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# **E.C. and U.S. approaches to linking relief, rehabilitation and development**

## **A case study on South Sudan**

The following case study is a draft version and is part of a study group comprised of four case studies and a summary report for the Raising the Bar: Enhancing transatlantic governance of disaster relief and preparedness project.. The views expressed here do not necessarily reflect the views of the Center for Transatlantic Relations or the Global Public Policy Institute. We look forward to receiving your comments by March 25<sup>th</sup>, 2009.

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# 1 INTRODUCTION

This paper is a case study of Southern Sudan which forms part of the linking relief, rehabilitation and development (LRRD) component of the ‘raising the bar’ research and dialogue project funded by the European Commission which aims to foster a transatlantic dialogue on humanitarian policies. The aim of these case studies was to adopt a specifically donor perspective on LRRD, asking: ‘to what extent can the E.C. and the U.S., as the most important donors of humanitarian and development aid, promote good LRRD outcomes at the field-level?’

Southern Sudan is a fascinating context in which to ask this question for a number of reasons:

- As one of the world’s longest running complex emergencies and largest aid operations Southern Sudan has been a crucible for many of the debates around relief and development and the appropriate interaction between the two approaches over a number of decades.
- The current peace process has led to the introduction of a range of innovative financing mechanisms which have been unusually well evaluated and analyzed.
- The funding approaches adopted by the E.U. and the U.S. have significant differences.

The underlying premise or hypothesis in the terms of reference was that; ‘specifically for donors, adopting a LRRD focus, spanning both policy formulation and funding decisions, can increase the effectiveness of donor assistance strategies – in the sense that livelihoods are more effectively protected, are made more resilient to future shocks, and are less and less dependent on foreign assistance.’ This case study sets out to examine this hypothesis in the context of Southern Sudan with a particular focus on E.U. and U.S. donor policies. The main body of this study focuses on donor policies and financing instruments introduced since the signing of the Comprehensive Peace Agreement in 2005. 2008 marks the mid-point of the interim period mapped out by the Comprehensive Peace Agreement and was intended to mark the boundary between the recovery period (2005-7) and a development period. This mid-point makes it an opportune moment for reflection and analysis on the effectiveness of donor policies in promoting peace and development since the signing of the CPA.

## **2 METHODOLOGY**

The case study will be based on a review of the available published and grey literature and a small number of interviews and correspondence with key E.U. and U.S. officials. A limited budget and therefore time available for the case study means that this is a short, analytical piece not an in-depth piece of research. There was not scope for any field level research and interviews with Southern Sudanese government officials, clearly one of the key stakeholders, were not possible. Fortunately there is a rich, recent literature on financing mechanisms in south Sudan on which to draw. A list of people interviewed for the study is included as Annex 1.

### 3 RELIEF AND DEVELOPMENT IN SOUTHERN SUDAN

There is a long history of debates about relief and development in Southern Sudan during the civil war. Operation Lifeline Sudan was the chief mechanism for delivering assistance and channeling donor financing during the civil war and retained a primary relief focus. However, both within the OLS umbrella and in donor policies, fierce debates raged during the 1990s about the extent to which it was appropriate to fund activities that could be labeled as rehabilitation or development. Donors grappled with the need to maintain humanitarian principles of independence and neutrality whilst facing calls from aid agencies at field level to support building of local capacity and engage in activities that went beyond ‘lifesaving’ relief. Southern Sudan was one of the key arenas in which debates about the appropriate divisions between relief and development actors, principle and financing in the context of a protracted crisis played out. There is also a need to frame donor aid strategies in Southern Sudan within the overall politics of international relations between Sudan and the donor countries. Strained relations between the government in Khartoum and western governments, concerns about widespread human rights abuses and aid diversion by both parties to the conflict as well as a strong political lobby especially in the U.S. in favor of the Southern rebel movement have all had important influences on aid policy.

As Murphy (2007) notes, humanitarian aid instruments during the civil war were often stretched to the limit as development type approaches crept in, including prolonged service provision. USAID, in particular, implemented a development assistance programmed before the signing of the CPA for livelihoods, education, agriculture and peace building. The E.C. Humanitarian Plus programmed also helped to provide multi-year funding and maintain support for basic services<sup>1</sup>.

In some senses, the signing of the comprehensive peace agreement has made the challenge of linking relief, rehabilitation and development (LRRD) simpler. There is at least now a clear process of recovery going on, an emerging government structure to engage with and declining levels of insecurity. It has in some ways become a conventional challenge of building governance capacity and supporting the recovery of services and livelihoods following a conflict. In common with many conflicts, the peace process is fragile, security risks remain and renewed conflict may continue to create humanitarian needs as evidenced by recent violence in Abeyi. The concept of the contiguum and the need for simultaneous capacity to engage in relief, rehabilitation and development is clearly needed. The situation in Sudan is complicated by the ‘one government, two systems’ approach enshrined in the CPA meaning that engagement is needed both with the Government of National Unity at a Khartoum level and with the emerging government of Southern Sudan at a Juba level. There are also huge challenges raised by the sheer scale of the country and of the recovery challenge. Decades of civil war mean that the task is often less one of rebuilding than of starting anew in terms of access to services, meeting key development goals and developing state capacity at local and regional levels. As MSF note for the health sector; “it is impossible to apply conventional notions of ‘post conflict’ to Southern Sudan, which in many ways is starting from scratch. Before the war, the region had a severe lack of general infrastructure and health systems and decades of conflict destroyed what little existed.”<sup>2</sup>

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<sup>1</sup> Fenton 2008

<sup>2</sup> MSF 2008

## 4 FINANCING INSTRUMENTS IN SOUTHERN SUDAN

Donors to Southern Sudan have provided assistance for a myriad of complex bilateral and pooled funding mechanisms. Indeed, it has become something of a hotbed for the introduction of new pooled funding approaches and for attempts to find mechanisms to bridge the ‘recovery gap’ between relief and development funding.

