

**Abstract**

Title of Thesis: Humanitarian Trojan Horse? The Politicization of Humanitarian Aid by INGOs in Sudan and the case of Médecins Sans Frontières

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The humanitarian response to the conflict in Sudan during the late 20<sup>th</sup> and early 21<sup>st</sup> centuries was significantly limited by hostile operating conditions imposed by the Sudanese Government, which sought to impede INGO action in Sudan by limiting humanitarian access, perpetrating targeted violence against aid workers, and eventually by expelling several prominent INGOs from the region. The Government of Sudan sought to impede INGO action in Sudan because it considered the organizations to be acting in opposition to the government. Prominent INGOs operating within Sudan politicized the provision of humanitarian aid by failing to abide by principles of humanitarian neutrality, aligning the provision of humanitarian aid with a Western political agenda. This resulted in organizations associated with the provision of aid being perceived as adversarial to the Government of Sudan. This thesis analyzes the politicization of humanitarian aid by INGOs aligning with the West as it through four key instances during and after the conflicts in Sudan: Operation Lifeline Sudan, the implementation of the Responsibility to Protect doctrine, the debate over genocide in Darfur, and the International Criminal Court issuing an arrest warrant for Sudanese president Omar al-Bashir. INGOs aligning with Western political powers in each of these instances contributed to the Government of Sudan's perception of INGOs as adversarial. In contrast to this norm, the medical INGO Médecins Sans Frontières (or Doctors Without Borders) upheld principles of humanitarian neutrality as demonstrated through the organization's actions, reports, and advocacy. Despite MSF's operations largely seeking to maintain neutrality, the organization failed to be perceived as a neutral humanitarian actor in the eyes of the Sudanese Government and was subjected to the same hostile operational environment as other INGOs. By comparing the actions and advocacy of MSF to the norm established by other INGOs, MSF's dual functionality in providing material relief and humanitarian *témoignage* may be seen to provide a practical incentive for the organization to maintain humanitarian neutrality.

Humanitarian Trojan Horse?  
The Politicization of Humanitarian Aid by NGOs in Sudan

By

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## Chapter 1: Introduction

### Background

The provision of humanitarian aid presents a means by which states and organizations can approach global problems to alleviate suffering and reduce instability. International non-governmental organizations (INGOs) are significant actors in this field, having the capacity to respond rapidly to crises as independent actors as opposed to state constrained intergovernmental organization responses. With many of the biggest humanitarian INGOs being based within the United States or Western Europe, their operations within the global south tend to come into question as to whether their motives are truly humanitarian, or if they are serving a deeper, imperialist agenda. This consideration has presented many dilemmas to INGOs in which they weigh the principles of neutrality and impartiality with their ability to effectively provide aid.<sup>1</sup> The case of Sudan presents an opportunity to analyze the outcomes observed for INGOs that fail to uphold such values of neutrality, or those that are perceived to have done so by local authorities. Throughout the Second Sudanese Civil War (1983-2005) and the War in Darfur (2002-2020), there have been many instances in which the political stances of Western powers like the US and France, and intergovernmental organizations like the International Criminal Court (ICC), and the United Nations Security Council (UNSC) have come into conflict with those of the Government of Sudan (GoS). Subsequently, INGOs tend to shape their operational policies around one of these political perspectives, and in doing so the provision of humanitarian aid becomes politicized. During and after the conflict in Sudan, many humanitarian INGOs engaged in action and advocacy that politicized the provision of humanitarian aid by aligning relief efforts with Western political agendas, making aid subject to a hostile operational

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<sup>1</sup> For a more detailed look into many of these moral dilemmas, see Jonathan Moore, *Hard Choices: Moral Dilemmas in Humanitarian Intervention* (Rowman & Littlefield, 1998).

environment due to what was seen by the Government of Sudan as INGOs aligning with foreign powers. As humanitarian conditions worsened within Sudan, and particularly within Darfur, many INGOs began to align their advocacy and their actions with the US, the UN Security Council, and eventually the International Criminal Court, in condemning the actions of the Sudanese government. This process further politicized the humanitarian operations of these organizations and led the Government of Sudan to treat INGOs as enemies of the state, taking action to impede aid operations ranging from limiting humanitarian access to operate within Sudan, to kidnappings and killings of humanitarian aid workers, to the eventual expulsion of many large aid INGOs from the country. These circumstances require that INGOs consider whether being perceived as a political actor in opposition to the state will limit their capacity to effectively provide humanitarian aid. If this is to be the case, then the question is further raised as to whether INGOs which publicly advocate for humanitarian causes are helping or harming their capacity to improve the situations they are advocating for.

One particular INGO, Médecins Sans Frontières (MSF) or Doctors Without Borders in English, has established itself as one of the most well-known international medical NGOs for its quick responsiveness to disasters and for consistently striving to abide by principles of humanitarian neutrality.<sup>2</sup> MSF's operations in Sudan during and immediately after the Second Sudanese Civil War have demonstrated the organization's attempts to remain committed to humanitarian neutrality despite the norm of aligning with Western powers established by other prominent INGOs. The consideration of humanitarian neutrality is particularly relevant for INGOs such as MSF which serve a dual functionality, providing medical aid and health services while advocating for their causes by speaking publicly and providing humanitarian testimony, or

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<sup>2</sup> Fiona Terry, "The principle of neutrality: is it relevant to MSF?," 2000.

*témoignage*. To effectively provide material relief during conflict in the form of medical aid and supplies, MSF must be perceived by both parties to the conflict as abiding by humanitarian neutrality, which could potentially come into conflict with the organization's public-facing advocacy efforts.

### **Research Question and Argument**

In this thesis I will investigate the research question: How did the actions and advocacy of NGOs during and immediately after the Second Sudanese Civil War contribute to the politicization of aid in Sudan, and did MSF's dual functionality as an INGO providing both material relief and humanitarian testimony cause the organization to differ from other NGOs in action, advocacy, or outcome?

I argue that the general trend in INGO behavior was to align with the US and the UNSC in their response to conflict in Sudan, politicizing humanitarian aid by associating INGOs with Western powers which the Government of Sudan considered as adversarial. MSF, however, undertook extensive efforts to differentiate itself as an organization from these norms in seeking to maintain humanitarian neutrality. Despite these efforts, MSF operations experienced the same hostile operational conditions as other INGOs that did not make similar efforts to remain politically neutral. Therefore, while MSF's dual functionality contributed to the organization's commitment to the principle of humanitarian neutrality underlying its action and advocacy, this did not correspond with better outcomes than other INGOs which violated humanitarian neutrality. Because INGOs politicized the provision of humanitarian aid, the Government of Sudan sought to limit the provision of aid by foreign organizations altogether, and therefore MSF was grouped in with other INGOs. As these other organizations established the norm of INGOs aligning with the US and the UNSC, the Government of Sudan perceived these organizations as



adversarial to the Sudanese government, and consequently sought to limit their capacity to operate within Sudan.

### **Methods and Design**

In order to evaluate how INGOs politicized the provision of humanitarian aid, an analysis I conducted an analysis into the positions and advocacy of prominent INGOs through publicized reports, instances in which humanitarian access was limited by the Government of Sudan, and the international context of interactions between the UN General Assembly and Security Council, the United States, and Sudan. Through this analysis, I determined in which instances INGOs were perceived by the Government of Sudan to be aligned with Western powers like the US and the UNSC. I selected four instances for which I argue INGO action and advocacy politicized the provision of humanitarian aid: Operation Lifeline Sudan, the implementation of the Responsibility to Protect, the debate over genocide in Darfur, and the International Criminal Court investigation into Sudanese President Omar al-Bashir. These instances were selected due to the wide range of concepts that they speak to, covering negotiated humanitarian access, justification of humanitarian intervention, framing of violence, and implications of humanitarian involvement in legal proceedings. These instances are also well distributed chronologically, with Operation Lifeline Sudan beginning in 1989 near the start of the Second Sudanese Civil war, the debate over the Responsibility to Protect and the use of genocide beginning around 2004-2005 shortly after the start of the War in Darfur, and the ICC arrest warrant for Omar al-Bashir being issued in 2009 when many INGOs were expelled from Sudan.

The timeframe analyzed in this thesis has primarily emphasized the events from 1985-2010. This window of time was selected for its relevance to the relationship between INGOs and the Government of Sudan, containing each of the analyzed instances in which I argue aid was

politicized. After this period in 2011, South Sudan gained its independence, presenting a new geopolitical climate for NGOs to operate within which may be a valuable subject for further inquiry.

A limitation to this line of inquiry is that the decision-making process for all NGOs analyzed in this paper is not generally publicized. As such, while the final product of their advocacy or the provision of material aid has been observed and recorded, there is no way to definitively state the motives and reasoning for organizations to act the way they did. With INGOs whose work centers primarily on advocacy such as Amnesty International, Human Rights Watch, and the International Crisis Group, I have defined the organization's opinions and motives as those expressed in their publications. This choice was made because the primary function of these advocacy organizations is to investigate and produce reports on violations of human rights. The content of these reports should be expected to closely reflect the organization's decision-making process, as the organizations made the decision to include the contents in the publication.

However, with MSF such analysis is more complex. MSF's decision-making for when to open or close medical operations, which medical services to provide, and when to suspend operations in a country altogether all occur behind closed doors. While it is possible to understand MSF's priorities based on actions taken by the organization, it is difficult to ascertain the organization's position on some issues, since any alternative decisions that might have been made or the motivations contributing to taking a given action are not made public. To better understand the motives and beliefs of MSF as an organization, I have looked to the publications of MSF-CRASH, the Centre de Réflexion sur l'Action et les Savoirs Humanitaires. CRASH is an organization dedicated to the study and analysis of MSF actions in order to improve the

association's actions. The CRASH team is comprised of many past MSF presidents and heads of mission, and as a result of both their shared leadership and their organizational connectedness, their stances reflect the operational considerations taken by MSF in its advocacy and in its provision of medical aid. As such, publications made by CRASH with respect to their opinions on issues relevant to the politicization of humanitarian aid have been used as guiding principles for MSF operation, and thus have been considered to be demonstrative of MSF's beliefs as an organization.<sup>3</sup>

The materials I analyzed in understanding humanitarian NGO involvement in Sudan and the politicization of aid were primarily NGO reports and press releases, UN resolutions and statements, and scholarly work on the role of humanitarian aid in the conflict. To contextualize this information and to gain more insight into the perspective of the Government of Sudan, I used journalistic sources from newspapers and radios based in Sudan or concerned primarily with Sudan.<sup>4</sup> A limitation upon the sources used in this thesis has been the language barrier. As I am unable to access sources in Arabic, I am limited to those which have been translated into English. To best circumvent this practical concern, I used the BBC Monitoring database of Sudanese journalism translated into English to lend insight into the Sudanese state and local perspectives on issues and organizations. Searches in this database were conducted between the years of 1997 and 2010 and filtered by those produced by Sudanese and South Sudanese sources, with search terms used including "NGO AND Sudan", "NGO AND Bashir", "(MSF OR

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<sup>3</sup> CRASH publications used for this purpose include *Genocide, upping the stakes; Humanitarian NGOs and the Big Stick Policy; MSF and Protection: Pending or Closed?; Military Humanitarianism: A Deadly Confusion; Legal or Humanitarian Testimony? History of MSF's Interactions with Investigations and Judicial Proceedings;* and *Not In Our Name: Why Médecins Sans Frontières does not support the "Responsibility to Protect"*, among others. Each is cited in the following chapters as the relevant operational perspective or principle is referred to.

