

COMMITTEE OF THE CIVIL PROJECT

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FREEDOM FROM FAMINE AND CREATING A DEMOCRATIC HUMANITARIANISM

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Background: Famine in Sudan

Sudan is a potentially wealthy country, but it has become chronically vulnerable to famine. It is conventional for drought, desertification, and mistakes in economic policy to be blamed for famine. All these play their role, and drought at least is beyond human agency. But none of these problems makes famine inevitable: famine occurs through the operation of a political, military, economic and social system.

This is evident in the killing famine in Bahr el Ghazal in 1998. This massive human tragedy is only the last in a long series of famines that has struck Sudan since the early 1980s. This paper will not provide a history or political economy of famine in Sudan, but a brief overview of the tragedies of the last fifteen years is required.

The current disaster in Bahr el Ghazal is a product of long term and short term factors including the following:

- Fifteen years of war and raiding which have created extreme vulnerability to famine and made the coping strategies safety net extremely weak. The social fabric of Southern Sudan is slowly but inexorably being torn apart.
- In the 1990s, the Sudan Government has built up 'peace camps' around Wau, Aweil, Abyei and other population centres, drawing people away from rural areas to camps under its control. This had the aim of depopulating the rural areas and denying support to the SPLA.
- Sudan Government destabilisation of rural Bahr el Ghazal during the period 1994-7 using militias, including the forces under Cdr Kerubino Kuanyin, which wreaked devastation across wide swathes of the region.
- Sudan Government restriction of access to the area by international humanitarian agencies, especially a ban on UN aid flights during the critical months of January-March 1998.
- Recurrent failure of the Northern Sector of Operation Lifeline Sudan (run out of Khartoum alongside the government) to adopt a set of 'humanitarian principles' comparable to those in place for OLS-Southern Sector. This created a climate in which systematic and recurrent abuse of aid occurs.
- Poor harvests in 1996 and 1997, partly caused by drought.
- The affected area is relatively thickly populated and was traditionally a surplus-producing area. The food shortage therefore affects a large population over a wide area. The loss of cattle means that recovery will be slow.

- SPLA failure to develop workable relief structures and administration, combined with continued diversion of relief commodities by troops has led to the absence of an infrastructure that can provide either relief or development in the region. The weakness of representative or civil institutions in SPLA-held areas also denied the citizens an effective voice in determining policy.
- SPLA failure to put in place contingency plans for humanitarian response following the January attacks on Wau, Aweil, and other population centres, which predictably led to up to 300,000 people fleeing these towns for the rural areas and requiring assistance.
- Difficulty and expense of airlifting food and other relief commodities to Bahr el Ghazal from Kenya in the absence of safe corridors for overland access.

The prospects for a swift end to this famine are not good.

- It is evident that the causes of the famine are a mixture of long-term and short-term factors, and that barring any major change in the circumstances of Southern Sudan, such crises are likely to recur and indeed become more severe as people become poorer and weaker and their assets are depleted.
- After delays due to various factors, OLS and international NGO programmes are now reaching a majority of the in-need population. Coordination between OLS and SRRA is improving. But the overwhelming reality is that humanitarian programmes are proving extremely expensive and vulnerable to disruption by logistical breakdowns, poor weather, local insecurity and political interference.
- Current indications are that the affected population has been unable to plant sufficient food to achieve self-reliance for 1998/9 and hence the food crisis will continue until the harvest of 1999 at least.
- The international community is expecting to spend more than \$100 million per year on relief assistance to southern Sudan for the next two years at least. This is only a short term solution: keeping people alive. Restoring self-reliance and rehabilitating the society and economy will require something more.

This famine, and the sheer expense and effort required from foreign donors, have their own political ramifications, including desperation among sections of the Southern Sudanese population demanding an immediate end to the war, and impatience and frustration among donor governments who argue that they cannot afford to spend so much of their taxpayers money with no end to the suffering in sight. Donors are also asking if their assistance is in fact prolonging the war, because of the abuse of food aid to support the war effort on both sides.

