders and dignitaries, to leaders from other groups who were their vassals, and to *faqis* (Muslim scholars). (...) Not everyone, however, has equal access to land... In the north and west, practically all of the non-Arab groups have land while most of the Arab groups do not, despite the fact that many of them were already present during the sultanate... The landless Arab groups have sought to reinforce their landgrabs by calling into question the traditional tenure system. The rebels, on the other hand, want to see reaffirmed the so-called historical rights to land. The current crisis springs from these diverging interpretations of how to manage land access.”

burning a few abandoned villages, before withdrawing to avoid becoming, in their turn, an easy target for guerilla counterattacks.

Despite regular skirmishes in the foothills, the Jebel is a quasi-secure area where the population enjoys relative calm. But this security has a price – isolation. Travel between rebel- and government-controlled zones is difficult, especially for men of fighting age, for whom it can be fatal. While local markets allow the exchange of goods across the front line, they are less active and remain dependent on fragile agreements between the armed groups on either side.

The dwindling of trade is critical, since the people in the mountains no longer have access to the vast sorghum fields in their lowlands, now traversed by the front line. True, they continue to cultivate onions, tomatoes, peanuts, wheat and large orange groves in the fertile Jebel valleys and on the high plateaus. But they have trouble selling their produce and getting the grains they need. There is great social inequality between the lowland farmers who have lost practically everything and the owners of groves and market gardens, less destitute despite the slow markets.

The mountain dwellers take in a significant number of displaced families from the Jebel foothills³². These families settle in high villages spread out along numerous steep valleys. While waiting to build their own houses, the displaced are taken in by relatives, or live in abandoned public buildings. Having in most cases lost their means of production, the displaced find employment as agricultural day laborers, depend on help from their neighbors, or gather natural products (such as firewood and fodder) to sell at the local markets.

Lost amid the local residents or hidden in the valleys, this displaced population is practically invisible to the aid system. Only organizations able to explore the mountains on foot for several days (the interior of the Jebel has practically no drivable roads) are likely to confirm their presence. Yet there are few humanitarian organizations that allow themselves this type of mission. This is not the case, for example, with the UN relief agencies (like the WFP), whose security rules require that travel be done by car or by helicopter.

Anxious to attract food aid for the civilian population and its fighters, the SLA has tried to make the displaced more visible. In the latter half of 2007, it built replica IDP camps near helicopter landing areas. Then it invited the villagers to occupy them during the UN multi-agency assessment missions. No one was fooled, and the UN condemned it as an grotesque machination. From a less moralistic point of view, one could see this as a “coping strategy” to deal with the aid system’s bureaucratic constraints, in order to attract food aid to an encircled area suffering from a grain shortage, a part of whose population is displaced and another part mobilized.

International assistance in the Jebel is, however, limited; there is no or very little food distribution (though some villagers are registered as IDP in displaced camps located in governmental areas) and minimal support for public services long-abandoned by their respective ministries (e.g., Health, Education and Water). Access to health care is extremely rationed, especially for civilian and military war-wounded. Though limited in number (two to three per month, on average, for southwestern Jebel Marra), their treatment is problematic, inasmuch as they can rarely be referred to government hospitals, where people with bullet wounds are arrested and questioned by the Sudanese intelligence

³² There is no precise registration of the number of residents and displaced living in the Jebel Marra. “Quick and dirty” assessments made by MSF estimate that the proportion of displaced do not exceed 10% to 25% depending on the village.

agencies. In practice, they can count only on the ICRC's mobile surgical team or on the surgical care that MSF might provide on a case-by-case basis.

The mountain dwellers take care of the rest themselves. Each large village has a school run by a parents' committee, which pays for teachers and the construction of rudimentary shelters to serve as classrooms. Veteran local vaccination teams occasionally manage to obtain vaccines from the Ministry of Health (via international organizations or traditional authorities with contacts in a government-held area), in order to complete national immunization campaigns. Community health workers who received basic training back in the 1980s provide care of questionable quality, using a few drugs available at the markets.