There has been particular use of what are labeled as ‘pooled instruments’ which can be defined as vehicles for providing aid where several donors put funds into one instrument. It is not entirely clear why Southern Sudan has proved such a hotbed for the use of pooled funds and some argue that it has suffered through being something of a guinea pig for current donor enthusiasm for harmonization. In part it reflects global commitments through both Good Humanitarian Donorship and the Paris Principles to harmonization. The perceived success of the Multi Donor Trust Fund in Afghanistan also seems to have been a factor with the problematic assumption that a similar model could be rolled out in Southern Sudan. There is an interesting contrast to be drawn with northern Uganda where there is a complete absence of pooled funding instruments for recovery. The reason for this seems to be the presence in Uganda of strongly established donors with development approaches and relationships with the Government of Uganda leading to an assumption that relief can be relatively rapidly phased out and development funding through existing relationships introduced. In Southern Sudan, by contrast, the length of the war and the difficult political relations between the government in the north and western donors meant that there were little or no development relationships and funding modalities to return to. Arguably these two neighboring countries present two extremes – Sudan with an embarrassment of riches when it comes to recovery funding instruments and Uganda with not enough.

Pooled funds, however, have not taken the place of bilateral projects whereby individual donor governments directly fund particularly projects, agencies or government. Both the EC and the U.S. as donors have retained substantial bilateral programmers. The U.S. does not support any of the pooled funding mechanisms whereas the EC supports some of the pooled instruments as well as having a bilateral programmed. The government of Southern Sudan (GoSS) estimated that there were 26 donors and multilateral agencies operating in Southern Sudan, funding 169 projects but this relied on self reporting so is likely to be an underestimate (Taylor Brown 2008). USAID and the EC are the two largest donors in Southern Sudan.

The range of pooled and bilateral instruments introduced in Southern Sudan are summarized briefly below, drawing largely from Taylor Brown’s 2008 report on The Joint Donor Partnership Instrument Mix (Taylor Brown 2008).

- The Multi-Donor Trust Fund (MDTF) for Southern Sudan which was established as part of the Comprehensive Peace Agreement (CPA) and was intended to be the cornerstone of the aid architecture for Southern Sudan. The MDTF channels donor financing and GoSS oil revenue toward achieving the reconstruction and development needs outlined in the Joint Assessment Mission (JAM). The World Bank administers the Fund and the UN plays a key role in implementation. For the period 2005-7, donors pledged a total of \$356.5m to the MDTF-SS.

- The Common Humanitarian Fund (CHF) was created in 2006 to deliver early, predictable and coordinated funding to address the humanitarian needs of Sudan. The CHF is administered by UNDP, is a national fund and received \$204m in contributions in 2007. In practice, the CHF has been stretched to provide significant funds for early recovery and transition activities (including basic services) as well as humanitarian activities.
- The Capacity Building Trust Fund (CBTF) was established in 2004 in the lead up to the CPA. The CBTF was intended to fund both recurrent costs and build the capacity of the nascent Government of Southern Sudan. It was also intended to provide funds for quick impact programmers in the private sector. Initially, the CBTF was expected to bridge the gap until oil revenue and the MDTF could provide more structured funding to GoSS and early recovery needs. In practice, the CBTF funds have been used flexibly to fill a wide range of gaps related to capacity building and recovery. The CBTF is administered by UNICEF and has received \$19.4m in total contributions between 2004 and 2007. The current fund is coming to an end, but GoSS and UNICEF have proposed an extension and replenishment.
- The Strategic Partnership Arrangement (SPA) is a UNDP administered framework for supporting the CPA and JAM in the areas of governance and rule of law. The SPA is co-financed by the UK, Denmark and the Netherlands. Sweden plans to contribute funds to the SPA during the coming year. The SPA seeks to complement the MDTF by providing flexible and quick support to governance and early recovery projects and programmers. It has provided funding for 24 projects from a pool of \$64M. The SPA has recently been extended until March 2009.
- Other pooled funds in Southern Sudan include the Emergency Response Fund (providing relatively small funding for rapid onset emergencies) and the Global Fund (for HIV/AIDS, tuberculosis and malaria).
- In response to the perceived gap in financing for recovery particularly on the part of the Multi Donor Trust Fund there is a plan to introduce a Sudan Recovery Fund.
- The Basic Services Fund (BSF) is a DFID funded programmed financing the delivery of basic services (health, education and water) through non-state providers. Initially conceived of as a bridge to the MDTF, the BSF has a total budget of \$34m for the period 2006-2008.
- USAID has negotiated a bilateral framework agreement with the Government of Southern Sudan (GOSS) for all U.S. development (non-humanitarian) assistance that benefits south Sudan for the period of U.S. fiscal years 2008-2012. The framework document is a Regional Assistance Grant Agreement (RAGA) that provides funding for development objectives that are mutually prioritized by the U.S. Government and the GoSS. While there is no funding ceiling for the RAGA, funds are incrementally provided as they become available; total obligations as of December 31, 2008 exceed \$200 million U.S. dollars. Private-sector entities overwhelmingly implement these resources, although the U.S. and the GOSS coordinate all U.S. development assistance to Southern Sudan through the Ministry of Finance's Budget Sector Working Groups.

This complex mix of instruments has been unusually well documented and evaluated with a flurry of recent reports focused on the performance of the various aid instruments being used by

donors in Southern Sudan<sup>3</sup>. This case study draws on this rich literature and on interviews with key E.U. and U.S. officials to highlight the key findings and emerging issues in relation to linking relief and development. These include:

- Difficult dilemmas and trade-offs between the goals of building local and government capacity for service delivery and securing an immediate ‘peace dividend’ via the expansion of service delivery through international aid actors.
- Whether or not the laudable goals of pooled funding around greater coordination and harmonization have to some extent been prioritized over effectiveness. And linked to that, whether or not there has been too much focus on financing instruments at the expense of broader policy engagement.
- The fragility of the peace and recovery process and the need to maintain the capacity for humanitarian action.

First, however, the paper examines in more detail the funding and approaches of USAID and the E.C.

#### **4.1 USAID**

The U.S. Government is the largest international donor to Sudan, and USAID has a range of large projects covering humanitarian, recovery and development objectives. According to its 2008 financial year budget (money to be spent in 2009), USAID will be allocating non-humanitarian assistance of \$272m in these priority development sectors: \$115m to the support of ‘just and democratic governance’ (most of which is targeted to Southern Sudan); \$58m to basic services (health, education, and water and sanitation); and \$96m for economic growth activities, including activities for infrastructure, agriculture, private sector competitiveness, microfinance, property rights & policy, and environment. USAID’s humanitarian assistance funding, including food aid and transition initiatives, is estimated to be more than \$660 million in fiscal year 2008, of which \$483 million will be spent in Darfur. USAID is a critical donor in many public-service sectors. For example, Fenton (2008) estimated that USAID supported 81% of donor supported health facilities in Southern Sudan from 2005-2007, the majority from USAID/OFDA funding.