Turning to the recent historical record, the drought of 1983-4 became a killing famine because of the exploitative economic relations that had developed, the profiteering of some traders and banks and above all because of the wilful negligence of the Nimeiri government that denied the existence of the crisis until it was too late, as well as refusing to take action to prevent it. The famine in the South that began in 1986, reached its peak in northern Bahr el Ghazal in 1988, and has continued intermittently ever since, was created, often deliberately, by militias and armed forces. Besieged Southern towns have suffered famine because of the war, including mass displacement of people, destruction of productive potential, collapse in employment, and the interruption of commercial or relief food supplies. The famine of 1990-1 in the north was wholly preventable: it came about because of the NIF regime's reckless export of food reserves and its refusal to change its policies or accept relief. This was a particularly significant famine because it affected urban areas including Khartoum, and even

middle-class families felt its effects. It illustrated the dependence of the core areas of northern Sudan on food imports and mechanised food production in central and eastern Sudan, and the vulnerability of large sections of the population to disruptions in that food supply system. The famine of 1991-3 in the Nuba Mountains was a direct result of the war strategy followed by the government, which to this day still refuses to allow humanitarian assistance into the non-government held areas. The famine that affected many parts of the Red Sea hills in 1996-7 was the outcome of a long history of government neglect and exploitation, culminating in repression targeted at the Beja, which involves preventing herders and commercial traders from moving freely. The media attention given to the current famine in Bahr el Ghazal should also not obscure the fact that there is serious hunger in other parts of Southern Sudan, as well as the Nuba Mountains, Blue Nile and elsewhere.

In all these famines, relief arrived too little too late, or (in the case of the Nuba in 1991-3) not at all. In many cases, relief was stolen or obstructed. These relief failures are a serious problem. But relief failure is not in itself the cause of famine; merely a reason for famines to cause even more human suffering than would otherwise have been the case. It would be a big mistake to try to solve the problem of famine by just establishing a better or more efficient relief system.

The reason for the persistence of famine is fundamentally political. No amount of food assistance or technical skill can compensate for a political system that has no interest in providing for its poorest citizens, and indeed sees military or political benefits in inflicting hunger. Specialists have learned enough about famine prevention to be able to ensure that nobody, even in the poorest country, suffering the worst drought, need go hungry. The challenge is to have a political system that ensures that every citizen is able to enjoy the right to food.

Creating freedom from famine in Sudan will require many years of effort. There is much damage to be undone, as regards restoring the productivity of the land, correcting extreme income inequalities and creating conditions for sustained economic growth, including debt relief, reform of macro-economic policies, etc. This paper is not concerned with the details of those policies. It simply recommends that a technical group be convened to study the issues and come with recommendations before a future transitional period. Instead, this paper is concerned with three main issues:

1. Large parts of Southern Sudan have been reduced to a state of chronic famine. A peace settlement in Southern Sudan at any time in the foreseeable future will occur in the context of immense humanitarian need and a massive ongoing international relief effort. These facts will have major implications for politics, human rights and the basic prospects for ordinary people during the transition.
2. In northern Sudan, immediate humanitarian needs are likely to arise in the first months or even days of a transitional government taking power. Decisions about how those needs are to be met will have far-reaching consequences for human rights and political democracy. Many of these decisions must be taken while the current war continues.
3. The long-term struggle against famine can be won only with a fundamental shift in the way of addressing the problem. To be more precise, famine cannot be regarded solely as an issue for technical expertise, but must be seen within the domain of human rights and democratic politics.

This does not mean that there is no need for better agricultural, employment, food security and environmental policies. These will all be required. Instead, these policies must be placed within a wider political and human rights framework, so that they can be discussed democratically and all their implications considered.

Freedom from Famine is a Basic Right

At present, famine is not normally discussed within a human rights framework. Despite lip service to the right to food and the role of human rights abuses in 'complex emergencies', famine is treated as a technical-economic malfunction in a country, that requires foreign aid and technical advice, and maybe also domestic charity. This contrasts with the emerging consensus in scholarly analysis, which sees famine as the outcome of political and military processes that involve violations of rights.

Responses to famine and other crises in Sudan have included large relief distribution programmes, food-for-work and other employment schemes, and more sophisticated forms of food security planning. Some of these programmes have been professional and high quality and have met their immediate aims. For example the response to the refugee influxes from Eritrea and Ethiopia in the 1970s was considered a model of its kind. Many other programmes have unfortunately been too small, too late or too badly run. Some have failed because of corruption or political interference. In the war areas, many have simply been blocked. But even where the famine relief programmes have succeeded in their immediate aims of reducing hunger, they have failed to tackle the underlying political reasons why famine continues. This is why technical solutions, while important, can never be enough.