<sup>4</sup> The Sudan Tribune contributed heavily to journalistic documentation of NGO involvement in Sudan and is primarily concerned with Sudan. The organization itself, however, is based in Paris.

Médecins Sans Frontières OR Doctors Without Borders) AND Sudan”, and “NGO AND Khartoum”.

### **Review of Literature on Conflict in Sudan**

The Second Sudanese Civil War began in 1983, when the Sudan People’s Liberation Movement/Army (SPLM/A) initiated a revolution against the government, stating its goal as opposing racism and tribalism in the Sudanese central government.<sup>5</sup> This perceived discrimination from the Government of Sudan was rooted in the structural marginalization of rural Sudanese populations stemming from the state’s history as a British colonial possession.<sup>6</sup> The conflict, exacerbated by droughts and famine, had an immense humanitarian toll attracting the attention of international humanitarian relief operations.<sup>7</sup> International efforts at establishing peace diplomatically were ultimately successful in 2005 with the signing of the Comprehensive Peace Agreement establishing a ceasefire while laying the groundwork for a Southern Sudanese Independence Referendum which would occur in 2011.<sup>8</sup>

Overlapping the latter part of this conflict was the intensification of fighting in Darfur. Located in Western Sudan, the sultanate of Darfur was incorporated reluctantly into Sudan while under Anglo-Egyptian control.<sup>9</sup> Tensions existed between nomadic Arab Rizayqat and Black African Fur and Masalit ethnic groups due to the calculated marginalization and exclusion of African groups from government, culminating with Sudanese president Omar al-Bashir imposing

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<sup>5</sup> Robert Collins, “Civil Wars in the Sudan,” *History Compass* 5, no. 6 (2007): 1778–1805, <https://doi.org/10.1111/j.1478-0542.2007.00473.x>.

<sup>6</sup> Luka Biong Deng, “The Sudan Comprehensive Peace Agreement: Will It Be Sustained?,” *Civil Wars* 7, no. 3 (September 1, 2005): 244–57, <https://doi.org/10.1080/13698280500423924>.

<sup>7</sup> Neil Middleton and Phil O’Keefe, “Politics, History & Problems of Humanitarian Assistance in Sudan,” *Review of African Political Economy* 33 (September 1, 2006): 543, <https://doi.org/10.1080/0305624060101067>.

<sup>8</sup> Marina Ottaway Hamzawy Amr, “The Comprehensive Peace Agreement,” Carnegie Endowment for International Peace, accessed April 5, 2024, <https://carnegieendowment.org/2011/01/04/comprehensive-peace-agreement-pub-42223>.

<sup>9</sup> Collins, “Civil Wars in the Sudan,” 1794.

a policy of Arabization in the region.<sup>10</sup> The Justice and Equality Movement (JEM) arose as a militant insurgent group within Darfur seeking to end the marginalization of Darfur, beginning attacks on GoS military installations in early 2003.<sup>11</sup> Unable to fully respond to the rebel movements in both the west and south, the Sudanese government armed Arab militias in the Darfur region referred to as the Janjaweed as a counter-insurgency movement. The Janjaweed then initiated a campaign of violence against Darfuri civilians, killing many and forcing millions of internally displaced peoples (IDPs) to flee to refugee camps. While a United Nations fact-finding commission concluded that the Government of Sudan had not pursued a policy of genocide, there was significant scholarly debate as to whether this violence amounted to genocide, notwithstanding a broad consensus regarding the magnitude and ethnic dimension of the conflict.<sup>12</sup> Ugandan academic Mahmood Mamdani points to the framing of the conflict as genocide by Arabs against Africans as being an oversimplification that ignored political motivations and instead seeks to explain the conflict in terms of good and evil.<sup>13</sup> He argued this oversimplification to be dangerous, as it is put forth as a call to arms for Western nations to intervene militarily justifying the further subjugation of Africa.<sup>14</sup> The vehicle for the ideological and moral pressuring for the label of genocide and for its application in military intervention was largely NGO advocacy campaigns in the United States and Europe. Anthropologist Alex de Waal, who served as a member of the African Union mediation team for Darfur, labels the violence in Darfur as a product of the internal weakness of the Government of Sudan,

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<sup>10</sup> Ibid., 1795-1796.

<sup>11</sup> Ibid., 1796.

<sup>12</sup> "Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General - Sudan | ReliefWeb," February 25, 2005, <https://reliefweb.int/report/sudan/report-international-commission-inquiry-darfur-united-nations-secretary-general>.

<sup>13</sup> Mahmood Mamdani, "The Politics of Naming: Genocide, Civil War, Insurgency," *London Review of Books*, March 8, 2007, <https://www.lrb.co.uk/the-paper/v29/n05/mahmood-mamdani/the-politics-of-naming-genocide-civil-war-insurgency>.

<sup>14</sup> Mahmood Mamdani, *Saviors and Survivors: Darfur, Politics, and the War on Terror* (Pantheon Books, 2009).

disagreeing with notions that leadership in Khartoum intentionally engineered the ethnic violence.<sup>15</sup> Opposing perspectives cited NGO reports of Janjaweed violence to argue that the Government of Sudan is responsible for granting militia groups impunity in their campaigns of violence while labeling Mamdani's concerns of colonial intent as derivative of his "wholesale opposition to humanitarian intervention".<sup>16</sup>

While these scholars expressed distinct understandings of whether the conflict in Darfur should be understood as a genocide, each argument incorporated NGOs as a key factor in their interpretation of the conflict, whether by using their reports to inform their perspective or by incorporating the effects of NGO actions into their understanding of the conflict's political dynamics. I seek to further explore the role of NGO advocacy and action in shaping the humanitarian response to conflict in Sudan in the coming chapters.

### **Research Significance**

This research is significant in that it identifies aspects of the INGO provision of humanitarian aid in Sudan which contributed to the politicization of aid, and the manner in which this limited the operational capacity of these humanitarian aid organizations. By highlighting the fact that the norms established by INGO interactions with the Government of Sudan negatively impacted the capacity of other INGOs that strived to remain neutral, aid organizations may pay more attention in the future to the ways in which their action and advocacy have the capacity to politicize humanitarian aid altogether, limiting their capacity to operate along with the efficacy of the entire humanitarian response to a particular crisis. Also, by describing the role that MSF's dual functionality played in the organization's commitment to humanitarian neutrality alongside

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<sup>15</sup> Alex de Waal, "Dueling Over Darfur: The Newsweek Debate," *African Arguments* (blog), November 8, 2007, <https://africanarguments.org/2007/11/dueling-over-darfur-the-newsweek-debate/>.

<sup>16</sup> Eric Reeves, "Getting Darfur Wrong," *Dissent* 56, no. 4 (2009): 108–12.

the fact that this advocacy was not necessarily associated with the Government of Sudan's limitations on the capacity to provide relief aid, I will demonstrate that INGOs dedicated primarily to providing material relief can also play a significant role in publicly advocating for humanitarian causes.

This research is particularly relevant in 2024 with the resurgence of violence in Sudan as conflict erupts between the Sudanese Armed Forces and the rebel Rapid Support Forces, the latter of which is comprised of the remnants of Janjaweed militias discussed in this thesis. The fighting has drastically increased humanitarian need throughout Sudan, particularly in Darfur, where violence seems to be occurring along similar ethnic dimensions to the violence of the War in Darfur analyzed in this thesis. Analysis of how INGO humanitarian aid aligning with Western political agendas resulted in a limited capacity for humanitarian aid operations underscores the importance of aid organizations maintaining humanitarian neutrality in their relief efforts for this new conflict.

### **Summary Overview of Thesis**

In Chapter Two, I will describe the first three of the four instances I have selected: Operation Lifeline Sudan, the implementation of the Responsibility to Protect, and the debate over genocide. I will use these instances to establish a chronological understanding of how each of these instances contributed to the politicization of INGO provision of humanitarian aid. I will describe how these instances established the norm for relationships between the West and the Government of Sudan, and how INGO advocacy aligning with the perspective of the West contributed to INGOs being viewed as adversarial to the Government of Sudan. In Chapter Three I will describe the position and advocacy of MSF in each of these three instances. In each case, MSF broke from the norm of other INGOs and instead opted to pursue advocacy more in

line with upholding humanitarian neutrality. This will be followed with a description of how despite MSF advocacy, the outcome for the organization was the same as for other organizations as MSF was unable to escape being associated with other aid INGOs, and the West by extension, in the eyes of the Government of Sudan. In Chapter Four I will describe the fourth of the instances: The International Criminal Court investigation into President Omar al-Bashir. This will incorporate Sudanese journalistic sources and statements by President Omar al-Bashir to depict the perspective of INGOs held by the Government of Sudan which fueled its decision to expel 13 of the largest aid groups from the country. Finally, in Chapter Five I will summarize my findings, propose directions for future research, and discuss the implications of my findings.



## Chapter 2: INGO Politicization of Humanitarian Aid

### Introduction

The adversarial relationship between the Government of Sudan (GoS) and the Western World has been comprised of antagonistic actions from either side as they compete over influence and desired outcomes for the region. Humanitarian NGOs operating in Sudan find themselves in the middle this antagonistic relationship, being perceived as a threat to the established government in Khartoum.<sup>17</sup> The relationship between NGOs and the GoS is characterized by tight control over humanitarian access, travel restrictions, and violence against humanitarian workers.<sup>18</sup> Many factors have contributed to the development of this antagonistic relationship, tying back to Sudan's history as a British colonial possession. NGOs and humanitarian aid operations have, however, added nuance to this relationship by providing new avenues for mediating friendlier relations between adversarial states while also founding claims that NGOs are operating as neocolonial agents due to their perceived connections to Western interests.

Throughout the Second Sudanese Civil Conflict and the conflict in Darfur, the actions of the West conflated humanitarian aid with the imposition of Western will upon the Sudanese government, creating a more hostile environment for aid operations. Perceptions of NGOs as acting at the behest of Western interests began with the largely ineffective Operation Lifeline Sudan, which politicized humanitarian aid by legitimizing rebel parties and posturing NGOs as in opposition to the GoS. This perception was furthered when the Western world began to attribute the label of genocide to the conflict in Darfur, polarizing international sentiment against the Government of Sudan. The GoS then held the belief that the accusations of genocide were

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<sup>17</sup>Andrew J. Cunningham, "Expulsion as Discourse: The Case of Sudan," in *International Humanitarian NGOs and State Relations* (Routledge, 2018).

<sup>18</sup>Richard Cockett, "Sudan: Darfur and the Failure of an African State," 2010, <https://www.africabib.org/rec.php?RID=325632065>.

based upon reports from NGOs operating in the country. Tensions further increased with the growing notion of the responsibility to protect (R2P), seeking to prevent crimes against humanity by declaring states responsible for intervening militarily in cases of such violations of international law. Each of these instances of action and advocacy placed the West at odds with the GoS by questioning the state's sovereignty, labeling it a perpetrator of genocide, and threatening military invasion. As this adversarial relationship further developed between the West and Sudan, NGOs were treated as a "political football" by either side as they sought to gain political advantage from the ongoing humanitarian operations.<sup>19</sup>

#### **Sudan and NGOs – Operation Lifeline Sudan**

Established in 1989 and lasting until 2005, Operation Lifeline Sudan (OLS) was an agreement between the United Nations and the two combating parties in the Second Sudanese Civil Conflict: The Government of Sudan, and the Sudan People's Liberation Movement/Army (SPLM/A). OLS functioned as an umbrella agency for UN agencies and many humanitarian NGOs, serving as a centralized NGO response to alleviate the toll of ongoing civil war and famine in southern Sudan. The operation was aimed at expanding humanitarian aid operations in Sudan and southern Sudan by negotiating access agreements with the conflicting parties. This negotiated access represented a new frontier in interactions between combatants and humanitarian organizations as the GoS temporarily ceded sovereignty of southern Sudan to the UN.<sup>20</sup> OLS then negotiated with rebels seeking the security of aid workers to further increase the area within which humanitarian organizations could operate within Sudan. These negotiations did lead to expanded aid operations within Sudan. However, questions remain as to

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<sup>19</sup> Cunningham, "Expulsion as Discourse," 137–38.