Sudan is the highest priority country in Africa for the United States government and USAID/Sudan is committed to supporting the implementation of the CPA; providing relief and reduction of suffering in Darfur; promoting a viable and lasting peace process in Darfur; and supporting the democratization of accountable governance throughout the entire country. USAID activities seek to buttress the CPA with tangible peace dividends through support to governance, social service delivery, livelihood diversification, IDPs and returnees, and infrastructure improvement<sup>4</sup>.

The most recent call for proposals is focused on building responsibility for the delivery of government services (through a program entitled ‘BRIDGE’), which aims to help the Southern Sudanese government at state and county levels with the transition from existing relief program-

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<sup>3</sup> Brown 2008; Fenton 2008; ScanTeam 2007; Murphy 2007; Peter and LoWilla 2008

<sup>4</sup>USAID 2008

mers to more sustainable methods of government-managed service provision<sup>5</sup>. This is currently going through a competitive solicitation process for proposals and is seen as an innovative way of linking relief and development. The geographic focus of the program also lends itself well to supporting the transition from humanitarian assistance-based, NGO-led interventions to more sustainable, locally-driven development, as the areas where this development assistance program will be implemented are in states that border the North and in the Three Areas of Abyei, Southern Kordofan and Blue Nile, where USAID has predominantly programmed mainly humanitarian assistance up to now. USAID's 2006-8 strategy noted that, 'humanitarian and development assistance programs will work in tandem to achieve results' (USAID 2005).

USAID funding for Southern Sudan has come from four main sources: Development Assistance from the Africa Bureau; and through three offices of the Democracy, Conflict, and Humanitarian Assistance Bureau: the Office of U.S. Foreign Disaster Assistance (OFDA), the Office for Transition Initiatives (OTI), and the Office of Food for Peace (FFP). These interconnected programmers provide a theoretical transition from relief to development within U.S. government funding, as OFDA, FFP (emergency food aid programming) and OTI projects phase out as longer term development assistance comes on line. In November 2007, OFDA anticipated that a more favorable environment for long-term assistance measures would enable a significant reduction in humanitarian funding<sup>6</sup>.

OFDA funding provides support in the areas of health, water, food security and livelihoods. Supporting the provision of health services has been one of the main focuses for OFDA and is the biggest sector for its support with \$28 million of funding in 2008 for the south and \$16 million in the Three Areas. In 2006, OFDA was providing support to 332 health facilities. This number has gradually been declining and is now down to 209, with facilities being handed over to the GoSS and long term development donors. Progress is being made on handing over facilities but there is a difficult balance to be drawn between a decline in the quality in services following hand-over and the continuation of unsustainable parallel systems implemented by NGOs.

The Three Areas is a high priority area for U.S. funding in general, with OTI and OFDA support in these areas seen as critical to the success of the peace process. There is a focus on civil service integration and on linking SPLA systems into governance structures at state level and on partners who can assist in civil service integration whilst providing support to services. Areas of high return are a particular priority for investment.

In Southern Sudan, OFDA works largely through international NGO partners with which OFDA has had a longstanding relationship and partnership. OFDA prefers not to put funds into the UN workplan but rather work through NGOs that it feels are more flexible and better at reaching remote and hard to reach populations, have a stronger on the ground presence and are more cost effective. USAID remains the largest donor to WFP, although there are concerns about its ability to make an effective transition from relief to more recovery orientated programming.

OFDA traditionally will only provide funding for a 12 month period, leaving NGOs with little to no predictability on what their OFDA supported budget will be from year to year as OFDA budgets are uncertain from year to year. This is recognized as one of OFDA's biggest drawbacks

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<sup>5</sup> USAID 2008

<sup>6</sup> OFDA 2007

and makes investments in some types of activities difficult, such as haffirs (water catchments) which take more than 12 months to effectively implement. On the other hand, the speed and flexibility of OFDA and OTI funding were seen as major advantages, particularly compared to pooled instruments or, to a lesser degree, to USAID's longer term development assistance funding instruments.

OTI in the south worked through a NGO called PACT and later through a private sector actor called Development Alternatives Incorporated (DAI). Its programming is now focused on the Three Areas, implemented by PADCO, another private sector actor. The approach is to provide quick, flexible and small grants to a range of local government and civil society actors in ways that demonstrate immediate peace dividends. The implementing agencies have considerable locally delegated authority, and the ability to move quickly and take risks. The aim is to fund catalytic, foundational activities which can be built upon by longer term development actors. A particular strength of the small grants mechanism is seen as its ability to deliver funding directly to Sudanese government and civil society entities with relatively little bureaucracy. Another perceived strength of OTI is its flexibility, which allows funding for activities and purchases that other donors are not necessarily able to support, e.g., such as supporting government offices in terms of buildings, furniture and equipment. Such support addresses an urgent and appropriate need of the GoSS, considering its low starting point of basic infrastructure.

In Southern Sudan, USAID/FFP is currently supporting the UN World Food Program as well as NGOs to provide food assistance to address food insecurity in nearly all of the ten states. USAID/FFP's strategy has been to encourage its partners to phase out of direct distribution of free food aid to all but the most vulnerable populations, such as newly returning populations from the North and refugee camps in neighboring countries. FFP has funded activities such as food-for-work, food-for-training, and emergency school feeding to its partners, with the understanding that these activities are intended to address food insecurity of populations in a more sustainable, recovery-oriented manner. In September 2007, USAID/FFP funded a field-study to look at the current food programming and recommend ways in which food aid could be targeted and programmed in a more sustainable ways<sup>7</sup>. USAID/FFP's budget is divided between emergency and non-emergency funds; the Sudan FFP program is still funded exclusively with emergency funds. There are limitations on how these funds can be used – recovery is the current focus, not exclusively development food aid. USAID/Sudan is very interested to integrate non-emergency food aid into its development assistance programs in the future. Development assistance through the Africa Bureau is starting to provide support to the GoSS through budget sector working groups in ways that support Paris principles around alignment. This provides more stable and multi-year funding streams.

U.S. donor representatives interviewed for the study felt that the three offices (OTI, FFP and OFDA) within the Bureau for Democracy, Conflict and Humanitarian Assistance (DCHA) worked well together based on strong personal relationships and years of experience both in the south and Darfur. International coordination with USAID development assistance was also generally seen as strong although more challenging due to different approaches, focus and priorities.