Treating famine in this depoliticised, non-rights manner has had a profound and lasting effect on the politics of food in Sudan. It has made it more difficult to achieve the right to food. Some of the results of the exclusively technical-charitable approach to famine include:

- The creation of external dependency and demoralisation among aid recipients and the reinforcing of an 'aid mystique' that sees all good things as coming from outside. Many Sudanese people have contrasted the generosity of western donors and NGOs with the inability of their own government or organisations to provide relief and development. This has undermined the legitimacy of the government and its institutions, and encouraged people to look outside the country for solutions.
- The ability of governments that are responsible for the creation of famine to avoid their share of the blame; reinforcing a non-democratic form of political authority. For example, in 1990, Gen Omer al Bashir managed to direct some of the blame for the famine on to foreign donors, accusing them of holding up assistance to Sudan by insisting on conditions that would have been a humiliation for the government. The government's own responsibility for what happened was obscured.
- The secretive transfer of massive resources to a government, enabling it to escape from domestic accountability and instead implement policies regardless of the wishes of the people. For example, Nimeiri's government received almost US\$2 billion in aid from the USA, allowing it to stay in power although it was bankrupt. Although on a smaller scale, subsequent governments have also owed their financial survival to foreign aid, and as development aid has dwindled, relief aid has become relatively more important.

- The handing over of the responsibility for vital services to external organisations that are not responsive or accountable to the people. This is particularly the case in SPLA-controlled areas, where UN agencies and foreign NGOs can often act as a law unto themselves. Also, this handing over creates the impression that the problem of famine is equivalent to the failures of relief and development programmes, and therefore that the prevention of famine is equivalent to effective relief. This is of course not correct.
- The use of aid as a political bribe, to win voters or convince people that it is in their interests to be docile. In the South during the Addis Ababa period, many Southern politicians used aid or the promise of aid to influence the electorate. After the 1985 Popular Uprising, the NIF began using food distributions to mobilise supporters.
- The undermining of democratic politics: it is impossible to have a sound democratic contract between the government and people if the government is supported by external resources and is not responsible for the basic welfare of its citizens or accountable to them. One of the basic principles of democracy is 'no taxation without representation.' A government that depends on foreign aid for most or all of its taxes has no financial incentives to respond to the wishes of its people.
- Giving an opening and credibility to various forms of supposedly 'Islamic' forms of humanitarianism, that offer a brand of charity and social action quite different from the western model. These are integrated with the NIF's political programme. The NIF has been able to use slogans such as 'return to the roots' and 'comprehensive call' with reference to social and humanitarian policy without challenge from the democratic forces.
- The belief that a deregulated economy based on the free market will automatically contribute to freedom from famine. Unfortunately, the poor of Sudan need protection from famine that cannot be provided by the market alone. History shows that the price of food in free markets has often risen out of the reach of the poor, forcing them to go hungry. Some government role in the food market (in storage of strategic reserves, setting minimum and maximum prices, providing rations if necessary) will be important to prevent famine.

The NIF has proved adept at exploiting opportunity of using food to build its power base. The Islamic banks, the NIF and the Comprehensive Call Islamic relief agencies, working together, have been effective in using food to build up a constituency of support and control. For example, the Islamic banks will provide credit on favourable terms but only to those politically affiliated with the NIF; food distributions will be made but usually only on the basis of conditions such as communities providing conscripts for the Popular Defence Forces, or children for NIF-linked Koranic schools, or people relocating from their ancestral villages to government-run peace camps. This is a negative political use of food.

The political and human rights crisis in Sudan today is inextricably linked to the food crisis and the way it has been handled over the last twenty years. The current model of providing aid to Sudan and distributing that aid has contributed to the lack of democracy and the continuation of war and dictatorship.

