

Fate of the "Tripartite Agreement" on humanitarian access to S.v Kordofan & B. Nile

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By Eric Reeves

November 12, 2012 - For well over a year, the world has known fully—from a wide range of sources—about military efforts by Khartoum to starve more than one million civilians in South Kordofan, and subsequently Blue Nile—overwhelmingly people of the African tribal groups in these two regions. These people are perceived by the National Islamic Front/National Congress Party (NIF/NCP) regime as the civilian base of support for the indigenous political and military rebellion by the Sudan People's Liberation Movement/Army-North (SPLM/A-North). The means of destruction have been various, but starvation is the potent weapon of mass destruction that is every day more fully deployed, not only in the Nuba Mountains of South Kordofan and Blue Nile, but in the refugee camps in South Sudan (and to a lesser extent in Ethiopia) to which some 250,000 people have fled (OCHA Sudan Humanitarian Bulletin, October 22 - 28, 2012). Many have died during this flight or in camps that have been nearly overwhelmed by the challenges of providing humanitarian assistance in these remote regions, particularly Upper Nile State. Many more have died invisibly in Blue Nile and South Kordofan. Humanitarian indicators, discussed below in overview, are terrifying and rapidly growing worse.

Again, the international community has known full well what was occurring, and why, since late June 2011. The consequences of Khartoum's initiation of hostilities in Blue Nile (September 1, 2011) have been equally clear from countless reports, despite the lack of access to most of the region. Refugees have told horrifying stories that have become unforgivably familiar.

The UN Food and Agriculture Organization had declared in early October 2011 that harvests would "largely fail" because of the violence Khartoum had initiated and purposefully directed at civilians and agricultural production. By December 2011 the Famine Early Warning Systems Network (FEWSNet) was predicting "near-famine conditions" in the Nuba Mountains by the following March (2012). And yet there were no consequential actions or commitments by the international community until early February 2012. On February 2, the United Nations, the African Union, and the Arab League jointly proposed a humanitarian access agreement, designed to provide critically needed food and medical deliveries in those areas controlled by the SPLA-North. A week later, the SPLM-North accepted the proposal without qualification. Since that time—over nine months ago—there has been no further movement toward actual implementation of the agreement: Khartoum continues to refuse all international humanitarian access. To be sure, the regime has changed its explanation for refusing to implement the agreement, to which it had nominally committed last June, and again in August. But the most recent comments from the regime-controlled press in Khartoum suggest retreat into a wholly predictable obduracy.

This obduracy is captured all too well in a November 12 dispatch from Sudan Vision, which fairly trips over itself in piling lie upon lie:

"Sudanese government declared a new initiative to deliver the humanitarian assistance to the affected citizens in the rebel-controlled areas in the Blue Nile and South Kordofan States, following the elapse of the tripartite initiative which became invalid after November 3rd, 2012. HAC Commissioner, Suleiman Abdul Rahman said that the new initiative will provide the humanitarian and medical assistance, adding that the initiative represents a favourable opportunity for the participation of international and regional organization to distribute the humanitarian assistance. Abdul Rahman added that the tripartite initiative did not achieve its objectives as admitted by the partners (UN, AU, AL). The partners emphasized that they faced harassment from the so-called SPLM-N which set deplorable conditions." (Sudan Vision, November 12, 2012, "Sudan Announces New Initiative to Address Humanitarian Situation in South Kordofan, Blue Nile")

It says something profoundly dismaying that the Khartoum regime feels so emboldened by international inertia and expediency that it can indulge in this bizarre concatenation of outright lies. The "tripartite initiative" (of the UN, AU, and Arab League) has not become "invalid": it is as valid and a great deal more urgently needed than when it was first proposed over nine months ago. On the other hand, Khartoum's "new initiative" to assist "affected citizens in the rebel-controlled areas" will quite certainly be a re-packaging of previous and wholly inadequate proposals, none of which begins to address the vast humanitarian crisis confronting more than 1 million people. The UN, AU, and Arab League initiative was never implemented: it is absurd to declare that it "did not achieve its objectives," a judgment certainly not rendered by any spokesperson for these organizations. Similarly, there has been no public utterance by any spokesperson to the effect that these organizations "faced harassment from the so-called SPLM-N, which set deplorable conditions." The SPLM-North set no conditions, and again signed within days of the initial "tripartite proposal" last February.

