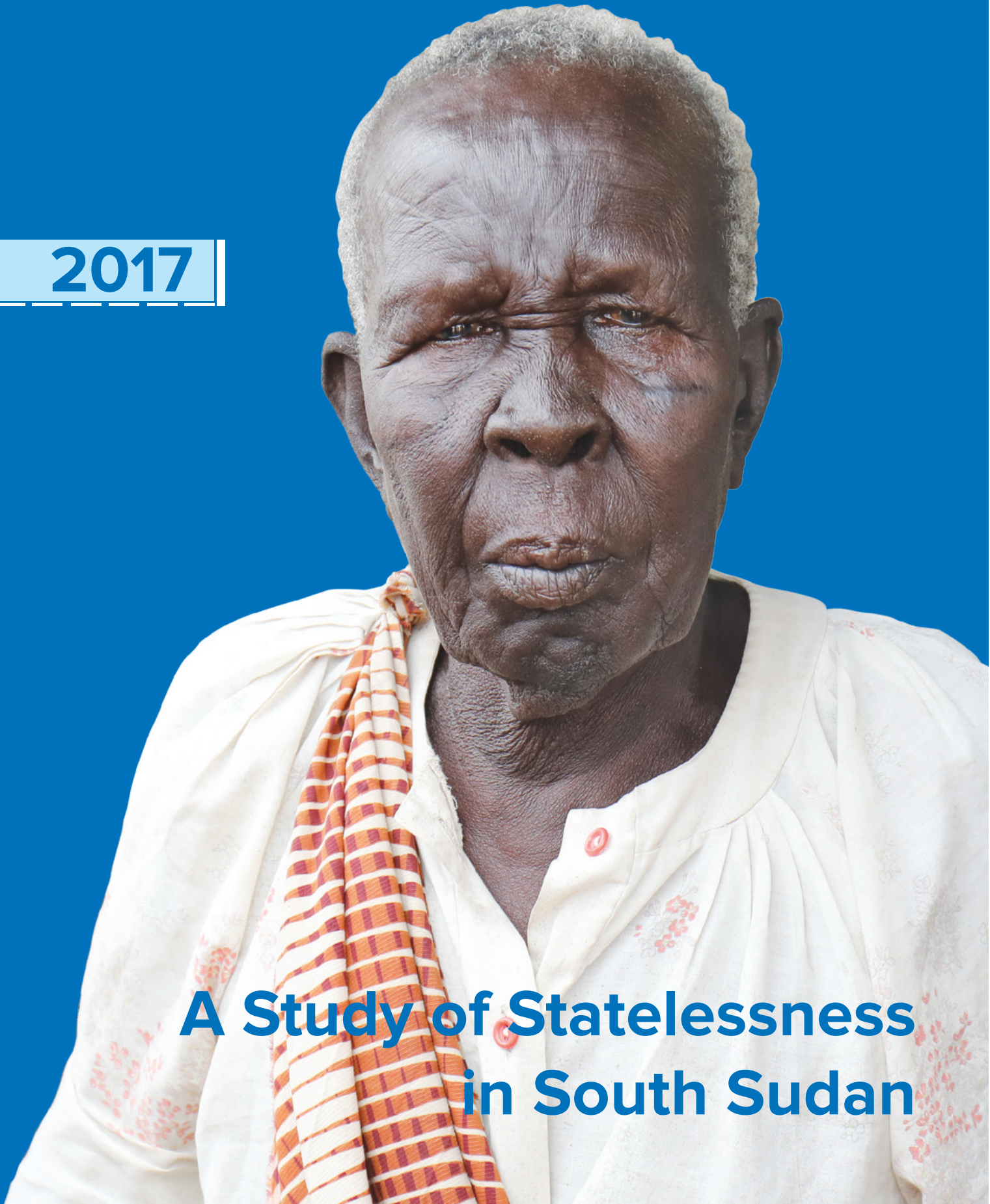


**2017**

**A Study of Statelessness  
in South Sudan**





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in South Sudan  
2017**



*This study on statelessness in South Sudan has been funded by UNHCR and implemented by Forcier Consulting. It does not necessarily reflect views and opinions of UNHCR.*

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## FOREWORD

'Invisible' characterizes what it is like to be one of the estimated 10 million stateless persons worldwide. They are unable to access education, healthcare, employment and do not have the right to marry. These are some of the basic rights and services we often take for granted.

For the past seven years, South Sudan's Nationality Regulations has set the criteria and procedures for acquiring citizenship and obtaining nationality documents. Nevertheless, the risk of statelessness in South Sudan remains. Largely due to state succession, the lack of funds, widespread displacement, legislative loop holes and limited awareness on the importance of birth registration and nationality documentation many in South Sudan are still at risk of statelessness.

This Study provides a comprehensive stock-taking on the existing conditions that contribute to the risks of statelessness in South Sudan and serves as a guiding tool for key stakeholders, to effectively address statelessness.

From 2012 until now, UNHCR has assisted more than 12,000 individuals to obtain nationality certificates. UNHCR will continue to advocate with the State and national authorities of South Sudan to ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Stateless. UNHCR will continue to provide assistance to the Ministry of Interior and the Directorate of Nationality, Passports and Immigration based on the findings and recommendations of the Study.

This Study is an important milestone in the process of ending statelessness in South Sudan. I would like to thank the Directorate of Nationality, Passports and Immigration of South Sudan and Forcier Consulting Group for making this Study possible.

Johann Siffointe  
UNHCR Representative in South Sudan  
10 June 2018

## Acronyms

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CSO	Civil Society Organisation
DNPI	Directorate of Nationality, Passports and Immigration
FGD	Focus Group Discussion
ICGLR	International Conference of the Great Lakes Region
IDP	Internally Displaced Person
KII	Key Informant Interview
NGO	Non-Governmental Organisation
NRC	Norwegian Refugee Council
RoSS	Republic of South Sudan
SSLS	South Sudan Law Society
SSP	South Sudanese Pound
UDHR	Universal Declaration of Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund

# Executive Summary

The 1954 Convention Relating to the Status of Stateless Persons defines a stateless person as someone “who is not considered a national by any State under the operation of its law”. Statelessness is one of the major concerns in the Republic of South Sudan (hereinafter, South Sudan), and the United Nations High Commissioner for Refugees (UNHCR) is working with the Government of South Sudan to ensure access to nationality and nationality documentation by stateless persons and persons at risk of statelessness in the country. The purpose of this study is to collect and analyse current and reliable data on the present situation in South Sudan, in support of UNHCR’s efforts to address statelessness in the country.

## Causes of Statelessness in South Sudan

In the wake of South Sudan’s independence from the Republic of the Sudan, the latter’s decision to revoke nationality from any individual qualifying for South Sudanese nationality has left many people at risk of statelessness. However, South Sudan is not party to either the 1954 Convention Relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. Ambiguities in South Sudan’s 2011 Nationality Act and associated Nationality Regulations<sup>1</sup>, including the use of terms such as “indigenous”, contribute to an increased risk of statelessness in South Sudan.

With regards to administrative and procedural risk factors, the Directorate of Nationality, Passports and Immigration (DNPI) suffers from a problematic lack of capacity, with various misinterpretations of the Nationality Act and its Regulations by DNPI officers undermining access to nationality documentation. In particular, some DNPI Officers interpret the alternative

conditions set in Section 8(1)(a) and 8(1)(b) as cumulative conditions to acquire nationality by birth and thus, requiring both conditions to be fulfilled despite the clear use of the word ‘or’ in the Nationality Act.

Problematically, possession of nationality documentation in South Sudan is widely seen as being synonymous with possessing a nationality, including among DNPI officers; in effect, lack of documentation calls nationality itself into question. The Nationality Regulations provide for two pieces of documentation: a nationality certificate which confirms that the holder is a South Sudanese national, and a national identity card which confirms the identity of the holder. The latter is the recognised personal identification document in South Sudan and can only be issued to individuals with nationality certificates. In practice, however, the DNPI is currently only issuing nationality certificates and has not yet started issuing national identity cards, as legislation regarding the national identity cards has yet to be passed into law.<sup>2</sup> To obtain a nationality certificate, the applicants are requested to provide a birth certificate or age assessment if unavailable, two passport size photos, a photocopy of a witness’s identity document, and a signed application form. Although not clearly stated in the legislation, applicants must also in practice provide a residence certificate and specification of blood group. The applicants are additionally required to pay for the issuance of the nationality certificate, and undergo a formal interview by the DNPI before the nationality certificate can be issued.

Although the states of South Sudan are governed on the basis of decentralisation as per the Transitional Constitution of 2011, nationality certificates continue to be processed in Juba, causing lengthy delays in the processing of applications at the state level.<sup>3</sup> While the DNPI

<sup>1</sup> South Sudan’s Nationality Regulations complement the 2011 Nationality Act, forming part of one single legal instrument. See The Nationality Act, 2011 [South Sudan], 7 July 2011, available at: <http://www.refworld.org/docid/4e94318f2.html>; Nationality Regulations, 2011 (South Sudan), 29 December 2011, available at: <http://www.refworld.org/docid/4ffab4582.html>

<sup>2</sup> Substantial confusion emerged among research participants regarding the appropriate terminology for nationality certificates, which many referred to as ‘national ID’. For the sake of clarity, terminology has been standardised throughout this report.

<sup>3</sup> The ten former states of South Sudan were dissolved into 28 states by presidential decree in 2015, then into 32 states by further decree in 2017.



aspires to maintain a presence in each of the country's thirty-two new states, many offices are not operational due to logistical constraints and security concerns; the majority of applicants from field locations find themselves obliged to travel to headquarters in Juba in order to process their application, at significant financial cost. The breakdown in South Sudan's capacity to register births has posed another challenge, necessitating formal age assessments as an alternative to birth certificates, pending the approval of the Civil Registration Bill.

Finally, contextual factors specific to South Sudan also contribute to the risk of statelessness. Widespread displacement resulting from an ongoing internal armed conflict undermines the ability of applicants to fulfil the requirements of applications for nationality certificates. Poverty also undermines access to nationality certificates procedures: in light of the financial crisis, the DNPI has recently increased fees in response to inflation, barring access to nationality certificates for an increasing number of potential applicants. Awareness of importance of nationality certificates and relevant procedures is also limited, especially in rural areas.

## Populations at Risk of Statelessness

Limited efforts to raise awareness on behalf of the DNPI have concentrated predominantly on urban, educated segments of the population; despite work by mobile teams, populations in rural areas are less likely to be in possession of nationality certificates. Meanwhile, costs incurred throughout the application process can prevent vulnerable and low-income individuals from accessing nationality certificates, while displaced persons face further challenges in fulfilling necessary requirements.

Challenges to access to nationality certification also relate to ethnicity. Trans-boundary

*A South Sudanese woman proudly displaying her newly issued South Sudanese identity card.*





communities such as the Madi and Acholi face further difficulties in proving their South Sudanese origins. The Nationality Regulations request that confirmation be provided that applicants from trans-boundary communities are indeed from the South Sudanese part of the community, which, in practice, includes additional recommendation letters and verification from local leaders.

Most problematically, certain nomadic pastoralist groups – such as the Falata – are systematically denied access to application procedures for nationality certification by virtue of being considered as non-South Sudanese by DNPI officers, mirroring challenges that the group has faced throughout its history in seeking nationality recognition in Sudan. This systematic denial of nationality certificates renders these groups effectively stateless, leaving them particularly vulnerable to abuse.

## Impact and Mitigation

While lack of nationality documentation does not necessarily equate to statelessness, the impacts in South Sudan are often synonymous. Lack of nationality certificates exposes affected individuals to serious political, economic, and

social deprivations, undermining access to basic rights and services. Nationality certificates are necessary to open a bank account, register for school, own property, seek formal employment, or vote in elections. Those who are unable to secure nationality certificates are also denied protection afforded by this documentation, and are reported to face risk of arrest or forced



*South Sudanese women waiting at the Department of Nationality, Passports and Immigration (DNPI) to file their applications for South Sudanese nationality.*



eviction from their housing.

UNHCR and partners have been working to reduce the risk of statelessness and increase access to nationality certificates; financial support for payment of fees associated with the nationality application procedure has proven to be particularly successful. Civil Society

Organisations (CSOs) also have an important role to play in identifying and assisting persons at risk of statelessness due to their close ties to communities. However, their role continues to be limited, and support in the form of funding and capacity-building is needed to engage CSOs in the fight against statelessness.







South Sudanese women waiting to file their nationality applications at Juba Office of DNPI.

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## Recommendations to the Government of South Sudan:

- Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness in line with Commitment No. 2 of the Declaration on Eradication of Statelessness adopted on 16 October 2017 in the context of the International Conference of the Great Lakes Region (ICGLR) Ordinary Summit of Heads of State and Government of ICGLR Member State at Brazzaville, signed by all Member States including the Minister of Foreign Affairs and International Cooperation of South Sudan;
- Through legislative amendments, include a specific provision on prevention of statelessness in national legislation, and review the nationality legislation to ensure full compliance with the 1961 Convention;
- Reformulate the foundling provision of Section (8)(4) to guarantee the right to nationality of any child born in the territory of South Sudan prior to and after its independence, who would otherwise be stateless, as well as to foundlings whose parentage is unknown;
- Provide clarification on the term “indigenous” contained in the 2011 Nationality Act and Regulations, with reference to the non-exhaustive criteria

with emphasis on self-identification set forth by the UN Permanent Forum on Indigenous Issues<sup>4</sup>;

- Revitalise efforts to pass the Civil Registration Law<sup>5</sup> to accelerate the introduction of formal procedures of birth registration in cooperation with UNICEF, UNHCR and other relevant stakeholders, and ensure the free issuance of birth notification and subsequent birth certificates to children born in the territory of South Sudan by the legally competent authorities;
- Clarify procedures of administrative appeals and judicial redress in nationality and civil status documentation application procedures, and ensure that rejected applicants are aware of, and have access to these processes of appeal;
- Ensure adequate funding and resources to DNPI in the state budget in order to enable DNPI structures to effectively implement nationality legislation and related procedures in the country;
- Constitute an independent supervisory body to facilitate the harmonisation of practices within the DNPI, and ensure the effective implementation of legislation including through the provision of adequate and sustainable yearly governmental budgets.

## Recommendations to the Directorate of Nationality, Passports, and Immigration:

- As clearly stated in the Nationality Act, ensure that sub-section 8(1)(b) relating to indigenous groups is understood to be a separate clause for nationality provision, and not a necessary pre-condition for the acquisition of nationality by residency or descent;
- Ensure access to nationality of marginalised

ethnic groups, nomadic populations, and trans-boundary populations residing in the territory of South Sudan, given their habitual residence in, and socio-economic and cultural ties to South Sudan;

- Cease requesting blood groups as part of the application for issuance of nationality certificates since this is not required by law;
- Recognise marriage certificates issued by traditional justice structures, as provided for in the 2011 Transitional Constitution, during naturalisation applications of persons married to South Sudanese nationals;
- Organise regular mandatory training for DNPI officers on the implementation of the 2011 Nationality Act and Regulations, and ensure that copies of the legislation are available in each of the DNPI offices;
- Support the development of standard operating procedures that could take the form of interpretative circulars and check-lists on eligibility requirements for field officers for the adequate, lawful, and consistent implementation of the 2011 Nationality Act and Regulations throughout the country;
- Combat irregularities by ensuring public awareness and transparency on application procedures for nationality certification, establishing or reinforcing strict disciplinary and integrity procedures, and assessing the potential for the payment of fees through mobile money;
- Reduce and harmonize fees throughout the country for the issuance of nationality certificates to reflect the economic reality of South Sudan and ensure adequate accessibility, and provide additional support for certain vulnerable groups (such as people with disabilities, female-headed households, internally displaced persons, etc.) to meet these fees, with the assistance of the Social Welfare Department;
- Recognise the specific challenges faced by internally displaced persons, refugees, and returnees in securing relevant witnesses in the nationality certificate application

<sup>4</sup>UN Permanent Forum on Indigenous Issues (2006), Fifth Session, "Factsheet: Who are Indigenous Peoples?" available at: [http://www.un.org/esa/socdev/unpfi/documents/5session\\_factsheet1.pdf](http://www.un.org/esa/socdev/unpfi/documents/5session_factsheet1.pdf).

<sup>5</sup> On 8 January 2018, the Transitional National Legislative Assembly of South Sudan passed the Civil Registry Bill and on 16 January, it was sent to the Office of the President for assent. According to the South Sudan Transitional Constitution 2011 Article 85(1), if the President did not sent his comments within 30 days, the bill will be considered to be a Law as it was passed by the parliament.

procedure, and propose flexible alternatives to facilitate displaced persons' applications for nationality certificates;

- In cooperation with CSOs and religious institutions, organise mass information campaigns in multiple languages on the importance of nationality documentation and the application procedures for the issuance of nationality certificates, through a variety of channels including radio, theatre, television, posters, and traditional community and religious structures, ensuring that rural areas are reached by the campaign;
- Schedule visits of mobile teams to remote locations throughout South Sudan to process applications for nationality certificates, preceded by appropriate aforementioned awareness raising sessions;
- Investigate the potential for a restructuring of the DNPI to move away from a centralised structure, facilitating the issuance of nationality certificates at the state level.

## Recommendations to UNHCR:

- Advocate for the accession of South Sudan to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness as per the commitments adopted by South Sudan in the 2017 ICGLR Declaration and Regional Action Plan on the eradication of statelessness;
- Raise awareness on the concept of statelessness, consequences, causes and risk-factors at the DNPI, and advocate for non-discriminatory practices for access to nationality in line with Article 14 of the 2011 Transitional Constitution of the Republic of South Sudan;
- Support the development of capacity within the DNPI to effectively train its own staff by jointly developing and implementing a thorough training curriculum;



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*A group of South Sudanese at registration counter of DNPI Office in Juba.*



- Identify good practices with regard to the issuance of nationality certificates, and facilitate a study visit of DNPI officials and CSOs to the selected countries in the African region;
- Within available resources, provide logistical support to the DNPI in sending mobile teams to remote communities at risk of statelessness to receive and process applications for nationality certificates;
- Assist particularly vulnerable persons at risk of statelessness, including cross-border and nomadic populations, minorities, returned migrants, returning vulnerable refugees as well as internally displaced persons in South Sudan, in their nationality application procedures through financial, logistic or legal assistance and advice;
- Support community health workers and medical institutions to provide standardised birth notifications pending the approval of the Civil Registration Law and the implementation of formal birth registration by legally competent authorities;
- Develop cooperation with and the capacity of CSOs to monitor processing nationality applications in South Sudan by authorities, facilitate fair practices and identify persons at risk of statelessness in order to provide them with necessary legal counselling and assistance to access nationality documentation.
- Facilitate inter-agency cooperation between governmental institutions, CSOs, UN, donors and other concerned parties on issues related to granting nationality and preventing statelessness in South Sudan.