There is an alternative approach, which can be followed under a future transitional government. It consists of the following:

- Human rights organisations, civil society organisations and democratic politicians should consider famine as an issue of basic rights. Famine must be seen as a crime: those responsible for creating it should be called to account. In turn, voters should consider it a primary duty of politicians and administrative officials to prevent famine. This should help to begin to educate ordinary Sudanese to regard famine as a crime instead of an act of God.
- Famine prevention and relief should be regarded as an entitlement, not a privilege. People should be enabled to demand their rights from the government. This right should be extended to all, including (for example) those such as the displaced who may not have voting rights in their displaced settlements. Ordinary Sudanese people can therefore become politically involved in the issue of famine prevention.
- National food policy should be geared towards providing food security for the poorest. This may mean, among other things, maintaining rural food reserves, restricting food exports and banning them altogether when the country does not have sufficient stocks to provide a reserve. Most importantly, national food policy should be a matter of public debate.
- New kinds of humanitarian organisation are needed. Wherever possible aid should be handled by Sudanese organisations. Rather than being based on western concepts of charity (which are increasingly seen as inappropriate to the realities of Africa), these should be based on the concepts of a right to basic provision, and popular mobilisation and empowerment. Sudanese humanitarian organisations should not blindly or uncritically accept outside definitions of what is 'humanitarian'. This should reverse the current situation in which Sudanese are obliged to accept aid on terms laid down by foreign organisations. At the same time, militaristic and exclusive interpretations of Islamic humanitarianism should be rejected: the Islamic duty to give *zakat* does not amount to the duty to support *jihad* or foster Islamist hegemony (*tamkiin*). There should be freedom for Sudanese to organise relief, development and human rights NGOs.
- Transparency and accountability should be introduced into the aid relationship. The government should regulate the professional standards and ethical conduct of aid agencies (UN, INGO and local NGO). Aid negotiations and provisions should be announced publicly and evaluated publicly. This should prevent the use of aid as a secretive transfer to politicians, or as a bribe, and should prevent the abuse of assistance by local organisations (as is common under the NIF).
- A new relationship between a democratic Sudanese government and foreign donors is needed. Ideally, this should be based on empowering the democratic government to dispense aid resources according to its own priorities, subject to democratic accountability and monitoring, rather than the present system of foreign donors and organisations determining the priorities and implementing the programmes. Under this arrangement, the donors should merely say, 'take it' and ask for the government to report back. This is a form of aid with a minimal role for foreign aid agencies. Under present circumstances, particularly in Southern Sudan, this is an ideal to be aimed at rather than a model that can immediately be implemented. However, it should be considered in long-term planning.

The importance of reforming assistance to Sudan to make it compatible with a human rights approach to famine is made more urgent by the likelihood of major humanitarian needs during a future transitional period. It follows that preparations for a democratic humanitarianism should begin now.

Enduring Famine in Southern Sudan

It seems tragically inevitable that an agreement to end the war in Southern Sudan will coincide with continuing famine. Even if the current famine in Bahr el Ghazal is over, it is probable that other parts of Southern Sudan will be facing similar conditions.

The end of the war will automatically lead to certain improvements, including the following:

- Improved relief deliveries, as fewer political obstacles exist, and aid can be moved from aircraft to road, river and rail. Making aid cheaper will increase its quantity.
- The end of raiding, burning of villages, forced displacement of population, prevention of movement from town to country, etc.
- The reduction of abuse of relief, including less theft and diversion of aid by soldiers.

But certain factors will remain unchanged, and in some respects life may even become more difficult:

- Hundreds of thousands of displaced people and refugees will begin to return home to Southern Sudan, and will need food, shelter and health care, as well as longer term assistance to rebuild their lives.
- Extreme vulnerability to famine will persist. Even minor droughts or floods, or localised civil disturbances, will create food needs in the South.
- Thousands of armed young men will be present, with few job opportunities, for whom it will be very tempting to turn to banditry or raiding.
- The withdrawal of garrisons from major towns currently under government control, combined with the evacuation of many northern traders and NIF-sponsored relief agencies, will lead to unemployment, shortages and disruptions in economic activity in the short term.
- Donors have short memories. Ambitious plans for rehabilitation and reconstruction will be drawn up. But as soon as the acute famine is out of the news, it is likely that less money will be available for Southern Sudan. (That money will go further than it does at present because less will be spent on air transport, but the demands on it will be greater.)
- There will be an inflow of international NGOs of very varying capacity, professionalism and motivation. Currently, OLS coordination and the difficulty of operating in a war zone have kept out some of the crazier international NGOs. But in peacetime we can expect to see them flooding to Southern Sudan. In particular, extremist Christian agencies will find it very attractive.