<sup>20</sup> Max P. Glaser, *Humanitarian Engagement with Non-State Armed Actors: The Parameters of Negotiated Access*, HPN Network Paper, No. 51 (London: Overseas Development Institute, 2005), 9–21.

whether this aid had any substantial impact on humanitarian need in the region.<sup>21</sup> While relief and capacity-building operations were scaled up alongside projects delivering food aid, there was no mechanism implemented for OLS to measure the impact of its operations. This missing component served as an indictment upon the sustainability of the intervention, as without the ability to measure the efficacy of the intervention, there was no ability to deem when the provision of aid might be no longer necessary.

Without the ability to track efficacy or impact, it is difficult to demonstrate that the work of NGOs under the OLS umbrella in Sudan during this period comprised a successful humanitarian relief effort. The unintended political consequences of the operation were more open to critique because the value of the aid to its recipients was unclear. Because OLS assumed responsibility for the provision of aid to the displaced and needy in the south, government and rebel officials did not have to prioritize finding a stop to the conflict, prolonging the fighting.<sup>22</sup>

By directly aligning humanitarian aid with either party in conflict through participation in negotiations, OLS expanded humanitarian access at the cost of strengthening connections between international politics and humanitarian aid. The principle of negotiating for access with the GoS or rebel bodies required humanitarian organizations to be accepting of violence from the negotiating parties in exchange for the ability to provide aid within their areas of control. The provision of humanitarian aid in regions of ongoing violence often calls humanitarian neutrality into question, as the groups perpetrating the violence often must be relied upon to facilitate relatively safe operating conditions for relief operations groups. However, by making the same

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<sup>21</sup> Mark Duffield, "Aid and Complicity: The Case of War-Displaced Southerners in the Northern Sudan," *The Journal of Modern African Studies* 40, no. 1 (March 2002): 83–104, <https://doi.org/10.1017/S0022278X01003822>.

<sup>22</sup> Adam Branch and Zachariah Cherian Mampilly, "Winning the War, but Losing the Peace? The Dilemma of SPLM/A Civil Administration and the Tasks Ahead," *The Journal of Modern African Studies* 43, no. 1 (March 2005): 12–17, <https://doi.org/10.1017/S0022278X04000588>.

entity responsible for both relief operations and for the negotiation of humanitarian access, OLS associated the provision of humanitarian with an acceptingness of ongoing violence by either party, inextricably connecting the two in a manner that called into question OLS and INGO's respect of humanitarian neutrality.

The relationship between the Western World and the Government of Sudan was also brought into question through OLS, with accusations that the operation's scaling of developmental aid to the south was an "attempt by Western governments to assist the SPLM/A in resisting the Khartoum government's onslaught".<sup>23</sup> Furthermore, by negotiating with rebel groups over access to the zones they occupy, the groups are recognized as authorities in the region.<sup>24</sup> By providing necessary services to civilian populations, the rebel control was legitimized by its ability to secure humanitarian services for local inhabitants via negotiated access. Under the guidelines of negotiated access, OLS had to negotiate with rebel parties for the distribution of humanitarian aid, producing a context in which the provision of humanitarian aid meant undermining Sudanese state sovereignty by legitimizing rebel control over contested territories. These circumstances associated the provision of humanitarian aid with political support of rebel groups in the eyes of the Government of Sudan, contributing to its perception of INGOs as operating in opposition to Khartoum.

Centralizing the NGO response under the United Nations laid the groundwork for the Government of Sudan to target diverse NGOs in their later decisions to expel international aid organizations from the country and suppress the spread of information. By providing substance

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<sup>23</sup> Mark Bradbury, "The 'Agreement on Ground Rules' in South Sudan: Study 3 in: The Politics of Principle: The Principles of Humanitarian Action in Practice," Library of Congress, Washington, D.C. 20540 USA, March 2000, <https://lccn.loc.gov/2006445850>.

<sup>24</sup> Dalvan M. Coger and Volker Riehl, "Who Is Ruling in South Sudan? The Role of NGOs in Rebuilding Socio-Political Order," *African Studies Review* 45, no. 3 (December 2002): 12–16, <https://doi.org/10.2307/1515126>.

to the claims that aid organizations are assisting in opposition to the government, the political landscape produced by OLS substantiated the notion that NGOs were adversarial to the GoS and acting at the behest of Western wills.

### **The Responsibility to Protect – R2P**

In the early 2000s, having recognized its failure to adequately intervene in preventing or stopping the genocides witnessed in Rwanda and Srebrenica, the international community was seeking to identify a new norm for international protection of human rights. Working within this context, the International Commission on Intervention and State Sovereignty, sponsored by the Canadian government, developed the framework for the responsibility to protect.<sup>25</sup> In its report by the same name, the group asserted that while each state bears the primary responsibility for the protection of its people, in instances where a state fails to carry out this primary responsibility the international community bears a responsibility to protect at-risk populations.<sup>26</sup> The international community endorsed the Responsibility to Protect in 2005 with the UN General Assembly's approval of the notion in the World Summit Outcome Document.<sup>27</sup> The International Crisis Group advocated in its report *To save Darfur* for the principles of responsibility to protect to be applied to in Darfur. The NGO proposed that protection measures be implemented by "re-hatting" the African Union Mission in Sudan's (AMIS) ongoing ceasefire monitoring mission, replacing them with UN peacekeepers to revitalize the mission and add the protection of civilians to the mission's mandate.<sup>28</sup> The report further argued for coercive

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<sup>25</sup> "The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty, 2001," Global Centre for the Responsibility to Protect, <https://www.globalr2p.org/resources/the-responsibility-to-protect-report-of-the-international-commission-on-intervention-and-state-sovereignty-2001/>.

<sup>26</sup> Ibid.

<sup>27</sup> World Summit Outcome Document, G.A. Res. 60/1, para. 138-139, U.N. GAOR, 60<sup>th</sup> sess., U.N. Doc. A/Res/60/1 (Oct. 24, 2005).

<sup>28</sup> "To Save Darfur | Crisis Group," March 17, 2006, 26, <https://www.crisisgroup.org/africa/horn-africa/sudan/save-darfur>.

disarmament of the Janjaweed militias and physical protection of displaced peoples and Darfurian villagers. These proposals, however, overlooked problems of poor logistics for currently stationed AMIS forces and lack of adequate funding mechanisms, inflating expectations for the intervention beyond what was feasible given the circumstances.<sup>29</sup> Shortly after, Amnesty International, Human Rights Watch, and the International Crisis Group issued a joint letter to the UNSC in which they urged that Darfur be the test case for the new norm of R2P.<sup>30</sup> Calling for the UN to intervene in this way brought much political attention to the violence in Sudan, with debate regarding whether an intervention on the grounds of R2P represented a morally justified incursion or an invasion violating Sudanese state sovereignty. Regardless of whether such an intervention would be justified, its discussion played a role in establishing Sudan's perception by the West as a pariah state, as the Khartoum government now saw itself potentially the recipient of an international peacekeeping force amidst accusations that the GoS was playing a significant role in facilitating the crimes against humanity witnessed in Darfur.

In addition to appealing to the UN to intervene militarily in Darfur, NGOs played a prominent role in influencing international affairs by directing the international community towards endorsement of R2P alongside other political and economic measures to isolate Sudan and calling public attention to support against the violence in Darfur. This political and social movement began to gain significant popular support, particularly in the USA, with the formation of the Save Darfur Coalition in July 2004. The Save Darfur Coalition (SDC) was an NGO

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<sup>29</sup> Alex de Waal, "Darfur and the Failure of the Responsibility to Protect," *International Affairs (Royal Institute of International Affairs 1944-)* 83, no. 6 (2007): 1039–54. See also Brian Steidle and Gretchen Steidle Wallace, *The Devil Came on Horseback: Bearing Witness to the Genocide in Darfur*, 1st ed (New York: Public Affairs, 2007).

<sup>30</sup> "International NGOs Call for Strong Force In Darfur | Human Rights Watch," May 24, 2006, <https://www.hrw.org/news/2006/05/24/international-ngos-call-strong-force-darfur>.

coalition comprised of many religious, human rights, and student advocacy groups.<sup>31</sup> From the outset, SDC advocated for the necessity of a military intervention to protect the civilian population at risk in Darfur. The group quickly gained traction for the cause due to groundwork laid by Christian groups that had played a role in advocating for southern Sudan since the 1990s.<sup>32</sup> This was amplified by the US Government's decision to label the violence a genocide, which directed the US public's perceptions of the conflict toward support of an intervention. SDC was able to advance this popular support toward shaping policy on intervention in Darfur by external powers. The coalition had an impact through economic pressures in the form of Bush-era sanctions against GoS officials and in the passing of the US Congress Sudan Accountability and Divestment Act, requiring companies applying for government contracts to prove that they are not conducting business in Sudan.<sup>33</sup> The coalition also pressured China, one of Sudan's closest allies during this period, into dropping its resistance to a UN Peacekeeping mission, further unifying the international community in its support of R2P in the case of Darfur.<sup>34</sup> In addition to these policy impacts, a substantial impact of SDC was to bring and to keep the crimes against humanity being committed into the collective consciousness, which increased donor funding to humanitarian organizations from which all NGOs, MSF included, likely benefitted.<sup>35</sup>

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<sup>31</sup> "Save Darfur | Organizational Members," July 7, 2013,

<https://web.archive.org/web/20130707022118/http://www.savedarfur.org/pages/members>.

<sup>32</sup> Rebecca Hamilton and Chad Hazlett, "Not on our Watch": The Emergence of the American Movement for Darfur," *War in Darfur and the Search for Peace*, Alex de Waal, ed. (Cambridge, MA: Harvard University Global Initiative, 2007), 337-366, at 341.

<sup>33</sup> Christopher J. [D-CT Sen. Dodd, "S.2271 - 110th Congress (2007-2008): Sudan Accountability and Divestment Act of 2007," legislation, December 31, 2007, 2007-10-31, <https://www.congress.gov/bill/110th-congress/senate-bill/2271>.

<sup>34</sup> Alexandra Budabin, "Genocide Olympics: The Campaign to Pressure China Over the Darfur Conflict," *Central European University Political Science Journal* 4 (January 1, 2009): 520-65.

<sup>35</sup> Lydia Poole, "Sudan Aid Factsheet 1995-2009" (Development Initiatives, 2011), 2-4, <https://devinit.org/wp-content/uploads/2011/02/Sudan-Aid-Factsheet-2011.pdf>.