And yet despite Khartoum's mendacity and brutal obduracy, the international response will almost certainly be a reprise of unctuous handwringing and declarations of "demands" that humanitarian corridors be opened. At the same time, we should

expect continuing "engagement" with Khartoum, engagement that extends even to discussion of lifting sanctions and providing debt relief—all this because of the agreement signed with Juba on September 27 and a deeply compromised implementing of the Southern self-determination referendum. Like Darfur, South Kordofan and Blue Nile have been "de-coupled" from the Obama administration's Sudan policy, and other international actors have been content to follow suit.

I received today from Dr. Tom Catena, the only surgeon remaining in the Nuba, more of the photographs that chronicle the effects of relentless Antonov bombing attacks in South Kordofan and Blue Nile. The victims on this occasion were two women, both in their sixties; like so many other photographs taken by Dr. Catena of his patients, they are stomach-churning. I asked him in a reply email about the view from inside the Nuba Mountains of the "tripartite agreement" and the international provision of humanitarian aid; his reply cuts through a great deal of the self-serving bluster from the likes of U.S. special envoy Princeton Lyman, UN head of humanitarian operations Valerie Amos, the AU's chief mediator Thabo Mbeki, and a range of voices from the European Union:

"Most people here aren't aware of the tripartite agreement, and the SPLA-N leadership feels the Khartoum government will always find a way to prevent aid from reaching us. Really no one has any hope that humanitarian aid will come here as long as the [NCP regime in Khartoum] are in control." (email received November 12, 2012)

The world has done nothing to convince these people that their assessment requires any revision.

THE TRIPARTITE AGREEMENT: A time-line

February 2, 2012: The United Nations, the African Union, and the Arab League jointly propose a reasonable and critically needed arrangement for the provision of international humanitarian assistance to acutely distressed civilian populations in South Kordofan and Blue Nile.

February 9, 2012: The SPLM-North formally accepts the tripartite proposal.

February 14, 2012: The members of the Security Council,

"...call upon the Government of Sudan to allow immediate access to United Nations personnel, including access to conduct a needs assessment. The members of the Security Council further called upon the Government of Sudan and the Sudan People's Liberation Movement-Northern Sector (SPLM-N) to cooperate fully with the United Nations and other humanitarian agencies and organizations, and ensure, in accordance with international law, including applicable international humanitarian law, and guiding principles of emergency humanitarian assistance, the safe, unhindered and immediate access of United Nations and other humanitarian personnel, as well as the delivery of supplies and equipment, in order to allow such personnel to efficiently perform their task of assisting conflict-affected civilian population in Southern Kordofan and Blue Nile States."
(SC/10543; AFR/2336)

March 21, 2012: Sudan Tribune reports that Khartoum "has decided to withhold consent to an initiative proposed by the United Nations, African Union, and the Arab League on delivery of aid to South Kordofan pending further assessment."

May 2, 2012: The UN Security Council unanimously passes Resolution 2046, "Expressing deep concern at the humanitarian situation created by the fighting between Sudan and South Sudan, and the continued fighting in the states of Southern Kordofan and Blue Nile, in Sudan." The resolution makes a series of demands, of both Khartoum and Juba; Khartoum for its part simply ignores virtually all of these demands.

Under Chapter 7 authority, the resolution:

"Strongly urges Sudan and the SPLM-N to accept the tripartite proposal submitted by the African Union, the United Nations and the League of Arab States, to permit humanitarian access to the affected population in the two areas, ensuring in accordance with applicable international law, including applicable international humanitarian law, and guiding principles of emergency humanitarian assistance, the safe, unhindered and immediate access of United Nations and other humanitarian personnel, as well as the delivery of supplies and equipment, in order to allow such personnel to efficiently perform their task of assisting the conflict-affected civilian population."

May 14, 2012: Khartoum reiterates its rejection of all negotiations with the SPLM-North.