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<sup>7</sup> Frankenberger et al 2007

## 4.2 European Commission

European Commission (E.C.) assistance to Southern Sudan falls into three broad categories. The E.C. is the largest donor to the MDTF after the Joint Donor Partnership (JDP) which consists of the governments of Canada, Denmark, the Netherlands, Norway, Sweden and the UK. The development programmed focuses on education, rule of law and rural livelihoods. In particular, the E.C. funds the Sudan Post-Conflict, Community Based Recovery and Rehabilitation Programmed (RRP), which is a rural livelihoods focused programmed that also provides support to basic services and building the capacity of local government. The RRP is administered by the UNDP and implemented by a consortium of 48 NGOs in ten states (5 Northern and 5 Southern, affected by the North/South conflict. For the time being Darfur has been excluded from this initiative. The E.C. committed €50 million (\$37.5m) to the RRP, evenly divided between the Northern and Southern components of what is, a national Programmed. Humanitarian assistance is managed by the E.C. Humanitarian Office (ECHO). ECHO funding is expected to be maintained or increase in the coming two to three years. As with OFDA, in practice much ECHO funding goes to the provision of basic services.

### 4.2.1 Box 1: Main E.C. Recovery and Development Programmers

The E.C. is funding several large recovery and development programmers in Sudan. Its policy is very much one-country, two systems. Most of its programming is therefore national with both a northern and Southern component, with the funding evenly divided between the two. As part of these national programmers, the main programmers supported in Southern Sudan are detailed below:

#### 1. Recovery & Rehabilitation Programmed (RRP)

RRP is a national 'quick-start' intervention targeting livelihoods recovery within rural communities. The programmed is €54 M over 4 years and is targeting five conflict affected areas in each of northern and Southern Sudan, which are now more stable and where there is potential for recovery interventions. The main elements of the programmed are 1) Institutional Capacity Building at county and state level 2) Livelihoods 3) Basic Services.

#### 2. Sudan Productive Capacity Recovery Programmed (SPCRP)

This national programmed has two objectives; a) to promote rural livelihoods through direct support for projects and, b) to support institutional capacity building at different levels and different stakeholders in the area of food security. The financing for the programmed is €80M over 4 years, evenly divided between the northern and Southern components. The programmed is implemented by Ministry of Agriculture and Forestry and Ministry of Animal Resources and Fisheries, in collaboration with implementing agencies such as FAO and various NGOs.

#### 3. Food Security Information for Action (SIFSIA)

The objectives are: to strengthen capacity for generation, management and analysis of food security data and, to support decision making and planning in food security policies. The national programs financing is € 20 M over 4 years, evenly divided between the northern and Southern components. SIFSIA is implemented through a partnership between key GNU and GoSS institutions in the food security sector.

#### 4. Multi Donor Trust Fund (South)) (MDTF(S)) – the E.C. has not contributed to the MDTF (N)

E.C. financing for the MDTF(S) is €48M, €24 million of which was specifically given for the WFP road rehabilitation programmed. E.C. shares its permanent seat on the Oversight Committee with another EU member state, Germany. Within the MDTF sectoral programmers, E.C. and Germany have agreed to provide follow up and support to the education and rural development programmers (water, agriculture, livestock projects). E.C. has also provided technical assistance to the MDTF Technical Secretariat. E.C. coordinates the follow up MDTF programmers with the Joint Donor Team and other major MDTF donors.

#### 5. Rule of Law, Human Rights & Good Governance

The main objective of E.C. support is to ‘promote peace, recovery and development through institutional capacity building and confidence building between civil society and institutions’. The main financing decisions are:

Rule of Law - €6 M (infrastructure and capacity building for Ministry of Legal Affairs, Judiciary, CPA Dissemination)

- Security Sector - €22 (de-mining and the D.D.R programmed)
- Media €1 M (support to the rehabilitation of Juba Printing Press)
- Technical assistance - €1M – GoSS ministries in Rule of Law sector

#### 6. Capacity Building Trust Fund

The E.C. has provided €2M to the CBTF which is a ‘pooled fund’ managed by its main donors and the Ministry of Finance and Economic Planning. UNICEF is the custodian of the fund while KPMG is the financial manager. The CBTF is now providing support to ‘public finance management’ training at the GoSS and state level. A ‘GoSS training fund’ has been piloted and is supporting coordinated training programmers for civil servants over 10 different GoSS ministries. The fund is also supporting GoSS capacity to run ‘in-country’ training and capacity building programmers for civil servants through support of the Government Accountancy Training Centre (GATC) in Juba.

#### 7. EU Water facility

E.C. provides approximately €8M in support of the rural water sector in Southern Sudan, channeled through UNICEF. E.C. also supports a substantial water project (€2.15M) in the northern part of Terakeka County, through the International Non Government organization, ACORD.

#### 8. Food Security Budget Line (FSBL), which changed to the Food Security Thematic Programmed (FSTP) in 2008

The E.C. supports 12 ongoing projects in Southern Sudan to a value of €15m. These projects focus on agriculture, alternative livelihoods, water and natural resource management and environment. The FSTP, which will consider further projects this year, is much more focused on longer term LRRD than the now ended FSBL, which tended to address more “urgent” food security issues that are more the mandate of ECHO.

#### 9. Livestock Epidemio-Surveillance Project (LESP)

The E.C. has assigned €3.55m of a €6m national project in Southern Sudan. This is a major follow-up project to the long running regional PACE programmed for the eradication of Rinderpest and the monitoring of other livestock diseases.

#### 10. De-mining

The E.C. has provided €5m for de-mining activities by UNMAS in Southern Sudan and a further €1.5m to MAG for de-mining in 2 Southern states.

#### 11. Non-State Actors development

The E.C. is providing €3m nationally, evenly divided between Northern and Southern Sudan for the development of the capacity of Non-State Actors to manage project design and implementation in wide ranging, poverty reduction strategies.

In the two first years following the peace agreement, ECHO allocated over €30 million through its implementing partners for humanitarian projects in Southern Sudan. In 2007 to support returns and early recovery programmers ECHO increased its aid to € 29 million. Currently ECHO is in the process of planning additional funding for 2008.

