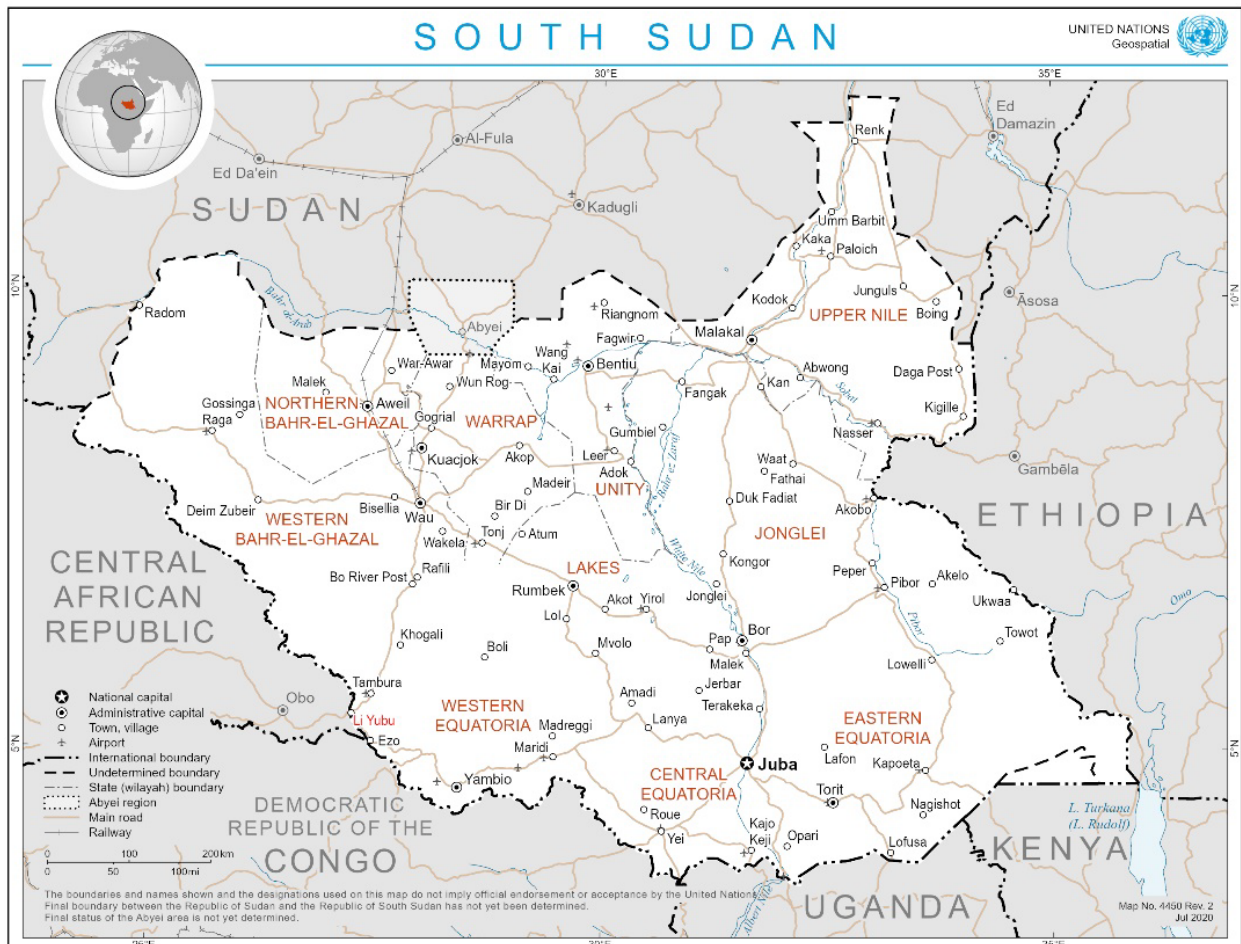


UNHCR POSITION ON RETURNS TO SOUTH SUDAN – UPDATE III

October 2021

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Map of South Sudan



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1. This position supersedes and replaces UNHCR’s April 2019 Position on Returns to South Sudan – Update II.² It is based on information available up until 22 October 2021, unless otherwise stated.

Introduction

2. On 11 September 2018, South Sudanese parties signed the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS)³, which stipulated “a pre-transition period of

¹ Not pictured on this map, but referenced throughout this document, is the Greater Pibor Administrative Area (GPAA), an area comprising the southeastern portion of Jonglei state. From 2015 to 2020, the GPAA existed as Boma state, but Boma state was dissolved in 2020 when the government reduced the number of states from 32 back to 10. Africa News, *South Sudan’s President Agrees to Have 10 States*, 15 February 2020, www.africanews.com/2020/02/15/south-sudan-s-president-agrees-to-have-10-states/. For the boundaries of the GPAA, please see this map: Small Arms Survey, *Real but Fragile: The Greater Pibor Administrative Area*, March 2015, <https://reliefweb.int/sites/reliefweb.int/files/resources/HSBA-WP35-Greater-Pibor.pdf>, p. 9. See also, US Institute of Peace, *South Sudan: From 10 States to 32 States and Back Again*, 1 March 2021, www.usip.org/publications/2021/03/south-sudan-10-states-32-states-and-back-again.

² UNHCR, *UNHCR Position on Returns to South Sudan - Update II*, April 2019, www.refworld.org/docid/5cb4607c4.html.

³ Intergovernmental Authority on Development (IGAD), *Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan*, 12 September 2018, <https://igad.int/programs/115-south-sudan-office/1950-signed-revitalized-agreement-on-the-resolution-of-the-conflict-in-south-sudan>; UN News Service, *South Sudan Peace Deal a ‘Big Step Forward’: UN Mission Chief*, 6 August 2018, www.refworld.org/docid/5bc494f5a.html.

eight months leading to the formation of a new transitional government of national unity, to govern during a three-year transitional period that will culminate in elections.”⁴ The pre-transitional period was extended twice,⁵ before a Revitalized Transitional Government of National Unity (R-TGoNU) was formed on 21 February 2020.⁶ Significant processes have since been initiated, including in relation to the establishment of national and state level institutions, the dissolution of the previous national assembly and agreement on its new composition, as well as the commencement of the constitution making process.⁷ Nevertheless, the Special Representative of the Secretary-General for South Sudan and Head of the United Nations Mission in South Sudan (UNMISS), Nicholas Haysom, stated in June 2021 that the “overall implementation of the Revitalized Peace Agreement is progressing slowly”.⁸

3. South Sudan continues to suffer from long-term political, inter-ethnic and communal conflict, and a weak rule of law.⁹ The UN Security Council renewed the arms embargo and associated measures against South Sudan on 28 May 2021.¹⁰
4. The South Sudan situation remains “the largest refugee crisis in Africa.”¹¹ According to the UN Secretary General, “Humanitarian needs remain high as a result of conflict, displacement, weather shocks, COVID-19 and a weakened economy, and limited basic services.”¹²

Security Situation

5. Since civil war broke out in 2013, two years after South Sudan gained independence from Sudan,

⁴ UN Security Council, *Report of the Secretary-General on South Sudan (Covering the Period from 2 September to 30 November 2018)*, 10 December 2018, S/2018/1103, www.ecoi.net/en/document/2002349.html, para. 3.

⁵ “According to the terms of the R-ARCSS, 12 May 2019 was to mark the end of the eight-month pre-transitional period and the start of the 36-month transitional period, with elections to be held 60 days before the end of the transitional period. The deadline for the end of the pre-transitional period was extended for a second time until 22 February so that critical outstanding pre-transitional tasks specified under the R-ARCSS could be completed.” Security Council Report, *March 2020 Monthly Forecast: South Sudan*, 28 February 2020, www.securitycouncilreport.org/monthly-forecast/2020-03/south-sudan-7.php. “The Panel notes, however, that the long delay in the resolution to the states issue was just one of the many mandatory provisions that the signatories failed to address during the eight-month pre-transitional period and its two extensions. During that period, the signatories – and the incumbent Government in particular – did not demonstrate sufficient political will, trust and urgency in adhering to key provisions of the agreement to pave the way for essential reforms designed to put the interests of the South Sudanese people at the centre of the peace process.” UN Security Council, *Letter Dated 28 April 2020 from the Panel of Experts on South Sudan Addressed to the President of the Security Council*, 28 April 2020, S/2020/342, www.ecoi.net/en/document/2029318.html, para. 14.