- During the war, inter-regional biases in aid provision are readily explained by considerations of better security and access. In peacetime, there is a danger that regionally biased aid provision could become a bitter political issue.

Managing these problems will be a major challenge for a new Southern government (whether regional, federal, confederal or independent). The South will be in ruins, and the number of professional people is few. The institutions for handling aid and rehabilitation are also very weak. Some of the issues and possible responses include the following:

- OLS will continue in existence and can be turned into a major asset for Southern Sudan. Its head office should move to Juba, its northern and southern sectors should be unified, (but maintaining sub-offices in Khartoum and Nairobi) and it should work under a 'country agreement' with the Juba government, including phased handover to indigenous institutions.
- Southern Sudan will need a region-wide or country-wide rehabilitation and assistance plan. If decisions on where to target aid are left to the the laissez-faire decisions of individual international agencies, there is a danger of a bias towards Equatoria and perhaps parts of Bahr el Ghazal, because that is where the agencies are most active at present. The political dangers of regionally-biased aid programmes must be addressed at the outset.
- Current 'humanitarian principles' and codes of conduct for professionalism can be adopted to regulate relief and development activity. The Juba government should insist on a strong office for aid regulation, perhaps including an OLS representative, and should be ready to discipline or even expel international agencies that grossly transgress the regulations. Experiences of NGO regulation in countries such as Rwanda may be important lessons in this respect.
- Contracts and agreements for all major aid-based projects should be based on principles of financial transparency and commercial competitiveness. International agencies implementing major economic development projects or public service contracts should be obliged to compete on a level playing field with local institutions and commercial contractors. There is no reason for international agencies, spending donor taxpayers' money, to enjoy unfair competitive advantages over local companies or NGOs which may be able to deliver the same product more efficiently. This should prevent the situation in which the economy is distorted because international agencies which enjoy tax and contracting privileges and come to dominate the economy, hindering the growth of a domestic development and public service sector.
- There is a danger of international agencies' activities resulting in undermining or discrediting the Juba government. If all the positive aspects of government--development, health services, education etc--are provided by NGOs, and only taxation, police and prisons by the government, then this is not likely to make the government popular or credible. But the government will clearly not have the capacity to deliver the people's demands for development and social services. So a balance must be struck, or a formula found in which the government enters a true partnership with the NGO sector.

- Southern Sudanese indigenous NGOs will have a major role to play in the rehabilitation of the South. Commercial contractors in the region should also be encouraged to bid for contracts.
- Programmes for the re-integration of returnees and former combatants will be an essential component of rehabilitation and the creation of stability.

There is a host of other short-term technical and policy issues which will need careful study. Southern Sudanese political movements, civil organisations and NGOs should begin studying these issues without delay. It is important that the guiding principles of ensuring the right to food and democratising aid should be laid down at the outset.

A Likely Crisis in Northern Sudan

In northern Sudan, a future transitional period will probably see four sets of urgent problems relating to food security:

1. If the war intensifies in the north/east, or the economic crisis deepens, a new government may well inherit a food crisis centered on the cities of the north. It is quite possible that mechanised agriculture will practically be at a standstill due to lack of fuel and insecurity in the production areas, that irrigation systems will be disrupted, and that food imports will have been interrupted. This will create massive shortages of food in the market, very high prices, and widespread hunger. It would be a famine quite different to most recent rural famines. Displaced people around the northern towns, poor rural people (especially pastoralists and wage labourers) and poorer town-dwellers will be worst hit. Even middle-class people may well be affected. (These people are often overlooked by current relief programmes.) Solving such a crisis will be a major challenge to a new government and decisions that it makes during the early days could have a crucial impact on its options and agenda, even its viability.
2. Serious humanitarian needs will persist in the opposition-held areas of the Nuba Mountains, southern Blue Nile and the Beja Hill, requiring intensified operations by the humanitarian agencies operational in these areas.
3. A new government will inherit a macro-economic crisis. Sudan is deeply in debt, suspended from the IMF, ineligible for assistance from the United States and most of Europe, and will face an immediate fiscal and foreign exchange crisis. Donors move slowly. It may take several years for the US Congress to lift some mandatory restrictions on aid to Sudan. Emergency assistance may arrive quickly but the new government will find its hands tied by strict donor conditionalities, some of them imposed on the previous government that have not been removed. Some of the most powerful donors and international financial institutions will be more concerned about the debt and macro-economic policy than any immediate humanitarian crisis, and will not be merciful.
4. The existing structures and mechanisms for humanitarian assistance are likely to prove an obstacle to establishing a workable democratic system. There are three main points here.
 - Some NIF institutions, including Islamic banks, parastatal fiscal institutions, investment bodies and humanitarian agencies associated with *Jihad*, *Tamkiin* and the