Additional funding from the donors who finance the projects over a longer time frame will ensure the continuation of some of ECHO's emergency projects. Some of these longer-term funding mechanisms are the European Commission's Recovery and Rehabilitation Programmed, Humanitarian Plus Programmed, Food Security Thematic Programmed and the Water Facility. The latter two have already started funding some of ECHO's food security and water projects.

#### 4.2.2 *Box 2: The Recovery and Rehabilitation Programme*

Following the signing of the Comprehensive Peace Agreement in January 2005, the European Commission re-launched its development co-operation with Sudan with a €54.575 million Recovery and Rehabilitation Programmed (RRP), which includes UNDP co-financing of €4.575 million, the bulk being funded with €50m of STABEX funds. As such, it should be recognized as a government program, launched as the earliest peace dividend of the CPA. Thus, the RRP is a five year initiative (2005-2009), managed by UNDP, on behalf of the Government of National Unity and the Government of Southern Sudan,

The Programmed was first envisaged in early 2003, following the North/South Ceasefire, in recognition of a real possibility of a final Peace Agreement. The Programmed design resulted from detailed and frequent consultation with the GoS in Khartoum and the SPLM/A in Nairobi. Thus, its management arrangements and its implementation modalities are peculiar to the circumstances of the time and the capacities, or lack of them, of the contractual parties and beneficiary communities and local administration.

The RRP is the largest and most comprehensive recovery programmed in Sudan, serving up to 800,000 Sudanese. A total of 48 national and international NGOs are working together in ten consortia of NGOs/NSA in ten states across the country to build water points, health care units, schools, and sanitation systems, design projects that provide income – generation for poor households, improve the local administration's capacity, and respond to other priority needs as defined by the communities themselves.

The purpose of this programmed is to provide immediate “Peace Dividends” to war affected communities aimed at reducing the prevalence and severity of poverty and increasing food security amongst conflict affected rural households across Sudan by achieving tangible improvements at the community and local authority level. This takes into account the extent and immediacy of Internally Displaced People (IDPs) and refugee return. One of its specific goals is to link relief, rehabilitation and development. The Programmed commenced in January 2005 and is scheduled to run for a period of five years, ending on 31st December 2009.

Source: COWI Consortium 2008

## 5 KEY THEMES

### 5.1 *Strategy, Terminology and Approaches to Linking Relief and Development*

It is easy to get trapped in a confusing and often unproductive debate about terminology in transitional contexts and this has clearly been an issue in Southern Sudan. As Murphy (2007) notes, the aid community has been struggling with transition and has been, ‘getting bogged down in ascertaining whether an activity should be humanitarian, recovery or development-like – instead of creating the rationale (through evidence based analysis) for improving the alignment and mix of aid instruments and programmers with the context at hand.’

A recurring issue was the lack of any overall strategic framework for the recovery process. As Chandran et al (2008) argue there is a strategic gap in early recovery and little evidence of strategy that encompasses political, security, development and humanitarian tools across bilateral and multi-lateral actors. Various of those interviewed noted that the Joint Assessment Mission (JAM) could have formed the foundation of an operational strategy to guide the recovery process but that it has ‘faded as a living document’<sup>8</sup>. As Murphy (2007) argues; the absence of a consolidated strategy around the recovery process remains a major impediment to greater coherence. EC in-country donor representatives, before and after the CPA, have been calling for the development of a ‘Marshal Plan’ for Sudan and especially the Southern states (pers comm.). This lack of strategic leadership was as much a problem of too many conflicting voices and the World Bank, UN and donors all attempting to play leadership roles without sufficient coordination.

Both the E.U. and the U.S. have, however, arguably been relatively effective at maintaining flexibility between relief and development instruments and encouraging transitions from relief to longer term funding. OFDA in its 2007 guidance for partners in relation to health care called for inclusion of clear and measurable plans for transitions from relief to long-term funding and complete relief to development checklists for each facility to be supported. It called for all health programs to include strong capacity building components<sup>9</sup>. The E.C. has increasingly shared proposals between ECHO and those responsible for development financing and aimed to support transitions from ECHO to longer term funding. Sudan was also one of the countries where a LRRD analysis framework was tested although at the field level it was perceived as desk analysis and more of an imposition than a useful analytical tool. What several of the interviewees argued, however, was that both the E.C. and the U.S. have perhaps remained too focused on their own particular projects and funding instruments and have failed to take a more strategic and coordinated approach to wider issues relating to recovery and linking relief and development.

#### 5.1.1 *Box 3: EU Humanitarian Plus Programme*

The EU Humanitarian Plus Programme was launched in 2002 and will come to an end in 2008. It was designed as a one-off programme designed to revive development cooperation between Sudan and the E.C. in the absence of a valid country agreement. It took a longer term view of addressing immediate needs by supporting the rehabilitation of systems and services and

<sup>8</sup> Murphy 2007

<sup>9</sup> OFDA 2007

enhancing local capacities. The second phase of HPP was launched in 2004 and particular emphasis was placed on linking relief, rehabilitation and development in the priority sectors of food security, education, health care and water and sanitation. Fenton (2008) notes that the programmed played an important role in providing continuous support to service delivery. It benefited from strong management by a private company, Euroconsult Mott Macdonald who kept the same team members over the life of the programmed, traveled frequently to the field and had a good understanding of the context and relationships with implementing partners.

Source: Fenton 2008

## **5.2 Key Themes, Funding Mechanisms**

Southern Sudan has turned into something of a test case for pooled funding approaches with an extraordinary array of financing instruments. Advocates of pooled funding arrangements argue that they can enable donors to meet commitments to harmonization and alignment, cut transaction costs for both receiving and donating governments and enable better coordination of both policies and activities at field level. However, there are large question marks over how effectively they function in practice and whether these potential benefits are being realized, particularly in the context of Southern Sudan. Ironically, given that greater harmonization is one of the rationales for pooled funding, the multiplication of mechanisms and their complexity has made coordination difficult.

There are also interesting contrasts in donor approaches to pooled funding. The EU is the second largest donor to the Multi Donor Trust Fund (S) but has also maintained a range of bilateral funding arrangements. DFID has been a major supporter of pooled funding arrangements but still introduced its own Basic Services Fund in response to the limitations of the MDTF(S). The US has not supported any of the various pooled funding arrangements, both because of legislative constraints and because it remains unconvinced of their effectiveness.