June 2012: Khartoum claims to have accepted the tripartite agreement, but in fact this acceptance is wholly specious. Even the excessively cautious Valerie Amos, UN humanitarian chief, declares at the time:

"While the Sudanese Government announced its acceptance of the Tripartite Proposal of the African Union (AU), the Arab League and the UN for the delivery of humanitarian assistance in South Kordofan and Blue Nile states, the Government has laid out operational conditions that do not allow for the delivery of assistance by neutral parties in SPLM-N-controlled areas, Ms. Amos noted."

"I therefore continue to call on the Government of Sudan to deliver on its stated commitment: that assistance can reach all Sudanese people in need,' Ms. Amos said, reiterating the UN's commitment to work with all parties to 'find an acceptable solution for the immediate delivery of assistance to all people in need.'" (UN News Centre, June 29, 2012)

Amos made clear that the whole purpose of the tripartite agreement had been vitiated:

"...the Government has laid out operational conditions that do not allow for the delivery of assistance by neutral parties in SPLM-N-controlled areas."

In fact, the conditions laid out by Khartoum were such that nothing changed on the ground, and the regime retained complete control over humanitarian delivery,

"...based on the nine principles as mentioned below on the distribution of humanitarian aid to be carried out by the Sudanese Red Crescent (SRC) and any other NGOs approved by the Government of Sudan and observed by World Food Program (WFP) and the implementation modalities to be agreed upon." (Khartoum's statement from Addis Ababa, June 27, 2012)

August 4, 2012: In a Memorandum of Understanding signed in Addis Ababa by the SPLM-North, the Khartoum regime, and representatives of the UN, AU, and Arab League, the SPLM-North reiterates its commitment to the Tripartite Agreement, although registering concern that "the whole operation is dependent on the consent of the Government of Sudan on access to the SPLM/North-controlled areas." This reservation has proved to be more than amply justified. From the August 4 document:

[1] "The Tripartite team will immediately deploy to make an assessment of the size and needs of the civilian population affected by the war within a maximum of two weeks starting from the date of signing of this memorandum;

[2] "The government of Sudan agrees to a cessation of hostilities during the process of assessment and distribution of humanitarian assistance;

[3] "The Government of Sudan and the tripartite partners, that is the African Union, the League of Arab States and the United Nations hereafter referred to as the two parties, agree on this Memorandum of Understanding for assessment and delivery of humanitarian assistance to the war-affected civilians in South Kordofan and Blue Nile States."

These terms have simply been ignored by Khartoum; nothing here specified has been accomplished; Khartoum has faced no consequences.

September 25, 2012: Sudan Tribune reports:

"Over 120 international organizations have submitted a signed letter on 21 September to the United Nation Security Council demanding that humanitarian aid to be delivered to rebel-held areas of South Kordofan and Blue Nile state's in Sudan. [] The letter stressed Khartoum's slow response to proposals to secure humanitarian access to the states, or to meet deadlines set by the international community.

"The letter to UNSC reminded Khartoum of the consequences of Resolution 2046, which states that under article 41 of the UN charter; 'all parties who fail to meet their enforced obligations should face strong consequences, including the imposition of sanctions.'

"The letter states: 'On August 5, 2012, Khartoum finally signed a memorandum of understanding with the Tripartite Partners that sets out deadlines related to the planning for and distribution of international humanitarian assistance. To date, the government has ignored the deadlines laid out in the memorandum and exhibited no indication that it intends to allow the full and unhindered delivery of aid throughout South Kordofan and Blue Nile.'"

[Again, in May the UN Security Council, acting under Chapter 7 of the UN Charter, had called on Khartoum to accept a proposal put forward jointly by the UN with the African Union an Arab League to allow humanitarian access to South Kordofan and Blue Nile.]

October 4, 2012: U.S. ambassador to the UN Susan Rice declares: "It's long past time for the government of Sudan to take the steps necessary to implement the tripartite agreement on humanitarian access for Southern Kordofan and Blue Nile, where the situation clearly remains dire and unacceptable."