### **“The G-word” – Use of the Term “Genocide”**

On September 9, 2004, following an investigation by the US State Department into the violence in Darfur, US Secretary of State Colin Powell publicly condemned the Government of Sudan and the Janjaweed militias for acts of genocide that “may still be occurring”, despite having inconclusive evidence at the time.<sup>36</sup> In the United States and Europe, this controversial use of the term to describe the violence drew more attention to the debate over what to call the violence than to the violence itself.<sup>37</sup> The State Department followed the speech with an announcement that despite their affirmation that genocide had been committed, US foreign policy would not change. Without backing their accusations with planned action, the US application of the label of genocide failed to garner support in the international community for political action toward ending the crisis.<sup>38</sup> Despite this, the American public was galvanized by the use of the term, with the Save Darfur movement gaining traction among citizens to influence the U.S. government to act on the issue. This sparked popular use of “The G-word”, which was applied by many human rights groups to describe the situation in hopes that states would fulfill their obligations under Article 1 of the Genocide Convention to directly intervene to prevent and punish the crime of genocide, amplifying calls supporting the responsibility to protect.<sup>39</sup>

The NGOs comprising the Save Darfur Coalition and the US State Department have received criticism for their portrayal of the conflict in Darfur as being overly simplistic in a dangerous way. By portraying the conflict as a genocide of Arabs against Africans, the group has

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<sup>36</sup> Rebecca Hamilton, “Inside Colin Powell’s Decision to Declare Genocide in Darfur,” 2011.

<sup>37</sup> Scott Straus, “Darfur and the Genocide Debate,” 2005.

<sup>38</sup> Alex J. Bellamy, “Responsibility to Protect or Trojan Horse? The Crisis in Darfur and Humanitarian Intervention after Iraq,” *Ethics & International Affairs* 19, no. 2 (September 2005): 31–54, <https://doi.org/10.1111/j.1747-7093.2005.tb00499.x>.

<sup>39</sup> Straus, “Darfur and the Genocide Debate,”; United Nations General Assembly A/RES/96-I.



overlooked political motivations for the conflict in a manner that demonizes the Arab nomads as a perpetrating group and promoting a “pornography of violence”, wherein it is implied that the perpetrators are motivated solely by race or culture.<sup>40</sup> This simplification reframes the conflict from a political conflict with a horrific civilian death toll into a battle between the forces of good and evil in which “the forces of ‘evil’ can be defeated only by outside saviors”.<sup>41</sup> Such rhetoric further fueled calls for humanitarian military intervention in the name of stopping the genocide. Scholar Mahmood Mamdani labels this ideological and moral pressure for a military intervention as a modern *mission civilisatrice*, used to justify further neocolonial subjugation of Africa.<sup>42</sup> Dr. Alex de Waal prefers to label the Save Darfur coalition as a well-intentioned group of activists who, in their oversimplification of the conflict, have overlooked the potential negative consequences of their advocacy on the international stage.<sup>43</sup> Regardless of whether these NGOs had deeper neocolonial intentions as Mamdani asserts, the negative consequences of their advocacy were observed. In maligning the Khartoum government, the SDC branded the GoS leadership as “unreconstructed evil”.<sup>44</sup> In this view the GoS is positioned as an enemy of the international community which must be dealt with, implying that regime change was a necessary component to resolving the conflict. This pressure on the Sudanese government led to an increase in hard-liner perspectives within Khartoum which believed concessions to the US were pointless, reducing the potential for diplomatic resolution of the conflict.<sup>45</sup> By fostering this environment, accusations of genocide made peaceful resolution of the conflict through

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<sup>40</sup> Mamdani, “The Politics of Naming.”

<sup>41</sup> “Darfur, Saving Itself,” Arab News, June 4, 2007, <https://www.arabnews.com/node/299222>.

<sup>42</sup> Mamdani, *Saviors and Survivors*.

<sup>43</sup> “Darfur Experts Debate Conflict,” Newsweek, November 7, 2007, <https://www.newsweek.com/darfur-experts-debate-conflict-96887>.

<sup>44</sup> Waal, “Dueling Over Darfur.”

<sup>45</sup> Ibid.

international negotiating bodies a less viable solution and may have contributed to lengthening the conflict.

### **Conclusion**

In conclusion, INGO involvement in Operation Lifeline Sudan politicized the provision of humanitarian aid by creating a political context in which providers of humanitarian aid had to negotiate for humanitarian access and the distribution of humanitarian aid with both sides of the armed conflict. This contributed to difficulties in monitoring humanitarian aid, an implicit acceptance of violence by aid operations, and the legitimization of rebel groups in opposition to the government of Sudan, further associating humanitarian aid with politics and establishing grounds for the Government of Sudan to accuse aid providers of acting in opposition to the state. INGO support for the implementation of the Responsibility to Protect saw humanitarian organizations advocating for military intervention in Sudan to protect civilians and facilitate the provision of humanitarian aid. This advocacy further associated humanitarian aid with Western political agendas by implying that INGO delivery of aid might necessitate an international military force to protect relief operations. Advocacy for such military intervention was seen as a threat by the Government of Sudan, further politicizing the provision of humanitarian aid and establishing INGOs in opposition to the Government. The debate over the use of the term genocide represented another instance in which many advocacy INGOs aligned with the US State Department in depicting the Government of Sudan as evil and implying the necessity of regime change, further establishing INGOs as in opposition to the Government of Sudan. The next chapter will explore how MSF advocacy differed from this established norm of INGO provision of humanitarian aid carrying political action and aligning with Western political interests.

### Chapter 3: Médecins Sans Frontières and the Government of Sudan

#### Introduction

Within the context of NGOs providing humanitarian aid in Sudan, a variety of organizations specialized in different provisions ranging largely from advocacy efforts to material provisions. As these organizations operated within the context of a hostile relationship between the Western world and the Government of Sudan, many saw their operations limited by the tensions.

Médecins Sans Frontières (MSF) is one such international medical humanitarian organization that has operated in Sudan since 1979. In addition to providing crisis relief through providing medical care and supplies, a core component of MSF's humanitarian operations is the principle of bearing witness, or *témoignage*. At its founding, in opposition to the norm of humanitarian neutrality equating to silence regarding crimes against humanity, MSF incorporated *témoignage* into its guiding principles, highlighting the importance of speaking out publicly to “bring attention to extreme need and unacceptable suffering when access to lifesaving medical care is hindered, when medical facilities come under threat, when crises are neglected, or when the provision of aid is inadequate or abused”.<sup>46</sup> In accordance with this principle, MSF operates as a pseudo-journalistic entity through its statements and analysis given through press releases or published on the organization's proprietary center for studying and analyzing MSF actions: *Le Centre de Réflexion sur l'Action et les Savoirs Humanitaires* (CRASH). This dual functionality of MSF as both a provider of medical care during emergencies and as a reporter in times of crisis causes MSF to stand out from other INGOs which tend to focus efforts on either delivering humanitarian aid or on producing reports bringing attention to humanitarian emergencies.

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<sup>46</sup> “Our Charter and Principles,” MEDECINS SANS FRONTIERES - MIDDLE EAST, accessed January 26, 2024, <https://www.msf-me.org/about-us/principles/our-charter-and-principles>.

During its time operating in Sudan, MSF acted in opposition to NGO operational practices it viewed as out of accordance with humanitarian principles. MSF also used its public-facing operations to oppose the implementation of the Responsibility to Protect, reject the use of the term *genocide* to describe the violence in Darfur and to speak against the ICC arrest warrant for President Omar al-Bashir. In each of these instances, MSF broke from the norm of humanitarian INGOs aligning with the West against Sudan, seeking more neutral operational policies to minimize hostile relations between MSF and the GoS and to avoid further politicization of humanitarian.

Based on INGOs aligning with the Western perspective on issues like R2P, the genocide label, and OLS, Khartoum perceived INGOs as adversarial to the Government of Sudan and used this as justification for limiting humanitarian access and facilitating a hostile operational environment for INGOs in Sudan. MSF operated distinctly from these INGOs, opposing each of the highlighted instances in which INGOs aligned with the West. Despite these efforts to distance itself from the Western perspective in each of these instances, MSF suffered the consequences of these hostilities between the Western world and the Government of Sudan, finding itself subject to various forms of criticism, violence, kidnappings, and eventually expulsion by the Government of Sudan. MSF's more politically neutral actions and advocacy did not correspond to a better operational environment because the establishment of the norm that INGOs acted in opposition to the Government of Sudan was sufficient for the GoS to impose the same hostile conditions on MSF's operations. In the case of Sudan, the association of humanitarian aid with the West caused humanitarian INGOs to be perceived as enemies of the Sudanese state. INGOs like MSF which sought to remain neutral were also clustered into this perception and subjected to hostile operating conditions by the Government of Sudan.

### **MSF and other NGOs – Operation Lifeline Sudan**

Médecins Sans Frontières began operations in Sudan in 1979 providing medical care and food aid in response to poor humanitarian conditions. In 1989 UN agencies created the NGO consortium of Operation Lifeline Sudan, which MSF joined alongside 41 other NGOs. MSF was critical of OLS operations for what they saw as a willingness to sacrifice humanitarian principles for minimal and ineffective delivery of aid. These criticisms can be attributed largely to the operation's use of negotiated access, which played a significant role in the politicization of humanitarian aid.

Because OLS negotiated access required UN agencies to deal directly with GoS and rebel forces for safe humanitarian access, the operation found itself limited by the competing political and military interests of the GoS and the SPLM. The *Agreement on Ground Rules in South Sudan* established that NGOs had both the right and the obligation to monitor the impact and fair distribution of their assistance to ensure that humanitarian neutrality was not violated.<sup>47</sup> This agreement required cooperation with rebel authorities to facilitate safe access for NGOs to provide humanitarian aid. The Government of Sudan opposed the legitimacy of the southern rebel authorities, and as such the UN was unable to officially recognize these rebel groups as legitimate in facilitating humanitarian aid, despite working with them.<sup>48</sup> This created a gap in accountability in which aid distributed by INGOs working with the southern rebels was not monitored and rebel authorities could not be held accountable for the co-optation of aid.<sup>49</sup> The SPLM directed the distribution of aid resources in territories they controlled through the Sudan Relief and Rehabilitation Agency (SRRA). This system enabled the SPLM to strategically

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<sup>47</sup> Bradbury, "The 'Agreement on Ground Rules' in South Sudan."

<sup>48</sup> Glaser, *Humanitarian Engagement with Non-State Armed Actors*, 3.

<sup>49</sup> Ibid.

redirect aid from its intended recipients toward politically loyal regions or to military use.<sup>50</sup>

According to MSF, “to consider that the SRRA can act according to humanitarian principles is to ignore the true nature of this organization”.<sup>51</sup> The agency did not distribute aid in an impartial manner and OLS lacked any mechanism to hold the SRRA accountable for its breach of humanitarian principles. In response to the rebel co-optation of aid, the GoS impeded aid distribution by bombing towns and restricting aid flights, using the denial of humanitarian assistance as a strategic tool.<sup>52</sup> The inability to monitor humanitarian aid then presented questions as to whether OLS was aligned with humanitarian principles of neutrality and impartiality, as aid was co-opted by the rebels and strategically denied by the GoS.