Humanitarian access and humanitarian space

THE SECURITY APPARATUS AND ARMED ESCORTS

As a general rule, government authorities only hinder relief operations in the Jebel Marra, during periods of military activity. Obtaining permission to conduct assessments and operations from Khartoum and other parties to the conflict remains a process fraught with uncertainty and regularly rewarded by failure. The first obstacle that a (duly registered) humanitarian organization runs up against is the regime's security apparatus responsible for the counter-insurgency campaign. Access to military theaters of operation (current or in preparation) is almost always prohibited.

The areas to which the security apparatus does allow access (90% of Darfur, to date) are not necessarily secure, however. As we have seen, vast areas escape the control of one or the other opposing forces. Private or administration vehicles travel there under escort by the army, the paramilitaries, or private militias. The vast majority of humanitarian organizations refuse to use (even international) armed guards for moving personnel, preferring to take World Food Programme helicopters. Goods, however, are transported by private carriers who travel under escort.

Many destinations are not served by the WFP air service, particularly in areas where there has recently been fighting. Exploratory missions in these places are then only possible by road, under proper guard. Using a military escort exposes humanitarian teams to a double risk: that of being wounded if there's a skirmish, or of sharing the responsibility for the deaths of civilians or soldiers if the escort uses its weapons. The second risk raises not only ethical questions – does conducting an exploratory mission justify the possible deaths of combatants or non-combatants – but practical ones, as well. By sharing the responsibility for one or more killings, a humanitarian organization risks being seen as a party to the conflict, caught in the cycle of retaliation and compensation triggered by any killing. This dual fear has led United Nations agencies to refuse escort by the international troops they had used for several months in 2005, before they realized the danger to which they were exposing themselves. Other NGOs continue to use armed guards on a limited basis. The insecurity hits humanitarian workers (especially those who are Sudanese) very hard, whether they travel under escort or not. At least thirty of them have been assassinated over the past two years, and dozens more raped, wounded, beaten and/or abducted.

THE QUANTUM INDETERMINACY OF THE CIVILIAN ADMINISTRATION

The security apparatus and insecurity are not the only obstacles. Exploratory missions and new projects must also have the support of the Humanitarian Affairs Commissions (HACs, veritable political aid police) and the ministries concerned (Health, Agriculture, Animal Resources, Water, Environment and Sanitation, etc.) The authorities in North and West Darfur, who have been particularly abandoned by the central government, are more welcoming of international aid, from which they expect all sorts of benefits, including investment in the public infrastructure. With greater wealth and closer ties to the central government, the government of South Darfur – based in Nyala, the country's third largest city – is less inclined to compromise.

The corruption and the intensity of the political infighting in the Sudanese administration renders its operations particularly opaque and unpredictable³³. Like a quantum entity, decision-making power circulates continually between administration officials, without it ever being possible to assign it a precise location. Its location fluctuates with the changing power relations between the various factions fighting for power in Khartoum, and with their volatile alliances with the Darfuri clients, themselves engaged in internal struggles. As Alex de Waal sums up, “To some observers from abroad, the regime's maneuvers seem to demonstrate supernatural Machiavellian cunning at outwitting international community. From close up, the Sudanese state appears deeply dysfunctional, often as unpredictable to its own members as it is to outsiders³⁴.”

As long as Sudanese politeness is observed, anything not vital to military operations is fair game for more or less successful negotiation. Agreements are valid only as long as the power equilibrium in which they were reached lasts. Yet this equilibrium is highly unstable. Appointments, transfers, resignations, demotions, and promotions are a constant feature of the Sudanese administration. Its local patronage network is just as unstable. The authorities maintain tight control over relief operations. Intervention sites, recruitment of national and international staff, equipment importation, vehicle allocation, use of means of communication, funds transfers, individual travel, etc. must all be officially authorized by the HAC and the relevant ministries. Certain permits, like the travel permits required for any transfer of equipment or staff from one site to another, must be stamped every week, sometimes every day.