Comprehensive Call, will still exist. Many of them are international and cannot easily be closed down. Others are financially powerful or well organised, and simply closing them down could create a major vacuum, because the older institutions they replaced have ceased to exist. (A similar problem will arise over the question of which civil servants and humanitarian officials should be retained and which dismissed.)

- International agencies, including NGOs, UN agencies and multilateral development organisations, operate a form of bureaucratic power. They have been aptly described as an 'anti-politics machine' and historically this has been their effect in Sudan. The most obvious response for a transitional government faced with a food crisis is to hand over responsibility to international organisations, regulated by a technical government department. (General Suwar el Dahab did this in 1985.) This actually amounts to a postponing the problem, which will become more difficult to face as time passes.
- The democratic forces in Sudan have not established effective economic or humanitarian institutions. The relief institutions of the opposition movements are still weak: either they are small and young or they have still to convince donors that they can operate effectively, (Beja Relief Organisation, Amal Trust, Nub Relief, Rehabilitation and Development Society, Sudan Humanitarian Relief Association). More seriously, there has been insufficient attention to the micro-economic structures and social reforms needed for rural development and empowerment. There is no 'comprehensive liberation' practice as a counterpart to the NIF's 'comprehensive call.'

In these circumstances, there is a danger that a transitional government, which faces a range of simultaneous political, constitutional and perhaps military problems, will simply take the easiest steps on the issue of food security. That course would be to:

- Continue the day-to-day crisis management of government finances vis-à-vis the demands of foreign donors;
- Hand over major responsibility for planning and implementing relief operations to international agencies, co-ordinated by a technical government department, and treat the crisis as a transient one requiring relief only instead of a structural problem requiring major reform;
- Retain some of the NIF financial, development and humanitarian institutions (reformed in some way) for lack of a better alternative, while abolishing others;
- Fall back upon old systems of rural governance (the native administration) and rural development (Agricultural Bank of Sudan, Mechanised Farming Corporation, etc), which have been shown to be ineffective and an obstacle to democratisation;
- Fail to establish alternative democratic institutions to handle social, economic and humanitarian affairs, and fail to develop an alternative vision of how democracy goes hand-in-hand with rural development and rural social reform.

This would be very unfortunate. The rural majority in Sudan would have strong reasons to become disillusioned with 'democracy'. They would find themselves locked into a

familiar cycle of exploitation, neglect and hunger. Sudanese people have experienced enough to know that famine is not a short term problem requiring only relief, but a more fundamental political and economic problem requiring radical reforms.

For all its failings, the NIF *has* delivered some tangible benefits to many people, in the form of small-scale credit, the provision of essential services etc. To remove these modest gains while putting nothing in their place is a recipe for discontent.

A major relief programme run in this manner would also create a set of powerful institutional interests and therefore a focus of power struggle. Political forces would become more consumed with trying to win the favour of foreign donors and establish control over a powerful and wealthy aid bureaucracy. This would leave them less responsive to the demands of their constituents.

Towards a Democratic Humanitarianism

An alternative approach is to create a democratic humanitarianism. Central to this approach is freedom from hunger as a basic human right.