The lack of accountability resulting from the principle of negotiated access was the basis for MSF’s critique of Operation Lifeline Sudan. MSF sought to reform OLS to make it more effective by removing it from the politics of the civil war and great power influence.<sup>53</sup> MSF labeled OLS “incapable of ensuring the respect for the humanitarian principles that are supposed to govern it” due to the operation’s inability to monitor or control the allocation of food and medical resources, all of which stemmed from the politicization of aid by negotiated access.<sup>54</sup> In response, OLS officials threatened to expel MSF from the consortium.<sup>55</sup> The UN initially labeled MSF’s critiques as “inaccurate and imbalanced”, however, MSF continued to apply pressure internally and ultimately achieved the restructuring of OLS in 1999. This restructuring

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<sup>50</sup> Bradbury, “The ‘Agreement on Ground Rules’ in South Sudan.”

<sup>51</sup> “MSF Aid Agency Slams U.N. Relief Operation in Sudan - Sudan | ReliefWeb,” February 26, 1999, <https://reliefweb.int/report/sudan/msf-aid-agency-slams-un-relief-operation-sudan>.

<sup>52</sup> Sofronio Oniama Efuk, “Operation Lifeline Sudan (1986 - 1996)” (phd, University of Leeds, 2001), 34–38, <https://etheses.whiterose.ac.uk/2663/>.

<sup>53</sup> James Orbinski, *An Imperfect Offering: Humanitarian Action for the Twenty-First Century* (Bloomsbury Publishing USA, 2010), 309–20.

<sup>54</sup> “MSF Aid Agency Slams U.N. Relief Operation in Sudan - Sudan | ReliefWeb.”

<sup>55</sup> “MSF Aid Agency Slams U.N. Relief Operation in Sudan - Sudan | ReliefWeb”; Orbinski, *An Imperfect Offering*.

negotiated improved monitoring systems for aid distribution with rebel factions, which acknowledged and promised to reduce the problem of corruption and aid co-optation.<sup>56</sup>

Instances in which MSF pressured OLS to alter its operations did not only occur in response to rebel redirection of aid but also to GoS obstruction of aid. In 1998, the Government of Sudan imposed a ban on all OLS food aid flights to the famine-afflicted *Bahr el Ghazal* region of southern Sudan, citing security concerns. In protest of the restricted humanitarian access, MSF smuggled journalists into the afflicted region to reveal the high levels of starvation caused by the deprivation of food aid.<sup>57</sup> These efforts pressured OLS and the GoS into accelerating negotiations for access, leading to the restoration of food aid flights, albeit in limited capacity.<sup>58</sup> While this interaction placed MSF in opposition to the Government of Sudan, the motive for such opposition was to improve the neutrality of aid and is consistent with their overall critiques of OLS in advocating for humanitarian neutrality and impartiality.

MSF demonstrated the understanding that *de facto* authority within a region during civil conflicts may benefit from humanitarian operations and that aid may be co-opted. In response, they maintained the operational principle that if the effects of humanitarian action are not known through monitoring to be doing more good than harm, operations should be suspended.<sup>59</sup> In the case of OLS, this issue of not knowing became prevalent, as the inability to monitor aid distribution made it unclear as to whether OLS operations were positively impacting humanitarian need in the region.<sup>60</sup> Without clear benefit to the operation, and with the knowledge that delivered aid was being co-opted and denial of aid weaponized, the work of OLS

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<sup>56</sup> “U.N. Hits Back at Criticism of Sudan Aid Operation - Sudan | ReliefWeb,” March 3, 1999, <https://reliefweb.int/report/sudan/un-hits-back-criticism-sudan-aid-operation>; Orbinski, *An Imperfect Offering*.

<sup>57</sup> Orbinski, *An Imperfect Offering*, 310–11.

<sup>58</sup> Ibid.

<sup>59</sup> Weissman, “Criminalising the Enemy and Its Impact on Humanitarian Action,” msf-crash.org, 2010, <https://msf-crash.org/en/publications/rights-and-justice/criminalising-enemy-and-its-impact-humanitarian-action>.

<sup>60</sup> Duffield, “Aid and Complicity.”

was in opposition to MSF's operational principle. Despite this, MSF stated that to halt the delivery of humanitarian assistance altogether would also violate humanitarian principles, and therefore sought to improve the humanitarian practices of OLS rather than abandoning operations altogether.<sup>61</sup>

As demonstrated in Chapter 2, Operation Lifeline Sudan politicized humanitarian aid in Sudan through the principle of negotiated access by associating the NGO delivery of humanitarian aid with legitimizing rebel control over southern Sudan and assigning responsibility for negotiations to humanitarian providers which ought to remain neutral. This argument aligns with MSF's criticism of OLS operations' inadequate aid monitoring and lack of accountability of the SRRA which enabled aid to be denied or co-opted for political and military goals. Through its involvement with OLS, MSF sought to reform the humanitarian principles of the operation to better align with humanitarian neutrality and impartiality, simultaneously advocating against the aspects of OLS that I argue contributed to the politicization of humanitarian aid. MSF's efforts to change OLS represented the organization's support of more neutral humanitarian operational policies and failed to align with the GoS accusations that Western aid operations sought to assist the rebels in undermining the government. As such, MSF's actions and advocacy in the case of Operation Lifeline Sudan should not have contributed to the GoS perceiving MSF as adversarial to the state or as aligning with the West in opposition to Sudan.

### **The Responsibility to Protect – R2P**

As popular advocacy for R2P grew, MSF spoke out against the incorporation of R2P into humanitarian aid provision. Despite dangers faced by its staff in the form of shootings,

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<sup>61</sup> "MSF Aid Agency Slams U.N. Relief Operation in Sudan - Sudan | ReliefWeb"; Orbinski, *An Imperfect Offering*.



bombings, and targeted kidnappings, MSF rejected calls for military intervention in the name of facilitating humanitarian aid, calling it a colonial “civilizing mission”.<sup>62</sup> Before R2P was written into any UN resolutions, MSF espoused concerns that the dangerous conflation of a “just war”, with armies fighting for humanitarian causes would blur the line between humanitarian and military operations, placing humanitarian workers in the line of fire. Even without direct military intervention, threats by the UNSC to intervene in Sudan in the name of humanitarian principles would effectively assimilate humanitarian actors into their military intervention, branding the NGOs as enemies of the Government of Sudan.<sup>63</sup> This further facilitated the hostile environment for NGOs in Sudan by making the relationship between the West and Sudan more aggressive and adversarial.

In response to advocacy in France by Urgence Darfour calling for the sending of an international peacekeeping force to replace AMIS, MSF-France issued a report opposing the re-hatting proposal, citing that it would require far more than “20,000 blue helmets” to prevent the killings in Darfur and that the Sudanese government was reluctant to allow the peacekeeping mission.<sup>64</sup> As such, a protection mission would necessitate the invasion of western Sudan, presenting a threat to both civilians and humanitarian aid workers while associating the humanitarian mission of aid workers with a military invasion nominally for their protection. MSF distinguished between the roles of the military/political sphere and the humanitarian sphere, stating that the role of the political sphere is to make decisions between competing interests or sacrificing human lives, whereas the humanitarian sphere should always seek to

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<sup>62</sup> Brauman, “Humanitarian NGOs and the Big Stick Policy,” msf-crash.org, 2009, <https://msf-crash.org/en/blog/war-and-humanitarianism/humanitarian-ngos-and-big-stick-policy>.

<sup>63</sup> Weissman, “Military Humanitarianism: A Deadly Confusion,” msf-crash.org, 2004, <https://msf-crash.org/en/publications/war-and-humanitarianism/military-humanitarianism-deadly-confusion>.

<sup>64</sup> Bradol and Weissman, “An Appeal for Darfur, Killings and Demagogy,” msf-crash.org, 2007, <https://msf-crash.org/en/publications/war-and-humanitarianism/appeal-darfur-killings-and-demagogy>.

protect lives in the immediate present.<sup>65</sup> In this way MSF proposes a view of humanitarian aid as acting in opposition to political power where the role of the humanitarian sphere is to defend those marginalized by the decisions of political or military powers. A humanitarian organization operating under these beliefs cannot call for military intervention, as it is then attempting to operate within the political sphere by deciding between competing interests, so it can no longer play the role of a counter-power against political powers.<sup>66</sup> MSF held the view that the involvement of aid workers in the political sphere through advocacy for R2P presented more capacity for danger than good. MSF warned that promoting intervention for the purposes of protection would confuse the roles and issues of the political and humanitarian spheres, calling their humanitarian neutrality into question.<sup>67</sup> This would prevent humanitarian organizations from being able to legitimately negotiate with the armed parties of a conflict, as aid organizations rely on both parties accepting them as a neutral humanitarian actor for their operations to be safely allowed during conflict.

Other prominent INGOs including the International Crisis Group, Amnesty International, and Human Rights Watch urged that the lack of security for aid workers in Darfur was just cause for military intervention.<sup>68</sup> MSF reversed the proposition, stating that the lack of security for aid workers was the result of INGO advocacy for military intervention.<sup>69</sup> In this view, INGOs calling for an R2P military intervention were placing humanitarian operations in Darfur within the political sphere, opening them to being perceived as political actors favoring the West by the

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<sup>65</sup> Fabrice Weissman, “‘Not In Our Name’: Why Médecins Sans Frontières Does Not Support the ‘Responsibility to Protect,’” *Criminal Justice Ethics* 29, no. 2 (August 1, 2010): 201, <https://doi.org/10.1080/0731129X.2010.504426>.

<sup>66</sup> *Ibid.*, 202.

<sup>67</sup> “MSF and Protection: Pending or Closed?,” [msf-crash.org](https://msf-crash.org), April 1, 2008, <https://msf-crash.org/en/humanitarian-actors-and-practices/msf-and-protection-pending-or-closed>.

<sup>68</sup> “International NGOs Call For Strong Force In Darfur | Human Rights Watch.”

<sup>69</sup> *Ibid.*

Government of Sudan. MSF explicitly acknowledged the capacity for humanitarian aid to become politicized and oriented its organizational beliefs regarding R2P to avoid doing so.

The chief concern of the Government of Sudan in allowing a military intervention to Darfur was whether the operation would be led by the UN or the African Union. The GoS repeatedly rejected UN efforts to bring an international force to Darfur, describing the international efforts as seeking to violate Sudanese state sovereignty and political will by imposing international hegemony.<sup>70</sup> Military intervention occurred in 2007 when the UNSC obtained consent from the GoS for a hybrid UN-African Union Mission in Darfur (UNAMID), which was implemented by UNSCR 1769 with the mission of protecting civilians, facilitating aid delivery, and mediating peace in Darfur.<sup>71</sup> The Government of Sudan's cooperation with the intervention and the fact that it took place nearly three years after the peak of violence in Darfur meant that the intervention looked much different than NGOs envisioned when initially advocating for the necessity of an R2P intervention. Advocates for Darfur as the test case for R2P sought to justify an international military intervention that would threaten state sovereignty in cases where a state was demonstrably unable or unwilling to protect its own citizens. By contrast, the UNAMID operation represented a cooperative endeavor between the African Union and the United Nations which was responsive to GoS concerns regarding an international force violating state sovereignty. Because the intervention took the form of a cooperative endeavor instead of a Western-led military incursion, any tension generated between NGOs and the Government of Sudan regarding the Responsibility to Protect would be expected to stem from

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<sup>70</sup> "Sudanese Leader Censures UN, Rejects International Force for Darfur – BBC Monitoring," accessed March 14, 2024, <https://monitoring.bbc.co.uk/product/40224677>; "Sudan Renews Rejection of Foreign Troops, Darfur Crimes Court – BBC Monitoring," accessed March 14, 2024, <https://monitoring.bbc.co.uk/product/40252134>.