The various reviews have clearly illustrated the limitations of the various pooled funding arrangements and, particularly, the failure of the Multi-Donor Trust Fund (S) to deliver quickly enough in the crucial first years following the signing of the CPA. As Chandran et al (2008) note the MDTF(S) suffered from a Catch 22; 'World Bank officials explain that they had no ability to expend from the MDTF(S) in the absence of government officials themselves setting the priorities, approving expenditures etc. – but the government officials in question had next to no human resources, and the purpose of the MDTF was precisely to help build that capacity.' USAID officials interviewed noted a concern with the Common Humanitarian Fund in that it led to a proliferation of small projects from a wider range of agencies and reduced funding for some of the larger agencies, such as WFP.

There is clearly a need to balance the desirable objectives of pooled funding with a concern for immediate effectiveness and the ability to disburse funding rapidly and flexibly. This suggests that a mix of instruments is probably needed as argued by Murphy (2007) who notes that; 'a plurality of funding mechanisms should not be seen as indicative of weak or fragmented planning, but rather a response to the multifarious stakeholders, timeframes, sector and programmatic approaches that need to coexist in South (sic) Sudan.' Fenton (2008) similarly argues for a mix of flexible approaches and instruments, which together meet immediate service delivery and longer

term, state building needs. It is, however, hard to avoid the conclusion that the proliferation of financing mechanisms may be creating confusion and that there has been something of an over-focus on the ways in which money is moved that may have distracted attention from how effectively it is being spent at field level.

Too often donors are still making judgments on financing mechanisms in terms of their success in allocating money. It was also noted that huge amounts of time were spent on deciding allocations of who gets what in pooled funding mechanisms such as the Common Humanitarian Fund, which perhaps distracted attention from what is being done with the money. Several of those interviewed felt that there was a need for a greater focus on questions around aid effectiveness and monitoring what is actually happening on the ground in terms of project implementation and impact. Too little attention is also given to the question of whether or not people actually are recovering their livelihoods, the shifting strategies being employed in building new livelihoods and ways in which these could be better supported. There is a real need for stronger livelihoods analysis which examines issues around policies, institutions and processes as well as key livelihood assets.

The E.U. and U.S. bilateral funding arrangements have been important in enabling funds to continue to flow immediately following the peace agreement whilst joint funding arrangements became established and continue to play an important role given the ongoing limitations of joint funding.

### **5.3 Time Frame and Preparedness**

The timeframe for linking relief and development was a recurring theme in the literature and in interviews. The CPA has imposed something of an artificial six year time-frame around recovery and a fairly linear assumption that it will be possible to move from relief to recovery to development. As Murphy (2007) argues, 'rather than a passing phenomenon between a humanitarian crisis and conditions for supporting longer term development, transition in Southern Sudan is the context to address over the medium to longer term.' However, the need for this longer term perspective has not necessarily been reflected in donor funding mechanisms or strategies. U.S. OFDA funding for NGOs is on an annual basis causing uncertainty and lack of continuity as policy shifts.

There have been attempts to move towards a slightly longer term perspective within particular funding windows. The E.C./GNU RRP for instance provides three year funding. Many of the financing instruments available, however, have remained relatively short term and the various uncertainties about what funding was available from which instrument has meant that funding has often been unpredictable making longer term strategic planning and investments in capacity difficult.

Another recurring theme was the lack of preparedness to gear up support to recovery after the signing of the peace deal. The protracted peace negotiations meant that the peace deal was hardly a surprise and yet there were still significant delays in getting key funding instruments, organizational capacities and policies in place. An example was the lack of a framework agreement between the World Bank and the UN, which created at least a year of significant delays for important instruments.

## **5.4 Coordination**

Several of the people interviewed for the study noted the good cooperation on linking relief and development issues within the different parts of E.C. and U.S. assistance to Southern Sudan. The E.C. Juba sub-office has played a part in this, as have strong individuals with long experience in Sudan, employed by both the E.C. and the U.S.. Proposals received from NGOs are shared between ECHO and the E.C. and the transition of particular projects between ECHO and longer term funding supported. Similarly, the U.S. encourages transitions from OFDA to development support.

Coordination between the E.U. and the U.S. was seen by various interviewees as more problematic. In the early years after the signing of the CPA this wasn't helped by the fact that the E.C. was largely based in Khartoum and the U.S. in Nairobi. This lack of a robust Juba presence in the early stages of the peace process was a constraint to participation in strategic level planning and one interviewee noted that, 'their absence was felt'. There was one senior level diplomatic EU post in Juba but this had nothing to do with programming E.C. funds. The E.C. did have one representative in Juba from about October 2005 to the present but at a relatively junior level. Peter and Lo Willa (2008) argue that this severely affected day to day business and relations with the Government of Southern Sudan.

Some of those interviewed, however, did note the good coordination at field level between the E.C. and the U.S. particularly between ECHO and OFDA in the humanitarian sphere. Again, this often rested on strong individuals with good contextual experience. An interviewee described ECHO and OFDA coordination as 'easy and efficient' with a good exchange of information, swapping of proposals and co-funding where appropriate. Coordination with the Office of Transition Initiatives (OTI) was seen as more difficult. Several people interviewed noted the tendency of USAID to work in relative isolation and that they were more difficult to coordinate with both because of this isolation and due to a tendency to jump from initiative to initiative. USAID officials stressed that they were committed to coordination and to participating in the various pooled funding mechanisms as observers.

Perhaps the most ambitious attempt at donor coordination was the Joint Donor Office established in Juba but this is widely seen to have been a failure, having been invested with too little authority to be effective. This was established in Juba in May 2006 by Denmark, Netherlands, Norway, Sweden and the UK with Canada joining in 2007.

## **5.5 Relations with the state**

A key distinction between relief and development is how donors and aid agencies relate to the state. Development aid is generally premised on working with and through state institutions whereas humanitarian aid often works around state authorities. As Murphy (2007) notes, the critical question of how donors, aid agencies and their mechanisms best relate to and invest in Southern Sudan's emerging state has often been lost in debates over contending relief and development priorities.

Various interviewees noted that NGOs were slow to make a shift from direct implementation to a greater focus on state level capacity building and that this has constrained the achievements of programmers like the E.C. RRP. As the mid-term review of the RRP notes institutional devel-

opment of local government is not ‘an area where NGOs have expertise or are comfortable’ and they found the transition from humanitarian aid delivery to participatory development difficult (COWI Consortium 2008). The question for donors is whether or not they could have done more to encourage and support NGOs in making the necessary shifts (discussed further in section 4.5).