⁶ “On 21 February 2020, the President of South Sudan, Salva Kiir Mayardit, dissolved the incumbent Government and appointed the Chairman of SPLM/A-IO, Riek Machar Teny, as First Vice-President. By swearing in Mr. Machar and four vice-presidents [...] Mr. Kiir launched the formation of the Revitalized Transitional Government of National Unity and the beginning of a transitional period of 36 months, which will end with national elections, in accordance with article 1.1.5 of the revitalized peace agreement.” UN Security Council, *Letter Dated 28 April 2020 from the Panel of Experts on South Sudan Addressed to the President of the Security Council*, 28 April 2020, S/2020/342, www.ecoi.net/en/document/2029318.html, para. 13. See also, African Union, *AU Commission Chairperson Welcomes the Formation of the Government of National Unity in South Sudan*, 22 February 2020, www.peaceau.org/en/article/au-commission-chairperson-welcomes-the-formation-of-the-government-of-national-unity-in-south-sudan.

⁷ UN Security Council, *Situation in South Sudan*, 14 June 2021, S/2021/566, www.ecoi.net/en/document/2054318.html, paras 2-14; Organization for World Peace, *South Sudanese Parliament Dissolved as Country Moves Forward with Peace Deal*, 3 June 2021, <https://theowp.org/south-sudanese-parliament-dissolved-as-country-moves-forward-with-peace-deal/>; IGAD, *Press Statement: On the First Year Anniversary of the Formation of the R-TGoNU*, 22 February 2021, <https://igad.int/programs/115-south-sudan-office/2622-press-statement-on-the-first-year-anniversary-of-the-formation-of-the-r-tgonu>. See also, UN Security Council, *Situation in South Sudan*, 9 September 2021, S/2021/784, www.ecoi.net/en/document/2060682.html, paras 3-4, 8-10.

⁸ “The formation of the legislature remains incomplete and transitional security arrangements remain behind schedule as troops in cantonment and training sites face inadequate shelter, health care and food. Further, weak or absent State governance has allowed spoilers to exploit ‘perennial communal and ethnic cleavages’, while entrenched insecurity contributes to a vicious cycle of livestock raiding and subsequent food insecurity. A weakened rule of law and flagging economic conditions have resulted in increased criminality and the targeting of humanitarian workers.” UN Security Council, *Marking a Decade of Independence, South Sudan Faces Slow Progress, Lingering Violence, Secretary-General’s Special Representative Tells Security Council*, 22 June 2021, www.un.org/press/en/2021/sc14556.doc.htm. See also, UN Security Council, *Letter Dated 14 April 2021 from the Panel of Experts on South Sudan Addressed to the President of the Security Council*, 15 April 2021, S/2021/365, www.ecoi.net/en/document/2050363.html, para. 14; The New Humanitarian, *Old Grudges and Empty Coffers: South Sudan’s Precarious Peace Process*, 21 January 2021, www.thenewhumanitarian.org/news-feature/2021/01/21/south-sudan-peace-deal-violence-famine.

⁹ “Prolonged contestation over power-sharing, including responsibilities at the State and local levels, has left vast areas of South Sudan in a governance and security vacuum, fomenting ongoing insecurity, particularly intercommunal and intracommunal violence.” UN General Assembly, *Report of the Commission on Human Rights in South Sudan*, 4 February 2021, A/HRC/46/53, www.ecoi.net/en/document/2046934.html, para. 14.

¹⁰ UN Security Council, *Security Council Extends Arms Embargo on South Sudan, Mandate of Expert Panel, Adopting Resolution 2577 (2021) by 13 Votes in Favour, 2 Abstentions*, 28 May 2021, www.un.org/press/en/2021/sc14536.doc.htm.

¹¹ Executive Committee of the High Commissioner’s Programme, *Update of UNHCR’s Operations in the East and Horn of Africa, and the Great Lakes Region*, 2 March 2021, www.unhcr.org/605c39754.pdf, p. 1.

¹² UN Security Council, *Situation in South Sudan*, 14 June 2021, S/2021/566, www.ecoi.net/en/document/2054318.html, para. 114. “The piecemeal approach to implementing the Revitalized Agreement is compounded by the humanitarian situation, which remains dire. New displacements related to localized violence, extreme weather and livelihood pressures continue.” UN Security Council, *Situation in South Sudan*, 9 September 2021, S/2021/784, www.ecoi.net/en/document/2060682.html, para. 109.

President Salva Kiir and the main opposition leader Riek Machar have signed two peace agreements: the first on 23 January 2014¹³ and the second on 21 December 2017.¹⁴ The 2017 Cessation of Hostilities Agreement has contributed to a reduction of violence between forces loyal to Kiir and Machar.¹⁵ However, the UN has recorded multiple violations of the agreement during 2020 and 2021.¹⁶ Additionally, parties to the agreement continued to use violence against civilians during 2020, including for forced recruitment and forced labour.¹⁷

6. Sub-national violence on the part of civil defence groups and community-based militias accounted for most civilian victims of violence (78 per cent) documented by UNMISS during 2020.¹⁸ The regions most affected by violence against civilians were Jonglei state and the Greater Pibor Administrative Area (GPAA), accounting for 33 per cent of victims recorded by UNMISS, followed by Warrap state and Lakes state, which together accounted for approximately 30 per cent of victims.¹⁹ Violence was concentrated in specific *payams* (subdivisions of counties), with “72 (out of 540) payams accounting for more than 79 per cent of victims”, pointing to pockets of instability within the country.²⁰ Jonglei and GPAA have experienced waves of violence since the formation of the Revitalized Government,²¹ including “deliberate attacks on civilian infrastructure, including the torching of civilian homes (*tukuls*), the destruction of boreholes and water treatment installations, and the looting and destruction of objects belonging to local and international humanitarian organizations.”²²
7. In Central Equatoria, hostilities involving the South Sudan Peoples’ Defence Forces (SSPDF), local militias and the National Salvation Front (a member of the South Sudan Opposition Movements Alliance) have continued since 2018.²³ In June 2021, violence displaced over 58,000 persons from

¹³ IGAD, *South Sudanese Parties Sign Agreements on Cessation of Hostilities and Question of Detainees*, 23 January 2014, <https://reliefweb.int/report/south-sudan-republic/south-sudanese-parties-sign-agreements-cessation-hostilities-and>.

¹⁴ IGAD, *Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access*, 21 December 2017, <https://igad.int/attachments/article/1731/1712%2021%20Signed%20CoH%20Agreement.pdf>. For a timeline of events, see US Institute of Peace (USIP), *Ceasefire Monitoring in South Sudan 2014–2019: “A Very Ugly Mission”*, August 2019, www.usip.org/sites/default/files/2019-08/20190829-pw_150-pw.pdf, p. 14.

¹⁵ “[F]ighting between forces loyal to the two men has largely subsided over the past 12 months”. The New Humanitarian, *Old Grudges and Empty Coffers: South Sudan’s Precarious Peace Process*, 21 January 2021, www.thenewhumanitarian.org/news-feature/2021/01/21/south-sudan-peace-deal-violence-famine.

¹⁶ See for example, UN Security Council, *Letter Dated 14 April 2021 from the Panel of Experts on South Sudan Addressed to the President of the Security Council*, 15 April 2021, S/2021/365, www.ecoi.net/en/document/2050363.html, p. 2, para. 76; UN Security Council, *Letter Dated 25 November 2020 from the Panel of Experts on South Sudan Established Pursuant to Security Council Resolution 2206 (2015) Addressed to the President of the Security Council*, 25 November 2020, S/2020/1141, www.ecoi.net/en/document/2041656.html, para. 17; UN Security Council, *Letter Dated 28 April 2020 from the Panel of Experts on South Sudan Addressed to the President of the Security Council*, 28 April 2020 S/2020/342, www.ecoi.net/en/document/2029318.html, paras 42–44.