This bureaucratic bloat can lead to paralysis when, for some obscure reason, one administration official or another decides that it's not in his interest to authorize an NGO to intervene at a given site where, however, other organizations are present; or, when the bureaucratic disorganization delays the adoption of new procedures for obtaining visas and travel permits, while the applications (and the applicants!) remain in limbo, awaiting contradictory instructions from Khartoum...

THE RESETTLEMENT OF IDPS

Humanitarian organizations thus operate under the constant threat of political obstruction (by the security apparatus) and bureaucratic obstacles (engendered by a

³³The instability of the central government and regional authorities is particularly well-described in Alex de Waal, “Sudan: The Turbulent State”, in Alex de Waal (editor), *War in Darfur and the Search for Peace*, Harvard University, Justice Africa, 2007, pp. 1-38.

³⁴ *Ibis idem*.

combination of disorganization and impenetrable political/administrative infighting). But this same dysfunction undermines any grand manipulation of the aid system. Thus far, nothing has come of the central government's urging that humanitarian actors begin a process of resettling IDPs.

Indeed, their scorched earth policy has also caused "perverse effects" for the regime: the garrison towns sheltering government institutions are now surrounded by immense shanty towns/camps under opposition control. These vast urban outgrowths constitute not only a threat to the regime's stability, but also a focal point for international attention. Khartoum cannot hope to divert the outside world's attention while one in three inhabitants lives in IDP camps dependent on international aid. This is why, since the early months of the conflict, the government has regularly tried to organize the dismantling of the camps and repatriation of the displaced to several designated resettlement sites, which are rarely the IDPs' place of origin.

So far, all these attempts have ended in failure. Hindered by its inherent instability, the Sudanese bureaucratic apparatus has not managed to create, on its own, the conditions for an (at least somewhat) voluntary return to the rural areas. Fearing additional international condemnation and pressure, the government is to some extent hesitant to resort to the most violent methods (bulldozers, trucks, and the army). And its disorganized efforts to enlist their help have run head-on into the resistance of the humanitarian agencies. United under OCHA's banner, the latter have refused, since 2004, to participate in what they consider policies of forced relocation. Not even the October 2007 expulsion of the Nyala OCHA representative who had led humanitarian opposition to a plan for dismantling the Kalma camp into nine resettlement sites (after internal unrest resulted in 27 deaths) had an effect. While the news cast a chill over the humanitarian community, it did not weaken its refusal to participate in the government's plans for resettling the IDPs.

Such radical opposition might seem excessive. Dismantling an unhealthy camp is not, in itself, a criminal plan. Nor is creating smaller urban neighborhoods that are easier to control, from a military and health standpoint – even if those affected (or their self-proclaimed representatives) are opposed. The government has a right to worry about its own security and the uncontrolled urbanization caused by its own scorched earth policy.

On the other hand, the humanitarian organizations have a legitimate right to worry about the resettlement conditions of the IDPs, and about their own role. Should they help prepare the sites beforehand, or wait until the displaced have been brutally transferred to inhospitable places and then conduct an emergency intervention, *in extremis*, to improve their living conditions? This dilemma can only be resolved on a case-by-case basis.

AID AND THE "HYBRIDS"

The tenacity with which the aid system has resisted the regime's resettlement plans is symptomatic of the only policy really being pursued by humanitarian actors: to help reverse the policy of ethnic cleansing and return the IDPs to their place of origin. From hunting for "migrants", to discomfort over nomad "squatters", to refusing to help the regime with population transfers, the same concern dominates: not to jeopardize the chances of a return to the pre-war demographic map. This conservative goal is not self-evident. That the demographic map has been rearranged as a result of extreme violence benefiting the government and certain nomads does not necessarily mean that the old

feudal system of land management is ideal, or that urbanization and rural exodus are inherently evil.