Historically, the right to food has been seen as an economic right, separate from civil and political rights such as the right to political representation, freedom of expression and calling political leaders to account. Delivering economic development or freedom from famine has long been used as an excuse for repressive regimes. Apart from the dubious practice of trading off one set of human rights against another, history shows that this does not work. Sudanese history is a classic demonstration of this. The rule of President Nimeiri ended in a cataclysm of hunger, and the current NIF government has created famines, on a national scale in 1990-91 and at a regional level every year since then. But Sudanese history also shows that simply establishing the superstructure of a liberal democracy is not enough either, as demonstrated by the famine that occurred during the last parliamentary period.

This approach is different: it sees the right to food as closely bound up with these democratic rights. We need both the right to food *and* democratic rights. We can have both democracy and freedom from famine, if the right to food is an issue for civil and political mobilisation.

Simply granting civil and political liberties is not enough. Sudanese democrats and human rights activists also need to ensure that the right to food is on the agenda for those who are exercising their civil and political rights: to vote, to stand for election, to speak and write freely, to meet and protest, to organise etc. One possible outcome is that there might be a political party, representing small farmers and other poor people, whose political agenda is food security. But it is more probable that if the great mass of voters, who are poor and who have suffered from hunger, demand that their representatives pay attention to food security, then all parties will have to represent the right to food.

Note that the right to food is *not* the right to *relief* food. If the government merely guarantees the right to relief food, what it will be doing is leaving intact all the wider structures that create poverty and famine, and simply guaranteeing that there is enough relief to prevent the poorest from dying from starvation. The right to food includes the right to produce food or to have an income to acquire food. It is in fact the right to a livelihood.

Enforcing these rights is not simple. Structures for political representation and participation are always influenced by the interests of the powerful. It will need hard work for them to be effective in representing the needs of the hungry.

Reforms are needed, in the following respects, at least.

1. The main political parties, which are likely to form a transitional government, should acknowledge the right to food and governmental responsibility for preventing famine. The government's duty to prevent famine could be laid down in law, the civil service code or even in the constitution. This acknowledgement can be the basis for a change in popular attitudes towards responsibility for famine, and a move away from the fatalism cultivated by the last few governments.
2. A counterpart to asserting the right to food is criminalising the denial of the right to food. Some existing laws exist that can be used to serve this end. Others can be adopted (e.g. elements of the Geneva Conventions) or drafted afresh.
3. In rural areas at local level, greater democracy is needed. Most famines strike at remote rural communities. There is a danger that even though national level democratic institutions institute anti-famine measures, these will be ignored or abused by local political authorities. Previous parliamentary regimes have coexisted with rural dictatorships, either in the form of native authorities or military governors: much of the creation of famine and blocking of relief in the 1986-9 period was the work of local authorities. Ironically it was the military regime of Jaafar Nimeiri that allowed more participation at regional and local level. We need both central and local democracy.
4. Displaced people are currently disenfranchised. The displaced need a structure of representation that will guarantee them a voice in democratic decision making, especially regarding their right to food and other essentials. That right should be guaranteed even though they may be unable to vote in their displaced localities.
5. All levels of government need to be far more open and transparent about aid negotiations and aid resources. In the past, elections have been the occasion for the most blatant misuse of aid funds, and for politicians to make grand promises about the delivery of aid. This is possible only because ordinary people do not have access to the aid decision-making process, so they have no option but to believe aspiring politicians who turn up with aid agencies at their shoulders promising food relief or development projects. In this way, aid can undermine the entire democratic process by turning it into an auction of aid bribes. Strict regulation is necessary to prevent this happening. The basic requirement is for all aid negotiations and aid budgets to be made public, so that voters know what is available. It might also be necessary to prohibit financial transactions between aid agencies and candidates who stand for election, or to suspend aid negotiations during the campaigning period.
6. The entire aid delivery system needs to be made more transparent and democratic. The aid agencies themselves need to be subject to complete democratic scrutiny. Elements of this include publication of aid budgets, democratising aid negotiations, and creating an ombudsman to hear complaints against aid agencies. The ideal is to move towards the 'fund-holding' or 'take it' model of aid, whereby the donors hand over the resources to the recipient government, which dispenses them under democratic scrutiny, and then reports back and/or invites monitoring. This will take some time.
7. Democratic politicians need to plan in advance for the wider economic policy challenges that they will face in a future transition.

These reforms, in themselves, will not be sufficient to create political guarantees against famine. That will depend upon Sudanese people mobilising to defend their rights to be free from famine, using democratic political methods. This cannot be legislated for, but it can be encouraged and above all, measures that impede it can be prevented.