¹⁷ “[T]he number of victims harmed by conventional parties in 2020 increased by 42 per cent (from 787 to 1,119) as compared to 2019. The majority of these victims were subjected to abduction (62 per cent), primarily for the purpose of forced military recruitment and/or forced labour.” UNMISS, *Annual Brief on Violence Affecting Civilians: January–December 2020*, 31 March 2021, www.ecoi.net/en/document/2048257.html, p. 2, see also p. 5.

¹⁸ “In 2020, at least 5,800 civilians were individually affected by violence. This represents an increase of 120% as compared with 2019, when 2,631 victims were recorded. [...] As a result of the widespread adherence to the 2018 Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), the overall number of victims attributed to violations and abuses by conventional parties has remained lower (19 per cent) than those attributed to civil defence groups and/or community-based militias.” UNMISS, *Annual Brief on Violence Affecting Civilians: January–December 2020*, 31 March 2021, www.ecoi.net/en/document/2048257.html, pp. 1–2.

¹⁹ UNMISS, *Annual Brief on Violence Affecting Civilians: January–December 2020*, 31 March 2021, www.ecoi.net/en/document/2048257.html, p. 2.

²⁰ *Ibid.*

²¹ “The intense clashes and fighting at the localized level in Jonglei State and the Greater Pibor Administrative Area, which coincided with the formation of the Revitalized Government, broke out in four major waves: in Likuangle village (Greater Pibor Administrative Area), in February 2020; in Pieri town and its environs (Uror County, Jonglei State), in May 2020; again in Likuangle village, in May 2020; and in Gumuruk village (Pibor County), in June, July and August 2020. Between each attack, brutal acts of violence were perpetrated across the Jonglei State/Greater Pibor Administrative Area axis.” UN General Assembly, *Report of the Commission on Human Rights in South Sudan*, 4 February 2021, A/HRC/46/53, www.ecoi.net/en/document/2046934.html, para. 35. “The period between February and November 2020 saw violent conflict between allied Dinka and Nuer militias and Murle pastoralist militias in central and southern Jonglei State and Greater Pibor Administrative Area, resulting in massive violations against civilians including the killing and displacement of hundreds.” UN Human Rights Council, *Despite Renewed Political Commitment, Staggering Levels of Violence Continued across South Sudan for the Second Successive Year, UN Experts Note*, 19 February 2021, www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx.

²² UN General Assembly, *Report of the Commission on Human Rights in South Sudan*, 4 February 2021, A/HRC/46/53, www.ecoi.net/en/document/2046934.html, para. 37.

²³ “The ongoing clashes are motivated by, inter alia, territorial disputes, access to lucrative gold mines, illegal taxation, extortion and smuggling, and retaliation against persons suspected or accused of supporting opposing sides.” UN General Assembly, *Report of the Commission on Human Rights in South Sudan*, 4 February 2021, A/HRC/46/53, www.ecoi.net/en/document/2046934.html, para. 27. See also, International Crisis Group (ICG), *CrisisWatch: South Sudan*, August 2021, <https://bit.ly/3z4zkmo>. In August 2021: “In Juba County, Central Equatoria, fighting between cattle keepers and host communities displaced some 10,000 people to Juba town.” OCHA, *South Sudan: Humanitarian Snapshot*, 6 September 2021, <https://reliefweb.int/report/south-sudan/south-sudan-humanitarian-snapshot-august-2021>.

Tambura town in Western Equatoria.²⁴ In August 2021, in Juba County, Central Equatoria, “fighting between cattle keepers and host communities displaced some 10,000 people to Juba town”; violence also displaced over 5,000 persons in Tonj East County, Warrap, 2,000 persons in Manyo County, Upper Nile and 700 persons in Yei County, Central Equatoria.²⁵ Similar levels of displacement have been occurring across the country in 2021.²⁶

8. According the UN Secretary-General, the period from February to May 2021 saw an increase of 35 per cent in security incidents compared to the same period in 2020 and a 32 per cent increase compared with the previous four-month period between October 2020 and January 2021.²⁷ According to data from the Armed Conflict Location & Event Data Project (ACLED), between 1 January 2020 and 1 September 2021, there were 1,226 incidents of battles, explosions/remote violence and/or violence against civilians, causing a total of 3,524 fatalities.²⁸

Human Rights Situation

9. Self-defence groups continued to cause most of the localized violence.²⁹ Between 1 June 2021 and 31 August 2021, “UNMISS documented 179 incidents that negatively affected the human rights and protection situation, including arbitrary killings, extrajudicial executions, injuries, abductions, conflict-related sexual violence, arbitrary arrests and detention (including proxy detention), torture and ill-treatment, forced military conscription, and the looting and destruction of civilian property.”³⁰ UNMISS documented at least 395 civilian casualties (297 killed and 98 injured) as a result, including at least 31 women and 21 children.³¹ Despite serious violations of human rights and international humanitarian law, there is limited access to justice and perpetrators continue to commit violations with impunity.³²
10. There are continuing reports of censorship, harassment, and arbitrary arrest and detention of journalists, activists, human rights defenders and other civilians by the National Security Service for

²⁴ OCHA, *South Sudan: Humanitarian Snapshot*, 6 September 2021, <https://reliefweb.int/report/south-sudan/south-sudan-humanitarian-snapshot-august-2021>. By 14 September 2021, almost 80,000 persons had been displaced by conflict in Tambura; civilians have been killed and wounded. OCHA, *South Sudan: Tambura Conflict*, 14 September 2021, www.ecoi.net/en/file/local/2060320/ocha_tambura_conflict_flash_update_1.pdf, p. 1.

²⁵ Ibid.

²⁶ For example, in July 2021: “violence in Tambura County, Western Equatoria, displaced an estimated 21,000 people, mainly women and children, and killed some 150 people. In Tonj North County, one of the highly food-insecure counties in Warrap, sub-national violence displaced some 5,000 people with people’s houses and properties looted and destroyed. Civilians in Morobo County, Central Equatoria, fled to the Democratic Republic of the Congo following fighting between suspected to be the South Sudan People Defence Forces and an organized armed group. Food prices decreased by 13 per cent, compared to the previous two months.” OCHA, *Humanitarian Snapshot: South Sudan*, 6 August 2021, <https://reliefweb.int/report/south-sudan/south-sudan-humanitarian-snapshot-july-2021>. In June 2021: “Fighting between armed forces, sub-national violence and cattle raids in Central and Western Equatoria, Jonglei and the Greater Pibor Administrative Area (GPAA), and Upper Nile uprooted people and disrupted humanitarian activities.” OCHA, *Humanitarian Snapshot: South Sudan*, 7 July 2021, <https://reliefweb.int/report/south-sudan/south-sudan-humanitarian-snapshot-june-2021>. See also, OCHA, *Humanitarian Snapshot: South Sudan*, 11 June 2021, <https://reliefweb.int/report/south-sudan/south-sudan-humanitarian-snapshot-may-2021>; OCHA, *Humanitarian Snapshot: South Sudan*, 7 May 2021, <https://reliefweb.int/report/south-sudan/south-sudan-humanitarian-snapshot-april-2021>; OCHA, *Humanitarian Snapshot: South Sudan*, 9 April 2021, <https://reliefweb.int/report/south-sudan/south-sudan-humanitarian-snapshot-march-2021>.

²⁷ UN Security Council, *Situation in South Sudan*, 14 June 2021, S/2021/566, www.ecoi.net/en/document/2054318.html, para. 22, see also paras 23-32.

²⁸ ACLED, *Data Export Tool*, accessed 1 September 2021, <https://acleddata.com/data-export-tool/>. See also, ACCORD, *South Sudan, First Quarter 2021: Update on Incidents According to the Armed Conflict Location & Event Data Project (ACLED)*, 2 July 2021, www.ecoi.net/en/document/2055023.html.