October 9, 2012: McClatchy News reports from Nairobi:

"U.S. special envoy Princeton Lyman said he'd keep pushing for aid to reach the rebel-held areas—some way, somehow. 'What we want is the tripartite agreement. Because that is the best way to get the most aid to the most people,' Lyman said Sept. 27 in a phone interview from Ethiopia, after Sudan and South Sudan signed their deal. 'The question for the international community is what do we do if that doesn't happen?'"

Lyman neither answered his own question nor spoke to the larger question of why the international response to such a vast

humanitarian crisis continues to be governed by the actions of a regime guilty of unending atrocity crimes.

October 19, 2012: Agence France-Presse (Khartoum) provides an update on the tripartite agreement:

"War in Sudan's South Kordofan and Blue Nile states has affected an estimated 900,000 people, but more than a year of talks has failed to get food aid into rebel zones, the UN said on Friday [October 19, 2012]. 'In Sudan People's Liberation Movement-North (SPLM-N) areas, no humanitarian staff have been able to enter from within Sudan and no food aid has been delivered, despite intensive negotiations that have been going on now for more than 16 months,' the Office for the Coordination of Humanitarian Affairs (OCHA) said.

"In one of its most strongly worded statements on the situation in the two states bordering South Sudan, OCHA said a joint initiative by the UN, Arab League and African Union for assessment and aid delivery throughout the war zone is still awaiting a 'green light.' 'Efforts to gain access to war-affected civilians have been relentless,' said OCHA. Two months ago, the government and rebels each signed memorandums with the Tripartite group to facilitate aid delivery. 'Despite various different detailed action plans that have been presented by the Tripartite since then, neither the government nor the SPLM-N have yet formally agreed on a concrete plan of action for assessment and delivery of aid,' OCHA said. 'The Tripartite has made clear that it is ready to facilitate the immediate provision and distribution of humanitarian assistance once the government and the SPLM-N agree to the plan and provide the necessary security guarantees."

"Rabbie Abdelatti Ebaid, a senior official of the ruling National Congress Party, told AFP the government is not delaying."

November 3, 2012: Sudan Tribune reports: "South Kordofan governor Ahmed Haroun vowed Saturday that no talks will be held with the Sudan People's Liberation Movement-North (SPLM-N) until the defeat of the rebel group."

November 6, 2012: In Khartoum, the regime announces "the end of working according to Tripartite Agreement on Humanitarian Assistance for the two regions" (Al-Ayam).

Agence France-Presse reports from Khartoum: "There is no humanitarian crisis in war-torn South Kordofan and Blue Nile states, Sudan said on Tuesday as an international plan to get aid into the area expired without any food reaching the hungry. Despite months of talks about how to get assistance into rebel-held areas of the two border states, where fighting began more than a year ago, the number of people affected by the war has continued to increase."

November 7, 2012: Sudan Tribune reports:

"The three parties of the humanitarian initiative for South Kordofan and Blue Nile said [they were] concerned following statements by a Sudanese officials saying his government will not extend a three month deal to reach civilians in the rebel-held areas in southern Sudan. Sudanese government and the rebel Sudan People's Liberation Movement-North (SPLM-N) failed to implement a deal brokered by the African mediators signed with the UN agencies, African Union and Arab League last August. The three-month agreement provides to deliver food and other humanitarian needs to the civilians in the areas held by the SPLM-N in South Kordofan's Nuba Mountains and some areas in Blue Nile."

November 12, 2012: Sudan Vision reports:

"Sudanese government declared a new initiative to deliver the humanitarian assistance to the affected citizens in the rebel-controlled areas in the Blue Nile and South Kordofan States, following the elapse of the tripartite initiative which became invalid after November 3rd, 2012. HAC Commissioner, Suleiman Abdul Rahman said that the new initiative will provide the humanitarian and medical assistance, adding that the initiative represents a favourable opportunity for the participation of international and regional organization to distribute the humanitarian assistance. Abdul Rahman added that the tripartite initiative did not achieve its objectives as admitted by the partners (UN, AU, AL). The partners emphasized that they faced harassment from the so-called SPLM-N which set deplorable conditions." (Sudan Vision, November 12, 2012, "Sudan Announces New Initiative to Address Humanitarian Situation in South Kordofan, Blue Nile")