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*A South Sudanese woman in Wau after receiving her South Sudanese identity card with support from UNHCR.*



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A South Sudanese boy waiting for his relative who is applying for South Sudanese nationality at DNPI in Juba.

# 1 Introduction

## 1.1 Background

After decades of civil war, the 2005 Comprehensive Peace Agreement set the stage for a referendum on the independence of South Sudan from Sudan.<sup>6</sup> In preparation for the referendum, there was a need to frame South Sudanese nationality for the purpose of determining voter eligibility. However, the question of nationality in South Sudan was and remains complex, in particular given the long-standing divisions between the predominantly Arab North and the African South, and the decades of marginalisation suffered by the latter

at the hands of Khartoum. For the purposes of the referendum, the Interim Constitution of Southern Sudan of 2005 described a South Sudanese as follows:

*“Any person whose either parent or grandparent is or was a member of any of the indigenous communities existing in Southern Sudan before or on January 1, 1956; or whose ancestry can be traced through agnatic or male line to any one of the ethnic communities of Southern Sudan; or any person who has been permanently residing or whose mother*

<sup>6</sup>Comprehensive Peace Agreement between the Government of the Republic of the Sudan and the Sudan People’s Liberation Movement/Sudan People’s Liberation Army (2005), see <https://peaceaccords.nd.edu/sites/default/files/accords/SudanCPA.pdf>



*and/or father or any grandparent have been permanently residing in Southern Sudan as of January 1, 1956*.<sup>7</sup>

Ultimately, the 2011 referendum revealed overwhelming support for independence on behalf of registered voters, and South Sudan became the world's newest country. The Nationality Act<sup>8</sup> and the Nationality Regulations<sup>9</sup>, both adopted in 2011, set the criteria and procedures for acquiring nationality and obtaining nationality documents for the new nation, drawing upon elements of the Interim Constitution to define a South Sudanese national. In parallel, the Khartoum government amended its Sudanese Nationality Act to strip any individual qualifying for South Sudanese nationality of their Sudanese nationality.

Article 15 of the Universal Declaration of Human Rights (UDHR) provides that "(1) everyone has the right to a nationality" and "(2) no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality".<sup>10</sup> According to the 1954 Convention Relating to the Status of Stateless Persons, a "stateless person" is a person "who is not considered as a national by any State under the operation of its law" – a definition accepted as customary international law, regardless of accession to the Conventions.<sup>11</sup>

In the South Sudanese context, the risk of statelessness is high due to legislative ambiguities contained in the Nationality Act and Regulations (referred to as nationality legalisation), challenges related to interpretation and implementation of this legislation as a result of limited capacity, knowledge and harmonized procedures on behalf of the DNPI, a general lack of civil status registration including birth registration and subsequent issuance of birth certificates, and other contextual challenges such as the internal armed conflict and financial crisis which undermine access to nationality documentation.

UNHCR plays a leading role in the eradication to statelessness globally and has been involved in both Sudan and South Sudan in various capacities to ensure access to nationality and documentary proofs of nationality for persons residing in the territory of these countries. In order to reduce the risk of statelessness in South Sudan, UNHCR has been working closely with the DNPI through training and capacity building, raising community-level awareness on importance of obtaining a nationality certificate, and supporting/facilitating access of vulnerable internally displaced persons to the procedure for the acquisition of nationality certificates.

## 1.2 Aims of Assessment

UNHCR commissioned this comprehensive study to support its efforts to ensure access to South Sudanese nationality documentation by persons of South Sudanese origin at risk of statelessness. According to the Terms of Reference, the study aims to collect and analyse current and reliable data in order to:

- i. Analyse major causes as well as legislative and procedural barriers that may lead to statelessness;
- ii. Assess the accessibility of nationality documentation by population groups, in particular those residing in border areas of Northern and Western Bahr el-Ghazal, Jonglei, Warrap, Lakes and Central Equatoria States;<sup>12</sup>
- iii. Assess whether the nationality documentation application procedures are applied equally and in a non-discriminatory manner to various groups of population, irrespective of their ethnicity, tribes, social or political background, age, places of origin, gender, and other individual characteristics;
- iv. Provide recommendations to UNHCR on mechanisms for identifying and providing assistance to persons at risk of

<sup>7</sup>Article 9 (3) (b) Interim Constitution of Southern Sudan (2005), see [http://www.chr.up.ac.za/undp/domestic/docs/c\\_SouthernSudan.pdf](http://www.chr.up.ac.za/undp/domestic/docs/c_SouthernSudan.pdf)

<sup>8</sup>The Nationality Act, 2011 [South Sudan], 7 July 2011, available at: <http://www.refworld.org/docid/4e94318f2.html>

<sup>9</sup>Nationality Regulations 2011 [South Sudan], 29 December 2011, available at: <http://www.refworld.org/docid/4ffab4582.html>

<sup>10</sup>Article 15, Universal Declaration of Human Rights (1948), see [https://www.un.org/en/udhrbook/pdf/udhr\\_booklet\\_en\\_web.pdf](https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf)

<sup>11</sup>Convention Relating to the Status of Stateless Persons (1954), see [http://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons\\_ENG.pdf](http://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons_ENG.pdf)

<sup>12</sup>Due to accessibility and security constraints in the context of escalating internal armed conflict, the field study was limited to Aweil, Renk and Nimule, as discussed in the methodology.

- statelessness and stateless persons;
- v. Provide recommendations on institutional support to government authorities involved in nationality documentation application and issuance procedures in order to ensure durable solutions for persons at risk of statelessness.

## 1.3 Methodology

### 1.3.1 Desk Review

Forcier Consulting conducted a preliminary desk review, in collaboration with the South Sudan Law Society (SSLS). Drawing upon available literature on nationality and statelessness in South Sudan, as well as legal sources comprising both international law and South Sudanese legislation, the desk review provided an in-depth legislative analysis of South Sudan's nationality legislation (Nationality Act and Regulations) and its interpretation and application in South Sudan. The desk review informed data collection tools, and its results are merged with the findings from primary data collection in this final report.

### 1.3.2 Qualitative Research

In addition to the desk review, a qualitative data collection exercise provides current data on statelessness, and contextualises this data by collecting human stories from those directly affected by the legal framework. The desk review revealed a number of locations with communities at risk of statelessness. Forcier Consulting selected the towns of Aweil, Renk, and Nimule for primary qualitative data collection, as field-work locations suggested in the terms of reference were inaccessible for security reasons. For the qualitative data collection portion of the study, Forcier Consulting conducted a total of 26 qualitative interviews, including both Focus Group Discussions (FGDs) and Key Informant Interviews (KIIs), across all field locations. A further five KIIs were conducted

in Juba to complement research findings. The data collection tools are included in Annex 1.

### *Focus Group Discussions (FGDs)*

Focus Group Discussions (FGDs) were conducted with community members who are applying for nationality documentation, or who are at risk of statelessness. FGDs allow for nuanced and open-ended responses to difficult questions, thereby providing information on attitudes, perceptions, and experiences, and facilitating in-depth analysis and exploration of respondents' views and experiences. FGDs are disaggregated based on gender to ensure honest participation and genuine discussion of personal experiences. These discussions provide insight regarding problems faced within and outside of ethnic groups, based on location, gender, age, and other factors. Researchers also discussed with respondents the effect of the process on children.

In order to recruit FGD participants, Forcier researchers identified the local chiefs of the targeted communities in each field location upon arrival, after being introduced to the local authorities. Local chiefs provided the researchers with introductions to members of the targeted sub-units of the community, who in turn referred the researchers to potential FGD participants. Information about these potential participants was compiled by the researchers, including age, gender, education level, ethnic group, phone number, and whether they have applied or want to apply for a nationality certificate. This information was then sent to the Research Officer, who selected optimal participants, ensuring equal representation of gender and age in all three field sites. Selected individuals were contacted by the researchers via phone to facilitate participation in FGDs.

Reflecting potential limitations with this approach, some phone numbers were found to be unreachable and other selected participants

did not choose to attend the FGDs. Nonetheless, appropriate numbers of participants were found in all field sites, with FGDs disaggregated by gender to optimise participation. Researchers conducted a total of 12 FGDs, with two FGDs per location conducted with male community members and two with female community members. Researchers were supported by locally-hired qualitative research assistants, who focused on transcribing notes to enable the researcher to concentrate on the direction and approach of the questionnaire.

### *Key Informant Interviews (KIIs)*

Researchers also conducted KIIs with key informants, including local authorities, community leaders, DNPI staff, civil society

organisations, UNHCR staff and officials of other relevant agencies (see Annex 2). KIIs are a crucial way to access a population of influential people who would otherwise not be captured, and enable documentation of new voices. In each location, researchers collected 5 KIIs, for a total of 15 KIIs; an additional 5 KIIs were conducted in Juba. Interviews with relevant local authorities, community leaders, DNPI staff, civil society, UNHCR, and other relevant agencies provided information regarding the application of the law, as well as local DNPI structures and related procedures. The interviews were also designed to collect personal experiences and perspectives from leaders of different ethnic groups to provide an overall picture of the problems different ethnic groups face in obtaining nationality.



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*A mother and a daughter at DNPI in Juba filing their nationality applications.*

# 2 Causes of Statelessness in South Sudan

The risk of statelessness in South Sudan is perpetuated by a variety of legislative, administrative, procedural and contextual factors. This first chapter of the report examines each of these risk factors in more depth, informed by the results of the desk review and the qualitative findings.

## 2.1 Legislative Factors

The 1954 Convention Relating to the Status of Stateless Persons defines a stateless person as “a person who is not considered as a national by any State under the operation of its law”.<sup>13</sup> South Sudan has not acceded to the 1954 Convention Relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness, and is not bound by the minimum standards and safeguards set forth in these Conventions. Neither has South Sudan ratified the African Charter on the Rights and the Welfare of the Child, which provides legal safeguards for childhood statelessness prevention.<sup>14</sup> South Sudanese nationality legislation therefore lacks these legal safeguards, and needs to be reformed in order to align with international standards on nationality and prevention of statelessness.

The legislative factors that in South Sudan remain inconsistent with elements of these Conventions impose undue restrictions upon access to nationality; domestic implementation of nationality legislation is also haphazard, further compounding the risk of statelessness

in South Sudan. However, South Sudan is a signatory of the recent Declaration on the Eradication of Statelessness adopted during the International Conference of the Great Lakes Region (ICGLR) Summit in Brazzaville in October 2017, highlighting its commitment to accede to the Conventions and work towards ending statelessness in the country.<sup>15</sup>

### 2.1.1 Sudanese Law

Following South Sudanese independence, the government of the Republic of the Sudan (hereinafter, Sudan) introduced an amendment to the Nationality Act of Sudan which reads as follows: “Sudanese nationality shall automatically be revoked if the person has acquired, de jure or de facto, the nationality of South Sudan”.<sup>16</sup> According to this provision, if someone is deemed to qualify for South Sudanese nationality, even in the absence of a Nationality Certificate, their Sudanese nationality is automatically revoked. Sanderson articulates the effect of the two countries’ nationality laws as follows:

*“[T]heir combined effect is to strip those individuals with ethnic or familial connections to South Sudan of their Sudanese nationality. Those individuals who are subsequently unable to confirm their citizenship of South Sudan will be rendered de jure stateless while the many who lack effective state protection and remain stranded outside South Sudan are left as de facto stateless”.*<sup>17</sup>

<sup>13</sup> Convention Relating to the Status of Stateless Persons (1954), see [http://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-status-of-stateless-persons\\_ENG.pdf](http://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-status-of-stateless-persons_ENG.pdf)

<sup>14</sup> Information on State ratification are available on <http://www.acerwc.org/>

<sup>15</sup> Declaration of International Conference on the Great Lakes Region (ICGLR) Member States on the Eradication of Statelessness, 16 October 2017, available at: <http://www.refworld.org/docid/59e9cb8c4.html>

<sup>16</sup> The Sudanese Nationality Act 1994 and Sudanese Nationality Act (Amendment) 2011 (English Translation) [Sudan], 3 May 1994, available at: <http://www.refworld.org/docid/502cc1b92.html> (See Sub-section 10 (2) Sudan Nationality Act [amended]).

<sup>17</sup> Sanderson, M. (2014), “Key Threats of Statelessness in the Post-Secession Sudanese and South Sudanese Nationality Regimes”, *Tilburg Law Review* 19, p.243.

## 2.1.2 South Sudan's 2011 Nationality Act

To limit the risk of statelessness posed by Sudan's amendment to its own nationality act, South Sudanese legislation would need to ensure that any person deemed to de facto qualify for South Sudanese nationality is able to acquire the nationality de jure, including through receipt of a nationality certificate. However, ambiguities present in South Sudan's 2011 Nationality Act and the associated Regulations, including confusion related to terminology, represent legislative and procedural grounds for the denial of nationality. Applicants, whose responsibility is "to adduce sufficient evidence to support the application", often find this challenging.<sup>18</sup>

### Nationality by Descent

The Nationality Act under section 8(1)(a) stipulates that a person is considered a South Sudanese national by birth if "any parents, grandparents or great-grandparents of such a person, on the male or female line, were born in South Sudan".<sup>19</sup> In accordance with Section 41 of the Regulations, the applicant is expected to inform the issuing officer of the name, surname, place, and date of birth of the person he/she is relying upon for the application. The Regulations also stipulate that the applicant's parents or legal guardian should also be present to testify before the issuing authorities. The Director of the DNPI confirms that the presence of parents or legal guardians is required during the application for the purpose of verification, but any relative of the applicant is eligible to act as a witness so long as he or she has a nationality certificate; the witness could also be a chief or other person of good standing, as detailed below.<sup>20</sup>

In addition to the requirement that the parents or legal guardian of the applicant be present to testify to the authorities, Section 25 of the Regulations states that, for all nationality or naturalisation certificates, applicants are

required to produce a witness or witnesses "who is/are believed to be elders and next of kin". Although no fee is required of witnesses, they face a number of challenges regarding interpretation and eligibility. It is not clear whether the elder should be a village elder, or someone older than the applicant. It is further unclear whether the DNPI then requires two witnesses: both a parent and an elder. In practice, the DNPI explains that parents are not necessarily required to be present as long as a suitable witness is provided.<sup>21</sup>

According to Section 26 of the Regulations, witnesses also play a role in the absence of sufficient documentary evidence. In such cases, the issuing authority will consider sworn statements from a list of primary witnesses. This list includes community leaders; traditional authorities; religious leaders; county, payam or boma officials; chiefs or sub-chiefs from the applicant's local indigenous group; relatives of the applicant, and any other persons of good standing who have first-hand knowledge of the applicant's identity. These terms are problematic, as most remain undefined. The nature of "good standing", for example, is undefined and it is unclear whether community leaders should be from the applicant's community or any other community in South Sudan. In practice, the Director of the DNPI argues that "it is very important that the witness is from the same community and the same clan".<sup>22</sup> However, some leniency is reported with regards to displaced persons: while witnesses are generally requested to be from both the same tribe and clan as the applicant, IDPs can currently rely on witnesses from different clans within the same tribe.

Due to the lack of clarity in the Act and Regulations, combined with lack of capacity on behalf of DNPI, qualitative findings reveal differing interpretation of the term "witness" among DNPI staff. As demonstrated in the table below, DNPI staff disagree on essential characteristics of witnesses. Staff in Juba

<sup>18</sup> See Section 23 of the Nationality Regulations (2011).

<sup>19</sup> The Nationality Act, 2011 [South Sudan], 7 July 2011, available at: <http://www.refworld.org/docid/4e94318f2.html>

<sup>20</sup> Conversation with a Director of the DNPI, Juba.

<sup>21</sup> Conversation with a Director of the DNPI, Juba.

<sup>22</sup> Conversation with a Director of the DNPI, Juba.



emphasise the importance of age; staff in Renk focus on family ties, and staff in Aweil prioritise good standing in the community. According to the Director of the DNPI, these inconsistencies result from a lack of sufficient training and experience in verification on behalf of the officers. There is a need for harmonisation of practice<sup>23</sup> but, reportedly, no applications for nationality certificates have been denied on the basis of Section 26. However, applicants can be requested to bring additional witnesses, in particular if the verification officer finds the witness unable to provide satisfactory information about the applicant.<sup>24</sup>

**Table 1. Interpretations of “Witness” by DNPI Staff**

<b>Juba</b>	<i>“It just means an applicant should bring a witness who is older than him/her because usually an elder person may know about the applicant (e.g. when and where he/she was born) as opposed to bringing a younger witness who may not know any details of the applicant”.</i> <sup>25</sup>
<b>Renk</b>	<i>“A witness is a father, mother, uncle who is older than the applicant and holds a South Sudanese nationality [certificate] ready. And the main issue here: a witness must be a relative”.</i> <sup>26</sup>
<b>Aweil</b>	<i>“The characteristics that are required from a witness are maturity, soundness of mind, known, has never been convicted of falsification, and must have nationality to witness the applicant”.</i> <sup>27</sup>

The interviews confirm that community leaders and local chiefs play a significant role in the nationality application process, acting as witnesses during verification of applicants or confirming the identity of applicants for DNPI staff. One FGD respondent notes “the community leader or local chiefs are very

influential people so they are considered when they intervene in a case that need[s] verification and confirmation”.<sup>28</sup> However, in practice, leaders whose nationality is questioned by DNPI staff are unable to act as witnesses for their community. Consequently, this practice may lead to exclusion de facto entire ethnicities from nationality applications when their **community leaders or local chiefs cannot act as a witness required for nationality applications the community in this area**. Members of the Falata community report that voices of their local chiefs are not heard during nationality applications because they are also said to be foreigners.<sup>29</sup> The Regulations emphasise that a witness must be “a South Sudanese national who enjoys full legal capacity”<sup>30</sup>, and as such, applicants from certain discriminated communities facing difficulties proving their eligibility may be unable to produce suitable witnesses to support their application due to the aforementioned arbitrariness of practices.