²⁹ “By early January [2021], the overall number of such incidents [involving self-defence groups], in particular in Lakes, Warrap and Eastern Equatoria, had risen by more than 30 per cent compared with the same period in 2020.” UN Security Council, *Situation in South Sudan*, 23 February 2021, S/2021/172, www.ecoi.net/en/document/2046456.html, para. 53. See also, UN Security Council, *Situation in South Sudan*, 9 September 2021, S/2021/784, www.ecoi.net/en/document/2060682.html, paras 20-30; UN Security Council, *Situation in South Sudan*, 14 June 2021, S/2021/566, www.ecoi.net/en/document/2054318.html, para. 68. “In 2020, civil defence groups and/or community-based militias involved in sub-national violence were responsible for 78 per cent of victims. This corresponds to an increase of more than 150 per cent as compared with 2019 (from 1,841 to 4,514).” UNMISS, *Annual Brief on Violence Affecting Civilians*, 31 March 2021, www.ecoi.net/en/document/2048257.html, p. 2.

³⁰ UN Security Council, *Situation in South Sudan*, 9 September 2021, S/2021/784, www.ecoi.net/en/document/2060682.html, para. 71. UNMISS documented 206 incidents that negatively affected the human rights and protection situation between 1 February 2021 and 31 May 2021, causing at least 622 civilian casualties (444 killed and 178 injured) as a result, including at least 54 women and 41 children. UN Security Council, *Situation in South Sudan*, 14 June 2021, S/2021/566, www.ecoi.net/en/document/2054318.html, para. 67, see also paras 68-72.

³¹ Ibid.

³² UN General Assembly, *Report of the Commission on Human Rights in South Sudan*, 4 February 2021, A/HRC/46/53, www.ecoi.net/en/document/2046934.html, paras 22, 25, 75.

expressing views that were critical or dissenting from those of the Government.³³ The Committee to Protect Journalists (CPJ) noted that South Sudan has “one of the most hostile environments in the world for the press, and the continued arrest and harassment of journalists indicates that authorities are not committed to changing these conditions.”³⁴ Women human rights defenders face threats, violence and intimidation; those who speak out are accused of acting “immorally or inappropriately”.³⁵

11. Children are severely affected by the ongoing conflict.³⁶ Violations against children as recorded by the UN Secretary-General declined after the signing of the R-ARCSS in September 2018.³⁷ Nevertheless, there were more than 700 grave violations against children across the country from 1 July 2018 to 30 June 2020, including recruitment of children, killing and maiming, abduction and sexual violence.³⁸ During the specified time period, over 300 children were recruited by government security forces and armed groups; 48 per cent were “armed, trained and used” in active combat.³⁹ Violations against children continued throughout 2020.⁴⁰ The parties to the R-ARCSS signed in February 2020 a comprehensive action plan to end and prevent all grave violations against children.⁴¹
12. In December 2020, South Sudan launched a specialized court for gender-based violence (GBV) and juvenile cases; the court has tried and convicted multiple perpetrators during the first half of 2021.⁴² Advocacy efforts to address conflict-related sexual violence continue; the National Salvation Front (NAS), the SSPDF and SPLM/A-IO have all signed actions plans on addressing conflict-related sexual violence.⁴³ Nevertheless, sexual violence continues to be used as “a tactic to displace and terrorize rival communities”,⁴⁴ and there are continued reports of abductions for forced marriage and

³³ Article 19, Submission to the Universal Periodic Review of South Sudan For the Consideration of the 40th Session of the UPR Working Group in January 2022, August 2021, www.ecoi.net/en/document/2057989.html; Amnesty International, “These Walls Have Ears”: The Chilling Effect of Surveillance in South Sudan, 2 February 2021, www.amnesty.org/en/wp-content/uploads/2021/05/AFR6535772021ENGLISH.pdf, pp. 10, 14-15, 28-30; Human Rights Watch (HRW), “What Crime Was I Paying For?": Abuses by South Sudan’s National Security Service, 14 December 2020, www.ecoi.net/en/document/2042167.html, pp. 22-61.

³⁴ CPJ, *Journalists Harassed, Detained, and Sentenced to Jail in South Sudan*, November 5, 2020, <https://cpj.org/2020/11/journalists-harassed-detained-and-sentenced-to-jail-in-south-sudan/>.

³⁵ Amnesty International, “These Walls Have Ears”: *The Chilling Effect of Surveillance in South Sudan*, 2 February 2021, www.amnesty.org/en/wp-content/uploads/2021/05/AFR6535772021ENGLISH.pdf, pp. 16-17.

³⁶ “From August 2019 [onwards], there was an escalation in intercommunal conflict and violence in the states of Lakes, Jonglei, Warrap and Northern Bahr el-Ghazal, which had a devastating impact on children.” UN Security Council, *Children and Armed Conflict in South Sudan*, 14 December 2020, S/2020/1205, www.ecoi.net/en/document/2045266.html, para. 7, see also para. 81. See also, UN Security Council, *Situation in South Sudan*, 9 September 2021, S/2021/784, www.ecoi.net/en/document/2060682.html, paras 78-80; UNICEF, “Respond to our Cry”: *Children’s Urgent Need for Help in South Sudan*, July 2021, www.ecoi.net/en/document/2058506.html; UN Security Council, *Children and Armed Conflict*, 14 June 2021, S/2021/437, <https://reliefweb.int/sites/reliefweb.int/files/resources/N2111309.pdf>, paras 158-159; HRW, *Submission to the Committee on the Rights of the Child’s Review of South Sudan*, 30 November 2020, www.hrw.org/news/2020/11/30/submission-committee-rights-children-review-south-sudan.

³⁷ “Grave violations against children began to decline in September 2018, as a result of the peace talks and the signing of the Revitalized Agreement. The reintegration of various armed groups into the South Sudan People’s Defence Forces, including the South Sudan National Liberation Movement (SSNLM) and the pro-Taban Deng SPLA-IO, was a big factor in the reduction of the number of affected children. However, grave violations continued to be committed against children throughout the country during the reporting period.” UN Security Council, *Children and Armed Conflict in South Sudan*, 14 December 2020, S/2020/1205, www.ecoi.net/en/document/2045266.html, para. 17. See also, Save the Children, *Save the Children Welcomes Decline in Violations Against Children in South Sudan*, 21 January 2021, www.savethechildren.net/news/save-children-welcomes-decline-violations-against-children-south-sudan.

³⁸ “The United Nations verified a total of 708 violations, affecting 618 children (431 boys, 178 girls and 9 of unknown sex) [...] Recruitment and use remained the most prevalent violation, affecting the largest number of children (321), followed by killing and maiming (142), abduction (115) and rape and other forms of sexual violence (98).” Additionally, the UN verified “22 attacks on schools (13) and hospitals (9), and 10 denials of humanitarian access affecting children. The United Nations also verified 40 incidents of military use of schools (32) and hospitals (8).” UN Security Council, *Children and Armed Conflict in South Sudan*, 14 December 2020, S/2020/1205, www.ecoi.net/en/document/2045266.html, paras 12, 14, 16.

³⁹ UN Security Council, *Children and Armed Conflict in South Sudan*, 14 December 2020, S/2020/1205, www.ecoi.net/en/document/2045266.html, paras 18, 21.

⁴⁰ UN Security Council, *Situation in South Sudan*, 9 September 2021, S/2021/784, www.ecoi.net/en/document/2060682.html, paras 78-80; UN Security Council, *Children and Armed Conflict*, 14 June 2021, S/2021/437, <https://reliefweb.int/sites/reliefweb.int/files/resources/N2111309.pdf>, paras 149-155.

⁴¹ Office of the Special Representative of the Secretary-General for Children and Armed Conflict, *South Sudan: Comprehensive Action Plan to End & Prevent All Grave Violations Against Children Signed by Government*, 7 February 2020, <https://childrenandarmedconflict.un.org/2020/02/south-sudan-comprehensive-action-plan-to-end-prevent-all-grave-violations-against-children-signed-by-government/>.