More generally, Chandran et al’s (2008) argument that capacity building programmers need to be able to take risks to build national capacity in the absence of clear national direction rings very true for Southern Sudan. They note the risk of paralysis in waiting for government to have the capacity to lead. In the early years of the CPA donors seem to have had an unrealistic expectation of how quickly government could build capacity and some of the basic measures that would be needed to do so. Just implementing the measures contained in the CPA and the JAM placed extraordinary burdens on the government of Southern Sudan. Chandran et al (2008) note that in Sudan; ‘the peace agreements and needs assessment together mandated the creation of over 250 commissions and councils – all to be implemented under the aegis of a new Vice President with next to no human or financial resources. There was no recognition of the scale of this task, and therefore no rapid mobilization of resources to achieve this.’<sup>10</sup> USAID’s support just to build functioning government offices in Juba is an example of the sort of basic support that is still needed to enable government to start fulfilling basic functions.

There was a particular lack of consistent support in key sectors that form the foundations of building an effective state. There has been an ongoing lack of holistic support to security sector transformation and instead a hotch potch of initiatives which mean it remains a problem area. There were also key missed opportunities to provide stronger support in the fundamental area of support to the management of public finances. A combination of insufficient attention and institutional competition led to a failure to put in place an independent procurement agent for 2 years after the CPA and there were also key failures to put in place strong systems of payroll management for public sector staff. As one interviewee put it these failures to focus on key foundational elements and the tendency of donors to focus on bits and pieces has led to a ragged recovery.

## **5.6 Role of international NGOs, UN agencies and other actors**

International NGOs played a critical role in maintaining some limited access to basic services and relief during the civil war. The signing of the CPA has seen an understandable desire on the part of donors to move towards greater government ownership and away from direct NGO service delivery. However, there were unrealistic expectations about how quickly this was likely to take place. In the process, funding for NGOs dried up during a particularly critical two year period after the signing of the CPA and valuable skills and capacities were lost.

Responsibility for this loss of capacity needs to be shared between donors and NGOs. It was partly a result of a lack of responsive and flexible funding to maintain basic services and focus on actual delivery at field level. But it was also related to NGOs slowness to react to the changed circumstances following the CPA and engage more strategically with government, emerging pooled funding mechanisms and with new development actors. As Murphy (2007) notes, many agencies are wanting to engage in longer term horizons but are struggling with how to relate to

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<sup>10</sup> Chandran et al (2008: 29)

newly forming and only partly functioning local government authorities. There are also insufficient incentives for NGOs to change ways of operating because of the widespread continuation of short term planning cycles and funding.

Part of the problem is arguably with the way that questions around the respective roles of international NGOs, government and local actors get framed. Too often, this is presented in either/or terms – in the sense that there is a need to move from funding NGOs to more direct funding to government, for instance. However, given nascent government capacities in Southern Sudan, and the need to maintain and expand service delivery and assistance with recovery processes, what was needed was not a switch from one provider to another, but an ‘all hands on deck approach’. Both emerging government institutions and NGOs with existing programmers and capacity needed additional funding to capitalize on the opportunities presented by the peace process.

This is clearly described in relation to the health sector by MSF (2008) who note that sustained financial commitment to short and long term health services is essential but that emergency donors are reducing their presence, significantly cutting the resources devoted to health needs. They note that there are few development organizations on the ground to run development projects and argue that it is vital that emergency health care programmers continue to be funded even as longer term projects begin (MSF 2008). Despite rhetorical and policy commitments to the simultaneous need for relief and development it still seems that in practice donors often still reduce relief funding before development mechanisms are realistically able to deliver key services.

NGOs continue to play a critical role in the delivery of services. For example, in the health sector it is estimated that NGOs provide 86% of health services in Southern Sudan and pay around 75% of health worker salaries, with much of the funding still coming from OFDA and ECHO<sup>11</sup>.

An important, negative feature of the majority of the financing mechanisms has been that they have tended to exclude local civil society and national NGOs. The RRP has been an important exception with support to national partners encouraged through the consortium approach. The OTI small grants mechanism has also been able to transfer funds relatively efficiently to Sudanese local government and civil society institutions.

An interesting contrast between the E.C. and the U.S. has been the U.S. government’s greater use of private sector contractors for implementing programmers, particularly those funded by OFDA, OTI and USAID’s Africa Bureau, the latter for longer term development programs. The E.C. would normally use private sector consultancy companies for implementing programmers via normal EDF tendering procedures. However, in the immediate aftermath of the CPA, the GoSS had no experience of E.C. systems and the Northern Government had had no practice for 14 years. This meant that the skills needed to conduct such contracts were not available. Likewise the E.C. wished to take advantage of the experience of all NGOs on the ground, which meant that the E.C. rules of origin could not be applied. This necessitated going through an International Organization (UN, WB and RC) for both management and procurement (pers comm).

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<sup>11</sup>Fenton 2008

### 5.6.1 Box 4: U.S. funding for private sector companies

In 2005, PADCO was the first American private company to be granted an Office of Foreign Asset Control License by the U.S. Treasury Department to provide technical support directly to the new Government of Southern Sudan (GoSS). PADCO is providing technical assistance in preparation of urban master plans for the 10 state capital towns in Southern Sudan, in rehabilitation of physical infrastructure of Juba town so that it can serve as the capital city of the new government, and in preparation of the Southern Sudan Housing Sector Development Policy Study, which shall guide GoSS as it seeks to provide housing for its citizens.

Source: <http://www.aecominterdev.com/Resources/42/97/index.jsp>

For all donors there have been issues with the quality of management from the United Nations. This ranges from specific problems, such as the quality of management of the E.C./GoNu RRP by UNDP, to a more general feeling of a lack of strategic direction and strong coordinating role from the United Nations. As Chandran et al (2008) found in their review of recovery gaps; ‘no known staff members have praised the human resources system of any United Nations entity.’ That said, there has been widespread praise for the skills of the current Southern Sudan UN regional coordinator who is seen as having played an important role in coordination and developing more strategic approaches. Views on this differ, of course, from the other side of the fence with some interviewees pointing to the lack of a donor presence in Juba and contrasting that with the substantive on the ground UN presence.