### *Nationality by Birth: “Indigenous”*

Section 8(1)(b) of the Nationality Act posits that a person shall be considered South Sudanese if he or she belongs to “one of the indigenous ethnic communities of South Sudan”. However, the term “indigenous” has not been defined in the Nationality Act or Regulations, presenting a challenge in the determination of which communities indeed qualify as indigenous to South Sudan. The only clarification relates to trans-boundary groups, with Section 12 of the Regulations specifying that the applicant should belong “to the part of the indigenous ethnic community that traditionally settles in the territory of South Sudan”.

Considering the diversity of indigenous peoples, no official definition of “indigenous” has been adopted at the international level, with the UN maintaining that “the most fruitful approach is to identify, rather than define indigenous

<sup>23</sup> Conversation with a Director of the DNPI, Juba.

<sup>24</sup> Conversation with a Director of the DNPI, Juba.

<sup>25</sup> KII with DNPI Staff in Juba.

<sup>26</sup> KII with State Director of DNPI in Renk.

<sup>27</sup> KII with DNPI Staff in Aweil.

<sup>28</sup> FGD with male Dinka and Falata in Renk.

<sup>29</sup> FGD with male Falata in Aweil.

<sup>30</sup> Section 9 of the Regulations.

peoples”.<sup>31</sup> In South Sudan, it is expected that “any verification and approval officer should know as common knowledge the indigenous tribes in South Sudan”.<sup>32</sup> In practice, the categorisation of certain ethnic communities such as trans-boundary and pastoralist communities as indigenous or non-indigenous is thus at the discretion of the officer, which opens a space for diverse interpretations of this legal requirement. In Aweil, for example, a DNPI staff member argues that, “the indigenous community are sixty-four tribes of South Sudan and that does not include pastoralists, trans-boundary communities and immigrants”.<sup>33</sup> Meanwhile, in Renk, indigenous communities are understood as “those who have been in South Sudan since the 1950s and 1960s”, with the exception of trans-boundary communities and pastoralists.<sup>34</sup>

The Regulations outline what documentation is required for the fulfilment of Section (8)(1)(b) of the Act. Under Section 43 of the Regulations, the applicant is required to provide the issuing authority with the name of the indigenous community and the names of the payam, boma, chief, and sub-chief of the local unit to which the applicant belongs.<sup>35</sup> Section 43(c) of the Regulations further stipulates that an applicant from a trans-boundary community must confirm that he or she belongs to the South Sudanese segment of the indigenous community. Thus, certain groups experience greater difficulty in acquiring nationality. For example, a DNPI staff member for Eastern Equatoria reports that, “The communities who are on the border, like Madi, Acholi, Toposa, Lango, Azande, Kakwa, Nuer on the Ethiopia border [...] face a lot of challenges when they are applying for nationality. It takes time to investigate them”.<sup>36</sup> No law or procedure exists to provide DNPI with prerogative powers to determine if a tribe is indigenous to South Sudan.<sup>37</sup> However, groups that are not considered indigenous to

South Sudan by DNPI staff are denied access to Nationality Certificates. A DNPI staff member in Juba explains that, “Ambororo or Falata, in general, are not ever allowed to submit their application for [nationality certificates] because they are not South Sudanese”.<sup>38</sup> Such instances of discrimination are further discussed later in the report, but it is likely that the ambiguity surrounding the term “indigenous” in the legislation contributes to perpetuating statelessness in South Sudan, in particular since membership of an indigenous group is often perceived as a pre-requisite for South Sudanese nationality instead as an alternative option to acquire nationality as specified by the use of the word ‘or’ between sections 8(1)(a) and 8(1)(b) of the legislation.

### *Nationality by Birth: Residency*

Section 8(2) of the Nationality Act stipulates that a person must be considered for citizenship if, at the time the Nationality Act came into effect, the person had been domiciled in South Sudan since 1956, or his/her parents or grandparents had been domiciled in South Sudan since 1956. The word “domicile” is defined in Section 5 of the Act as “a place where a person ordinarily resides and or to which that person returns as a place of permanent abode, and does not mean a place where such a person resides for a special or temporary purpose”. Based on this definition, there is scope for displaced persons to refer to their homes prior to displacement as their place of ordinary residence, and hence domicile. However, under Section 44 of the Regulations, the applicant must prove his or her residency at any address in South Sudan since 1956 and confirm that it has remained uninterrupted since 1956. Section 44 of the Regulations is thus adding supplementary conditions to Section 8(2) of the Act which may contradict the definition of domicile, highlighting a conflict of law between the Act and Regulations.

<sup>31</sup> N Permanent Forum on Indigenous Issues (2006), Fifth Session, “Factsheet: Who are Indigenous Peoples?” available at: [http://www.un.org/esa/socdev/unpfii/documents/5session\\_factsheet1.pdf](http://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf).

<sup>32</sup> Conversation with a Director of the DNPI, Juba.

<sup>33</sup> KII with DNPI Staff in Aweil.

<sup>34</sup> KII with State Director of DNPI in Renk.

<sup>35</sup> Payam and boma are South Sudanese administrative units. Payam is the official administrative unit below the county, and the boma is the smallest administrative unit, below the payam. A boma is typically a collection of villages.

<sup>36</sup> KII with DNPI Staff for Eastern Equatoria.

<sup>37</sup> Conversation with a Director of the DNPI, Juba.

<sup>38</sup> KII with State Director of DNPI in Renk.

In practice, fulfilment of the residence criteria as outlined in Section 8(2) appears sometimes insufficient to be granted nationality. Rather, the concept of indigeneity remains at the forefront of the process. For example, the Falata community reports having migrated to South Sudan as early as 1917 and, according to DNPI staff, they should be eligible for nationality “as long as their parents or grandparents resided in South Sudan since 1956” as per Section 8(2)(b).<sup>39</sup> However, in practice, the prejudices of DNPI officers appear to prevent the Falata from accessing nationality through residency:

*“I visited the DNPI office here in Renk some time back with the intention of applying for South Sudanese [nationality certificate] but, interestingly, the officer explained to me that he knows me and confirmed that he is aware of my residence in this area for decades but he could not grant me a South Sudan [nationality certificate] because there is no policy in South Sudan law that grants Falata the right to access a South Sudanese [nationality certificate].”<sup>40</sup>*

## Naturalisation

As an alternative to nationality by birth, Section 10 of the Nationality Act provides for naturalisation through residency. The eligibility requirements are as follows: the person should have attained the age of maturity; be of sound mind; have resided in South Sudan for a continued and uninterrupted period of ten years before the date of application; intend to continue residing permanently in South Sudan, and have not been convicted of any offence relating to honesty or moral turpitude or any other serious offences.

The “sound mind” requirement could be considered discriminatory, particularly because neither the Nationality Act nor the Regulations have defined the criteria for a sound mind. However, Section 10(1) of the Act does give an opportunity for people with an “unsound mind” to make an application through a parent

or guardian. Meanwhile, although the offences related to honesty are clearly defined in the Penal Code of 2008, the offences relating to moral turpitude are not explained.<sup>41</sup> The requirement for continuous and uninterrupted residence for ten years is also ambiguous; it is unclear whether visits abroad, even for a short period of time, could in practice undermine the application for naturalisation. Applicants who are not married to a South Sudanese national are likely to encounter further difficulties, as Section 56 of the Regulations specifies additional requirements including immigration records and resident ID – however, legal residency may be difficult to prove for foreign residents.

There is also a provision for naturalisation by marriage under Section 13 of the Nationality Act. This provision requires an alien to be a “lawful wife or husband” of a South Sudanese national. The proof of marriage as outlined in Section 57 of the Regulations is a marriage certificate and a sworn statement by a witness to the marriage. In South Sudan, there is no statutory law that regulates marriage, and married people do not always obtain marriage certificates as there is no legal framework regulating registration of civil status. Both the DNPI and the Ministry of Health have reportedly drafted civil registration bills but it is unclear which will prevail and, eventually, marriage certificates will be the responsibility of the civil registry administration. The Director of the DNPI explains that, currently, “In most cases, people get marriage certificate from churches or mosques and then take such documents to a competent court for authentication. After this, it becomes a valid document that can be used as a legal document for naturalisation application.”<sup>42</sup>

Finally, there is lack of clarity on the part of DNPI staff regarding the rights of South Sudanese by naturalisation. Indeed, one DNPI staff member in Juba explains, “When a person becomes a South Sudanese by naturalisation, their rights are not the same as for those who are nationals by birth. It is not clear which rights they are not entitled to because as it is not mentioned in the

<sup>39</sup> FGD with male Falata in Aweil; KII with Falata Community Leader in Aweil; KII with DNPI Staff in Juba.

<sup>40</sup> KII with Falata Community Leader in Renk.

<sup>41</sup> See Chapter X and XI of the Penal Code Act 2008.

<sup>42</sup> Conversation with a Director of the DNPI, Juba.



Act”.<sup>43</sup> This illustrates a lack of capacity within the DNPI, since article 45(2) of the Transitional Constitution clearly states, “Citizenship is the basis for equal rights and duties for all South Sudanese”.<sup>44</sup> In view of this, there should be no exception provided for, or discrimination against, South Sudanese citizens by naturalisation.

While it is the prerogative of the Interior Minister to grant naturalisation through the DNPI, no cases of naturalisation have yet taken place.<sup>45</sup> Provisions relating to naturalisation are thought to be inapplicable until 2021 due to the required ten years of residency.<sup>46</sup> According to DNPI staff in Juba, “No one has obtained a South Sudanese nationality by naturalisation yet because it is not yet 10 years after the independence. According to the Act, it has to be 10 years after 2011 when the Nationality Act came into force”.<sup>47</sup>

### *Child Nationality*

Section 8(3) of the Nationality Act provides that a child born after 2011 will be a South Sudanese national through the father or mother’s descent, whether by birth or naturalisation; no provision is included with regard to the place of birth of the child. Hence, children born in exile following displacement are entitled to South Sudanese nationality as long as their father or mother hold South Sudanese nationality at the time of the birth.

The Nationality Act under Section 8(4) contains a foundling provision for a person that is “first found in South Sudan as a deserted infant of unknown parents” to be deemed, until the contrary is proven, a South Sudanese national.<sup>48</sup> According to UNHCR, the term ‘infant’ in this context should be interpreted as “all young children who are not yet able to communicate accurately information pertaining to the identity of their parents or their place of birth”.<sup>49</sup> Section 46 of the Regulations in relation to the foundling provision requires that the legal guardian of the applying deserted infant must additionally

provide the Issuing Authority with the place and date the infant was found, and the confirmation that his/her parents are unknown. This provision may pose serious practical questions on how to confirm/prove the unknown character of the parents.

Problematically, the Nationality Act does not include any provision for the acquisition of nationality of children whose parents are without nationality. Similarly, no specific provisions provide access to nationality for children born in South Sudan who otherwise would be stateless. Thus, the Nationality Act does not contain adequate legal safeguards for childhood statelessness prevention.

## 2.2 Administrative and Procedural Factors

Beyond legislative barriers to nationality, administrative and procedural factors can further contribute to the risk of statelessness in South Sudan. In particular, the conformity of DNPI practices with the 2011 Nationality Act is at times called into question due to lack of capacity of staff, and prejudicial tendencies of issuing officers. The centralised structure of the DNPI creates geographic barriers to accessing nationality certification procedures, while further administrative requirements, such as the need for an assessment of age in the absence of birth certificates, can present further hurdles to accessing nationality certificates.

### *2.2.1 DNPI Practices*

According to FGD participants, documents required as part of the application for the nationality certificate include a birth certificate or assessment of age if unavailable; two passport size photos; a photocopy of a witness’s identity document; a residency certificate; specification of blood group, and an application form signed by the applicant and the witness. This is despite

<sup>43</sup> KII with DNPI Staff in Juba.

<sup>44</sup> See Article 45(2) of the Transitional Constitution of South Sudan (2011).

<sup>45</sup> Conversation with a Director of the DNPI, Juba.

<sup>46</sup> Conversation with a Director of the DNPI, Juba.

<sup>47</sup> KII with DNPI Staff in Juba.

<sup>48</sup> Section 8 (4) of the Nationality Act.

<sup>49</sup> UNHCR, Guidelines on Statelessness No. 4: Ensuring Every Child’s Right to Acquire a Nationality through Articles 1-4 of the 1961 Convention on the Reduction of Statelessness, 21 December 2012, available at: <http://www.refworld.org/docid/50d460c72.html>

neither residency certificates nor blood group being required by Sections 44 and 45 of the Regulations, as discussed below.

Once all documents have been collected, the applicants pay the fees for the issuance of the nationality certificate to the cashier at the DNPI and are interviewed by verification officers, along with their witness, to verify claims and crosscheck information on the application form. If satisfied, the Director then signs the form and applicants have their photo taken by an additional officer. Once the nationality certificate has been issued, the applicant returns to the DNPI to collect it.<sup>50</sup> As shown below, the nationality certificate includes personal details, a photo, thumb print, and certificate number.

Figure 1. Sample Nationality Certificate



Most of these processes and requirements conform to the 2011 Nationality Act and Regulations. However, some of the DNPI's requirements go beyond what is legally stipulated in the legislation; these additional conditions – such as blood group or residency

certificate requirements – should be regarded as unlawful. Moreover, the Regulations state that the response to an application for a nationality certificate by birth should take no longer than one month after the applicant has presented the complete evidence supporting his/her application<sup>51</sup>. In practice, FGD participants in both Nimule and Renk, however, report waiting three months or more.<sup>52</sup>

According to the results of the desk review, morality also features at the heart of the decision made by the issuing officer. In research undertaken by a key scholar of statelessness in South Sudan, an issuing officer alluded to this concept of morality when asked why he approved certain cases: the officer usually answered, “He is a good character”, or “She is not an immoral person”.<sup>53</sup> This subjective gauge of morality does not feature in the Nationality Act and Regulations, except in cases of application for nationality by naturalisation, which require the applicant not to have been convicted “of any offence related to honesty and moral turpitude or any other serious offences”.<sup>54</sup> DNPI field staff in Nimule understand such serious offences to include “criminal conspiracy and immoral behaviour”.<sup>55</sup> In addition to adding morality criteria not defined in the nationality legalisation, the applicants are subject to the arbitrary discretion of the issuing officers processing their application, which goes against the principles of equality before the law enshrined in Article 14 of the Transitional Constitution of South Sudan and in international law.<sup>56</sup>

### Lack of Capacity

Qualitative interviews with DNPI staff revealed a preoccupying lack of capacity, predominantly attributed to training gaps.<sup>57</sup> In Renk, one DNPI staff member reports not having received supplemental training since 2012.<sup>58</sup> While some training has been provided to DNPI

<sup>50</sup> FGDs in Renk, Nimule, and Aweil.

<sup>51</sup> Section 34 of the Regulation.

<sup>52</sup> FGD with Male Madi, Acholi, and Other in Nimule; FGD with male Dinka in Renk.

<sup>53</sup> Marko, F. D. (2015) “Negotiations and Morality: The Ethnicization of Citizenship in Post-secession South Sudan”, *Journal for Eastern African Studies* 9(4): 675.

<sup>54</sup> See Article 10(1)(e) of the Nationality Act (2011).

<sup>55</sup> KII with DNPI Staff in Nimule.

<sup>56</sup> South Sudan: The Transitional Constitution of the Republic of South Sudan, 2011, 26 February 2013, available at: <http://www.refworld.org/docid/525e88ef4.html>

<sup>57</sup> KII with DNPI Staff in Juba.

<sup>58</sup> KII with State Director of DNPI in Renk.



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*A group of South Sudanese displaying their new Nationality Certificates (ID).*

staff in Eastern Equatoria, including training on approval of nationality, investigation, and immigration, continuous additional training is certainly needed.<sup>59</sup> The development of check-lists for field officers, with clear stipulations of all requirements for each option to acquire nationality, would also facilitate lawful and harmonised practices.

Lack of training has resulted in limited knowledge of the 2011 Nationality Act and Regulations among DNPI staff. For example, in Renk, some DNPI staff believe only individuals over the age of eighteen are eligible to obtain a nationality certificate, yet the only minimum age set forth in the Act concerns naturalisation.<sup>60</sup> DNPI staff in Renk have no way of improving their understanding of the legislation as, reportedly, no copies of the Nationality Act or Regulations

are available.<sup>61</sup> Further action needs to be taken to enable DNPI officers to uniformly interpret the laws set forth in the Nationality Act and Regulations.

In addition to misinterpretations of South Sudanese nationality legislation, interviews with DNPI staff revealed serious misunderstandings of statelessness, which is perhaps unsurprising as neither the Act nor Regulations refer to the situation of stateless persons. In that regard, a DNPI staff member in Juba estimates that up to 90% of the population is stateless, demonstrating confusion between possession of nationality documentation and statelessness.<sup>62</sup> Blame is attributed to individuals who “do not want to apply for nationality”.<sup>63</sup> According to a DNPI staff member in Aweil, “There is no gap in the nationality laws which permits some

<sup>59</sup> KII with DNPI Staff for Eastern Equatoria.

<sup>60</sup> KII with State Director of DNPI in Renk.

<sup>61</sup> KII with State Director of DNPI in Renk.

<sup>62</sup> KII with DNPI Staff in Juba.

<sup>63</sup> KII with DNPI Staff in Juba.

applicants to run the risk of statelessness”.<sup>64</sup> This demonstrates lack of understanding of the concept, causes, and risks of statelessness.