There is presently no alternative in sight. Clandestine U.S. efforts earlier this year were reported by McClatchy News in October:

"...the U.S. rolled out a clandestine plan to send thousands of tons of food from South Sudan by road, until rains made the sole dirt track north impassable in July. U.S. officials haven't publicly acknowledged the cross-border aid operation, but in an interview last month with Fox News' Greta Van Susteren, the Nuba Mountains rebel leader, Abdelaziz al Hilu, credited the American food aid with saving lives. 'Thanks to the American people, to the American government, that they have channeled food somewhat, and they saved thousands and thousands of lives. But it was not enough. It was not enough.'"

Not enough, indeed—not nearly enough. And although Lyman and the Obama administration have made a factitious attempt to represent this as a "clandestine effort," it is clear that they wished to appear to be doing something, as opposed to remaining utterly inert. But when Abdel Aziz says "it was not enough," this is gross understatement, though he understandably does not wish to seem ungrateful.

There are, according to UN estimates, approximately 1 million displaced and acutely vulnerable civilians in South Kordofan and Blue Nile, and in transit to the South—and their needs are enormous. Yet one authoritative source with very substantial experience at USAID has indicated to me that no more than 3,000 tons of food were delivered into the Nuba during this year's dry season, and nothing into Blue Nile, which may in fact be the larger of the two inter-linked humanitarian crises (email received November 6, 2012). With the beginning of the serious part of the rainy season in late June, transport into South Kordofan became impossible.

For some perspective here, humanitarian logisticians estimate that roughly 1,700 metric tons of food per month are required per 100,000 of population in need. Using the current UN figures for South Kordofan and Blue Nile, and not including Upper Nile and Unity, this means roughly 3,000 tons per week are required. This may well exceed the total amount delivered by the U.S. to the entire distressed population over the past nine months.

HUMANITARIAN CONDITIONS: A selection from recent reports

[1] Letter from Nuba People, Nuba Mountains November 5, 2012

Dear Leaders of the International Community,

"We write to you from inside the Nuba Mountains and on behalf of the men, women and children who have waited in vain for your help. Since June 2011, we have been under constant attack by the Bashir regime. Hundreds of bombs have dropped on us, and missiles as well as attacks by soldiers and militia are a constant threat. In the last two weeks, bombardment by the Khartoum regime has increased intensively. Since Friday, October the 26th, the bombardment has become more brutal and covered more than a dozen of our villages. Many people have been killed, and livestock and several houses and fields of crops have been burned and destroyed. The intense bombing has begun again this week and it is a daily activity in the area.

"As it is well known to you, we do not have access to food, medicine, healthcare and other basic necessities. We look around at what is left of our homes and see our family and friends weak from hunger and disease. Everywhere we look, we see children, the elderly and other vulnerable people lying on the ground helpless. The number of people dying from starvation and disease is disturbing and increasing. It is very hard for us to explain to our children what is happening when they ask us, 'Does anyone in the world know what we are going through? Why is it that no one cares about us?' For 17 months, we have been hearing you talk about us. We've heard you say that our situation is critical and that you are gravely concerned; however, we have almost given up hope that your words mean anything. []

"While we appreciate your commitment to remain 'actively seized on the matter,' we are worried—based on our experience—that your commitment will not save our lives and the lives of our children, who have suffered long enough. Our question remains unanswered, why doesn't anyone care about us? We have a right to be protected from a brutal government and to be rescued from genocide. We have a right to have access to food and medicine like everyone else in the world. Innocent lives are being taken day and night including children, women, and the elderly right before our eyes and the world's silence is unbelievable."

But the world has frequently been silent in the face of a range of vast atrocity crimes committed by Khartoum, and relentless aerial bombardment of civilians and civilian agricultural production has long been one of the most egregious of these crimes.