⁴² UNDP, *Gender Justice Served Against Sexual Assault at South Sudan’s GBV Court*, 8 March 2021, www.ss.undp.org/content/south_sudan/en/home/presscenter/stories/justice-gbv-court-conviction-south-sudan.html; Eye Radio, *GBV Court in Juba Commended for Delivering Swift Justice*, 4 February 2021, <https://eyeradio.org/gbv-court-inajuba-commended-for-delivering-swift-justice/>; UNDP, *South Sudan’s Gender Based Violence Court Inaugurated During #16DaysOfActivism*, 3 December 2020, www.ss.undp.org/content/south_sudan/en/home/presscenter/pressreleases/2020/gbv-court-south-sudan-launch.html.

⁴³ UN Security Council, *Situation in South Sudan*, 23 February 2021, S/2021/172, www.ecoi.net/en/document/2046456.html, para. 64.

⁴⁴ UN Security Council, *Conflict-Related Sexual Violence*, 30 March 2021, S/2021/312, www.ecoi.net/en/document/2049397.html, para. 47.

sexual slavery.⁴⁵ Perpetrators of conflict-related sexual violence during 2020 and 2021 included security forces, community-based militias, civil defence groups and other armed groups.⁴⁶ Survivors of conflict-related sexual violence struggle to access adequate medical and mental health care.⁴⁷

13. In July 2021, UNMISS and Human Rights Watch reported a total of at least 42 extrajudicial killings by local authorities in Warrap state and Lakes state in the preceding four months.⁴⁸

Humanitarian Situation

14. Humanitarian needs in South Sudan in 2021 continue to rise, driven by multiple factors including floods, the impacts of the COVID-19 pandemic, economic challenges, and widespread localized violence, in the form of cattle raids, revenge killings and inter-communal fighting.⁴⁹ In January 2021, OCHA estimated that in the course of the year 8.3 million people in South Sudan would be in need of humanitarian assistance, which represents more than 70% of the country's population (12.1 million people).⁵⁰ For the mid-2021 lean season it was estimated that 7.2 million people (60% of the population) would face high levels of acute food insecurity (IPC Phase 3 or above).⁵¹
15. By June 2021, South Sudan was "facing the highest levels of food insecurity and malnutrition since independence."⁵² The World Food Programme (WFP) announced that it would suspend food assistance in October 2021 for three months to over 100,000 displaced persons in parts of South Sudan because of shortages in funding.⁵³
16. The South Sudan economy picked up strongly before the COVID-19 pandemic and, in the agricultural sector, the cultivated area increased in 2020 compared to the previous year.⁵⁴ However, the pandemic disrupted livelihoods, and this along with flooding, violence and crime, led to a deterioration of living

⁴⁵ *Ibid.*, para. 48. "UNMISS continued to observe concerning levels of sexual violence perpetrated by the parties to the conflict, civil defence groups or other armed elements involved in localized violence. The Mission verified 23 incidents [between 1 June and 31 August 2021] of conflict-related sexual violence involving 40 survivors, including 10 girls and 11 men. The victims, whose ages ranged from 12 to 50, were subjected to rape (16), gang rape (11), forced nudity (12) and sexual slavery (1)." UN Security Council, *Situation in South Sudan*, 9 September 2021, S/2021/784, www.ecoi.net/en/document/2060682.html, para. 83. See also, UNMISS, *Annual Brief on Violence Affecting Civilians*, 31 March 2021, www.ecoi.net/en/document/2048257.html, p. 4.

⁴⁶ UN Security Council, *Situation in South Sudan: Report of the Secretary-General*, 9 September 2021, S/2021/784, www.ecoi.net/en/document/2060682.html, paras 83-85; UN Security Council, *Situation in South Sudan: Report of the Secretary-General*, 14 June 2021, S/2021/566, www.ecoi.net/en/document/2054318.html, paras 77-79; UN Security Council, *Conflict-related Sexual Violence*, 30 March 2021, S/2021/312, www.ecoi.net/en/document/2049397.html, para. 48; UN Security Council, *Situation in South Sudan: Report of the Secretary-General*, 23 February 2021, S/2021/172, www.ecoi.net/en/document/2046456.html, paras 63-65.

⁴⁷ UN Security Council, *Conflict-related Sexual Violence*, 30 March 2021, S/2021/312, www.ecoi.net/en/document/2049397.html, para. 49; UNMISS / OHCHR, *Access to Health for Survivors of Conflict-Related Sexual Violence in South Sudan*, May 2020, www.ecoi.net/en/document/2030223.html.

⁴⁸ UNMISS documented 29 executions in Warrap State and 13 in Lakes State; UNMISS, *UNMISS Deeply Concerned at Spate of Extra-Judicial Executions*, 26 July 2021, www.ecoi.net/en/document/2056939.html. "Credible sources informed Human Rights Watch that, between April and June [2021], on the governor's orders, security forces [in Warrap state] executed at least 21 people accused of murder, theft, and other offenses, including in the towns of Kuajok, Romic, Alabek, Twic, Aliek, and Warrap. Human Rights Watch verified eight killings in Kuajok and Nyang Akoch. The UN Mission in South Sudan also documented executions of 29 males in the state, including boys and elderly men." HRW, *South Sudan: Summary Executions in North*, 29 July 2021, www.ecoi.net/en/document/2056840.html.

⁴⁹ UN Security Council, *Situation in South Sudan*, 9 September 2021, S/2021/784, www.ecoi.net/en/document/2060682.html, paras 31-35; OCHA, *South Sudan: The Cost of Inaction*, 7 May 2021, <https://reliefweb.int/report/south-sudan/south-sudan-cost-inaction-may-2021>; OCHA, *Humanitarian Needs Overview 2021: South Sudan*, 26 January 2021, www.ecoi.net/en/document/2045425.html, pp. 16-22. "The humanitarian situation in South Sudan has deteriorated to a critical state. Today 8.3 million people, nearly 70% of the population, need humanitarian assistance with the worst food security situation since independence." South Sudan NGO Forum, *UN Member State Virtual Briefing on the Humanitarian Situation in South Sudan*, 6 May 2021, www.ecoi.net/en/document/2051922.html.

⁵⁰ OCHA, *Humanitarian Needs Overview 2021: South Sudan*, 26 January 2021, www.ecoi.net/en/document/2045425.html, pp. 4, 6, 32-39; CARE, *South Sudan Humanitarian Crisis*, accessed 1 July 2021, www.care.org/our-work/disaster-response/emergencies/south-sudan-humanitarian-crisis/.

⁵¹ UN Security Council, *Situation in South Sudan*, 9 September 2021, S/2021/784, www.ecoi.net/en/document/2060682.html, para. 31. See also, The New Humanitarian, *Fighting, Flooding, and Donor Fatigue: Unpacking South Sudan's Food Crisis*, 23 August 2021, www.thenewhumanitarian.org/news/2021/8/23/funding-gaps-looting-hinder-south-sudan-food-crisis-response; IGAD, *South Sudan is Facing One of the Worst Food Security and Nutrition Crises Globally*, 10 May 2021, <https://reliefweb.int/report/south-sudan/south-sudan-facing-one-worst-food-security-and-nutrition-crises-globally>, p. 1; OCHA, *Humanitarian Needs Overview 2021: South Sudan*, 26 January 2021, www.ecoi.net/en/document/2045425.html, pp. 20-21.

⁵² UN Security Council, *Situation in South Sudan*, 14 June 2021, S/2021/566, www.ecoi.net/en/document/2054318.html, para. 34. See also, WFP, *WFP South Sudan: Situation Report #294*, 31 August 2021, <https://reliefweb.int/report/south-sudan/wfp-south-sudan-situation-report-294-31-august-2021>.

⁵³ UN News, *South Sudan: Cash Shortage Triggers Food Suspensions for 100,000 Displaced*, 13 September 2021, <https://news.un.org/en/story/2021/09/1099762>.