Oversight mechanisms are reportedly in place within the DNPI to ensure compliance with legislation. A DNPI staff member in Juba notes, “There are senior officers in each section who are responsible for making sure the issuing officers conform to the provisions of Nationality Act, and such senior officers will then advise or address any problems with the concerned junior officers”.<sup>65</sup> However, if the capacity of senior officers is also called into question, there is a need for additional training at all levels.

Finally, rejected applicants have the possibility of initiating an administrative appeal and/or seeking judicial redress as per Sections 85-92 and Sections 93-97 of the Regulations (Administrative Appeal and Judicial Redress respectively). The Director of the DNPI explains: “An aggrieved party can lodge his or her complaint with the Minister of Interior within six months from such rejection by issuing authority”.<sup>66</sup> However, FGDs revealed very limited awareness of the possibility of appeal. One FGD participant in Aweil argued, “There is no administrative system in place where individuals could get fair hearing concerning their rejected applications”.<sup>67</sup> Moreover, Sections 93 and 94 of the Regulations make it unclear whether administrative appeals are a necessary first step before judicial redress.

### Procedural Irregularities

In addition to capacity limitations, there are some disturbing reports of procedural irregularities at the DNPI, as illustrated by the following two quotes:

*“We have applied for the nationality certificates, but until now we have not received it. What the officers told us is that we should go through the window (which*

*means we should give bribe). Unfortunately, at that time we were broke”.*<sup>68</sup>

*“I see people who are advantaged economically or those who have money—they just give officers money and their process of getting nationality is fastened. And those who are disadvantaged have to follow the normal procedure”.*<sup>69</sup>

As will be discussed further below, the cost of applying for nationality certificates already represents a significant barrier. If compounded by alleged additional financial requirements, access to the nationality application procedure is further undermined.

### Discriminatory Practices

Discriminatory practices within the DNPI are problematic and contribute to furthering the risk of statelessness in South Sudan. The first notable trend is the importance accorded to ethnicity under Article 8(1)(b), which stipulates that an applicant will be considered for nationality by birth if “such a person belongs to one of the indigenous ethnic communities of South Sudan”. Despite the existence of alternative pathways to South Sudanese nationality, one researcher notes, “The overwhelming majority of citizenship applicants need to prove their ethnic affiliation [...], which suggests a return to the colonial logic”.<sup>70</sup>

Ferenc David Marko suggests that an applicant is “never considered strictly as an individual” but rather as an extension of his or her ethnic group.<sup>71</sup> This, in practice, means that the ethnic group to which an applicant subscribes will be the basis for whether he or she is successful in obtaining nationality documents. Unless nationality is acquired on the basis of Section 8(1)(b), the Nationality Act does not allow for this interpretation, which is a clear violation of both international law and article 14 of the Transitional Constitution of South Sudan, which prohibits

<sup>64</sup> KII with DNPI Staff in Juba; KII with DNPI Staff in Aweil.

<sup>65</sup> KII with DNPI Staff in Juba.

<sup>66</sup> Conversation with the Director of the DNPI, Juba.

<sup>67</sup> FGD with female Falata in Aweil.

<sup>68</sup> FGD with male Madi and Acholi in Nimule.

<sup>69</sup> KII with CSO Staff in Nimule.

<sup>70</sup> Marko (2016), p.674.

<sup>71</sup> Ibid.





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*A young South Sudanese man holding his newly issued South Sudan passport.*

discrimination on ethnic grounds.<sup>72</sup>

The qualitative research findings support this assessment and reveal the prejudicial tendencies of issuing officers. For example, officers reportedly discriminate based on applicants' names. While people with popular South Sudanese names are not subjected to undue questioning, one community member reported that when the Director of the DNPI saw her name, he refused to sign the application.<sup>73</sup> Similarly, language or dialect also provides potential for discrimination. A DNPI staff member in Aweil

reports that applicants who speak the Dinka language find it easier to obtain certification of nationality, while staff in Juba report that, in the case of trans-boundary communities, "We can know if they are from the South Sudan side just by their accent".<sup>74</sup> Meanwhile, due to a lack of capacity, certain DNPI officers continue to discriminate against applicants by virtue of their physical characteristics. According to UNHCR, "Some of the officers [...] tend to reject or deny nationality to individuals or communities not in accordance with the provisions of the nationality law (i.e. because an applicant is light skinned, etc.)".<sup>75</sup>

<sup>72</sup> See Article 14 of the Transitional Constitution (2011).

<sup>73</sup> KII with UNHCR Staff in Juba; FGD with female Falata in Aweil.

<sup>74</sup> KII with DNPI Staff in Aweil; KII with DNPI Staff in Juba.

<sup>75</sup> KII with UNHCR Staff in Juba.

Finally, as it will be discussed in more details later in this report, certain nomadic populations such as the Falata are denied access to nationality procedures. The Director of the DNPI in Renk explains that, “Ambororo or Falata in general are not ever allowed to submit their application for a [nationality certificate] because they are not South Sudanese”.<sup>76</sup> Conceptions of South Sudanese identity on behalf of issuing officers of the DNPI, and the over-importance accorded to ethnicity in applications for nationality certificates, thus further increase the risk of statelessness in South Sudan, showing blatant disregard for the criteria set forth in the 2011 Nationality Act and Regulations.

## 2.2.2 DNPI Structures

DNPI offices are reported to be present in all ten former states of South Sudan, improving the ease of access to nationality across the country; according to the Director of DNPI, “DNPI has human resources for all 32 [new] states but some of them have not been practically deployed on the ground, partly due to logistical challenges (e.g. there are no cars, computers, etc.) or issues to do with insecurity in some of the newly-created states”.<sup>77</sup>

Existing offices also face many logistical constraints, including lack of computers, cars, generators, and infrastructure, and certain offices have also been closed due to insecurity. Even when state-level offices are operational, the production of Nationality Certificates continues to be carried out at the headquarters in Juba. This is primarily a result of financial constraints and the lack of necessary equipment at the state level. However, DNPI staff argue, “The reason why states are not allowed to produce IDs (nationality certificate) is because it will be difficult to control issuance of nationality

certificates and, as such, many foreigners will acquire South Sudanese nationality”.<sup>78</sup> The centralised nature of DNPI’s structure leads to significant delays in the processing of Nationality Certificates; community members in Renk and Aweil report waiting several months after having completed their application. One respondent reported, “It could take approximately 3 months or more before IDs are returned from the time they were sent to Juba for processing”.<sup>79</sup> Limited transportation, in particular between Juba and Renk, contributes to the delays.<sup>80</sup>

Some efforts have been made by the DNPI to reach out to populations in remote areas through mobile outreach, although additional funds are needed to finance mobile teams.<sup>81</sup> Poor road conditions, in particular during the rainy season, represent a challenge for mobile outreach. Insecurity can also limit access to vulnerable communities in affected areas. “Before the eruption of the conflict in Wau, outreach was fine and they were able to reach the communities that are at risk of statelessness in Raja, but after the conflict, movement became very limited and they were not able to reach the vulnerable communities and individuals at risk of statelessness”.<sup>82</sup> Despite challenges, most areas of the country are reported to have been reached by mobile outreach, with the notable exception of the Greater Upper Nile region as a result of insecurity.<sup>83</sup>

Where DNPI services are unavailable, applicants are obliged to travel to Juba to undertake the application procedures for the issuance of nationality certificates. In particular, focus group participants in Nimule report that, due to the lack of a local DNPI office, applicants normally travel to Juba to acquire nationality certificates.<sup>84</sup> Similarly, travel is often a requirement for those who find the legitimacy of their nationality claims questioned - if the DNPI at the state level has

<sup>76</sup> KII with State Director of DNPI in Renk.

<sup>77</sup> KII with DNPI Staff in Juba; KII with UNHCR Staff in Juba; Conversation with a Director of the DNPI, Juba.

<sup>78</sup> KII with DNPI Staff in Juba.

<sup>79</sup> FGD with male Dinka in Renk.

<sup>80</sup> KII with State Director of DNPI in Renk.

<sup>81</sup> KII with DNPI Staff in Juba.

<sup>82</sup> KII with DNPI Staff in Aweil; The DNPI official is referring to nomadic people, especially Falata, who have historically moved between the border areas of South Sudan, Sudan, Central African Republic, and Chad. The researcher noted that though this group is known as being nomadic historically, many are settled permanently for decades in the Raja area.

<sup>83</sup> Conversation with the Director of the DNPI, Juba.

<sup>84</sup> FGD with male Madi and Acholi in Nimule.

doubts about an application, the applicant is told to go to Juba for further verification.<sup>85</sup> This is most often the case for communities facing discrimination, such as the Falata. A government official in Aweil explained, “The only people who are facing the rejection of nationality applications, and who are told to go to Juba for further verifications, are members from Falata community.”<sup>86</sup> Cost of transportation to Juba is once more a significant barrier; the cost of transport from Aweil to Juba, for example, is estimated to be almost 10,000 SSP (about 82 USD in June 2017).<sup>87</sup>

### 2.2.3 Birth Registration

Birth registration “is the first step in securing the recognition [of children] before the law, safeguarding their rights and ensuring that any violation of these rights does not go unnoticed”.<sup>88</sup> Further, birth registration “provides proof of descent and of place of birth and therefore underpins the implementation of the 1961 Convention on the Reduction of Statelessness and related human rights norms”.<sup>89</sup> Although birth registration does not itself confer nationality upon a child, “birth registration is nevertheless important for the prevention of statelessness because it establishes a legal record of where a child was born and who his or her parents are. This constitutes a key form of proof [that] a person has acquired nationality by birth on territory (*jus soli*) or descent (*jus sanguinis*), which are the most common bases for acquisition of nationality at birth”.<sup>90</sup>

Before the secession of South Sudan,

registration of births took place in Juba, Malakal, and Wau teaching hospitals. During these registrations, issuing the birth certificates was optional.<sup>91</sup> According to the most authoritative statistics available on the topic, the percentage of registered children under 5 stood at 35 per cent before secession, at a time when South Sudan was part of Sudan, a country with greater human and financial resources than South Sudan presently.<sup>92</sup>

Since independence, due to the lack of a legal framework for birth registration, birth certificates have never been issued.<sup>93</sup> A ‘Registration Steering Committee and Technical Working Group’ was put in place in 2012, but the group has not yet managed to secure the Civil Registration Law.<sup>94</sup> Currently, the DNPI estimates that “about 90% of South Sudan’s population do not have birth certificates, especially people in the rural areas”.<sup>95</sup> In the meantime, UNICEF provides state hospitals with provisional birth notifications, which are used to document the birth of the babies born in the hospital.<sup>96</sup> While these birth notifications are not accepted as legal proof of age, they can facilitate acquisition of an assessment of age at the medical commission, as detailed below.<sup>97</sup> It is important to note, given the widespread displacement occurring in the South Sudanese context, that foreign birth certificates are accepted if the birth took place abroad.<sup>98</sup>

The lack of birth registration poses significant administrative and procedural issues with regards to the acquisition of the nationality, and subsequently the issuance of a nationality

<sup>85</sup> KII with Government Official in Aweil.

<sup>86</sup> KII with Government Official in Aweil.

<sup>87</sup> FGD with male Falata in Aweil.

<sup>88</sup> United Nations Children’s Fund (2002) Birth Registration: Right from the start, Innocenti Digest No. 9, UNICEF Innocenti Research Centre: Florence, available at: <https://www.unicef-irc.org/publications/330/>

<sup>89</sup> UNHCR, Guidelines on Statelessness No. 4: Ensuring Every Child’s Right to Acquire a Nationality through Articles 1-4 of the 1961 Convention on the Reduction of Statelessness, 21 December 2012, available at: <http://www.refworld.org/docid/50d460c72.html>

<sup>90</sup> UNHCR (2013) Child Protection Brief on birth registration, available at <http://www.refworld.org/pdfid/523fe9214.pdf>

<sup>91</sup> UNICEF (2015) “Situation Assessment of Children in South Sudan”, p.136, available at: [http://www.childrenofsouthsudan.info/wp-content/uploads/2016/03/SA-SSUD\\_Mar-11-2016-Word\\_BM-Mar-22-2016a.pdf](http://www.childrenofsouthsudan.info/wp-content/uploads/2016/03/SA-SSUD_Mar-11-2016-Word_BM-Mar-22-2016a.pdf)

<sup>92</sup> National Bureau of Statistics (2010) South Sudan Household Survey, p.35, available at: [http://ssnbss.org/sites/default/files/2016-08/Sudan\\_Household\\_Health\\_Survey\\_Report\\_2010.pdf](http://ssnbss.org/sites/default/files/2016-08/Sudan_Household_Health_Survey_Report_2010.pdf)

<sup>93</sup> UNICEF (2015) “Situation Assessment of Children in South Sudan”, p.8.

<sup>94</sup> National Bureau of Statistics (2012) “South Sudan CRVS Country Report”, available at: <http://docplayer.net/31355191-South-sudan-crvs-country-report.html>

<sup>95</sup> KII with DNPI Staff in Juba.

<sup>96</sup> KII with UNHCR Staff in Juba.

<sup>97</sup> Conversation with a Director of the DNPI, Juba.

<sup>98</sup> Conversation with a Director of the DNPI, Juba.

certificate. In the absence of birth certificates, the Regulations provide that applicants may use an assessment of age as a substitute. A DNPI staff member in Aweil notes that, “If a person has neither of the two age documents [birth certificate or assessment of age], his application will not be accepted”.<sup>99</sup> Given the dearth of birth certificates, almost all applicants are obliged to go to the medical commission for an age assessment certificate.<sup>100</sup> Yet age assessments do not record descent, which is a key element in the application for nationality.

The process for the acquisition of an age assessment certificate, as described by the

Director of State Medical Commission in Juba, is described below.<sup>101</sup> It is worth highlighting that the age assessment procedure includes additional investigations of South Sudanese origin, whereby the experienced officers of the Security and Criminal Investigation Department verify the applicants’ forms with particular attention to name, state, county, payam, and boma – if any suspicions arise, the applicants are required to provide clarifications to confirm they are indeed South Sudanese nationals. Due to the absence of birth certificates, applicants thus find themselves confronted with a double burden of proof, having to effectively prove their nationality twice in order to obtain a nationality certificate.

Figure 2. Age Assessment Procedure



<sup>99</sup> KII with DNPI Staff in Aweil.

<sup>100</sup> KII with Director of State Medical Commission in Juba.

<sup>101</sup> KII with Director of State Medical Commission in Juba.



There are nonetheless circumstances for denial of age assessment certificates, notably in cases where there is a lack of proof for the applicant's age, if no relatives are able to provide confirmation. In addition, the cost of the age assessment can be unaffordable for economically vulnerable individuals, effectively preventing them from acquiring national identification due to lack of supporting documentation.<sup>102</sup> Reportedly, the current cost of age assessment certificates is 135 SSP.<sup>103</sup> While this is equivalent to only 1.1 USD (as of June 2017), most research participants are thought to be living on less than one dollar a day, and spending is thus primarily reserved for basic needs.

## 2.3 Contextual Factors

Alongside legislative, administrative, and procedural risk factors of statelessness, South Sudan's complex political and security context poses further challenges to accessing nationality, with widespread displacement, economic barriers, and limited awareness of the importance of nationality documentation.

### 2.3.1 Displacement

Continued insecurity in South Sudan has led to widespread forced displacement of persons, which increases their vulnerability to statelessness.<sup>104</sup> A key challenge in terms of access to nationality documentation for internally displaced persons (IDPs) relates to the requirement of witnesses. A DNPI staff member in Juba explains, "Doubtful applicants are required to produce recommendation documents from their local authorities, and if this is not possible then they can bring their representatives, pastors or chiefs who have knowledge about the applicants' parents".<sup>105</sup> However, this is likely to be difficult if the

applicant has been displaced, and is isolated from former community members.

While DNPI staff are aware of such challenges, if investigations by the Criminal Investigation Department of the DNPI are inconclusive, "IDPs should return to their chief wherever they are and make sure they bring a stamped letter direct from the chief".<sup>106</sup> As a result, IDPs sometimes find themselves unable to meet the necessary requirements for nationality. For example, someone from the Greater Equatoria Region applied for a nationality certificate in Wau, but found their application denied due to a lack of available witnesses.<sup>107</sup> Displaced persons are, as such, inherently disadvantaged in terms of access to nationality documentation. Due to their higher levels of financial vulnerability, many may also be unable to pay the required fees.

### 2.3.2 Economic Barriers

The study has already revealed that the cost of travel to Juba represents a significant barrier for individuals whose nationality claims cannot be processed at the state level. Even without travel, certain unavoidable costs include the application form, assessment of age, unlawful blood group examination, and nationality application fee.<sup>108</sup> Focus group participants estimate the current total cost to be between 3,000 and 4,500 SSP (25 to 37 USD as of June 2017), a substantial increase from previous years due to the economic crisis.<sup>109</sup>

As a result of the high costs, "People's economic status plays a significant role in obtaining the nationality [certificate] because, currently, some people cannot afford to pay for nationality costs".<sup>110</sup> The economic crisis and resulting increase in costs associated with the certification of nationality has reportedly led to a sharp decline in the number of applications.<sup>111</sup> Despite the interest in acquiring nationality documentation, other concerns take priority,

<sup>102</sup> KII with the Director of the State Medical Commission in Juba.

<sup>103</sup> Conversation with a Director of the DNPI, Juba.

<sup>104</sup> KII with UNHCR Staff in Juba.

<sup>105</sup> KII with DNPI Staff in Juba.

<sup>106</sup> KII with the State Director of DNPI in Renk.

<sup>107</sup> KII with DNPI Staff in Aweil.

<sup>108</sup> KII with the State Director of DNPI in Renk.

<sup>109</sup> FGD with FGD with female Dinka and Falata in Renk; FGD with male Dinka in Renk; FGD with male Madi and Acholi in Nimule.