Proposals

The following ideas should be considered in advance of the transition:

1. To introduce more accountability for politicians responsible for the creation of famine.

- Prosecutions for crimes involving the creation of famine. There are three avenues to be explored here:
 - (i) Those allegedly responsible for violating the articles in the Geneva Conventions that prohibit the use of starvation as a method of war should be brought before the Special Prosecutor.
 - (ii) Those who allegedly acted in a straightforwardly criminal manner (for example selling relief food) can be prosecuted, either by the Special Prosecutor or in an ordinary court.
 - (iii) Those allegedly responsible for criminal negligence in failing to prevent starvation can also be prosecuted.
- Legislation criminalising the creation of famine can be passed, to apply to future threats of famine. (It would be wrong to apply such legislation retroactively.) The primary duty of all administrative officers to prevent famine should become part of the civil service code.
- Measures for land tenure reform and the protection of livelihoods will be needed.
- A commission of inquiry into the causes of famine should be convened. This would be a counterpart of the prosecutions for famine crimes, looking more broadly into the political and economic processes that have created famine in Sudan. This should not be solely an elite activity involving academics and technocrats but should be a public commission that holds hearings in the rural areas affected by famine so that ordinary people can be heard. It is more in the way of a truth commission than a special prosecutor. The November 1997 decision by the OAU Central Organ to set up a Panel of Eminent Persons to investigate the crisis in Central Africa and the international response to it provides a precedent for this kind of inquiry at the pan-African level.

2. To introduce more transparency into the delivery of humanitarian relief in Sudan.

- Create an ombudsman to oversee humanitarian organisations, both Sudanese and international. The ombudsman will be able to hear complaints and investigate issues concerning professionalism, conduct and ethics. This can be the first step towards professional and ethical regulation of local and international agencies.

- All aid budgets and expenditures should be published: aid should no longer be the secret weapon of the administrator or politician. This is the first step towards moving towards the 'fund-holding' model of aid whereby the donors say 'take it' and the recipient democratic government decides on the allocations and then reports back.
- Major aid programmes should be commercially competitive, with domestic NGOs, governmental institutions and commercial companies able to compete for contracts on the same terms as international aid agencies.
- Sudanese development and relief workers should establish a professional association. This would help to set and enforce standards, ensure that suitable employment practices are followed, etc. In particular such an association would help overcome the problem of qualified Sudanese being passed over for employment by foreign agencies in favour of less qualified staff selected for their nationality or loyalty alone.
- Legislation should be passed to prevent aid bribes to electors. One example might be a suspension of aid negotiations during campaigning; another is a process whereby aid agencies make their negotiations public and involve all sectors of the recipient community.

3. *To handle the specific challenges of famine and humanitarian action in Southern Sudan:*

- Prepare blueprints for a South-wide rehabilitation plan.
- Recognise that international agencies will play a key role in rehabilitation, development and service delivery, and ensure that they are loosely but firmly regulated with regard to professionalism, ethics and competitiveness.

4. *To minimise the hazards of the northern Sudanese crisis scenario outlined above occurring in the early days of a transitional government:*

- Sudanese opposition leaders and their friends should prepare now to find a way to handle the key macro-economic issues, including government finance, debt, relations with donors, and key financial and economic institutions. Details of this go beyond the scope of this paper. A working group on economic and humanitarian issues could be convened to discuss these issues with donors and humanitarian organisations.
- The Sudanese democratic forces should begin to build alternative humanitarian and economic institutions. Establishing effective relief organisations is one step but it is important to remember that other actions to maintain agricultural production and marketing, employment and infrastructure will be extremely important as well.

5. *To create a democratic humanitarianism*

- The measures outlined in (1) above will go some way to making the right to food a political issue in Sudan, which is the foundation of a democratic humanitarianism.

- Human rights organisations should include the right to food in their activities, and should encourage people to speak out for their right to food.
- Democratic political forces should begin to establish their policies towards food security and essential service provision.

The success of these proposals will depend on a degree of compliance by international agencies. But the reluctance of aid donors, the UN and NGOs should not be a reason for delay. Sudanese organisations should start the process at once.