Aside from this imaginary return to the *ex-ante* situation, OCHA and the aid system don't seem to have any well-defined political ambitions. The failure of the May 2006 peace accords curbed the enthusiasm of certain UN agencies, who were then urging humanitarian actors to promote the peace process. At present, the opposite feeling predominates: very few aid officials have any faith in the hybrid military operation sponsored by the United Nations and the African Union (UNAMID), which took over from the AU on 1 January 2008. Anticipating its rapid failure and a general increase in hostility to it by parties to the conflict, the NGOs and UN agencies mean to keep their distance.

UNAMID, which is supposed to enforce a peace agreement rejected by the main opposition movements against a background of resumed hostilities, is at something of a loss. It does not know how to fulfill its mandate, which also includes protecting civilian populations and humanitarian organizations. Currently equipped with 10,000 men (of the 26,000 announced), it also suffers from an obvious lack of resources (transport, communications, and weapons). This operational deficit is due both to obstacles imposed by the Sudanese government and to the reluctance of UN member countries to equip and finance the force they decided to deploy. And the Kafkaesque bureaucratic apparatus meant to steer this joint UN/AU mission seems to doom it to indecision and paralysis.

Yet the IDPs have enormous expectations with regard to UNAMID. The most optimistic *sheikhs* see it as a powerful military ally that will help them train their self-defense militias and transform the camps into entrenched bastions from which they'll be able to conduct military operations. This fantastical image is, to a large extent, fueled by government propaganda that continually describes UNAMID as an "anti-Arab" force in the service of the rebels. The nomads, also susceptible to this propaganda, are increasing their contacts with international organizations for fear of finding themselves the target of international forces.

While all the humanitarian actors want to stay well away from UNAMID, it's likely that UNAMID will attempt to compensate its operational deficit and inevitable discredit through a humanitarian activism that looks to enlist the relief agencies.

Thus, unlike in 2003-2004, the main challenge confronting humanitarian organizations is not that of reducing an explosive rise in the death rate in nearly all of the camps or in rural areas. Today, neither the former nor the latter are deathtraps, as recently claimed by Luis Moreno Ocampo, prosecutor of the International Criminal Court³⁵. However, there are still "emergencies" in Darfur. By "emergency" we mean situations demanding rapid medical/sanitary action aimed at reducing the number of deaths (or preventing its imminent increase) within a given population. Since 2005, emergencies in Darfur have been infrequent and localized. They relate to four types of situations: influxes of war wounded following armed clashes, epidemics (especially cholera and meningitis, which are endemic in the region), nutritional crises (both in the camps and in rural areas), and large population displacements (which can be more or less urgent, depending on how they occur).

³⁵ Statement by Mr. Luis Moreno Ocampo, Prosecutor of the International Criminal Court, Statement to the United Nations Security Council pursuant to UNSCR 1593 (2005) - 5 June 2008.

Beyond the specific obstacles to each of the necessary interventions (surgery, vaccination, distribution of food or nutrition supplements, water supply, etc.), the emergency response is up against into two basic problems: the alert rarely comes early, and access is far from guaranteed, especially in areas where relief agencies have no ongoing activities. It's not just the Sudanese administration and armed groups that hinder rapid deployment of relief operations; the aid bureaucracy and its corporatist interests can sometimes add to the holdup. "Obviously, the context of coverage in Darfur, like elsewhere, gives rise to competition," sums up Dr. Jean Rigal, current Head of mission for Médecins sans frontières in Sudan. As for the rest, Dr. Rigal emphasizes, the medical aid dispensed to IDPs and resident populations looks a lot like structural aid: "Hospitals, clinics, maternity, surgery, vaccinations, etc. Though we refuse to use the word "development," MSF helps improve access to care for populations who did not have it in comparable quantity or quality before the war."