<sup>110</sup> KII with DNPI Staff in Juba.

such as meeting the household’s basic needs, in particular in the face of widespread food insecurity. One FGD respondent noted, “We find it difficult to obtain nationality [documentation] because we use the little money we get for our family consumption”.<sup>112</sup>

Populations with no income sources and low-income households, in particular in rural areas, thus find themselves disadvantaged in terms of access to nationality documentation, and at heightened risk of statelessness if their South Sudanese nationality is called into question. Women, in particular widows, are thought to be especially affected, alongside other vulnerable groups such as elderly people, orphaned children, and persons with disabilities. IDPs and other displaced persons are also perceived to be susceptible to these economic barriers to

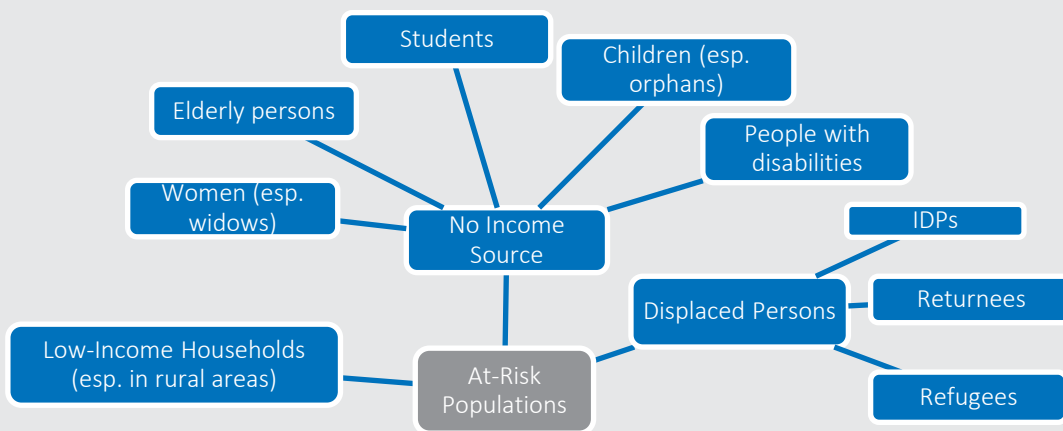
less than one dollar a day.

Insecurity has increased economic vulnerability across South Sudan, impeding access to livelihoods, in particular for women. “Women cannot afford to get such an amount for nationality [certificates] because they depended on selling firewood before, but nowadays, due to insecurity, they cannot access firewood”.<sup>113</sup> As such, unless the situation in South Sudan stabilises, access to nationality certification procedures will continue to decline.

### 2.3.3 Limited Community Awareness

There appears to be a marked divide between awareness of the importance of birth registration and nationality documentation in urban and rural

Figure 3. Populations Most Affected by Economic Barriers to Access



nationality certification procedures; refugees from South Sudan in neighbouring countries are likely to face further barriers accessing procedures for nationality certification due to their absence from the territory. The figure below highlights populations facing heightened risk of statelessness due to economic constraints, as identified during the qualitative research – most research participants are estimated to be living on

settings, with people in rural areas reported to have lower levels of awareness than their urban peers, thus finding themselves at higher risk of being without national ID documentation.<sup>114</sup> With regard to birth registration, the Director of State Medical Commission in Juba reports that: “Many people, especially in the villages, do not know the importance of birth registration [...] people in the rural areas sometimes do not care a lot,

<sup>111</sup> KII with DNPI Staff for Eastern Equatoria State; KII with Local Authority in Renk.

<sup>112</sup> FGD with male Dinka in Renk.

<sup>113</sup> FGD with female Madi and Acholi in Nimule.

<sup>114</sup> As most FGDs were conducted in relatively urban areas, due to accessibility and security concerns, it was not possible to compare awareness levels between participants in urban and rural settings.

<sup>115</sup> KII with Director of State Medical Commission in Juba.



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*A young woman getting her fingerprints taken as part of the citizenship application process in Juba.*

for example the Mundari who are in the cattle camps”.<sup>115</sup> The study reveals similar findings with regard to nationality documentation. According to a UNHCR staff member in Aweil, “People who are living in remote villages do not know anything about the procedures for getting nationality [certificates]”.<sup>116</sup> Alongside this lack of awareness, there is also reported to be limited interest in acquiring nationality certificates in rural areas, due to lack of available services.<sup>117</sup>

Displaced persons also have low levels of awareness regarding the procedures for acquiring nationality documentation, heightening their vulnerability of being remained without national ID documentation, or without access to nationality application procedure. “Some community members don’t have knowledge of procedures for acquiring nationality identity as insecurity and famine...have made the majority of people flee to neighbouring countries for safety and food security, which won’t allow having enough knowledge about procedures for acquiring nationality identity”.<sup>118</sup>

## *Information Sharing*

Efforts to raise awareness on the importance of nationality documentation and relevant procedures have varied across South Sudan, but have been generally limited. In Juba, while the DNPI sometimes disseminates information through the radio and television, efforts to raise awareness appear somewhat haphazard. “We were supposed to have a board [poster] within the DNPI compound here that clearly states the application procedures, but this is still being planned”.<sup>119</sup>

In Renk, although DNPI staff report not carrying out any awareness activities due to lack of funding, participants of one focus group discussion do remember a campaign carried out over microphone in 2014, announcing basic procedures to apply for nationality documentation.<sup>120</sup> Nevertheless, participants emphasise that: “the information didn’t reach so many people because it focused in Renk town. They had not gone to the further places outside

<sup>116</sup> KII with UNHCR Staff in Juba.

<sup>117</sup> Conversation with a Director of the DNPI, Juba.

<sup>118</sup> KII with UNHCR Staff in Juba.

<sup>118</sup> KII with UNHCR Staff in Juba.

<sup>119</sup> KII with DNPI Staff in Juba.

<sup>120</sup> KII with State Director of DNPI in Renk; FGD with male Dinka in Renk.

Renk town”.<sup>121</sup> The reach of the awareness campaign appears to have been limited, even in urban settings, as such activities were reported in only one of four FGDs.

In Aweil, community members have not been exposed to any awareness campaigns by the DNPI.<sup>122</sup> However, according to DNPI staff, “DNPI did an awareness on nationality application steps in 2014 by telling the public on Nhomlaaw FM radio station in Aweil that people should come along with passport size photos, blood group information from a clinic or hospital, and a birth certificate or birth notification certificate [sic] if they would want to apply for nationality identity [sic]”.<sup>123</sup> A government official confirms that Nhomlaaw FM provides information on nationality documentation. It is, however, unclear whether messages continue to be broadcast.<sup>124</sup>

Efforts to raise awareness appear to have been more extensive in Eastern Equatoria, where DNPI staff report resorting to “posters on billboards, [...] social media, radio programme, newspapers to pass awareness to applicants, and also organising meetings with local chiefs, youth, and community leaders”.<sup>125</sup> Very few of the FGD participants have heard of such awareness campaigns—only one participant reported having received information from the internet and newspapers.<sup>126</sup> Even where information campaigns are conducted, these appear to be primarily restricted to the most educated, urban segment of the population, who have higher levels of literacy and access to radios.

Overall, due to the lack of effective awareness campaigns, there is a broad consensus among research participants that information is primarily provided by “relatives, friends, and neighbours who have already obtained South Sudanese nationality”.<sup>127</sup> Community and religious leaders also play a role in disseminating information, suggesting that churches and community meetings would be effective avenues for inclusive information-sharing regarding nationality in both rural and urban settings.<sup>128</sup>

#### Causes of Statelessness in Summary:

1. Legislative factors contributing to statelessness in South Sudan include Sudan’s decision to revoke nationality from those qualifying or perceived to qualify for South Sudanese nationality, and ambiguities in South Sudan’s 2011 Nationality Act and Regulations, including use of the term “indigenous”.
2. Administrative and procedural risk factors revolve around DNPI’s limited compliance with the 2011 Act and Regulations stemming from lack of capacity. The country’s lack of birth registration is a further barrier to access to nationality documentation.
3. Contextual factors inherent to South Sudan include ongoing displacement due to prevailing insecurity, economic barriers to access nationality certification procedures, and lack of awareness of the importance of nationality documentation.

<sup>121</sup> FGD with male Dinka in Renk.

<sup>122</sup> FGD with female Falata in Aweil.

<sup>123</sup> KII with DNPI Staff in Aweil.

<sup>124</sup> KII with Government Official in Aweil.

<sup>125</sup> KII with DNPI Staff for Eastern Equatoria.

<sup>126</sup> FGD with male Madi and Acholi in Nimule.

<sup>127</sup> FGD with female Dinka in Renk.

<sup>128</sup> FGD with female Falata in Aweil; FGD with male Falata in Aweil.



*A mother and a child waiting for nationality application to be accepted at a counter at DNPI Office in Juba.*



# 3 Populations at Risk of Statelessness

An analysis of the causes of statelessness in South Sudan enables the identification of populations at higher risk of statelessness. Already, the discussion has highlighted the heightened barriers to nationality certification for economically vulnerable individuals unable to afford the fee associated with the issuance of nationality certificates; geographically isolated rural communities with low awareness of the importance of nationality certificates, and displaced populations with limited access to necessary evidence and witnesses in support of their applications and difficulties to establish their descent (affiliation) once returned to South Sudan. In particular, considering the nature of forced displacement of IDPs and refugees of South Sudanese origin, some may remain at greater risk of statelessness due to inability, or impossibility to satisfy all evidentiary requirements for submitting nationality applications. Moving forward, this section focuses on the particular challenges faced by nomadic and trans-boundary communities.

## 3.1 Nomadic Communities

Nomadic communities such as the Ambororo and the Falata experience significant discrimination in terms of access to nationality, reflected in the opinions of other ethnic groups:

*“These ethnic groups do not have right to apply for South Sudan nationality [certificates] because they are not South Sudanese. They have their countries and they should go back and obtain [nationality certificates] from their respective countries.”<sup>129</sup>*

The Falata in particular, who are thought to have migrated from West Africa as early as 1917, are explicitly referred to as “foreigners” by the DNPI in Renk, who argue that they are not considered nationals under the laws of South Sudan.<sup>130</sup> As such, the Falata are consistently denied access to nationality documentation procedures. In both Renk and Aweil, Falata community members complain that DNPI officials forbid them from even applying for South Sudanese nationality.<sup>131</sup> Instead, the Falata are required to apply for immigration certificates, and pay the migration fee.<sup>132</sup>

Rampant discrimination is a major source of frustration for the Falata, who were allowed to register to vote during the referendum of 2011 but have been marginalised since independence, as illustrated by the following quotes from community members in both Renk and Aweil:

*“We willingly voted for South Sudan separation because we knew we were South Sudanese, but since its independence we are isolated [...] when we voted were we not national or South Sudanese?”<sup>133</sup>*

*“If we are not citizens, as they refused to give us nationality, why did they allow us to vote during the referendum in 2011?”<sup>134</sup>*

Despite supporting South Sudan’s claims for independence, many Falata in South Sudan, including those who qualify for South Sudanese nationality by birth or descent as per South Sudanese legislation, find themselves denied access to nationality application procedures.<sup>135</sup> Due to insufficient connections to other States,

<sup>129</sup> FGD with female Dinka in Renk.

<sup>130</sup> KII with State Director of DNPI in Renk.

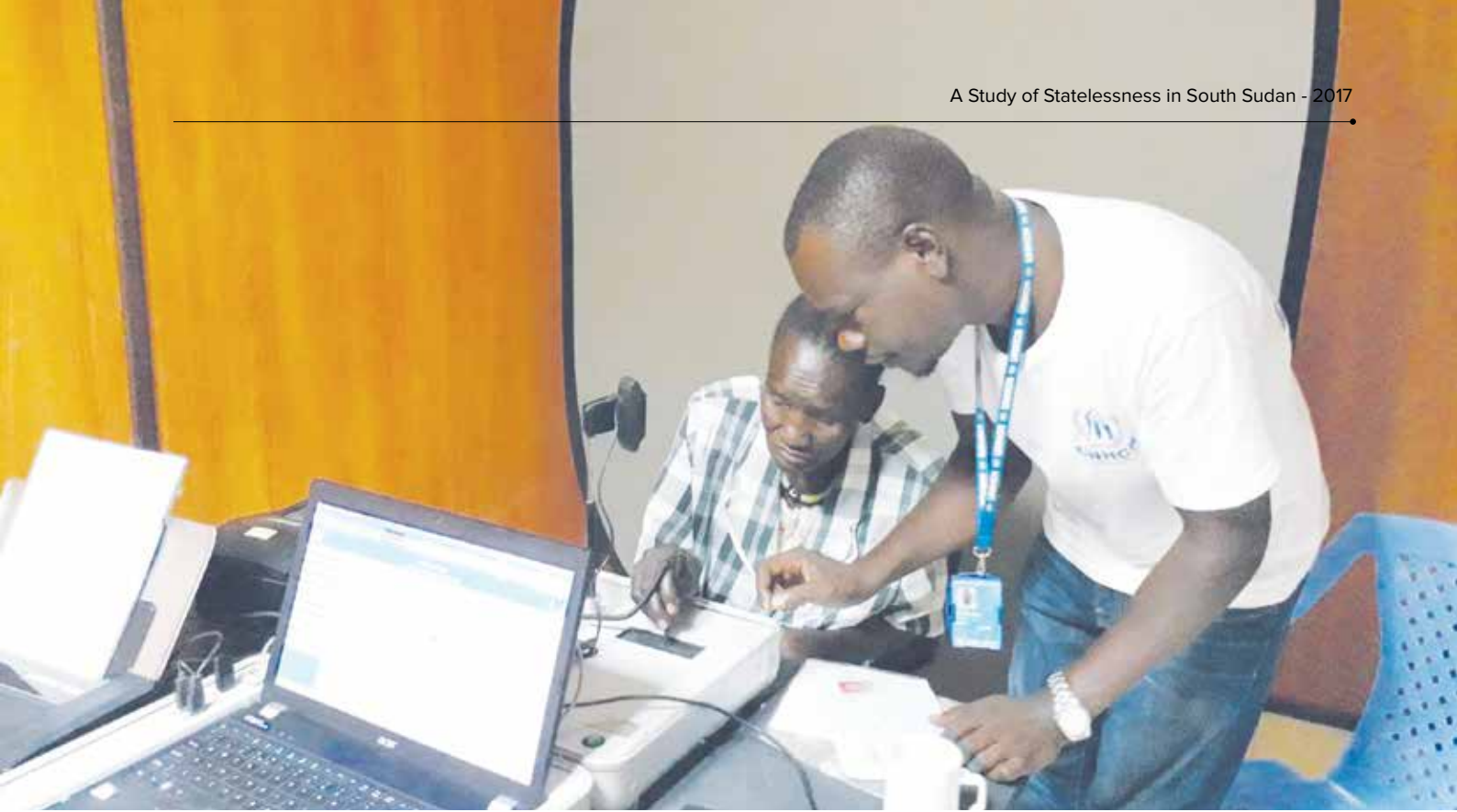
<sup>131</sup> FGD with male Dinka and Falata in Renk; FGD with male Falata in Aweil.

<sup>132</sup> KII with State Director of DNPI in Renk; FGD with male Dinka and Falata in Renk.

<sup>133</sup> FGD with male Dinka and Falata in Renk.

<sup>134</sup> KII with Falata Community Leader in Aweil.

<sup>135</sup> A Falata community leader confirmed that voter registration does not allow access to any types of services. The voter registration document was used for the referendum alone.



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*UNHCR staff in Bor, South Sudan, assisting a woman to enroll in the nationality acquisition process.*

numerous become stateless. Many Falata have given up any attempt to secure South Sudanese nationality, and perceive the situation to be hopeless. Lamenting the fact that the Falata have no country to call their own, one community leader in Renk argues, “Our condition is not only difficult, it is completely impossible”.<sup>136</sup>

### 3.2 Trans-Boundary Communities

Nomadic communities are not the only groups facing discrimination. Many trans-boundary communities face challenges in access to nationality documentation, with supplementary procedures required in order to prove that the applicant originates from South Sudan<sup>137</sup>. Indeed, in the case of applications for nationality certification through ethnic affiliation, the Regulations stipulate that, in the case of trans-boundary communities, applicants should provide “confirmation that the applicant belongs to the South Sudanese part of the indigenous

community”.<sup>138</sup> In practice, an additional recommendation letter from the applicant’s village is needed, and local leaders are often requested to verify the applicant’s claim.<sup>139</sup> Reporters without Borders observed,

*“[P]eople from communities or tribes outside the Juba area, particularly in the Equatorias and border regions, are finding it more difficult to demonstrate they are “likely” South Sudanese. Even after providing a witness and attestations from two local authorities, some nationality officers are requesting more evidence”.*<sup>140</sup>

The Madi and the Acholi, who find themselves at the border with Uganda, are an example of trans-boundary groups facing challenges in terms of access to nationality:

*“They refer to us as foreigners because we have Acholi and Madi from South Sudan and we have Acholi and Madi from northern Uganda [...] We normally refer them to local leaders and our chiefs to verify us”.*<sup>141</sup>

<sup>136</sup> KII with Falata Community Leader in Renk.

<sup>137</sup> See Para. 12 of the Regulations <sup>138</sup> See section 43(c) of the Nationality Regulations (2011).

<sup>139</sup> KII with DNPI Staff in Juba; FGD with male Madi and Acholi in Nimule.

<sup>140</sup> Reporters Without Borders (2012) “South Sudan Nationality: Commitment Now Avoids Conflict Later”, available at: <http://www.refworld.org/docid/4fc609082.html>

<sup>141</sup> FGD with male Madi and Acholi in Nimule.





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*A DNPI staff member receiving nationality application from a young mother.*

Other groups reported to be in similar situations by FGD participants include the Azande on the border with the Democratic Republic of Congo, the Ngok Dinka of Abyei, and the Kakwa on

the Ugandan border; notably, the “lighter body colour” of this latter group is thought to be a further source of discrimination.<sup>142</sup>

#### Populations at Risk of Statelessness in Summary:

1. Awareness of the importance of nationality documentation and associated procedures is particularly low in rural areas; communities face further barriers to accessing nationality certification procedures due to their geographic isolation.
2. In particular in light of the financial crisis, the cost of nationality application procedures is a significant barrier to access for economically vulnerable individuals, including IDPs.
3. Discriminatory practices enhance the risk of statelessness for affected populations. Trans-boundary communities face additional procedures to prove their South Sudanese origins. Certain nomadic communities, such as the Falata, are systematically denied access to nationality.nationality documentation.