⁵⁴ World Bank, *South Sudan Economic Update: Pathways to Sustainable Food Security*, 2 July 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/South-Sudan-Economic-Update-Pathways-to-Sustainable-Food-Security.pdf>, p. 2.

standards, with many South Sudanese reporting reduced earnings.⁵⁵ The depreciation of the South Sudanese pound and high rates of inflation led to a decline in purchasing power, leaving households with little financial resources to cover necessary expenditures other than food.⁵⁶ The World Bank estimates that the economy will contract by 4.1 per cent for the fiscal year 2020-2021.⁵⁷ The proportion of persons living below the international poverty line (US\$1.90 per day) is expected to rise to 78.2 percent in 2021.⁵⁸

17. In addition, South Sudan remains vulnerable to natural disasters and climate change; floods displaced approximately 443,000 people during 2020.⁵⁹ A total of 1,066,000 persons in 8 states and one administrative area were affected by flooding from 1 July 2020 to 31 January 2021.⁶⁰ In February and March 2021, “nearly 80,000 people in Jonglei and Upper Nile were displaced, and some 30,000 people in Akobo (Jonglei) were affected” by unseasonal flooding.⁶¹ Between May and August 2021, an estimated 426,000 people were displaced by floods, with Jonglei and Unity states worst affected, followed by Northern Bahr el Ghazal and Upper Nile states.⁶² By October 2021, over 700,000 people were affected by flooding in South Sudan.⁶³ According to OCHA, during 2020 “[f]lood response-activities [were] considerably constrained by persistent heavy rains, infrastructure damage and reduced physical accessibility, limited resources, and insecurity.”⁶⁴ The COVID-19 emergency response depleted humanitarian supplies, and supply pipelines were affected by border closures and restrictions, which resulted in a delayed humanitarian response to the flooding.⁶⁵
18. The conflict and economic decline continue to erode the Government’s ability to provide consistent

⁵⁵ “In the context of the COVID-19 pandemic, floods, crime, and violence have created additional challenges for households already struggling to maintain a livelihood. Almost four in five of the households in Warrap and Lakes states experienced such shocks, as did nearly two in three (65%) of the households in other states, with the exception of Unity and Upper Nile states, where less than 50 percent of the households experienced these shocks. The most common shock experienced by households in all the states related to unusually high food prices and reduced income, with more than one third (34%) and nearly two-fifths (18%) [sic] of households in South Sudan reporting these two shocks, respectively.” World Bank, *South Sudan Economic Update: Pathways to Sustainable Food Security*, 2 July 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/South-Sudan-Economic-Update-Pathways-to-Sustainable-Food-Security.pdf>, p. 16.

⁵⁶ “High inflation has affected purchasing power, creating severe difficulties for households in both urban and rural areas and depressing market demand. The cost of the multi-sector survival minimum expenditure basket (MSSMEB), which represents the minimum culturally-adjusted group of items required to support a six-person household for one month, increased by 93 percent in March [2021] (y/y), up from 19 percent in August 2020. [...] These developments have led to a rise in the share households’ expenditure on food, leaving them with little to no resources to cover non-food needs and depressing demand for the many self-employed South Sudanese who trade in non-food goods and services. There is a real risk that these price hikes will result in widespread poverty and force more people into dependence on food assistance.” World Bank, *South Sudan Economic Update: Pathways to Sustainable Food Security*, 2 July 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/South-Sudan-Economic-Update-Pathways-to-Sustainable-Food-Security.pdf>, p. 20, and see also p. 17. See also, WFP, *Market Update: Depreciation of South Sudanese Pound (SSP)*, 30 September 2020, https://fscluster.org/sites/default/files/documents/market_update_depreciation_of_south_sudanese_pound_ssp.pdf, p. 1.

⁵⁷ World Bank, *South Sudan Economic Update: Pathways to Sustainable Food Security*, 2 July 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/South-Sudan-Economic-Update-Pathways-to-Sustainable-Food-Security.pdf>, p. vii.

⁵⁸ World Bank, *South Sudan Economic Update: Pathways to Sustainable Food Security*, 2 July 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/South-Sudan-Economic-Update-Pathways-to-Sustainable-Food-Security.pdf>, p. 2.

⁵⁹ At the end of 2020, 106,000 persons remained displaced as a result of flooding. According to the Internal Displacement Monitoring Centre (IDMC), the displacement was “triggered by record-breaking floods which hit the country between June and September [2020]. The states of Jonglei and Unity were the most affected. The floods destroyed homes, entire villages, and crops, killed livestock and worsened food insecurity and triggered mass displacement.” IDMC, *South Sudan: Displacement associated with Conflict and Violence*, May 2021, www.ecoi.net/en/document/2051985.html. “In South Sudan, 95% of livelihoods depend on traditional rainfed agriculture, crop farming, pastoralism and animal husbandry. Climate shocks, like droughts and floods, have affected livelihoods and food security creating resource scarcities and increasing competition between communities, including pastoralists and farmers.” African Centre for the Constructive Resolution of Disputes, *Climate, Peace and Security: The Case of South Sudan*, 25 March 2021, <https://reliefweb.int/report/south-sudan/climate-peace-and-security-case-south-sudan>.

⁶⁰ “An estimated 1,066,000 people were affected by the flooding in eight of ten states and one administrative area in South Sudan between July 2020 and January 2021. Of the people affected, an estimated 504,000 were displaced. Jonglei and Greater Pibor Administrative Area have been the worst affected (495,000 people), followed by Lakes (147,000 people), Unity (126,000 people), Upper Nile (100,000 people), Warrap (60,000 people), Western Equatoria (53,000 people), Central Equatoria (40,000 people) and Northern Bahr-el-Ghazal (15,000 people).” OCHA, *South Sudan: Flooding Situation Report Inter-Cluster Coordination Group*, 16 February 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/south_sudan_flooding_situation_report_31jan2021.pdf, p. 1.

⁶¹ UN Security Council, *Situation in South Sudan*, 14 June 2021, S/2021/566, www.ecoi.net/en/document/2054318.html, para. 37. “Between June and August, flooding affected an estimated 380,000 people across the country, with Jonglei and Unity most affected.” UN Security Council, *Situation in South Sudan*, 9 September 2021, S/2021/784, www.ecoi.net/en/document/2060682.html, para. 35.

⁶² OCHA, *Flooding Situation Report by the Inter-Cluster Coordination Group as of 15 September 2021*, 20 September 2021, www.humanitarianresponse.info/en/operations/south-sudan/document/flooding-situation-report-inter-cluster-coordination-group-15.

⁶³ UNHCR, *South Sudan Floods Wreak Havoc on Vulnerable Communities*, 19 October 2021, www.unhcr.org/news/briefing/2021/10/616e89034/south-sudan-floods-wreak-havoc-vulnerable-communities.html.

⁶⁴ OCHA, *South Sudan: Flooding Situation Report Inter-Cluster Coordination Group*, 16 February 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/south_sudan_flooding_situation_report_31jan2021.pdf, p. 1.

