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**Background Paper
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Sudan: Partnerships for protection

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Background information:

The protection environment in Sudan is a diverse and challenging one, with activities being undertaken in all areas of UNHCR's mandate: refugee protection, prevention of statelessness, returning refugees, and IDPs. Certain common threads run through all these areas, including the importance of partnerships, with other UN agencies, NGOs, donors, local communities and, of course, the affected populations themselves.

Refugee protection: Sudan has generously hosted refugees on its territory for decades, providing land and resources to those fleeing persecution and armed conflict in their home countries. Sudan is a State Party to the 1951 Convention relating to the Status of Refugees and has had national legislation pertaining to refugees since 1974.

Despite the long-standing generosity of the government towards refugees, the protection situation for refugees in Sudan remains a difficult one. Sudan maintains a reservation to Article 26 of the 1951 Convention (ensuring freedom of movement) and requires refugees to reside in the state where they first register as a refugee. This policy limits refugees' ability to seek economic or educational opportunities elsewhere. It has also led to increasing arrests and detentions as refugees decide to relocate elsewhere in the country regardless of the law so as to improve their condition in the country. The government's decision to suspend RSD in the capital, Khartoum, has also raised serious protection concerns. This decision has resulted in a growing number of undocumented refugees and asylum-seekers residing in Khartoum

at risk of deportation to their countries of origin if apprehended. Finally, although refugees are entitled to work, the formal requirements to obtain a work permit can be so challenging that the right to work is rendered a largely empty right, with the exception of work in the informal sector.

In the east of the country, Sudan hosts one of the most protracted refugee situations worldwide: Eritrean refugees who fled their country up to 40 years ago. Currently, up to 88,000 Eritrean refugees live in East Sudan, 66,000 residing among 12 camps and another 22,000 living in urban areas. A further 30,000 are estimated to reside in Khartoum, although this population remains largely unregistered and increasingly undocumented.

In 2007, UNHCR and the Commissioner for Refugees (COR), UNHCR's main government counterpart for refugee matters, launched a Solutions Strategy in the East which sought to achieve durable solutions for this protracted refugee caseload. The strategy focused on enhancing self-reliance initiatives and securing resettlement opportunities for particularly vulnerable refugees who would face continuing difficulties becoming self-reliant. In parallel to these efforts, UNHCR and its partners have also been working to enhance conditions in the refugee camps, in particular in the areas of health, education and water. One major difficulty in achieving these objectives has been the relative absence of NGO partners in the region, both national and international, as well as the lack of presence of government line ministries in the refugee camps themselves.

Some 25,000 refugees, over 18,000 of whom are registered with UNHCR, live in South Sudan, originating mainly from the Democratic Republic of Congo and Ethiopia. Refugees primarily reside in three established settlements (Makpandu, Ezo, and Lasu), where UNHCR and other actors maintain registration records, conduct protection monitoring and provide basic assistance. To foster positive relations between refugees and host communities, UNHCR and its partners ensure that services provided to refugees, such as schools, health posts, water point, also benefit surrounding communities. The Government of South Sudan has also generously made agricultural lands available near the camps to facilitate refugee self-reliance. UNHCR is also working closely with the Government of South Sudan and other actors to provide meaningful protection to refugee, IDP and host populations from threats to their safety, including, for example, through the deployment of UNMIS peacekeeping teams or the establishment of early warning systems.

In Darfur, most new refugee arrivals are from Chad and the Central African Republic, with two refugee camps established to accommodate them. In addition to providing assistance and protection to these refugees, UNHCR is also endeavouring to enhance their self-reliance. UNHCR is also seeking to ensure that refugees living among local communities have access to basic services and asylum space.

Prevention of statelessness: As South Sudan prepares to declare independence in July 2011, key questions remain as to who will be considered citizens of this new state, who will remain citizens of the Republic of Sudan, and how nationality will be determined overall. UNHCR remains concerned that individuals may lose their citizenship with the Republic of Sudan without obtaining citizenship from the newly established government of South Sudan, finding themselves stateless as a result.

Negotiations between the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM) on citizenship have continued sporadically since July 2010, with a final agreement yet to be reached. Each side maintains its own views as to who should be considered a citizen of the Republic of Sudan and of South Sudan, with northern officials recently issuing press statements to the effect that Southerners in North Sudan would be treated as non-nationals after 9 July, with no right to a national identity card.