<sup>141</sup> FGD with male Madi and Acholi in Nimule.



# 4 Impact and Mitigation

While lack of nationality certification should not be equated with statelessness, both have similar repercussions in the South Sudanese context, leading to the loss of access to basic rights and services, already limited for certified South Sudanese nationals. This final chapter discusses the consequences of lack of nationality certification and statelessness on affected individuals, and considers the role of government and civil society organisations in combating the risk of statelessness and mitigating its negative effects.

illustrates rights and services highlighted by research participants as dependent upon nationality documentation. It is clear from this non-exhaustive list that statelessness as well as lack of nationality documentation affect individuals by exposing them to political, economic, and social deprivations.

In addition to the limited access to basic rights and services, research participants highlighted that individuals who lack nationality documentation also incur financial costs, such as the “high tax imposed on businessmen who

**Figure 4. Basic Rights and Services Highlighted in FGDs as Dependent on Nationality Documentation<sup>143</sup>**

Political	Economic	Social
<ul style="list-style-type: none"> <li>• Vote in elections;</li> <li>• Be elected.</li> </ul>	<ul style="list-style-type: none"> <li>• Request a loan;</li> <li>• Open a bank account;</li> <li>• Register a business;</li> <li>• Secure legal employment.</li> </ul>	<ul style="list-style-type: none"> <li>• Register land to avoid eviction;</li> <li>• Register sim card;</li> <li>• Bail someone out of prison;</li> <li>• Enrol in school;</li> <li>• Attend national examinations;</li> <li>• Free movement in the country;</li> <li>• Travel abroad.</li> </ul>

## 4.1 Access to Basic Rights and Services

Since a stateless person is not recognised as a national or citizen of any country, they are in practice unable to access many services that require such recognition – in South Sudan this includes, for example, opening a bank account or registering for school, both of which require nationality certificates. The figure below

have no [nationality certificate]”, and a migration fee for those who are not considered South Sudanese.<sup>144</sup> This latter requirement is a source of anxiety for affected populations. One FGD respondent noted, “If you do not have money to renew your migration ID then you will be arrested”.<sup>145</sup>

Fear of arrest, or forced eviction from housing, highlights the uncertainty experienced by individuals who lack nationality documentation.

<sup>143</sup> FGDs and KIs in Aweil, Renk, Nimule, and Juba.

<sup>144</sup> KI with Falata Community Leader in Renk; FGD with female Dinka and Falata in Renk.

<sup>145</sup> FGD with female Dinka and Falata in Renk.



The study found that the notion of protection by the State is inextricably tied to respondents' perceptions of nationality, as illustrated by the following quotes:

*“Having ID documents grants one’s rights, freedom, and protection from the government.”<sup>146</sup>*

*“Having nationality is like a weapon, when you don’t have one you are scared of everything.”<sup>147</sup>*

## 4.2 Mitigating the Risk of Statelessness

Given the impact of statelessness on individuals' access to basic human rights in the South Sudanese context, there is an urgent need to identify and assist individuals at risk of statelessness. Already, a variety of actors are working to reduce the risk of statelessness in South Sudan, with UNHCR at the forefront of these activities. In Aweil, the most successful component of assistance provided by UNHCR to vulnerable communities is reported to have been direct financial support for the cost of

<sup>146</sup> KII with Falata Community Leader in Renk.

<sup>147</sup> FGD with male Madi and Acholi in Nimule.





*A group of South Sudanese displaying their newly received Nationality Certificates.*

grassroots level in South Sudan”, and have a better understanding of the local context within which they operate.<sup>149</sup> As such, they have the potential to “fill the gaps which UNHCR cannot reach”, reaching out to remote communities, providing them with necessary information, counselling, and assistance together with DNPI and other concerned parties where there is limited capacity and presence for processing nationality applications.<sup>150</sup> They could also play the role of monitoring the DNPI’s correct application of nationality legislation. In Aweil, CSOs have already supported UNHCR and other partner CSOs through community mobilisation and information-sharing.<sup>151</sup> For instance, a CSO member in Aweil reported raising awareness on the importance of nationality and birth certificates, and educating the public on nationality application procedures over the radio and through community meetings.<sup>152</sup>

nationality documentation. UNHCR operates in cooperation with both national and international NGOs; moving forward, there is a need for increased involvement and contributions from Civil Society Organisations (CSOs) in assisting vulnerable people and communities at risk of statelessness in their nationality application procedure

CSOs currently play only a limited role in the fight against statelessness in South Sudan, although UNHCR emphasises the importance of their involvement.<sup>148</sup> According to CSO staff members in Aweil and Renk, CSOs “are very connected to the communities at the

To encourage additional CSO involvement, Norwegian Refugee Council (NRC) staff highlighted the importance of providing necessary technical and financial support. “The only way to involve Civil Society Organisations to become part of world efforts to end statelessness is by providing them with funds and conducting capacity building for the CSO staff on how to address statelessness”.<sup>153</sup>

<sup>148</sup> KII with UNHCR Staff in Juba; KII with State Director of DNPI in Renk.

<sup>149</sup> KII with CSO Staff in Aweil; KII with CSO Staff in Renk.

<sup>150</sup> KII with CSO Staff in Renk.

<sup>151</sup> KII with UNHCR Staff in Juba.

<sup>152</sup> KII with CSO Staff in Aweil.



Impact and Mitigation in summary:

1. Lack of nationality documentation exposes individuals to political, economic, and social deprivations. Without documentation, access to basic rights and services is denied, including the ability to secure employment, receive an education, or stand for election.
2. Nationality is perceived to provide protection from the government; those without nationality certification live in fear of arrest or eviction from housing, and face additional economic costs, including high business taxes and migration fees.
3. Civil society organisations have a role to play in reducing the risk of statelessness due to their close ties to communities. Their current involvement is, however, limited, and additional investment in funding and capacity building for CSOs is needed.

*A South Sudanese woman waiting to file her nationality application at one of the offices of DNPI.*

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# 5 Conclusion and Recommendations

*“In the past, people were identified by the marks on their foreheads, removal of teeth, name of a person, ethnic language, residence places [...] However, they have been stopped by this generation who instead adopted nationality as a means of identification”.*<sup>154</sup>

With the independence of South Sudan in 2011 came the advent of a new nationality. However, not all of those to whom this nationality should be granted, by right, have been recognised as South Sudanese. South Sudan has yet to ratify international conventions on the protection of stateless persons and the prevention of statelessness; neither has South Sudan ratified the African Charter on the Rights and Welfare of the Child, which includes important provisions for childhood prevention of statelessness. Furthermore, the 2011 Nationality Act and Regulations are fraught with ambiguities which perpetuate the risk of statelessness and therefore are not aligned with international standards. South Sudan has nevertheless reaffirmed its commitment to addressing these issues through the recent adoption of the Declaration on Eradication of Statelessness, signed by the Member States of ICGRL in Brazzaville on 16 October 2017.

Existing legislation is not always respected, with the DNPI suffering from a worrying lack of capacity due to the shortage of training provided and lack of operational guidance and adequate monitoring. Additional conditions that are not contemplated by the nationality legislation (such as blood group queries) are often required in practice by the DNPI officers for the issuance of a nationality certificates. Compounding the situation, respondents reported incidences of irregularities among DNPI staff. Lack of birth registration complicates the issuance of nationality documentation, with

assessments of age required as part of the application procedure due to the lack of birth certificates and the requirement of further proof of ethnic belonging. Finally, contextual factors such as distance and financial difficulties further exacerbate access to nationality documentation, and in some cases the risk of statelessness, in particular as a result of insecurity, widespread displacement and the current economic crisis.

Awareness of the importance of nationality documentation and associated procedures is limited, in particular in rural areas. Few awareness campaigns have been conducted, partly due to the complex operational context within which the DNPI operates. Despite the official presence of the DNPI in all ten former states, the continued processing of nationality certificates at headquarters in Juba causes lengthy delays in state-level applications. In some cases, services are unavailable and applicants are obligated to travel to headquarters to process their claims. Those whose application for certification of nationality is questioned also face the prospect of a costly journey to Juba. Even excluding travel, the cost of the nationality certification procedures represents a significant barrier in light of the economic crisis, impeding low-income households and vulnerable individuals from seeking access to proof of nationality.

Certain groups also face barriers to nationality by virtue of their ethnic origins and perceived associated physical characteristics — for instance, light skin is reported to undermine applications for South Sudanese nationality. While trans-boundary communities face additional challenges in proving their South Sudanese origins, certain nomadic groups such as the Falata are often actively and arbitrarily denied access to application procedures as a result of discrimination and non-compliance with the nationality law on the part of DNPI officers.

<sup>154</sup> FGD with male Dinka in Renk.

Without the protection of nationality or nationality documentation, stateless and at-risk of statelessness persons are at risk of arrest or abuse. Statelessness also prevents individuals from accessing basic rights and services, exposing them to political, economic and social deprivation. In order to prevent statelessness, and combat its negative impacts, a number of recommendations have been identified.

## Recommendations to the Government of South Sudan:

- Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness in line with Commitment No. 2 of the Declaration on Eradication of Statelessness adopted on 16 October 2017 in the context of the International Conference of the Great Lakes Region (ICGLR) Ordinary Summit of Heads of State and Government of ICGLR Member State at Brazzaville, signed by all Member States including the Minister of Foreign Affairs and International Cooperation of South Sudan;
- Through legislative amendments, include a specific provision on prevention of statelessness in national legislation, and review the nationality legislation to ensure full compliance with the 1961 Convention;
- Reformulate the founding provision of Section (8)(4) to guarantee the right to nationality of any child born in the territory of South Sudan prior to and after its independence, who would otherwise be stateless, as well as to foundlings whose parentage is unknown;
- Provide clarification on the term “indigenous” contained in the 2011 Nationality Act and Regulations, with reference to the non-exhaustive criteria with emphasis on self-identification set forth by the UN Permanent Forum on Indigenous Issues<sup>155</sup>;
- Revitalise efforts to pass the Civil Registration Law<sup>156</sup> to accelerate the introduction of formal procedures of birth registration in cooperation with UNICEF, UNHCR and other relevant stakeholders, and ensure the free issuance of birth notification and subsequent birth certificates to children born in the territory of South Sudan by the legally competent authorities;
- Clarify procedures of administrative appeals and judicial redress in nationality and civil status documentation application procedures, and ensure that rejected applicants are aware of, and have access to these processes of appeal;
- Ensure adequate funding and resources to DNPI in the state budget in order to enable DNPI structures to effectively implement nationality legislation and related procedures in the country;
- Constitute an independent supervisory body to facilitate the harmonisation of practices within the DNPI, and ensure the effective implementation of legislation including through the provision of adequate and sustainable yearly governmental budgets.

## Recommendations to the Directorate of Nationality, Passports, and Immigration:

- As clearly stated in the Nationality Act, ensure that sub-section 8(1)(b) relating to indigenous groups is understood to be a separate clause for nationality provision, and not a necessary pre-condition for the acquisition of nationality by residency or descent;

<sup>155</sup> UN Permanent Forum on Indigenous Issues (2006), Fifth Session, “Factsheet: Who are Indigenous Peoples?” available at: [http://www.un.org/esa/socdev/unpfi/documents/5session\\_factsheet1.pdf](http://www.un.org/esa/socdev/unpfi/documents/5session_factsheet1.pdf).

<sup>156</sup> On 8 January 2018, the Transitional National Legislative Assembly of South Sudan passed the Civil Registry Bill and on 16 January, it was sent to the Office of the President for assent. According to the South Sudan Transitional Constitution 2011 Article 85(1), if the President did not sent his comments within 30 days, the bill will be considered to be a Law as it was passed by the parliament.

- Ensure access to nationality of marginalised ethnic groups, nomadic populations, and trans-boundary populations residing in the territory of South Sudan, given their habitual residence in, and socio-economic and cultural ties to South Sudan;
- Cease requesting blood groups as part of the application for issuance of nationality certificates since this is not required by law;
- Recognise marriage certificates issued by traditional justice structures, as provided for in the 2011 Transitional Constitution, during naturalisation applications of persons married to South Sudanese nationals;
- Organise regular mandatory training for DNPI officers on the implementation of the 2011 Nationality Act and Regulations, and ensure that copies of the legislation are available in each of the DNPI offices;
- Support the development of standard operating procedures that could take the form of interpretative circulars and check-lists on eligibility requirements for field officers for the adequate, lawful, and consistent implementation of the 2011 Nationality Act and Regulations throughout the country;
- Combat irregularities by ensuring public awareness and transparency on application procedures for nationality certification, establishing or reinforcing strict disciplinary and integrity procedures, and assessing the potential for the payment of fees through mobile money;
- Reduce and harmonize fees throughout the country for the issuance of nationality certificates to reflect the economic reality of South Sudan and ensure adequate accessibility, and provide additional support for certain vulnerable groups (such as people with disabilities, female-headed households, internally displaced persons, etc.) to meet these fees, with the assistance of the Social Welfare Department;
- Recognise the specific challenges faced by internally displaced persons, refugees, and returnees in securing relevant witnesses in the nationality certificate application procedure, and propose flexible alternatives to facilitate displaced persons' applications for nationality certificates;
- In cooperation with CSOs and religious institutions, organise mass information campaigns in multiple languages on the importance of nationality documentation and the application procedures for the issuance of nationality certificates, through a variety of channels including radio, theatre, television, posters, and traditional community and religious structures, ensuring that rural areas are reached by the campaign;
- Schedule visits of mobile teams to remote locations throughout South Sudan to process applications for nationality certificates, preceded by appropriate aforementioned awareness raising sessions;
- Investigate the potential for a restructuring of the DNPI to move away from a centralised structure, facilitating the issuance of nationality certificates at the state level.

## Recommendations to UNHCR:

- Advocate for the accession of South Sudan to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness as per the commitments adopted by South Sudan in the 2017 ICGLR Declaration and Regional Action Plan on the eradication of statelessness;
- Raise awareness on the concept of

statelessness, consequences, causes and risk-factors at the DNPI, and advocate for non-discriminatory practices for access to nationality in line with Article 14 of the 2011 Transitional Constitution of the Republic of South Sudan;

- Support the development of capacity within the DNPI to effectively train its own staff by jointly developing and implementing a thorough training curriculum;
- Identify good practices with regard to the issuance of nationality certificates, and facilitate a study visit of DNPI officials and CSOs to the selected countries in the African region;
- Within available resources, provide logistical support to the DNPI in sending mobile teams to remote communities at risk of statelessness to receive and process applications for nationality certificates;
- Assist particularly vulnerable persons at risk of statelessness, including cross-border and nomadic populations, minorities, returned migrants, returning vulnerable refugees as well as internally displaced persons in South Sudan, in their nationality application procedures through financial, logistic or legal assistance and advice;
- Support community health workers and medical institutions to provide standardised birth notifications pending the approval of the Civil Registration Law and the implementation of formal birth registration by legally competent authorities;
- Develop cooperation with and the capacity of CSOs to monitor processing nationality applications in South Sudan by authorities, facilitate fair practices and identify persons at risk of statelessness in order to provide them with necessary legal counselling and assistance to access nationality documentation.
- Facilitate inter-agency cooperation between governmental institutions, CSOs, UN, donors and other concerned parties on issues related to granting nationality and preventing statelessness in South Sudan.







*A South Sudanese woman waiting to file her documents to obtain Nationality Certificate.*

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South Sudanese in a waiting area at DNPI in Juba.



# Annex 1: Research Tools

## Key Informant Interviews

### Key Informant Interview (KII) Guide with DNPI Staff

#### INFORMED CONSENT

Good morning/afternoon/evening Sir/Madam, my name is \_\_\_\_\_, I work for Forcier Consulting. We are conducting a study on statelessness in South Sudan to better understand about the nationality application procedure, people's access to nationality, and their perception on the importance of nationality ID. Information we get from you would be very helpful to our research. We will not discuss your responses with anyone and your name will not appear in connection to the information you give us. You don't have to answer any question you don't like to and can end your participation at any time. The discussion will last approximately 40 minutes.

Are you willing to participate? (Y/N)

#### SECTION 1: Nationality Application Procedure

SPECIFY INDICATORS ADDRESSED, AS PER ToR OR OTHER RELEVANT PROJECT DOCUMENTS:

- Factors contributing to statelessness
  - Existing practices of DNPI
- Roles of family, local and government authorities in nationality application
  - Issuance of documentation replacing birth certificate
  - Application of nationality laws

Questions	Answers
First I would like you to tell me about your role within DNPI. What are your main duties? For how long have you been working here?	
How many applications do you receive in a given month?	
Why do you think there are low/high applications in this location?	
Have you ever heard of the term statelessness? Who is considered as being stateless?	
What are the eligibility criteria for obtaining a South Sudanese nationality certificate by birth? How about by naturalization?	
What is the nationality application procedure? [Ask only if there is trans-boundary or nomadic communities] Is it the same for trans-boundary and nomadic communities e.g. Ambororo? Do you require additional documents of proof from such communities? If yes, why?	
Which other government institutions do you collaborate with in the process of issuing nationality certificate card? [E.g. Nationality security, Criminal Investigation Department, Medical commission etc.] How are these institutions involved in the application procedure?	
Sub-section 8 (1) (b) of the Nationality Act 2011 requires that an applicant must be one of indigenous communities in South Sudan. What do you consider "indigenous communities"? Does it include trans-boundary communities, pastoralists, immigrants etc.?	