[2] There is an increasingly uncontrollable outbreak of Hepatitis E in the refugee camps in the border regions of South Sudan. The UN High Commission for Refugees reported from Juba (November 9, 2012):

"The UN refugee agency on Friday warned that its capacity to contain an outbreak of hepatitis E among the refugee population in South Sudan was increasingly stretched at a time when funding for its emergency operation was depleted. 'The risks will grow if, as currently anticipated, we see fresh inflows of refugees from South Kordofan and Blue Nile states in neighbouring Sudan,' spokesman Adrian Edwards added. Due to insecurity and worsening humanitarian conditions in South Kordofan and Blue Nile states, UNHCR staff on the ground expect thousands of new refugees to cross in the next weeks as roads become passable after the rainy season. UNHCR and its partners, including South Sudan's national health authorities, are already fighting an outbreak of hepatitis E in Upper Nile and Unity states, two regions where the disease is endemic...."

[3] "Fighting is still going on in Sudan's Blue Nile and South Kordofan states, where rebels are battling the government. Due to the escalating conflict, the UNHCR says it expects between 30,000 and 40,000 new refugees to cross into South Sudan in the coming weeks, as soon as the rainy season ends and roads become passable. (Voice of America [Geneva], November 9, 2012)

[4] MSF Press release (October 31, 2012) on the psychological consequences of a war of extermination:

"MSF psychologist Julia Stempel leaned over to see what the girl was drawing. A picture of a large airplane covered most of the paper. 'The children are asked to draw what frightens them the most, and almost everyone draws an airplane,' Stempel said. 'They say it's the airplanes [Antonov "bombers"] that forced them to flee.' Stempel works with five other psychosocial counselors and ten community workers to help children and others find ways to express the feelings that come with their

circumstance." []

"The chronic stress many refugees live with can manifest itself in psychosomatic symptoms such as headaches or stomach aches. And these ailments can affect not only individuals, but whole families. 'A grandmother in one of the families was suffering from a very bad depression, and just spent her day lying passive in the hut, doing this for the last three months,' Stempel said. 'The whole family lived around her in that hut, and her condition, the experiences of fleeing, plus the living conditions in the camp were so stressful for the family that one of her granddaughters stopped talking, lost appetite, and started showing depressive symptoms too. Having two members of the family suffering in that way put an extra level of stress on the family, who are already under a lot of pressure.'"

[5] The UN High Commission for Refugees (September 25, 2012), on the arduous trek made by many refugees in South Sudan:

"Women, children and families fled along routes that due to conflict and the rains were dangerous and often inaccessible. Many of those who made the crossing were children and the elderly. A family of blind people crossed the border led by other village members. Women made the crossing with their newborns. They arrived in South Sudan exhausted. As the rainy season set in and the land turned into a vast swamp, UNHCR prioritized getting people from border areas to the safety of camps. 'Had the group not been relocated urgently, we would have lost hundreds, if not thousands, of lives,' says Mireille Girard, UNHCR's South Sudan representative." (YUSUF BATIL, South Sudan, September 25, 2012)

In fact, many thousands of people have already died in the greater humanitarian theater; we may not have the data to create a true mortality assessment, but it is unreasonable—on the basis of evidence available—to suggest that mortality has not reached to at least this grim threshold.

[6] Norwegian Refugee Council, September 7, 2012:

"One of more than 100,000 Sudanese refugees in Upper Nile state in northern South Sudan is community leader Sila Mousa Kangi. There is no optimism or hope in Silas' voice as he explains the current situation for refugees originating from Blue Nile state, across the border in Sudan. 'I am 54 years old and I have only seen peace in very short doses. I fear that our children will suffer the same fate,' says Sila Mousa Kangi, sitting in front of his shelter made from straw and covered by a piece of plastic sheeting. 'We want sustainable peace so we can live like other people with a house and a livelihood. It is not good for people to keep asking for assistance. Many here have lost all hope.' []

"'When we fled, we were a total of 155 people in our group, but elderly people died on the road of starvation,' says 47 year old Issa Simat, a local leader, from the Baow area in Blue Nile. The exhausted group arrived in Yusuf Batil camp on 23 May this year after a 15-day journey on foot."

[7] UN IRIN (September 13 and 21):

"Stanlake Samkange, East and Central Africa director for the UN World Food Programme (WFP), expects more inflows into the camps as routes currently blocked by floods dry up. 'We are certainly planning for up to 30,000 more people coming in 2012. But there are many more people on the other side of the border than that,' he told IRIN. 'My biggest concern is that if this number increases significantly, then it will put additional pressure on our efforts,' he added."