It is clear that for all of the international actors involved the situation in Darfur absorbed huge amounts of time, attention, capacity and funding<sup>12</sup>. The recovery challenge in Southern Sudan deserved the A team of both donors and aid agencies, but Darfur and other huge emergencies (notably the tsunami) stretched capacity at critical times. In general, there was a perceived failure to ensure good, senior staff were both recruited and stayed for long enough to provide an element of continuity. This is an issue that is far from unique to Southern Sudan and the international system badly needs to review the support systems that it provides to enable people to work and remain for long enough periods in challenging work environments like Southern Sudan.

Donors’ own capacity is often becoming increasingly stretched with a trend towards systemic cuts in funding and staffing and what Chandran et al (2008) describe as ‘a lack of internal capacity that is deployed in-country to engage with other actors, monitor and manage portfolios, and to facilitate dynamic response to changed circumstances.’ Given these general trends, the E.C. and the U.S. were seen by most of those interviewed to have done a relatively good job of deploying staff with good experience and knowledge of the Sudanese context and a willingness to get out to field level to monitor projects. The E.C. have had what one interviewee described as an, ‘amazing consistency of team’ which has, ‘been here from the beginning and seen it through’. A particular current concern for the E.C. is changing regulations about technical experts, with a new language test leading to huge losses of expertise and experienced personnel.

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<sup>12</sup> Peter and Lo Willa 2008

## 5.7 Scale of support

In the complex debate about the appropriate mix of financing instruments and balance between pooled and bilateral funding it has been easy to lose sight of the more basic question of whether or not overall funding to support the process of recovery in Southern Sudan has been sufficient. It seems clear that in many respects the answer is an unequivocal no. For instance, Pantuliano et al (2007) clearly portray the basic inadequacy of the assistance available to assist returning IDPs in processes of reintegration.

“Where investment has been made in the provision of services or in community development and recovery processes, returnees and resident communities have stressed the important role that these interventions have played in sustaining the socio-economic reintegration of returnees. However, recovery assistance appears to be very patchy, uncoordinated and often limited to areas which are easier to access. There does not seem to be a strategic framework to guide recovery efforts in the states, and assistance ends up being fragmented and limited in scope and impact. The crisis in Darfur was blamed for diverting attention away from the recovery assistance needed to underpin the implementation of the CPA”<sup>13</sup>.

There has been a general failure to provide sufficient assistance given the huge scale of the return process, conservatively estimated at 1.6 million over the last three years. The basic underinvestment in recovery processes is not peculiar to Southern Sudan as noted by Chandran et al (2008) in a recent report on gaps in support to post conflict recovery, and this is not peculiar to the E.U. and the U.S. who have been some of the most generous donors, a fundamental issue remains that levels of support to realistically enable people to build stronger and more resilient livelihoods are just too small. Chandran et al (2008) note a lack of attention to general issues of livelihoods and mechanisms for employment and income generation, which certainly seems to be the case in Southern Sudan.

There are also issues around the ongoing need for commitments to humanitarian aid, given the risk of both natural disasters and renewed conflict. In 2008 there are abrupt reductions in funding for humanitarian aid underway, with ECHO as the only agency not reducing its humanitarian portfolio.

### 5.7.1 Box 5: Ongoing humanitarian needs

Following fighting in mid May 2008 over 70,000 people were affected by the crisis in Abyei, including IDPs and host communities. Allocations were made from the OCHA Central Emergency Response Fund and the Sudan Common Humanitarian Fund and a response covering water, sanitation, food aid, livelihoods, shelter, protection and other sectors was mounted by UN agencies and NGOs<sup>14</sup>.

MSF deployed a team of 11 people to support the displaced bringing surgical tools, first aid and water purification materials. In Turalei and Agok, where people had fled to, they treated 140 wounded people and assembled emergency medical structures (MSF 2008).

<sup>13</sup>Pantuliano et al 2007

<sup>14</sup> OCHA 2008

The Abyei RRP lost its compound in Abyei but retreated to Agok. It immediately converted the community centre into a reception centre and the RRP personnel and structures to immediately switched to a humanitarian mode, using humanitarian funds. The response was immediate and effective. The RRP is now back in 50% of the areas of development and is demonstrating the LRRD contiguum. This same facility of switching had been used by the RRP Renk, Upper Nile, to respond to the Flooding in 2007 (pers comm).

## 6 CONCLUSIONS

The E.C. and the U.S., in common with all major donors, increasingly have in place policy commitments to linking relief and development, although the terminology used continues to shift. What the Sudan case study demonstrates is the contextual complexity of putting these commitments into practice and the ease with which bureaucratic and administrative constraints relating to different categories of funding can continue to undermine assistance strategies.

In the light of the well documented initial failings of the various pooled funding mechanisms, particularly the MDTF(S), both the E.C. and the U.S. have played an important role in maintaining other bilateral forms of funding which have helped to provide the flexibility and responsiveness that Chandran et al (2008) call for in recovery contexts. A key part of this apparent relative success has been that both donors have maintained an in-country presence with offices staffed with experienced personnel. This has helped to provide flexibility, responsiveness, the ability to monitor programmers at field level and improved coordination. This stands in some contrast to the tendency of many other donors to devolve responsibility to UN and multi-lateral donors and attempt to increase funding levels with reduced staff. Individual expertise is often critical and the Southern Sudan example shows the importance of investments in recruiting and keeping strong individuals.

The broader picture of where Southern Sudan lies at a critical moment in the implementation of the Comprehensive Peace Agreement and recovery process, however, suggests that this 'success' is highly relative and has taken place in a context of wider failures to successfully link relief and development. The strategic, financing and capacity gaps identified by Chandran et al (2008) in post-conflict recovery are much in evidence in Southern Sudan. The underlying premise of this case study, that adopting a LRRD focus can increase the effectiveness of donor assistance strategies and lead to improved livelihoods, still remains largely unrealised. Too few people in Southern Sudan are receiving support in terms of access to basic services or in building stronger and more resilient livelihoods. The E.C. and the U.S. have done better than some in enabling some assistance to keep flowing but much more is needed. As we argued in the section on roles and responsibilities, relief and development transitions are still too often seen in terms of either support to government or support to NGOs when, particularly in the early stages, what is needed is an 'all hands on deck' approach in which both emerging government institutions and national and international NGOs are supported to scale-up and capitalize on emerging opportunities presented by the peace process.

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## **8 ANNEX 1: LIST OF PEOPLE INTERVIEWED**

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