Questions	Answers
<p>Sub-section 8 (1) (a) provides that an applicant is eligible for nationality by birth if any of his/her Parents, grandparents or great-grandparents were born in South Sudan. How do they prove that especially when there is no birth certificate? Does this provision apply to foreigners e.g. Sudanese whose parents, grandparents or great-grandparents were born in South Sudan?</p>	
<p>According to Nationality Regulations 2011 section 43 (b), applicants are required to name their chief and sub-chief of their local unit. What do you normally do when an applicant is an IDP and does not know the name of their chief and sub-chief? What does a local unit refer to?</p>	
<p>Sub-section 8(3) (a) states that “A person who is or was first found in South Sudan as a deserted infant of unknown parents shall, until the contrary is proved, be deemed to be a South Sudanese National by birth”. What does it mean by “first found” in South Sudan? And what is the application procedure for this category of applicants?</p>	
<p>Section 46 (b), Regulation tasked the legal guardian of the applying deserted infant must additionally provide to the Issuing Authority with confirmation that his/her parents are unknown. What kind of confirmation do you usually require? Is it a written letter from certain concerned authority? If yes, which authority do you require this from?</p>	
<p>The applicant must provide a witness(es) who is/are believed to be elders and next of kin. Could you please clarify whether this refers to a village elder or just anyone older than an applicant? Furthermore, can you please clarify the specific characteristics a witness should have?</p>	
<p>Section 10 (e) of the nationality Act 2011 states “With the recommendation of the Minister, the President may grant to an Alien a South Sudanese Nationality, provided that such Alien submits an application in accordance with the procedures set forth in the Regulations, and provided that such person— (e) has not been convicted of any offence related to honesty and moral turpitude or any other serious offences”. What does serious offence mean as under sub-section 10 (1) (e)?</p>	
<p>In general, do you feel the Nationality laws have any gaps that allow some applicants to run the risk of being stateless?</p>	

**SECTION 2: Characteristics of Statelessness**

**SPECIFY INDICATORS ADDRESSED, AS PER ToR OR OTHER RELEVANT PROJECT DOCUMENTS:**

- Level of awareness of nationality application procedure
- Adversities encountered by various ethnic groups
- Demographic information of groups at risk of statelessness
  - Impact relating to lack of nationality
  - Importance of nationality documentation
  - Importance of birth registration
- Past interventions on birth registration promotion

Questions	Answers
During applications for nationality certificates, when you doubt that a certain person is not a South Sudanese, how do you handle the situation? What decisive evidence is required [e.g., recommendation letters from traditional chiefs]? Please give examples of doubtful cases and how they were handled whether by you or your colleagues? [Probe for case studies]	
Do you think it is easy or difficult for people to get a nationality certificate? Why? In this area, which specific groups of people or communities encounter challenges when applying for nationality certificates? Why?	
Is it important for people in the area where you work to obtain nationality certificates? Why is it important? Do you think lack of nationality affects the way people make money? What about an individual's livelihood opportunities other than money? How does it affect?	
Is there anybody or institution that protects against discrimination of applicants by DNPI officers? What are the punitive measures (if any) against issuing officers who violate any provisions of the Nationality Act?	
Do you know of any case in which a deserted infant of unknown parents was found in South Sudan and was granted a nationality certificate? Please give me an example of such case.	
Are you aware of any other past interventions by any institution or organization aimed at promoting birth registration in this area? In what way did they promote birth registration?	
How important is the age assessment or birth certificate when applying for nationality certificate? If a person has neither of the two age documents, what normally happens to their application?	
In general, do you think people's economic status plays a significant role in obtaining a nationality certificate? Who do you think in this community are mostly affected by this? What should be done to help them?	

### SECTION 3: Existing support to stateless or persons at risk of statelessness

SPECIFY INDICATORS ADDRESSED, AS PER ToR OR OTHER RELEVANT PROJECT DOCUMENTS:

- Awareness raising and Information sharing platforms
- Mechanisms for identification and referral of persons at risk of statelessness and stateless persons
- Support for issuance of nationality documentation to vulnerable individuals or groups

Questions	Answers
Has DNPI or any other organization/institution ever done any form of awareness on nationality application procedures and requirements [for example; blood group, passport size photo, age assessment, cost etc.]? What platforms were used for the awareness campaigns?	
Do you collaborate with other institutions or organizations to help people get a nationality certificate? Please explain how you work together.	
Is there any organization or institution currently providing assistance to people in order to get nationality certificates? If yes, which organizations or institutions? In what way do they help?	
Are there IDPs or returnees living in this area? If yes, where did they come from? Do most of these IDPs or returnees have nationality certificates?	

SECTION 4: Current capacity of national authorities	
<p>SPECIFY INDICATORS ADDRESSED, AS PER ToR OR OTHER RELEVANT PROJECT DOCUMENTS:</p> <ul style="list-style-type: none"> <li>- Existing structures</li> <li>- Past interventions to DNPI</li> <li>- Identification of major needs of DNPI</li> <li>- Obstacles to efficient implementation of nationality laws</li> </ul>	
Questions	Answers
What are the major challenges your office here is facing at the moment? What has been done so far to alleviate these challenges? What still needs to be done?	
Do officers here have enough copies of the nationality Act 2011 and it's Regulations? What challenges (if any) do you face in the implementation of any nationality law provisions? Which specific provisions? What do you think should be done? How can you efficiently implement nationality laws?	
Have you received any training since you joined DNPI? If yes, which training(s) have you received? When? Who offered/funded the trainings? (Probe: what was included in the trainings?)	
[If trained] Do you feel the training has helped you improve the way you carry out your job? How has it helped you? Please give examples of things that have changed as a result of the trainings received.	
What do you think would motivate Civil Society Organizations to get involved in the global effort to end statelessness?	
Has your office here received any form of support or assistance from any organization or institution? What kind of assistance? By whom? Was the assistance provided in line with the needs of DNPI?	
SECTION 4: Current capacity of national authorities	
<p>SPECIFY INDICATORS ADDRESSED, AS PER ToR OR OTHER RELEVANT PROJECT DOCUMENTS:</p> <ul style="list-style-type: none"> <li>- Ways to improve mechanisms for identifying and assisting persons at risk of statelessness</li> <li>- Ways to enhance public awareness and access by individuals in respect of nationality application procedure</li> <li>- Improved legislation and procedures for effective implementation of nationality laws</li> </ul>	
Questions	Answers
Has there been any assistance provided to vulnerable communities? If yes, what has been the most successful component of assistance provided to vulnerable communities? What has not worked well? Why?	
If you were to change any of the procedures of your work at DNPI to help eliminate statelessness in any way, what would you change? Why?	
In your opinion, what is the best way to disseminate information to communities or individuals regarding citizenship laws and procedures in South Sudan?	
What do you think of the South Sudanese nationality laws in comparison with international legal framework on statelessness? Do these laws conform to the International legal framework?	



Questions	Answers
Who do you feel are main players that can be employed in the fight to combat statelessness? Do you feel involving civil society organizations will help in reducing or ending statelessness? How can CSOs be involved?	
What do you think would motivate Civil Society Organizations to get involved in the global effort to end statelessness?	

## Key Informant Interview (KII) Guide with Community Leaders & Local Authority

### INFORMED CONSENT

Good morning/afternoon/evening Sir/Madam, my name is \_\_\_\_\_, I work for Forcier Consulting. We are conducting a study on statelessness in South Sudan to better understand about the nationality application procedure, people's access to nationality, and their perception on the importance of nationality ID. Information we get from you would be very helpful to our research. We will not discuss your responses with anyone and your name will not appear in connection to the information you give us. You don't have to answer any question you don't like to and can end your participation at any time. The discussion will last approximately 40 minutes.

Are you willing to participate? (Y/N)

### SECTION 1: Nationality Application Procedure

SPECIFY INDICATORS ADDRESSED, AS PER ToR OR OTHER RELEVANT PROJECT DOCUMENTS:

- Factors contributing to statelessness
  - Existing practices of DNPI
- Roles of family, local and government authorities in nationality application
  - Issuance of documentation replacing birth certificate
  - Application of nationality laws

Questions	Answers
First, I would like to know about your role as a community leader. In general, what are your duties as a community leader? For how long have you been a community leader? Who would you consider as a member of your community? A south Sudanese?	
Who do you consider at risk of not obtaining documents i.e. birth certificates, nationality certificate etc?	
What is the nationality application procedure for obtaining a South Sudanese nationality certificate by birth for people of this community? Is it the same for everyone?	
Does community understand importance of documents - birth certificate, nationality certificate? What would you say about the level of literacy/ education in community?	
What role do you play as a community leader in respect of nationality application procedures? How do you help your community members during their application for nationality certificate? How about for birth certificate?	
During applications for nationality certificates, when DNPI officers doubt that a certain person is not a South Sudanese, how do they handle the situation? What decisive evidence is required? [E.g. recommendation letters from traditional chiefs] Please give examples of doubtful cases and how they were handled?	

Questions	Answers
<p>The DNPI asks applicants to provide a witness in some cases to verify their identity during the application process to obtain the national ID. Have you ever been asked to pose as a witness to verify someone is South Sudanese for a community member's application? If yes, please tell us the procedure you went through with DNPI to verify their identity.</p>	
<p><b>SECTION 2: Characteristics of Statelessness</b></p>	
<p><b>SPECIFY INDICATORS ADDRESSED, AS PER ToR OR OTHER RELEVANT PROJECT DOCUMENTS:</b></p> <ul style="list-style-type: none"> <li>- Level of awareness of nationality application procedure</li> <li style="padding-left: 20px;">- Adversities encountered by various ethnic groups</li> <li>- Demographic information of groups at risk of statelessness                             <ul style="list-style-type: none"> <li style="padding-left: 20px;">- Impact relating to lack of nationality</li> <li style="padding-left: 20px;">- Importance of nationality documentation</li> <li style="padding-left: 20px;">- Importance of birth registration</li> </ul> </li> </ul> <p>Past interventions on birth registration promotion</p>	
Questions	Answers
<p>Do you feel your community members know enough about procedures for acquiring a nationality certificate as well as its importance? How do they get information about the importance of nationality certificates? [Probe: radio, TV, community leaders, friends etc.]</p>	
<p>Do you think it is easy or difficult for people to get a nationality certificate? Why so? Which specific groups of people or communities encounter challenges when applying for nationality certificates? Why?</p>	
<p>Do you feel there are sections of law which make it hard to access citizenship? What recommendations can you make?</p>	
<p>Is it important for people in your community to obtain nationality certificates? Why is it important? How does lack of nationality affect the way they make money?</p>	
<p>In general, do you think people's economic status plays a significant role in obtaining a nationality certificate? Who do you think in this community are mostly affected by this? What should be done to help them?</p>	
<p>Are there any cultural barriers to obtain birth registration? If yes, briefly explain.</p>	
<p>How do people obtain birth certificate or assessment of age here? In your opinion, why is it important for individuals to have birth certificate or assessment of age?</p>	
<p>Were there any past interventions by any institution or organization aimed at promoting birth registration in this area? In what way did they promote birth registration?</p>	
<p>Do you know of any case in which a deserted infant of unknown parents was first found in South Sudan and was granted a South Sudanese nationality? Please explain.</p>	

## SECTION 3: Existing support to stateless or persons at risk of statelessness

SPECIFY INDICATORS ADDRESSED, AS PER ToR OR OTHER RELEVANT PROJECT DOCUMENTS:

- Awareness raising and Information sharing platforms
- Mechanisms for identification and referral of persons at risk of statelessness and stateless persons
- Support for issuance of nationality documentation to vulnerable individuals or groups

Questions	Answers
Has DNPI or any other organization/institution ever done any form of awareness on nationality application procedure and requirements [for example; blood group, passport size photo, age assessment, cost etc.]? What platforms were used for the awareness campaigns?	
Do you collaborate with other institutions or organizations to help people get a nationality certificate? Please explain how you work together.	
Is there any organization or institution currently providing assistance to people in order to get nationality certificates? If yes, which organizations or institutions? In what way do they help?	
Are there IDPs or returnees living in this area? If yes, where did they come from? Do most of these IDPs or returnees have nationality certificates? What is currently being done to help them obtain nationality certificates? How would people help them further?	
In situations when an application for nationality certificate is rejected, what remedies are available to applicants? Is there an administrative system where individuals can get a fair hearing regarding their application? Please share any example of a case where a person appealed a decision denying a nationality certificate?	
<b>SECTION 4: Current capacity of national authorities</b>	
SPECIFY INDICATORS ADDRESSED, AS PER ToR OR OTHER RELEVANT PROJECT DOCUMENTS:	
<ul style="list-style-type: none"> <li>- Existing structures</li> <li>- Past interventions to DNPI</li> <li>- Identification of major needs of DNPI</li> <li>- Obstacles to efficient implementation of nationality laws</li> </ul>	
Questions	Answers
Is there a DNPI office or DNPI mobile office in this area? Where do people in this community go to apply for nationality certificates?	
What do you think are some of the administrative challenges the DNPI is facing? Do you feel the number of officers and resources available are enough to enable DNPI function efficiently?	
How would you describe the capacity of DNPI officers? Do you think there is a need for training them? What kind of training do you think is necessary?	
Do you know of any organization or institution that has offered any assistance to DNPI? Which organization or institution? Which specific kind of support?	
Do you think DNPI still needs further support? What kind of support is still in need?	

SECTION 5: Recommendations	
<p>SPECIFY INDICATORS ADDRESSED, AS PER ToR OR OTHER RELEVANT PROJECT DOCUMENTS:</p> <ul style="list-style-type: none"> <li>- Ways to improve mechanisms for identifying and assisting persons at risk of statelessness</li> <li>- Ways to enhance public awareness and access by individuals in respect of nationality application procedure</li> <li>- Improved legislation and procedures for effective implementation of nationality laws</li> </ul>	
Questions	Answers
What do you think is the best way to support those who do not have nationality certificates? Whose responsibility do you think this is?	
Do you feel community leaders/local authorities are in need of support for them to better assist individuals or communities obtain nationality certificates? If yes, what kind of support?	
In your opinion, what is the best way to disseminate information to communities or individuals regarding citizenship laws and procedures in South Sudan?	
Do you feel involving civil society organizations will help in reducing or ending statelessness? How can CSOs be involved? Do you feel there are other stakeholders that would help in reducing statelessness in South Sudan?	
What do you think would motivate Civil Society Organizations to become involved in the global effort to end statelessness?	

## Key Informant Interview (KII) Guide with Civil Society Organization Staff

INFORMED CONSENT	
<p>Good morning/afternoon/evening Sir/Madam, my name is _____, I work for Forcier Consulting. We are conducting a study on statelessness in South Sudan to better understand about the nationality application procedure, people’s access to nationality, and their perception on the importance of nationality ID. Information we get from you would be very helpful to our research. We will not discuss your responses with anyone and your name will not appear in connection to the information you give us. You don’t have to answer any question you don’t like to and can end your participation at any time. The discussion will last approximately 40 minutes.</p> <p>Are you willing to participate? (Y/N)</p>	
First of all, I would like you to tell me your roles and responsibilities in your civil society organization? When was the CSO formed?	
In this area, what is the primary work of your organization? Who is/are your donor(s)? When was the last time you received funding from any source?	
Do you also deal with human rights issues? If yes, what do you mainly do in the area of human rights?	
Apart from your office in this area, where else in South Sudan do you have offices? Are the activities similar in those locations or different? If not, what activities do you carry out in the respective offices?	



## SECTION 1: Nationality Application Procedure

SPECIFY INDICATORS ADDRESSED, AS PER ToR OR OTHER RELEVANT PROJECT DOCUMENTS:

- Factors contributing to statelessness
  - Existing practices of DNPI
- Roles of family, local and government authorities in nationality application
  - Issuance of documentation replacing birth certificate
  - Application of nationality laws

What do you think of the nationality application procedure? What are the positive things about the procedure? How about negative things (if any)?	
What is statelessness? What are the major causes of statelessness? Why is reducing or ending statelessness a major concern to UNHCR?	
Have you ever read the provisions of nationality Act 2011? If yes, do you feel the DNPI officers conform with the provisions of nationality Act 2011?	
What is the nationality application procedure for obtaining a South Sudanese nationality certificate by birth for people of this community? Is it the same for everyone?	
What role do you play as a civil society activist in respect of nationality application procedures? How do you help your community members during their application for nationality certificate? What about in respect of ensuring universal birth registration?	

## SECTION 2: Characteristics of Statelessness

SPECIFY INDICATORS ADDRESSED, AS PER ToR OR OTHER RELEVANT PROJECT DOCUMENTS:

- Level of awareness of nationality application procedure
  - Adversities encountered by various ethnic groups
- Demographic information of groups at risk of statelessness
  - Impact relating to lack of nationality
  - Importance of nationality documentation
    - Importance of birth registration
- Past interventions on birth registration promotion

Questions	Answers
Are you aware of any nationality or citizenship awareness programmes being carried out in this area? If yes, were these programmes able to have any impact? How do you think they could have been more effective?	
Do you think it is easy or difficult for people to get a nationality certificate? Why? In this area, which specific groups of people or communities encounter challenges when applying for nationality certificates? Why?	
In general, do you think people's economic status plays a significant role in obtaining a nationality certificate? Who do you think in this community are mostly affected by this? What should be done to help them?	
Is it important for people in the area where you work to obtain nationality certificates? Why is it important? How does lack of nationality affect the way they make money?	
Do you know of any case in which a deserted infant of unknown parents was first found in South Sudan and was granted a South Sudanese nationality certificate? Please explain.	