<sup>71</sup> "UNAMID Mandate," UNAMID, February 29, 2016, <https://unamid.unmissions.org/unamid-mandate>; "Resolution 1769 (2007) /," accessed December 9, 2023, <https://digitallibrary.un.org/record/604309?ln=en&v=pdf>.

the type of intervention the organization advocated for, and not from the outcomes of the intervention itself. The Government of Sudan threatened to expel Amnesty International from the country on the basis that it lied in its reports and was biased against Sudan, claims likely derived from the AI's association with the West in calling for an R2P intervention and labeling the conflict in Darfur a genocide.<sup>72</sup>

MSF, having explicitly opposed military intervention in the name of protection, was not directly criticized for bias against Sudan. Despite this, instances of violence against aid workers for NGOs (including MSF) rose within Sudan, with staff being targeted most often when considered by the government or Janjaweed militias to be “working for the other side”.<sup>73</sup> As the GoS viewed an R2P intervention as a threat to violate Sudanese state sovereignty and its political will, advocacy for R2P was sufficient to be seen as adversarial to the state. MSF, having advocated against R2P interventions, was not targeted for violence because it was working for ‘the other side’, but instead because it was associated with other INGOs that had advocated for military intervention through the politicization of aid.

### **MSF, Genocide, and the Framing of Violence**

Following the decision by the US State Department to label the Darfur crisis as genocide, former MSF president Rony Brauman published an article identifying accusations of genocide as undermining the credibility of international justice systems while simultaneously radicalizing opposition to the newly-labeled perpetrators of genocide, making compromise between the

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<sup>72</sup> “Sudan’s Justice Minister Calls for Expulsion of Amnesty International – BBC Monitoring,” accessed April 15, 2024, <https://monitoring.bbc.co.uk/product/40257530>.

<sup>73</sup> “Providing Aid in Insecure Environments: Trends in Policy and Operations - Full Report | Humanitarian Outcomes,” 45, accessed April 15, 2024, <https://www.humanitarianoutcomes.org/publications/providing-aid-insecure-environments-trends-policy-and-operations-full-report>.

international community and the GoS less likely.<sup>74</sup> This criticism was consistent with a broader trend in how MSF reports framed the violence in Darfur as compared to other human rights NGOs as MSF sought to avoid conflating the provision of humanitarian aid with a political agenda. The former director of MSF-UK Marc DuBois claimed that MSF paid no attention to its own vocabulary and looked to highlight medical suffering rather than to describe the underlying causes of the suffering.<sup>75</sup> However, an analysis of how MSF framed violence and suffering in Darfur implies a more disciplined view of their vocabulary and perspective when comparing the framing used by representatives of MSF with those of human rights organizations more solely dedicated to principles of witnessing and spreading awareness. Both types of organizations spoke similarly with respect to who the victims of violence were, and which actors were involved. However, accounts between MSF and notable human rights groups such as Amnesty International differed significantly in how they identified causes of violence and how they framed it.<sup>76</sup> AI employees interviewed had no hesitation in attributing the cause of violence directly to the Sudanese government and the Janjaweed (a Sudanese Arab militia group operating largely in Darfur). By contrast, MSF staff tended to identify the state as contributing to the background factors that promoted violence and mortality, without implicating the GoS in directly causing violence. The majority of MSF reports described the humanitarian conditions for internally displaced peoples and refugees, highlighting the need for continued relief efforts.<sup>77</sup> Very few reports directly attributed the violence to the Government of Sudan or its arming of

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<sup>74</sup> “Genocide, Upping the Stakes,” [msf-crash.org](https://msf-crash.org/en/publications/rights-and-justice/genocide-upping-stakes), accessed December 8, 2023, <https://msf-crash.org/en/publications/rights-and-justice/genocide-upping-stakes>.

<sup>75</sup> Valérie Gorin, “Witnessing and Témoinage in MSF’s Advocacy,” *Journal of Humanitarian Affairs* 3, no. 2 (November 11, 2021): 29–30, <https://doi.org/10.7227/JHA.063>.

<sup>76</sup> Joachim J. Savelsberg, *Representing Mass Violence: Conflicting Responses to Human Rights Violations in Darfur* (Univ of California Press, 2015).

<sup>77</sup> Meghan Zacher, Hollie Nyseth Brehm, and Joachim J. Savelsberg, “NGOs, IOs, and the ICC: Diagnosing and Framing Darfur,” *Sociological Forum* 29, no. 1 (2014): 39–43, <https://doi.org/10.1111/socf.12068>.

Janjaweed militias.<sup>78</sup> Those that did tended to describe incidents of violence against aid workers or bombings of aid facilities in which MSF pointed to the Government of Sudan as fostering a hostile operational environment for INGOs, and calling for a change in order for aid organizations to better meet the humanitarian need in the region.

While MSF attempted to convey a neutral framing of the conflict, the GoS still punished MSF for reporting on violence when MSF-Holland published *The Crushing Burden of Rape: Sexual Violence in Darfur* in 2005, a report detailing the prominence of rape in militia attacks in the Darfur region.<sup>79</sup> MSF maintained the practice of describing violence without specifying the perpetrator and explicitly did not assign blame to the Sudanese Government or Government-backed militias for the sexual violence. Other INGOs then used this report to found accusations that the GoS-backed militias systematically used rape and sexual assault as a weapon of war.<sup>80</sup> Shortly after the publication of the document, two MSF senior coordinators working in Sudan were arrested at gunpoint for crimes against the state and the publication of false information.<sup>81</sup> The Government of Sudan followed this with a statement urging foreign bodies not to distort Sudan's image or publish false information and describing government investigations into MSF's report as an effort to protect Sudanese sovereignty and independence.<sup>82</sup> The two were later released and charges were dropped, with MSF continuing its operations in Darfur. MSF was not targeted for the content of the report, as it did not attribute any blame for the violence, but rather because the contents of its report could be used to criticize the Government of Sudan. The

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<sup>78</sup> Ibid.

<sup>79</sup> "The Crushing Burden of Rape: Sexual Violence in Darfur | MSF," accessed February 1, 2024, <https://www.msf.org/crushing-burden-rape-sexual-violence-darfur>.

<sup>80</sup> "Sudan: Darfur: Rape as a Weapon of War: Sexual Violence and Its Consequences," Amnesty International, accessed January 19, 2024, <https://www.amnesty.org/en/documents/afr54/076/2004/en/>.

<sup>81</sup> Peter Moszynski, "Sudan Arrests Aid Worker for 'Crimes against the State,'" *BMJ: British Medical Journal* 330, no. 7504 (June 11, 2005): 1350. – Could find more direct source

<sup>82</sup> "Sudan Urges Foreign Bodies to Stop 'Distorting' Country's Image – BBC Monitoring," accessed February 18, 2024, <https://monitoring.bbc.co.uk/product/40174817>.

Government of Sudan used the arrests to exercise control over NGO descriptions of violence which could negatively depict the government, using fear of government retaliation. The use of this tactic demonstrates the hostile conditions created by the adversarial relationship between the Western world and Sudan.

By targeting MSF for the publication of its report, the GoS sought to control the way the violence was described by INGOs more broadly. MSF used neutral framing of the violence in its reporting and was targeted with violence because of its association with other INGOs which would use the information to make claims against the government of Sudan. In this way, the association of MSF's reporting with NGOs promoting a Western anti-Sudan perspective was sufficient for the Government of Sudan to behave with hostility towards MSF.

Another way in which MSF's framing of the conflict differed from other human rights groups was their opposition to describing the conflict as a genocide, despite the term's frequent use by various government and NGO officials to refer to the crisis in Darfur.<sup>83</sup> MSF established that it believed the use of the term genocide to be inaccurate to the conditions on the ground, citing that all cases treated by MSF doctors indicated no signs of genocide in any area of Darfur.<sup>84</sup> MSF went beyond rejecting the notion of genocide, accusing states and organizations that called Darfur a genocide as exploiting Darfur for political interests, damaging the credibility of international actors.<sup>85</sup> MSF expressed in a meeting of its board of directors that genocide was used as a label to allow proponents of R2P to threaten the Government of Sudan with armed intervention.<sup>86</sup> These critiques of those who used the label of genocide demonstrated MSF's

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<sup>83</sup> Ibid.

<sup>84</sup> "Sudanese News Agency on MSF's 'Categorical Rejection' of Powell's Darfur Remarks – BBC Monitoring," accessed March 9, 2024, <https://monitoring.bbc.co.uk/product/40138359>.

<sup>85</sup> "Medecins Sans Frontieres Official Criticizes US Stance on Darfur - Paper – BBC Monitoring," accessed April 15, 2024, <https://monitoring.bbc.co.uk/product/40138268>.

<sup>86</sup> "MSF and Protection."

commitment to avoiding the politicization of humanitarian aid in the conflict, connecting the use of the term to a political agenda in opposition to the Government of Sudan, and therefore refusing the use of the term.

Treading this line of semantic neutrality has caused MSF some trouble in accurately depicting the severity of the violence. Officials in Khartoum used MSF's open opposition to the label of genocide for the crisis in Darfur to minimize the degree of violence occurring in Darfur, forcing MSF to issue further reports officially condemning the violence and underscoring its severity.<sup>87</sup> As an INGO that relies mainly on individual donations and private funding for financial support, it was additionally important for MSF not to downplay the severity of such humanitarian crises, lest the donors also conclude that the crisis was not as severe as they thought. MSF did not consider a positive aspect of the use of the term genocide being that it pressured the Government of Sudan into increasing humanitarian access and increased international political and financial attention towards providing humanitarian relief in Sudan.<sup>88</sup> Through MSF's association with other INGOs as a prominent humanitarian aid group, MSF benefitted from increased resources and capacity to put them to use as a result of the use of the term genocide, despite the organization's refusal to use the term itself. While the consequences in this specific regard were positive, these benefits demonstrated the inability of MSF to dissociate itself from the Western perspective, as its operations saw increased funding and capacity as a result of the conflict being labeled a genocide.

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<sup>87</sup> "MSF Condemns Violence in Darfur | MSF," Médecins Sans Frontières (MSF) International, April 8, 2005, <https://www.msf.org/msf-condemns-violence-darfur>.

<sup>88</sup> "MSF and Protection."



**Conclusion**

This chapter has detailed how in the instances of Operation Lifeline Sudan, the implementation of the Responsibility to Protect, and the debate over the use of genocide, MSF advocated for INGO operational policies that favored humanitarian neutrality and sought to avoid politicizing humanitarian aid. MSF sought to reform the humanitarian practices of OLS to better respect humanitarian neutrality, and opposed R2P and the use of the term genocide, citing that advocacy for either of these cases would result in further association of the humanitarian and political spheres. MSF used a more neutral framing of violence than other INGOs, tending to avoid attributing blame for the humanitarian crisis. However, the INGO politicization of humanitarian aid in Sudan established the norm of associating aid with political action. Through this association MSF was further associated with other INGOs and based on this association was subjected to limited humanitarian access and monitoring during its involvement with Operation Lifeline Sudan, suffered targeted violence by the Government of Sudan seeking to control INGO framing of violence, and received increased funding and political support due to other INGO's advocacy for the use of the term genocide. These consequences for MSF demonstrate that despite MSF's efforts to maintain humanitarian neutrality, the INGO politicization of humanitarian aid in Sudan caused the MSF to be associated with other INGOs in the eyes of the GoS. The next chapter will detail the events of the International Criminal Court's investigation into Sudanese President Omar al-Bashir, illustrating the Government of Sudan's perspective broadly opposing INGO involvement in Sudan.