"Sheikh Hamis Hamadin Isa Zaag arrived at Gendrassa refugee camp, in South Sudan's Maban County, two weeks ago. He spoke to IRIN about fleeing the violence in Blue Nile. 'The journey was very tiresome and long. I even left most of my people behind to come alone. It took me 20 days as I was helping one of my elder relatives.'

"'On the way [from Markana, Damazin], I saw that most of the refugees had left most of their parents and old people behind, as many were running from air bombardments or fighting. There was also a lot of fighting. I saw people killed in front of me. The refugees went into a village and were killed by soldiers. They were killing everyone, mostly with knives. Most of the men were slaughtered using knives. At the moment, it seems some of my family have been killed—that's the information I've received—and the others have scattered. There is no way for the peace to come, but I wish there was peace coming to this country. There is nothing to eat in Blue Nile—just roots and leaves and wild fruits. There is no food, and even if you try and get out to get some food, you will be found and jailed. There is so much insecurity. It is difficult for them to move and cross the border.'"

[8] And more refugees are on the way, according to John Ging, head of OCHA in South Sudan. Ging recently warned that the crisis is far from over, or even diminishing, declaring that "we anticipate up to 350,000 Sudanese will be hosted in South Sudan by the end of 2013." This would almost double the present refugee population, putting even greater strains on relief operations that are already stretched to the breaking point.

[9] Unity State is also poised to receive a great many more refugees, mainly from South Kordofan:

Hundreds Flee Fresh Air and Ground Attacks and Cross to South Sudan

"The UN refugee agency said Tuesday that fresh air and ground attacks in Sudan's South Kordofan state are causing a renewed population influx to South Sudan. 'About 100 refugees a day are arriving in the border town of Yida, in Unity state,' a spokesperson said, adding that the 'refugees are in poor health and without any belongings.' Some refugees told UNHCR they had also fled because of acute food shortages in South Kordofan. Many said they planned to build a shelter in Yida refugee camp before returning across the border to fetch family members." (25 September 2012, Juba [South Sudan], UN High Commission for Refugees)

[10] Other recent reports on the growing humanitarian crisis in the border regions:

The October 18 humanitarian assessment by the Enough Project makes clear just how inadequate the response has been: the Global Acute Malnutrition (GAM) rate is at the emergency threshold in the Nuba Mountains; 81.5 percent of families survive on one meal a day (the figure was 9.5 percent last year and 0 percent the year before); Severe Acute Malnutrition (SAM) is over 3 percent in all population groups sampled. SAM is a critical medical condition and without therapeutic and supplementary feeding, most children and even adults will die. The results of the daring Enough assessment were carefully reviewed by the Johns Hopkins University School of Public Health prior to publication.

Moreover, the Enough findings have been confirmed by a localized but highly detailed and revealing independent humanitarian assessment, including a finding that "the levels of 'severe' hunger reported in Western Kadugli are particularly high, hovering at 85.4 percent for resident households and 87.5 percent for displaced household" (confidential report: "South Kordofan Food Security Monitoring Report #1," Results from interviews conducted with households, market participants, and key informants in South Kordofan State; from the period of August 4 to August 28, 2012). Most respondents felt food security was deteriorating. The headlines to the Executive Summary of the Report tell us much that we already know, but with much greater authority:

- "Food security is a concern in all locations";
- "Displaced households have been less successful in planting than resident households";
- "The outlook on the anticipated harvest is poor";
- "Health facility closures are reported in all Localities, although the numbers vary by Admin unit";
- Access to drinking water varies across Admin units but appears to be particularly limited in the localities of Umm Durrain and Western Kadugli";
- "The heaviest and sustained conflict is most prevalent in the localities of Um Durrain and Western Kadugli"

We know that Khartoum will not honor its commitments to provide humanitarian relief to these people—we know this. Will this knowledge translate into action that puts human lives—hundreds of thousands of human lives—ahead of the claims of national sovereignty by a genocidal regime? Past evidence could not be more discouraging of such hope.