Questions	Answers
Are you aware of any other past interventions by any institution or organization aimed at promoting birth registration in this area? In what way did they promote birth registration? Do you feel more needs to be done on ensuring Universal Birth Registration? If so, by whom? Why?	
<b>SECTION 3: Existing support to stateless or persons at risk of statelessness</b>	
<p>SPECIFY INDICATORS ADDRESSED, AS PER ToR OR OTHER RELEVANT PROJECT DOCUMENTS:</p> <ul style="list-style-type: none"> <li>- Awareness raising and Information sharing platforms</li> <li>- Mechanisms for identification and referral of persons at risk of statelessness and stateless persons</li> <li>- Support for issuance of nationality documentation to vulnerable individuals or groups</li> </ul>	
Questions	Answers
Have you ever been involved in any project to support people obtain nationality certificates? If Yes, when was that? How did you support people? If no, are you willing to work with other partners in issues to do with nationality and statelessness?	
Are you aware of any other past interventions by any other institution or organization aimed at promoting issuance of nationality certificates? In what way did they promote issuance of nationality certificates?	
Do you feel the community members here know enough about procedures for acquiring nationality certificate as well as its importance? How do they get information about the procedures and importance of nationality certificates? [Probe: radio, TV, community leaders, friends etc.] What do you consider the most effective way of obtaining information on nationality in your locality?	
Do you work or partner with any other civil society organizations in implementing any of your projects? How were other CSOs involved?	
When an application for nationality certificate is rejected, what remedies are available to applicants? Does UNHCR also assist those whose applications were rejected? Please share any example of a case where UNHCR help people appealed?	
<b>SECTION 4: Current capacity of national authorities</b>	
<p>SPECIFY INDICATORS ADDRESSED, AS PER ToR OR OTHER RELEVANT PROJECT DOCUMENTS:</p> <ul style="list-style-type: none"> <li>- Existing structures</li> <li>- Past interventions to DNPI</li> <li>- Identification of major needs of DNPI</li> <li>- Obstacles to efficient implementation of nationality laws</li> </ul>	
Questions	Answers
What do you think about the current capacity of DNPI officers? Is there any significant difference between those at the headquarters and in states level? If yes, what is the difference?	
What do you think about the existing structures of DNPI? Is there any significant difference between the headquarters and states level? If yes, what is the difference?	
Do you think DNPI still needs further support? What kind of support is still in need?	

Questions	Answers
Apart from the assistance offered by UNHCR, do you know of any other organization or institution offering similar assistance to DNPI? Which organization or institution? Which specific kind of support?	
What is the current capacity of your Civil Society Organization? Do you feel your current capacity will enable you to extend your activities?	
What are the major challenges you face while working in this area? Is it easy or difficult to interact with community members here? What about with government authorities?	
What type of help or support would you need the most if you are to engage in nationality or citizenship support initiatives to vulnerable communities?	
What percentage of your employees received some form of capacity building? Which areas were they trained on? By whom?	
<b>SECTION 5: Recommendations</b>	
SPECIFY INDICATORS ADDRESSED, AS PER ToR OR OTHER RELEVANT PROJECT DOCUMENTS:	
<ul style="list-style-type: none"> <li>- Ways to improve mechanisms for identifying and assisting persons at risk of statelessness</li> <li>- Ways to enhance public awareness and access by individuals in respect of nationality application procedure</li> <li>- Improved legislation and procedures for effective implementation of nationality laws</li> </ul>	
Questions	Answers
In your opinion, what is the best way to disseminate information to communities or individuals regarding citizenship laws and procedures in South Sudan?	
In this area, if you want to initiate any new program? What is the procedure? Which decision makers need to be involved from your organization? How often do you interact with such decision makers?	
Do you feel involving civil society organizations will help in reducing statelessness? How can CSOs be involved? Do you feel there are other stakeholders that would help in reducing statelessness in South Sudan?	
Do you think Civil Society Organizations in this area would want to engage in the global campaign to end statelessness? How could they be motivated to participate?	
What do you think would motivate Civil Society Organizations to become involved in the global effort to end statelessness?	
Do you know any other organizations or stakeholders working to help in addressing statelessness in this area? Which organizations? [Probe for other UN agencies]	

# Key Informant Interview (KII) Guide with UNHCR Staff

## INFORMED CONSENT

Good evening Sir, my name is \_\_\_\_\_. I work for Forcier Consulting. We are conducting a study on statelessness in South Sudan to better understand about the nationality application procedure, people’s access to nationality, and their perception on the importance of nationality ID. Information we get from you would be very helpful to our research. We will not discuss your responses with anyone and your name will not appear in connection to the information you give us. You don’t have to answer any question you don’t like to and can end your participation at any time. The discussion will last approximately 40 minutes. Are you willing to participate? (Yes)

## SECTION 1: Nationality Application Procedure

SPECIFY INDICATORS ADDRESSED, AS PER ToR OR OTHER RELEVANT PROJECT DOCUMENTS:

- Factors contributing to statelessness
  - Existing practices of DNPI
- Roles of family, local and government authorities in nationality application
  - Issuance of documentation replacing birth certificate
  - Application of nationality laws

Questions	Answers
First, I would like you to tell me about your roles and responsibilities within UNHCR. For how long have you been carrying out these duties?	
What are the major causes of statelessness in South Sudan? What would you consider as impact of statelessness among South Sudanese communities?	
How do you work with the government in reducing or ending statelessness? How does UNHCR ensure that the government is fully engaged in reducing or ending statelessness? What challenges (if any) do you face in working with the government institutions?	
In what other ways is UNHCR fighting statelessness in this area? What priority activities should South Sudan focus on in its contribution towards ending statelessness by 2024?	
Since South Sudan is not a party to the 1954 and 1961 International conventions addressing statelessness, do you know of any efforts to ensure the government of South Sudan accedes to these conventions?	

## SECTION 2: Characteristics of Statelessness

SPECIFY INDICATORS ADDRESSED, AS PER ToR OR OTHER RELEVANT PROJECT DOCUMENTS:

- Level of awareness of nationality application procedure
  - Adversities encountered by various ethnic groups
- Demographic information of groups at risk of statelessness
  - Impact relating to lack of nationality
  - Importance of nationality documentation
  - Importance of birth registration
- Past interventions on birth registration promotion

Questions	Answers
In your opinion, what has been the overall impact of the UNHCR statelessness programme in the beneficiary communities?	
What do you feel needs to be done to enhance the statelessness programme and its impact? Do you feel there is enough attention provided to statelessness mandate in South Sudan by senior management?	



Questions	Answers
Do you think it is easy or difficult for people to get a nationality certificate? Why? In this area, which specific groups of people or communities encounter challenges when applying for nationality certificates? Why?	
Is it important for people in the area where you work to obtain nationality certificates? Why is it important? How does lack of nationality affect the way they make money? How does it affect their livelihood?	
Do you know of any case in which a deserted infant of unknown parents was first found in South Sudan and was granted a South Sudanese nationality certificate? Please explain.	
What are the major challenges you face while working in this area? Is it easy or difficult to interact with community members here? What about with government authorities? What do you think UNHCR should do more to enhance its work on statelessness in SSD?	
From UNHCR's perspective, please explain why birth registration is important in preventing or reducing statelessness? What does UNHCR do to promote birth registration?	
Are you aware of any other past interventions by any institution or organization aimed at promoting birth registration in this area? In what way did they promote birth registration?	
In general, do you think people's economic status plays a significant role in obtaining a nationality certificate? Who do you think in this community are mostly affected by this? What should be done to help them?	
On promoting universal birth registration as one of actions towards ending statelessness, which other players should UNHCR collaborate with and why?	
<b>SECTION 3: Existing support to stateless or persons at risk of statelessness</b>	
SPECIFY INDICATORS ADDRESSED, AS PER ToR OR OTHER RELEVANT PROJECT DOCUMENTS:	
<ul style="list-style-type: none"> <li>- Awareness raising and Information sharing platforms</li> <li>- Mechanisms for identification and referral of persons at risk of statelessness and stateless persons</li> <li>- Support for issuance of nationality documentation to vulnerable individuals or groups</li> </ul>	
Questions	Answers
Do you feel the community members here know enough about procedures for acquiring nationality certificate as well as its importance? What are the reasons for your answer? How do they get information about the procedures and importance of nationality certificates? [Probe: radio, TV, community leaders, friends etc.]	
Are you aware of any other past interventions by any institution or organization aimed at promoting issuance of nationality certificates? In what way did they promote issuance of nationality certificates?	
UNHCR supports DNPI to identify persons who are at risk of becoming stateless, and issue them identity documents. Please explain to me the different stages for the implementation of this component?	

Questions	Answers
Please tell me what the criteria you use to identify those vulnerable people you helped obtain nationality certificates? How were the beneficiaries selected? Why was that specific selection criteria used?	
Do you work or partner with any civil society organizations in implementing any of your statelessness programmes? How were CSOs involved?	
When an application for nationality certificate is rejected, what remedies are available to applicants? Does UNHCR also assist those whose applications were rejected? Please share any example of a case where UNHCR help people appealed?	
<b>SECTION 4: Current capacity of national authorities</b>	
<p>SPECIFY INDICATORS ADDRESSED, AS PER ToR OR OTHER RELEVANT PROJECT DOCUMENTS:</p> <ul style="list-style-type: none"> <li>- Existing structures</li> <li>- Past interventions to DNPI</li> <li>- Identification of major needs of DNPI</li> <li>- Obstacles to efficient implementation of nationality laws</li> </ul>	
Questions	Answers
What do you think about the current capacity of DNPI officers? Is there any significant difference between those at the headquarters and in states level? If yes, what is the difference?	
What are some of the challenges you face while working with the DNPI officers? [Probe: challenges faced during trainings, implementation of your statelessness programme etc.]	
What do you think about the existing structures of DNPI? Is there any significant difference between the headquarters and states level? If yes, what is the difference?	
<p>UNHCR has been supporting DNPI in an effort to reduce or end statelessness in South Sudan. Please briefly explain to us the different support UNHCR offered or is being offered to DNPI.</p> <p>Do you think DNPI still needs further support? What kind of support is still need?</p>	
Apart from the assistance offered by UNHCR, do you know of any other organization or institution offering similar assistance to DNPI? Which organization or institution? Which specific kind of support?	
<b>SECTION 5: Recommendations</b>	
<p>SPECIFY INDICATORS ADDRESSED, AS PER ToR OR OTHER RELEVANT PROJECT DOCUMENTS:</p> <ul style="list-style-type: none"> <li>- Ways to improve mechanisms for identifying and assisting persons at risk of statelessness</li> <li>- Ways to enhance public awareness and access by individuals in respect of nationality application procedure</li> <li>- Improved legislation and procedures for effective implementation of nationality laws</li> </ul>	
Questions	Answers
What has been the most successful component of assistance you provided to vulnerable communities? What has not worked well? Why?	
If you were to change any of the components of your statelessness work in any way, what would you change? Why?	

Questions	Answers
In your opinion, what is the best way to disseminate information to communities or individuals regarding citizenship laws and procedures in South Sudan?	
What do you think of the South Sudanese nationality laws in comparison with international legal framework on statelessness? Do these laws conform to the International legal framework?	
Do you feel involving civil society organizations will help in reducing or ending statelessness? How can CSOs be involved? Other than CSOs, which other players should UNHCR involve in ending statelessness?	
What do you think would motivate Civil Society Organizations to become involved in the global effort to end statelessness?	

## Focus Group Discussions

### Focus Group Discussion (FGD) Guide for Community Members

#### INFORMED CONSENT

Good morning/afternoon/evening Sir/Madam, my name is \_\_\_\_\_, I work for Forcier Consulting. We are conducting a study on statelessness in South Sudan to better understand about the nationality application procedure, people's access to nationality, and their perception on the importance of nationality ID. Information we get from you would be very helpful to our research. We will not discuss your responses with anyone and your name will not appear in connection to the information you give us. You don't have to answer any question you don't like to and can end your participation at any time. The discussion will last approximately 40 minutes.

Are you willing to participate? (Y/N)

#### SECTION 1: Nationality Application Procedure

SPECIFY INDICATORS ADDRESSED, AS PER ToR OR OTHER RELEVANT PROJECT DOCUMENTS:

- Factors contributing to statelessness
  - Existing practices of DNPI
- Roles of family, local and government authorities in nationality application
  - Issuance of documentation replacing birth certificate
  - Application of nationality laws

Questions	Answers
Are you originally from here? If no, where are you originally from? And when did you move here?	
What is the procedure for acquiring a nationality certificate here?	
In general, how easy or difficult is it for your community members to acquire nationality certificates? [If difficult] What are the factors affecting them and why is it difficult to acquire nationality certificates?	
What can be done to ensure they are able to receive nationality certificates?	
Has any of you ever tried to apply for nationality certificates? Please tell me about your personal experience trying to obtain nationality ID. What were the steps and procedures necessary to apply for the nationality certificate?	

Questions	Answers
What role does your family play in your application for nationality?	
How do your community leaders or local chiefs help people of your community during application for nationality certificates? do you feel voices of your community leaders are heard especially during nationality application?	
In your opinion, what do you think about the fees for nationality certificates? Are there some people who cannot afford to pay for nationality certificate? What should be done to help those who cannot afford?	
<b>SECTION 2: Characteristics of Statelessness</b>	
<p><b>SPECIFY INDICATORS ADDRESSED, AS PER ToR OR OTHER RELEVANT PROJECT DOCUMENTS:</b></p> <ul style="list-style-type: none"> <li>- Level of awareness of nationality application procedure</li> <li>- Adversities encountered by various ethnic groups</li> <li>- Demographic information of groups at risk of statelessness                             <ul style="list-style-type: none"> <li>- Impact relating to lack of nationality</li> <li>- Importance of nationality documentation</li> </ul> </li> <li>- Past interventions on birth registration promotion</li> </ul>	
Questions	Answers
How would you describe your relationship with other South Sudanese communities living in this area? Do some people from other South Sudanese communities ever refer to you as foreigners? If yes, what do you normally do when this happens?	
Are there some groups of people who find it difficult to obtain nationality certificate? Which groups? [Probe: Women, men, youth, children, refugees, IDPs etc.] Do you feel you are able to pass on nationality to your children? If not, why?	
Is there any office or hospital in this community that issue a birth certificate or an assessment of age certificate? What is the importance of acquiring a birth certificate or assessment of age?	
Would you say some ethnic groups encounter difficulties in obtaining nationality certificates? If yes, which ethnic groups? What could be the reason? What can be done to help those ethnic groups have access to nationality certificates? By whom?	
What does it mean to be a South Sudanese? When you are asked to prove your link to South Sudan, how would you prove to people that you are a South Sudanese?	
What are the benefits of having a nationality certificate? Does lack of nationality documentation affect the way people make money? What is the impact of not having a nationality certificate in South Sudan? Does it have impact of different categories of people i.e. men, women?	
<b>SECTION 3: Existing support to stateless or persons at risk of statelessness</b>	
<p><b>SPECIFY INDICATORS ADDRESSED, AS PER ToR OR OTHER RELEVANT PROJECT DOCUMENTS:</b></p> <ul style="list-style-type: none"> <li>- Awareness raising and Information sharing platforms</li> <li>- Mechanisms for identification and referral of persons at risk of statelessness and stateless persons</li> <li>- Support for issuance of nationality documentation to vulnerable individuals or groups</li> </ul>	



Questions	Answers
Has DNPI or any other organization/institution or community members ever done any form of awareness on nationality application procedure and requirements [for example; blood group, passport size photo, age assessment, cost etc.]? What platforms were used for the awareness campaigns?	
Do you feel you know enough about procedures for acquiring a nationality certificate and the importance of such IDs? How did you get information on the importance of nationality certificates? [Probe: radio, TV, community leaders, friends etc.] What do you consider the most effective way of obtaining information on nationality in your locality?	
Is there any organization or institution currently providing assistance to people in order to get nationality certificates? If yes, which organizations or institutions? In what way do they help? Is there any additional assistance that can be provided? If yes, what assistance and By whom?	
In situations when an application for nationality certificate is denied, what do people here do? Is there an administrative system where individuals can get a fair hearing regarding their application? Please share any example of a case where a person appealed a decision denying a nationality certificate?	
Is there any legal counselling and assistance offered to people whose applications for nationality certificates were rejected or denied?	
Do you know whether UNHCR has provided any form of assistance to people in respect of nationality application? If yes, how does UNHCR assist people here to get nationality certificates?	
Are there IDPs or returnees living in this area? If yes, where did they come from? Do most of these IDPs or returnees have nationality certificates? What is currently being done to help them obtain nationality certificates? How would people help them further?	
<b>SECTION 4: Current capacity of national authorities</b>	
SPECIFY INDICATORS ADDRESSED, AS PER ToR OR OTHER RELEVANT PROJECT DOCUMENTS:	
<ul style="list-style-type: none"> <li>- Existing structures</li> <li>- Past interventions of DNPI</li> <li>- Identification of major needs of DNPI</li> </ul>	
- Obstacles to efficient implementation of nationality laws	
Questions	Answers
Does DNPI have an office or a mobile office in this area? Where do people who live in this area go to apply for nationality certificates?	
How do DNPI officers treat different ethnic groups from your experience?	
Do you feel the DNPI office in your area have all the equipment needed for them to function well? If no, what do you think needs to be changed?	
Do you know of any organization or institution has offered any assistance to DNPI? Which organization or institution? Which specific kind of support?	
Do you think DNPI still needs further support? What kind of support is still in need?	

**SECTION 5: Recommendations**

SPECIFY INDICATORS ADDRESSED, AS PER ToR OR OTHER RELEVANT PROJECT DOCUMENTS:

- Ways to improve mechanisms for identifying and assisting persons at risk of statelessness
- Ways to enhance public awareness and access by individuals in respect of nationality application procedure
- Improved legislation and procedures for effective implementation of nationality laws

Questions	Answers
What do you think is the best way to support those who do not have nationality certificates? Whose responsibility do you think this is?	
Do you feel community leaders/local authorities are in need of support for them to better assist individuals or communities obtain nationality certificates? If yes, what kind of support?	
Do you feel involving civil society organizations will help in reducing statelessness? How can CSOs be involved? Do you feel there are other stakeholders that would help in reducing statelessness in South Sudan?	
What do you think would motivate Civil Society Organizations to get involved in the global effort to end statelessness?	

# Annex 2: Research Participants

## Key Informant Interviews

Category	Nimule	Aweil	Renk	Juba
CSO/NGO	✓	✓	✓ (x2)	✓
UNHCR Staff	✓			✓ (x2)
Local Authority	✓	✓	✓	
Community Leader	✓	✓	✓	
DNPI	✓	✓	✓	✓

Medical Commission

## Focus Group Discussions

Category	Nimule	Aweil	Renk
Male	✓ (x2)	✓ (x2)	✓ (x2)
Female	✓ (x2)	✓ (x2)	✓ (x2)

# C R E D I T S

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An elderly woman in South Sudan displaced during the conflict in 2013.

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