Citizenship arrangements are likely to affect the estimated 1.5 million Southerners in the North and around 80,000 Northerners believed to reside in the South. The situation is complicated by the fact that many individuals do not have identity documentation (birth certificates, national identity documents), creating difficulties in proving entitlement to nationality in either State. Those considered to be at particular risk of statelessness include individuals of mixed North-South origin, expatriates, refugees and Southerners in Northern Sudan, as well as orphans and children of unknown parentage.

Lack of legal guarantees regarding citizenship and residency has been an important factor behind the exodus of over 300,000 individuals of Southern origin from the North to the South since November 2010. Many Southerners have also moved due to fears of harassment and discrimination in the North from a public that largely perceives them as having no right to remain in the North. The same fears apply to a smaller number of Northerners in the South.

The situation in the border area between North and South Sudan raises particular challenges. If and when the final status of Abyei is determined, be it by referendum or an agreement between the NCP and the SPLM, different ethnic groups may find themselves negatively affected, depending on the country to which the region finds itself attached. Those living close to the border may also have difficulty demonstrating clear links to either North or South Sudan, placing them as well at a particular risk of statelessness.

IDPs: Sudan hosts one of the largest IDP populations in the world, with fresh displacements occurring in Darfur, South Kordofan, Abyei, and areas of the South. The signing of the Comprehensive Peace Agreement (CPA) in 2005 marked a turning point in the history of Sudan, ending one of the longest standing conflicts in Africa which had resulted in the death of some two million people and the displacement of another 2.5 million. That same year, UNHCR re-established its presence in Southern Sudan with the objective of facilitating the return and reintegration of Sudanese refugees there. In January 2011, the long-awaited referendum on secession of the South was held, with independence now expected on 9 July.

Since late 2010/early 2011, over 300,000 Sudanese nationals have returned to the South from other parts of Sudan. Many of those returning were assisted with transportation by the Government of South Sudan, yet demand far outstripped resources, resulting in large numbers of Southerners being stranded in the North, especially Khartoum, for several months in open air departure points. In May 2011, the Government of Sudan, through a joint UN/INGO/Government task force, agreed to provide additional transport, which is now being organized.

The cluster approach was activated in Southern Sudan in April 2010, and is also active in the North, including Darfur. UNHCR has assumed the lead of the protection cluster and is mobilizing protection and non-protection actors towards more effective

and practical protection responses at this critical juncture. Through the cluster approach, UNHCR aims to catalyze protection efforts by the international community, in support of local authorities, to ensure well-targeted, timely and complementary interventions that build on the individual expertise and strengths of the various protection actors. The Protection Cluster endeavours to identify potential and actual clash points and to undertake preventive and remedial interventions while developing the capacity of affected communities and local authorities to secure their own protection mechanisms. UNHCR's assistance interventions in favour of IDPs, such as non-food items (NFIs) or shelter kits in the South, are geared towards achieving protection objectives and contributing to solutions to displacement.

As part of their protection activities, UNHCR and its partners are conducting monitoring in departure and returnee areas, as well as during transit, to identify and respond to protection threats and discriminatory acts. While returnees in departure points around Khartoum have increasingly complained of threats and harassment, no incidents of physical violence have yet been reported. Returnees have generally been welcomed by the receiving population at places of arrival in the South.

In South Sudan, community-based reintegration projects (CBRPs) have been designed and implemented to provide protection, basic services and livelihood opportunities in areas of high return. Over 800 such projects have been completed to date, including 330 hardware projects involving construction or rehabilitation of schools, health clinics and water facilities. IDPs returning spontaneously from Khartoum benefit from food and NFI assistance in their areas of return. Of primary concern to UNHCR is the potential for fresh displacements that may compromise the attainment of sustainable return. A dire lack of infrastructure and basic services is compounded by increasing sporadic violence. Although IDPs, for the large part, return home a few weeks after their displacement, constant insecurity hampers efforts to build the foundations needed for sustainable reintegration.

Finally, in Darfur, the main protection challenges faced by protection actors include ongoing insecurity in certain areas and a corresponding shrinking of humanitarian space and access to populations of concern. There is a clear need to focus on all durable solutions to those displaced, and not only just return. Local integration, especially in urban areas where the larger IDP camps are located, needs to be addressed through a comprehensive urbanization strategy.