⁶⁵ *Ibid.*, pp. 1, 4, 7.

basic services to its people.⁶⁶ Access to health care remains very limited, with one physician for every 65,574 persons.⁶⁷ Healthcare expenditures account for less than 2 per cent of the national budget, while 54 per cent of healthcare costs are covered by out-of-pocket spending.⁶⁸ According to the WHO, there is “an acute shortage in the health workforce, inadequate health infrastructure and poor health service utilization.”⁶⁹ In December 2020, the government launched a national action plan for 2020-24, with the goal of strengthening the healthcare system in South Sudan.⁷⁰

19. Children are significantly affected by the humanitarian situation; UNICEF estimates that 4.4 million children are in need of humanitarian assistance in 2021, while 1.4 million children were expected to suffer from acute malnutrition.⁷¹ In 2020, 2.8 million children were out of school on a structural basis (compared to 2.2 million in 2018), while an additional 4.2 million students were reportedly out of school due to COVID-related restrictions.⁷² The return of refugees from neighbouring countries could cause these numbers to rise, unless adequate support is provided to areas of return.⁷³
20. Humanitarian access remains challenging in South Sudan.⁷⁴ Between 1 June and 31 August 2021, the UN reported 164 incidents related to humanitarian access, including 22 ambushes and 25 lootings.⁷⁵ As of 1 September 2021, six aid workers had been killed in South Sudan in 2021.⁷⁶ COVID-19 restrictions and related preventive measures had a critical impact on humanitarian access in 2020, as did sub-national and localized violence in parts of the country.⁷⁷ While some improvements were reported in the first quarter of 2021, partly due to a decrease in the intensity of sub-national violence,⁷⁸ access incidents increased year on year during the second quarter due to “a surge in attacks against humanitarian staff and assets and continued active hostilities and sub-national violence”.⁷⁹
21. At the time of writing, the 2021 South Sudan Humanitarian Response Plan had received only 61 per cent of its total budget requirements.⁸⁰

Refugees and Internal Displacement

⁶⁶ Assessment Capacities Project (ACAPS), *Access to Basic Needs and Services in South Sudan: Scenarios*, 12 August 2020, https://reliefweb.int/sites/reliefweb.int/files/resources/20200812_acaps_scenarios_access_to_needs_and_services_south_sudan.pdf, p. 4.

⁶⁷ OCHA, *Humanitarian Needs Overview 2021: South Sudan*, 26 January 2021, www.ecoi.net/en/document/2045425.html, p. 11, see also pp. 21, 32, 26.

⁶⁸ World Health Organization (WHO), *Strengthening Primary Health Care in Fragile Settings*, 20 May 2021, www.who.int/news-room/feature-stories/detail/south-sudan-2021.

⁶⁹ WHO, *Strengthening Primary Health Care in Fragile Settings*, 20 May 2021, www.who.int/news-room/feature-stories/detail/south-sudan-2021.

⁷⁰ Anadolu Agency, *South Sudan Launches Action Plan for Health Care System*, 11 December 2020, www.aa.com.tr/en/africa/south-sudan-launches-action-plan-for-health-care-system/2073184.

⁷¹ UNICEF, *Country Office Humanitarian Situation Report No. 159*, 29 August 2021, <https://reliefweb.int/report/south-sudan/unicef-south-sudan-humanitarian-situation-report-no-159-1-31-july-2021>.

⁷² UNICEF, *Education in South Sudan Briefing Note, January to March 2021*, March 2021, www.unicef.org/southsudan/media/7696/file/Education%20Briefing%20Note_2021%20Jan-%20Mar.pdf, p. 2.

⁷³ Ibid.

⁷⁴ “According to reports received, humanitarian access to people in need improved between January and March 2021, partly due to a decrease in the intensity of sub-national violence, particularly in Jonglei. A total of 124 reported access incidents took place in the first quarter, a 27 per cent decrease from 170 reported during the same period in 2020. Yet, the humanitarian environment remains challenging with a resurgence of armed conflict in Central Equatoria, an increase in looting of supplies and sustained sub-national violence in Greater Tonj.” OCHA, *South Sudan: Quarterly Humanitarian Access Snapshot*, 16 April 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/south_sudan_access_snapshot_q1_2021.pdf, p. 1.

⁷⁵ UN Security Council, *Situation in South Sudan*, 9 September 2021, S/2021/784, www.ecoi.net/en/document/2060682.html, para. 34. “The intra - Sudan People’s Liberation Army-in Opposition (SPLA-IO) split continues to cause tension and disrupt humanitarian operations.” WFP, *WFP South Sudan: Situation Report #294*, 31 August 2021, <https://reliefweb.int/report/south-sudan/wfp-south-sudan-situation-report-294-31-august-2021>, p. 1.

⁷⁶ OCHA, *Aid Worker KKA (Killed, Kidnapped or Arrested)*, accessed 1 September 2021, <https://data.humdata.org/dataset/sind-aid-worker-kka-dataset>. See also, The New Humanitarian, *Fighting, Flooding, and Donor Fatigue: Unpacking South Sudan’s Food Crisis*, 23 August 2021, www.thenewhumanitarian.org/news/2021/8/23/funding-gaps-looting-hinder-south-sudan-food-crisis-response; Aid Worker Security Database (AWSD), *Figures at a Glance 2021*, July 2021, www.humanitarianoutcomes.org/sites/default/files/publications/figures_at_glance_2021.pdf.

⁷⁷ OCHA, *South Sudan: 2020 Humanitarian Access Overview (January to December 2020)*, 17 February 2021, <https://reliefweb.int/report/south-sudan/south-sudan-2020-humanitarian-access-overview-january-december-2020>, p. 1.

⁷⁸ OCHA, *South Sudan: Quarterly Humanitarian Access Snapshot*, 16 April 2021, <https://reliefweb.int/report/south-sudan/south-sudan-quarterly-humanitarian-access-snapshot-january-march-2021>.

⁷⁹ “According to reports received, humanitarian access to people in need worsened between April and June 2021, creating a challenging operating environment. A total of 188 reported access incidents took place in the second quarter, a 15 per cent increase from 163 reported during the same period last year.” OCHA, *South Sudan: Quarterly Humanitarian Access Snapshot*, 13 July 2021, <https://reliefweb.int/report/south-sudan/south-sudan-quarterly-humanitarian-access-snapshot-april-june-2021>.

⁸⁰ As of 22 October 2021, US\$ 1.03 billion out of a total of US\$ 1.68 billion had been received. Financial Tracking Service (FTS), *South Sudan Humanitarian Response Plan 2021*, accessed 22 October 2021, <https://fts.unocha.org/appeals/1013/summary>.

22. As of 31 July 2021, countries in the region hosted over 2.2 million refugees from South Sudan, including in Uganda, Sudan, Ethiopia, Kenya, and the Democratic Republic of Congo.⁸¹ Between 1 January and 31 May 2021, 48,997 South Sudanese fled to neighbouring countries seeking asylum.⁸² There are also over 1.6 million internally displaced persons (IDPs) inside the country.⁸³ In addition, South Sudan is host to almost 320,000 refugees from Sudan and other countries.⁸⁴
23. Between the signing of the R-ARCSS in September 2018 and March 2021, at least 241,390 South Sudanese have returned spontaneously to their country of origin, primarily from Uganda, Sudan, Ethiopia and Kenya.⁸⁵ Surveys and assessments conducted by UNHCR and partners with spontaneous returnees indicate that difficult humanitarian conditions, and lack of access to social services and livelihoods in countries of asylum may contribute to refugees' decisions to return.⁸⁶ While some returns are of a temporary nature, surveys with those returning also indicate that many wish to remain permanently in South Sudan, feel safe in their current location, and maintain a good relationship with their host communities.⁸⁷
24. Between September 2018 and July 2021, UNHCR and humanitarian organizations have facilitated the return of 18,690 IDPs.⁸⁸ Many others have returned on their own, with humanitarian actors reporting over one million IDP returns within the country between 2016 and December 2020.⁸⁹ IDPs face challenges in returning to their areas of origin including due to the security situation, the destruction of property, and lack of access to basic services; however, humanitarian actors continue to receive reports of IDPs returning in a self-organised manner.⁹⁰
25. Despite a number of challenges, UNHCR continues to work with key stakeholders to ensure the active involvement of refugee and IDP representatives in ongoing peace initiatives, the development of solutions strategies, and constitution making processes.⁹¹ Similarly, UNHCR supports the development by the Government of South Sudan, with the facilitation of the Intergovernmental Authority on Development (IGAD), of a National Durable Solutions Strategy and Action Plan that will build on the

⁸¹ As of 31 July 2021, the total amount of South Sudanese refugees outside of South Sudan was 2,265,081, with 924,835 in Uganda, 776,427 in Sudan, 374,680 in Ethiopia, 133,320 in Kenya and 55,819 in the Democratic Republic of the Congo. UNHCR, *Operational Data Portal: South Sudan*, accessed on 1 September 2021, <https://data.unhcr.org/en/situations/southsudan>. "UNHCR's most recent report on displacement trends, released last month, placed South Sudan among the top five refugee producing countries globally". UNHCR, *UNHCR Calls for Renewed Commitment to South Sudan's Peace, Development, and Future*, 9 July 2021, www.unhcr.org/news/briefing/2021/7/60e814d14/unhcr-calls-renewed-commitment-south-sudans-peace-development-future.html.