## Chapter 4: The International Criminal Court

### Introduction

The ultimate instance that I will consider of adversarial interactions between the Government of Sudan and INGOs is the events leading up to and immediately following the International Criminal Court issuing an arrest warrant for President Omar al-Bashir. On March 4, 2009, the ICC issued a warrant for Bashir's arrest on charges of crimes against humanity, war crimes, and genocide, marking the first time that the ICC had issued an arrest warrant for an incumbent head of state. In response to the warrant, the next day 13 international aid groups were expelled from Sudan on allegations that they had cooperated with the ICC to provide evidence substantiating the arrest warrant. UN agencies such as UNICEF and the World Food Program worked to fill the gaps in humanitarian aid but were incapable of compensating for the loss, citing that the NGOs expelled had accounted for 35% of food distribution capacity, health care for 1.5 million people, and WASH (Water, Sanitation, and Hygiene) services for 1.2 million.<sup>89</sup> The Government of Sudan increased anti-INGO rhetoric and exercised increased control over the intelligence and security services through its Humanitarian Assistance Coordination department, further polarizing the already hostile environment for NGOs in Sudan.<sup>90</sup> Despite MSF's open opposition to the use of the ICC in this instance and the organization's policy of non-cooperation with the ICC, two of the five chapters of MSF operating in Sudan at the time were included in the group of expelled NGOs (MSF-Holland and MSF-France, the two MSF chapters with the largest aid operations within Sudan). The response of the Sudanese government to the arrest warrant represents an instance in which the

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<sup>89</sup> John Zarocostas, "UN Says Disruptions to Health Care in Darfur Caused by Expulsion of Aid Agencies May Not Be Resolved," *BMJ* 338 (March 31, 2009): b1341, <https://doi.org/10.1136/bmj.b1341>.

<sup>90</sup> "Sudan: Justice, Peace and the ICC | Crisis Group," July 17, 2009, <https://www.crisisgroup.org/africa/horn-africa/sudan/sudan-justice-peace-and-icc>.

Government of Sudan treated MSF as an adversary based not on the nature of MSF's advocacy or action, but instead on its association with other INGOs which were associated with the International Criminal Court, an entity which the Government of Sudan considered to operate in favor of Western interests.

### **MSF, INGOs and the ICC: The Principle of Non-cooperation**

The sentiment that NGO involvement in criminal investigations into the state facilitating humanitarian operations will negatively impact their ability to provide humanitarian aid is a broadly shared idea across humanitarian aid groups, however, in terms of collaboration with the International Criminal Court, most NGOs have not committed to a clear policy of non-cooperation with the ICC, instead operating on a case-by-case basis in choosing between principles of humanitarian neutrality or cooperation.<sup>91</sup> At the time of the ICC's investigation of President Bashir, MSF held a clear and transparent non-cooperation policy with the ICC.

Established in April 2004, the MSF policy of non-cooperation with the ICC distinguished between the choice of the organization and the choices of individual volunteers. MSF as an organization operated under the established principle of subsidiarity, wherein they would only cooperate with the court in instances in which MSF alone held crucial evidence to establish the guilt or innocence of a person.<sup>92</sup> MSF requested that the ICC limit its use of MSF documents in legal proceedings to prevent the organization from having to provide identification and medical information for patients treated. This policy lends insight into how MSF views its role of witnessing and the distinction it makes between humanitarian and legal testimony, as the

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<sup>91</sup> Fabrice Weissman, "Humanitarian Aid and the International Criminal Court Grounds for Divorce," 2009, 3–4.

<sup>92</sup> "History of MSF's Interactions with Investigations and Judicial Proceedings: Legal or Humanitarian Testimony? | MSF Intersectional Evaluation Group," accessed October 5, 2023, <https://evaluation.msf.org/evaluation-report/history-of-msfs-interactions-with-investigations-and-judicial-proceedings-legal-or>.

principle of *témoignage* does not oblige MSF to provide legal testimony when doing so might violate humanitarian neutrality. The organization has established two pillars of humanitarian testimony, those being “refusal to conceal mass crimes behind the spectacle - or illusion - of relief activity; and a willingness to play a role in alerting the authorities and naming those responsible for the violence while the humanitarian effort is in progress”.<sup>93</sup> In this sense, MSF’s cooperation with legal proceedings in providing legal testimony was not so much a question of whether the judicial activity is justified or desirable, but a question of whether it is possible for it to be compatible with the organization’s values of humanitarian testimony. While both humanitarian and legal testimony are useful, MSF believes that the two are largely incompatible in the case of the International Criminal Court, as legal testimony seeks to judge and condemn violence while humanitarian testimony should be used for the sake of relief from violence.<sup>94</sup> This distinction established a policy of non-cooperation with the International Criminal Court based on MSF’s humanitarian principles which also sought to keep humanitarian operations solely within the humanitarian sphere, avoiding the politicization of aid that would result from involvement in ICC investigations into government officials.

MSF opposed other humanitarian organizations’ support of the investigation, with MSF head of mission Fabrice Weissman comparing the punitive justice delivered sought by the ICC investigation to an R2P military intervention, objecting to the involvement of humanitarian organizations in either.<sup>95</sup> This line of reasoning connected MSF’s opposition to the ICC investigation to the organization’s consistent objective of minimizing the politicization of humanitarian aid, seeking to avoid the INGO provision of humanitarian aid becoming more

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<sup>93</sup>“History of MSF’s Interactions with Investigations and Judicial Proceedings.”.

<sup>94</sup> Ibid.

<sup>95</sup> Weissman, “Humanitarian Aid and the International Criminal Court Grounds for Divorce,” 6–11.

associated with the West. MSF emphasized throughout the conflict that it must remain independent of all parties to maintain its status as a legitimate humanitarian organization, citing involvement in the court case as a risk for organizations attempting to continue relief efforts during the conflict.

In the case of the ICC investigation into President Bashir, many prominent INGOs supported the use of the ICC in seeking justice for crimes against humanity in Darfur.<sup>96</sup> The Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General was used by ICC prosecutor Luis Moreno Ocampo as evidence in the investigation. The report cites 21 NGO reports from Amnesty International, Human Rights Watch, and the International Crisis Group among other Intergovernmental agency and UN reports used by the ICC in arriving at the conclusion to issue an arrest warrant.<sup>97</sup> This connection between NGOs and the arrest warrant issued for President Bashir founded GoS claims that NGOs collaborated with the ICC investigation against the state, and were operating at the behest of Western political interests.

### **Aftermath of the Arrest Warrant**

The perspective held by the Government of Sudan was that the ICC's arrest warrant was the result of a political operation seeking to force regime change within Sudan. In response, The GoS treated those perceived as being involved with the case as enemies of the state, prompting the expulsion of 13 aid groups.<sup>98</sup> The Sudanese Humanitarian Affairs Commission asserted that

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<sup>96</sup> "Darfur and the ICC: Myths versus Reality | Human Rights Watch," March 27, 2009, <https://www.hrw.org/news/2009/03/27/darfur-and-icc-myths-versus-reality>; "Sudan: Key Actors Must Now Act Decisively to Ensure Justice Is Done in Darfur - Sudan | ReliefWeb," December 15, 2006, <https://reliefweb.int/report/sudan/sudan-key-actors-must-now-act-decisively-ensure-justice-done-darfur>.

<sup>97</sup> "Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General - Sudan | ReliefWeb," February 25, 2005, 173–74, <https://reliefweb.int/report/sudan/report-international-commission-inquiry-darfur-united-nations-secretary-general>.

<sup>98</sup> Cunningham, "Expulsion as Discourse," 128–38.

the 13 INGOs expelled were connected to the ICC investigation, either through cooperation agreements, reports, or by sending witnesses.<sup>99</sup> As the organizations expelled comprised the majority of the international humanitarian relief effort, humanitarian need rose drastically. United Nations Secretary-General Ban Ki-moon appealed to the Sudanese government to reconsider the expulsion by insisting that the ICC operated independently of the United Nations and that the INGOs expelled provided impartial humanitarian aid.<sup>100</sup> Bashir responded by stating that the INGOs expelled had overstepped their mandate by operating “under the guise of humanitarian work for the implementation of the colonial agenda in the region”.<sup>101</sup> However, Bashir did not ignore the rising humanitarian need, instead asserting that Sudanese NGOs would be capable of filling the need, seeking to move the country away from relying on assistance from INGOs.<sup>102</sup> While humanitarian need remained high, Undersecretary of the UN Secretary-General for Humanitarian Affairs John Holmes praised the government’s work in improving the humanitarian situation.<sup>103</sup> Bashir remained consistent in his opposition to the involvement of INGOs within Sudan, declaring that peace in Sudan would be achieved through local will and customs, and not from INGO involvement.<sup>104</sup> Financial support for humanitarian aid operations in Sudan remained roughly the same in 2009 as the year prior, with increased funding being directed towards Sudanese NGOs.<sup>105</sup> While the resources of the expelled INGOs would have

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<sup>99</sup> “Sudanese Official Says Expelled Aid Agencies ‘Involved in ICC Decision’ – BBC Monitoring,” accessed April 2, 2024, <https://monitoring.bbc.co.uk/product/40337401>.

<sup>100</sup> “Ban Launches Urgent Appeal to Sudan to Reverse Expulsion of Aid Groups | UN News,” March 5, 2009, <https://news.un.org/en/story/2009/03/293132>.

<sup>101</sup> “Sudan’s Bashir Warns Aid Agencies against “overstepping Their Mandate” – BBC Monitoring,” accessed October 5, 2023, <https://monitoring.bbc.co.uk/product/40338743>.

<sup>102</sup> Ibid.

<sup>103</sup> While unable to locate any transcript of the press conference delivered in Khartoum, the quote is attributed to Holmes in the following article: “Sudan: Rebel Leader Slams UN Official’s Opinion on Darfur Humanitarian Condition – BBC Monitoring,” accessed April 3, 2024, <https://monitoring.bbc.co.uk/product/40346594>.

<sup>104</sup> “Sudan: Al-Bashir Says 2009 Year of Peace, IDPs Return, Promises Compensation – BBC Monitoring,” accessed April 15, 2024, <https://monitoring.bbc.co.uk/product/40342049>.

<sup>105</sup> Poole, “Sudan Aid Factsheet 1995-2009.”

certainly been valuable in meeting the humanitarian need within Sudan, if the Government of Sudan perceived these INGOs as working to implement a colonial agenda it may be seen as rational for the government to oppose INGO activity within Sudan. While President Bashir's statements overemphasize the degree to which INGOs were involved in implementing Western interests in Sudan, the politicization of humanitarian aid throughout the previous decades of INGO operations in the region contributed to the notion that aid operations were aligned with the West. This led the Government of Sudan towards a policy of favoring national NGOs over INGOs, albeit it did so by creating an atmosphere of fear and uncertainty for aid organizations.<sup>106</sup> This rejection of international humanitarian aid and mechanisms of international justice would not have been justifiable in the eyes of the international community if humanitarian aid had not been to some degree politicized as acting in opposition to the GoS. Instead, Sudan was supported by the Arab League, the African Union, China, and Russia in requesting that the UNSC suspend the ICC indictment of Bashir.<sup>107</sup> While INGOs were not covertly operating as colonial agents in Sudan as President Bashir alleged, the politicization of humanitarian aid called into question the humanitarian neutrality of INGOs operating in Sudan, providing a basis for the Bashir regime to expel large humanitarian aid organizations from operating within Sudan. Whether the expulsion was justified or not, the outcome was that much of the humanitarian need in the region went unmet, and INGOs with the resources and capacity to meet that humanitarian aid were barred from operating in the region. The inclusion of MSF-Holland and MSF-France in the group of INGOs expelled demonstrates that despite the organization's efforts to maintain humanitarian neutrality throughout its operations within Sudan, the politicization of

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<sup>106</sup> "UN Wants Dialogue with Sudan over Humanitarian Situation in Darfur – BBC Monitoring," accessed February 7, 2024, <https://monitoring.bbc.co.uk/product/40339775>.

<sup>107</sup> "Sudan Says to Never Reverse Decision to Expel NGOs - Sudan | ReliefWeb," March 20, 2009, <https://reliefweb.int/report/sudan/sudan-says-never-reverse-decision-expel-ngos>.

humanitarian aid causes aid INGOs to be associated with one another, then by extension when some of these INGOs align with Western political powers, humanitarian aid as a whole was perceived as aligning with the west, and against the Government of Sudan.

### **Conclusion**

The International Criminal Court's arrest warrant for Sudanese President Omar al-Bashir and the subsequent expulsion of 13 of the largest humanitarian aid INGOs operating within Sudan at the time demonstrated the capacity for the politicization of humanitarian aid to limit the capacity for other INGOs to provide humanitarian relief. This included INGOS which strived to uphold humanitarian neutrality as demonstrated by the expulsion of MSF-Holland and MSF-France. Regardless of the validity of Bashir's claims that INGOs were operating to implement a colonial agenda, his allegations were based upon INGO politicization of humanitarian aid and association with the West. The expulsions resulted in increased humanitarian need that was unable to be met by INGOs banned from operating within Sudan, demonstrating a decreased capacity for INGOS to provide humanitarian aid in Sudan due to being perceived as adversarial to the Government of Sudan.



## Chapter 5: Discussion and Conclusion

### Summary of Findings:

The negative operating environment for INGOs in Sudan stems from the negative relationships between the Sudanese government and national and international bodies, mainly the United States, the International Criminal Court, and the UN Security Council. This negative relationship was the result of a variety of international actions, resolutions, and policies that were intended to pressure the Sudanese government to pursue peace in the Second Sudanese Civil War, and to establish security in Darfur while facilitating the provision of humanitarian aid. However, as humanitarian INGOs established the norm of advocating for the implementation of many of these actions and policies, the provision of humanitarian aid was in the process politicized. Operation Lifeline Sudan established the framework for humanitarian operations directly negotiating with governments and rebels for humanitarian access to provide aid, which limited their access to populations with high levels of need while simultaneously making humanitarian negotiations a political act. The establishment of the doctrine of the responsibility to protect argued for the validity of violating a nation's sovereignty in order to protect otherwise vulnerable civilians. The United Nations then sought to test this doctrine in Darfur, with many INGOs arguing for its necessity in order to protect ongoing humanitarian aid operations. Through this advocacy, prominent INGOs like Human Rights Watch and the Save Darfur Coalition argued for a military incursion in Darfur with objectives ranging from protecting the civilian population to calling for the necessity of regime change. NGO support for international military intervention contributed to the GoS perception that NGOs were acting at the behest of Western interests as enemies of the Sudanese state. With the later accusations of genocide against the Sudanese Government being supported by the United States, a simplified perspective of the conflict was popularized in which the GoS was an evil that must be dealt with in order to

restore peace and security within Sudan. As such, INGOs which advocated for the use of the term *genocide* contributed further to establishing international humanitarian aid as being broadly opposed to the al-Bashir regime in Sudan.

Médecins Sans Frontières operated within this context as a medical aid group that also sought to provide humanitarian testimony where needed. MSF advocated in nearly all cases against humanitarian organizations becoming involved in the forms of advocacy that contributed to the politicization of humanitarian aid, criticizing Operation Lifeline Sudan, rejecting the appeals to the responsibility to protect, and refusing to apply the term genocide to the conflict. While there were practical critiques to each of these concerns, the dominant theme underlying MSF's positions studied was seeking to maintain humanitarian neutrality and to avoid further association of humanitarian aid with what the Sudanese Government perceived as Western imperial politics. Despite MSF's organizational policies seeking to avoid entangling humanitarian aid with political action, the operational environment for MSF in Sudan was as hostile as for other INGOs, with limited humanitarian access and violence against aid workers being a norm. The association between aid and the West came to a head with the International Criminal Court case after an arrest warrant was issued for Omar al-Bashir, with the expulsion of 13 of the largest INGOs operating in Sudan at the time, including the two chapters of MSF with the largest operations in the Darfur region. This expulsion was then followed by Bashir's expressed desire to remove all INGOs from the region, viewing them as exerting colonial influence over Sudan and seeking to destabilize the region. Bashir's desire to end all INGO involvement within Sudan demonstrated that because prominent INGOs established the norm of aligning with Western interests, all INGOs were then subject to perception by the Government of Sudan as enemies of the states.

The advocacy of MSF aligned with principles of humanitarian neutrality and avoided politicizing the provision of aid, yet the organization was still unable to differentiate itself from other INGOs in its relationship with the GoS. Therefore, it is unlikely that MSF's principle of *témoignage* contributed significantly to the hostile operating environment for NGOs in Sudan. The behavior of influential INGOs in aligning their advocacy with Western politics opposing the Government of Sudan established the perception of international aid organizations as acting against Sudanese interests. This norm was pervasive to INGOs beyond those specifically advocating for political interests, ultimately contributing to a far-reaching expulsion of many diverse INGOs. MSF's dual functionality as a provider of both medical humanitarian aid and humanitarian testimony seems to be associated with the organization's actions and advocacy closely aligning with humanitarian neutrality. Operating in both capacities provided additional incentive for MSF to remain neutral in its advocacy, as being perceived by the Government of Sudan as breaching humanitarian neutrality resulted in the limitation of humanitarian access. However, the commitment of MSF's aid operations to humanitarian neutrality did not have a significant impact on outcomes for MSF, as the organization suffered the same hostile operational conditions as other INGOs. Instead, the capacity for MSF's operations to be perceived as neutral by the Government of Sudan was impeded by the organization's association with other INGOs, which were in turn associated with a Western political agenda as perceived by the Government of Sudan. This indirect association with the West did limit the capacity for MSF to deliver aid, as the GoS responded by limiting humanitarian access, targeting aid operations with violence, and eventually expelling prominent INGOs. The politicization of humanitarian aid by some INGOs through aligning with the West was sufficient to blur the lines between the spheres of humanitarian and political action and advocacy, establishing the norm that

international aid operations were political in nature in the case of Sudan and resulting in limitations upon the delivery of humanitarian aid, including for those like MSF which took calculated measures to maintain humanitarian neutrality.

### **Possible Future Points of Interest**

Having established that the relationship between Sudan and the US, alongside intergovernmental organizations like the UN and ICC, contributed to a negative environment for INGOs to operate within, the extent of the impact remains to be analyzed. While it may be difficult to directly analyze the total impact of this hostile relationship upon the provision of humanitarian aid, through comparison with neighboring South Sudan, differences may be observable. In accordance with the timetable established by the Comprehensive Peace Agreement, which ended the Second Sudanese Civil War in 2005, South Sudan gained its independence in 2011 and immediately received recognition from the United States. Shortly thereafter, South Sudan entered its own civil war lasting from 2013-2020. Alongside other sources of humanitarian need in South Sudan including severe food insecurity and epidemic outbreaks, this civil war presented another incident to which INGOs responded in providing humanitarian aid. By comparing how INGO provision of humanitarian aid was facilitated in South Sudan during this period with that of Sudan during and after the Second Sudanese Civil War, future research may determine that hostile relations with the Government of Sudan were more or less of a significant factor in the ability to provide humanitarian aid.

Further inquiry could also be useful in analyzing the GoS relationships with INGOs and the provision of humanitarian aid beyond the timeframe of this thesis. One particular time point to analyze may be before and after Omar al-Bashir was forced out of power in 2019. A comparison of how the Bashir regime facilitated humanitarian aid to the Transitional Sovereignty

Council and subsequent heads of state may reveal whether the hostile relationship between the GoS and INGOs was heavily influenced by al-Bashir specifically, or if it is more indicative of the perspectives of the political elite in Khartoum as a whole.

While this thesis found that the dual functionality of Médecins Sans Frontières as a provider of both material relief and humanitarian testimony did not limit the organization's capacity to abide by humanitarian neutrality or to provide humanitarian aid, it did not delve into any positive outcomes of aid NGOs operating in such capacities. MSF's dual functionality provides a practical explanation as to why the organization expressed more concern for abiding by humanitarian neutrality in its advocacy, as doing so would ideally prevent the government facilitating humanitarian aid from limiting MSF's humanitarian access. However, this is only one proposed mechanism seeking to explain MSF's close adherence to humanitarian neutrality in the instances studied. A further study comparing the capacity in which aid organizations function and their commitment to principles of humanitarian neutrality could demonstrate if MSF's commitment to humanitarian neutrality in this case is a result of its dual functionality, or if it may be explained by something else, for instance, the perspectives of the particular organization's leadership at the time of the aid operation in Sudan. A further study comparing MSF's commitment to principles of humanitarian across different aid operations would investigate similar hypotheses, determining whether MSF consistently breaks from the norm of INGO humanitarian operations when seeking to uphold principles of humanitarian neutrality, or if the aid operation in Sudan represents an aid operation that was politicized beyond what is typical. A comparison of the politicization of humanitarian aid by NGOs in states aligned with the West versus those adversarial to the West could also reveal whether the perception of aid groups as acting at the behest of foreign interests is significantly attributable to the position of the state

within the international community. Further investigation into each of the areas expressed would reveal to what extent the conclusions of this thesis are applicable to humanitarian interventions by INGOs other than MSF, and in states outside of Sudan.

### **Implications**

Based on the conclusion that MSF's dual functionality did not impact the organization's ability to abide by principles of humanitarian neutrality during the provision of humanitarian aid in Sudan, it may be understood that aid groups prioritizing material relief can pursue similar avenues of humanitarian testimony as MSF, provided that they undergo similar efforts to uphold humanitarian neutrality. Aid groups providing material relief are better positioned to understand the reality of a crisis on the ground than advocacy groups developing an understanding of the crisis through reports. If these groups are able to report on humanitarian crises and relief efforts and increase their public advocacy without politicizing the provision of humanitarian aid, they could prove valuable resources in the production and dissemination of information for humanitarian intervention.

Because the politicization of humanitarian aid by some INGOs was found to have the capacity to impact the ability of other INGOs to deliver humanitarian aid, coordination between humanitarian aid groups to limit the politicization of humanitarian aid is important to minimize the adverse effects of aid being associated with a political agenda. These findings highlight the importance of humanitarian relief efforts maintaining respect for the principle of humanitarian through the action and advocacy of prominent INGOs. This is particularly true when operating within states that are considered hostile to the Western powers of the United States, Western Europe, and the UN Security Council. Because the majority of prominent humanitarian INGOs are based within the West, they automatically bear some level of association with Western

political powers in the eyes of a foreign state. If a state considers these powers as hostile, as in the case of Sudan, it may require additional commitment to principles of humanitarian neutrality to be perceived as a neutral entity when providing humanitarian relief.

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