⁸² UNHCR, *Regional Overview of the South Sudanese Refugee Population*, accessed 2 July 2021, <https://data.unhcr.org/en/dataviz/62>.

⁸³ UNHCR, *UNHCR Global Focus: South Sudan*, accessed on 1 September 2021, <https://reporting.unhcr.org/southsudan>. See also, IDMC, *South Sudan: Displacement Associated with Conflict and Violence*, May 2021, www.ecoi.net/en/document/2051985.html.

⁸⁴ As of 30 June 2021, South Sudan hosted 324,853 refugees and asylum seekers, with the majority in the Upper Nile and Unity states. UNHCR, *South Sudan: Refugee and Asylum Seeker Population*, 26 July 2021, <https://data2.unhcr.org/en/documents/details/87910>.

⁸⁵ UNHCR, *South Sudan: Overview of Spontaneous Refugee Returns*, 15 April 2021, <https://data2.unhcr.org/en/documents/details/86056>, p. 1. "While UNHCR is not promoting or facilitating return to South Sudan, some 375,000 have chosen to return on their own since November 2017, including 13,000 in the first quarter of 2021." UNHCR, *Operational Update: East and Horn of Africa, and the Great Lakes Region*, March 2021, <https://data2.unhcr.org/en/documents/download/86805>.

⁸⁶ According to focus groups and key informant interviews conducted in March 2021: "The main reasons cited for leaving country of asylum and returning to South Sudan were lack of employment opportunities in the countries of asylum (37%), lack of access to basic services (36%) and insecurity in the country of asylum (26%)." UNHCR, *South Sudan: Overview of Spontaneous Refugee Returns*, 15 April 2021, <https://data2.unhcr.org/en/documents/details/86056>, p. 2. See also, UNHCR, *South Sudan: Refugee Return Household Survey*, 10 September 2020, <https://data2.unhcr.org/en/documents/details/78906>, p. 2.

⁸⁷ "Up to 69% of surveyed refugee returnees said they intended to stay permanently. [...] Majority (82%) of assessed refugee returnees intended to remain in their return villages, 8% were undecided and 5% expressed desire to move to a different village within South Sudan." UNHCR, *South Sudan: Refugee Return Household Survey*, 10 September 2020, <https://data2.unhcr.org/en/documents/details/78906>, p. 2.

⁸⁸ Information available to UNHCR, August 2021.

⁸⁹ The International Organization for Migration (IOM) recorded 1,734,329 South Sudanese who returned between 2016 and December 2020; 1,141,339 (66%) had returned from within South Sudan, and 592,990 (34%) had returned from abroad. IOM, *South Sudan: Mobility Tracking Round 10: Baseline locations*, 23 July 2021, <https://displacement.iom.int/node/11981>, p. 3.

⁹⁰ "According to protection profiling exercises [...] an average of 63 per cent of the IDPs living inside PoC sites did not consider or even discuss leaving the sites and returning home. The vast majority cite security concerns as the main reason for not considering or discussing leaving the displacement sites, followed by scarcity of food [...]. The recent comprehensive intention survey conducted in Wau PoC AA and five collective centres in December 2019 and January 2020 [...] corroborated the importance of security in the return-decision making process." IOM, *South Sudan - Submission to the United Nations Secretary-General High Level Panel on Internal Displacement (September 2020)*, 16 December 2020, <https://dtm.iom.int/reports/south-sudan-submission-united-nations-secretary-general-high-level-panel-internal>, pp. 5-6. See also, UNHCR, *Global Focus: South Sudan*, accessed 11 October 2021, <https://reporting.unhcr.org/southsudan>; UNHCR, *South Sudan: Vulnerability Screening and Return Intentions: Bentiu PoC*, 1 April 2021, <https://reliefweb.int/report/south-sudan/unhcr-south-sudan-vulnerability-screening-and-return-intentions-bentiu-poc>, p. 3. Most IDPs are interested in returning to their area of origin. See, for example, *ibid.*, p. 1; UNHCR, *South Sudan: Vulnerability Verification and Return Intentions of IDPs in Wau*, 14 May 2020, <https://data2.unhcr.org/en/documents/details/76286>, p. 1.

⁹¹ UNHCR, *Refugee Voices Resonate During South Sudan's Milestone National Dialogue Peace Conference*, 18 November 2020, www.unhcr.org/afr/news/latest/2020/11/5fb4e7504/refugee-voices-resonate-during-south-sudans-milestone-national-dialogue.html.

2019 National Framework for Return, Reintegration and Resettlement of Refugees and IDPs and its Action Plan adopted in 2020.⁹²

International Protection Needs and Non-Return Advisory

26. UNHCR considers that persons fleeing South Sudan are likely to meet the criteria for refugee status under the 1951 Refugee Convention,⁹³ or would otherwise meet the criteria contained in the refugee definition in Article 1(2) of the 1969 OAU Convention Governing the Specific Aspects of Refugees in Africa.⁹⁴ In this respect, UNHCR welcomes the fact that South Sudanese fleeing the conflict continue to enjoy *prima facie* refugee status in all neighbouring states, in line with Article 1(2) of the 1969 OAU Convention.⁹⁵
27. While political, security, human rights and rule of law changes are underway in South Sudan, the impact of these changes on the ground are not uniformly witnessed across the country and may compromise the feasibility of return under conditions of safety and dignity in some locations. Therefore, UNHCR reaffirms its call on States to refrain from forcibly returning South Sudanese nationals or habitual residents of South Sudan to any part of the country.⁹⁶
28. The bar on forcible return serves as a minimum standard and needs to remain in place until such time as the security, rule of law, and the human rights situation in South Sudan has significantly improved to permit the promotion of safe and dignified returns of those determined not to be in need of international protection.

Spontaneous Returns

29. Any assistance provided by UNHCR for return to South Sudan aims at supporting individuals who, being fully informed of the situation in their places of origin or an alternative area of their choice, choose voluntarily to return. Any action by UNHCR to support voluntary repatriation, including efforts aimed at sustainable reintegration for returnees and IDPs in South Sudan, should not be construed as an assessment by UNHCR of the safety in South Sudan for individuals who have applied for international protection in countries of asylum. It should be noted that voluntary repatriation and forced return are processes of a fundamentally different character, engaging different responsibilities on the parts of the various actors involved.

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⁹² IGAD, *IGAD Convenes Ministerial Follow-Up Meeting on The Solutions Initiative for the Displacement Situation in Sudan and South Sudan*, 5 April 2021, <https://igad.int/divisions/health-and-social-development/2016-05-24-03-16-37/2652-igad-convenes-ministerial-follow-up-meeting-on-the-solutions-initiative-for-the-displacement-situation-in-sudan-and-south-sudan>. See also, UNHCR, *Regional Update: South Sudan Situation*, October 2019, <https://data2.unhcr.org/en/documents/download/72727>, p. 4.

⁹³ UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, U.N.T.S. Vol. 189, p. 137, www.refworld.org/docid/3be01b964.html; UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, U.N.T.S. Vol. 606, p. 267, www.refworld.org/docid/3ae6b3ae4.html.

⁹⁴ Organization of African Unity, *Convention Governing the Specific Aspects of Refugee Problems in Africa*, 10 September 1969, 1001 U.N.T.S. 45, www.refworld.org/docid/3ae6b36018.html.

⁹⁵ Ibid.

⁹⁶ UNHCR, *UNHCR Position on Returns to South Sudan - Update II*, April 2019, www.refworld.org/docid/5cb4607c4.html.