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# SUDAN: OVERCOMING OBSTACLES TO PEACE

Before the excitement around the emergence of the world's newest nation fades, outstanding issues from the Comprehensive Peace Agreement must be resolved. Hundreds of thousands of people are returning south and desperately require support to rebuild their lives and communities. The rights of minority groups on either side of the border need to be guaranteed. Ultimately, in order to secure a lasting peace in all of Sudan, the humanitarian community must take action to avert a humanitarian crisis before the formal establishment of an independent Southern Sudan in July.

## FACILITATING A MASSIVE RETURN HOME

In September 2010, the Government of Southern Sudan (GOSS) launched the "Come Home to Choose" campaign and announced its intention to facilitate the return of roughly 1.5 million southerners living in the north before the January 2011 referendum. International donors and aid agencies deemed the campaign to be politically motivated and did not endorse it. Though the GOSS expected international support and funding, they forged on with plans and facilitated the return of southerners from the north in sponsored convoys. Between October 30, 2010 and March 8, 2011 the International Organization for Migration (IOM) estimates that 253,682 people have returned south, some 38,000 more people have returned to Abyei, and another 5,000 to Southern Kordofan.

Initially, the returns process was extremely chaotic and disorganized due to a lack of centralized leadership and minimal information-sharing with operational agencies. Before the SSRRC began coordinating the process, individual state governors made it their personal responsibility to facilitate the transportation of returnees and did not notify agencies when convoys would be arriving. This created severe

## POLICY RECOMMENDATIONS

- The U.S. should fund at least 25% of UNHCR's emergency response appeal to respond to humanitarian and protection needs of returnees.
- The UN Humanitarian Coordinator should play a stronger role in urging donor governments to provide financial and technical assistance to the SSRRC to ensure that returns are coordinated and conducted safely and in dignity.
- The GOSS should devise a land distribution policy that can be uniformly implemented at the state and county levels. The SSRRC needs to be delegated proper authority to coordinate the distribution of land to ensure that it is consistent, equitable, and timely.
- The U.S. and donor governments should support the GOSS policy for return and reintegration programming and provide financial support to operational agencies that bridge the gap between humanitarian and development assistance.
- The SPLM and the NCP should develop a citizenship agreement that is based on objective criteria rather than ethnicity, and protects basic rights.

bottlenecks at transit sites and way stations. As a result, the Humanitarian Country Team (HCT) in the south activated the Emergency Response Sector (ERS), led by IOM and the UN Refugee Agency (UNHCR), in order to provide a coordination mechanism and establish guidelines for operational partners to respond to the influx in returnees.

The Southern Sudan Relief and Rehabilitation Commission (SSRRC) has since assumed formal responsibility for the returns, however the process has still been plagued with difficulties. Though the referendum voting period was relatively peaceful throughout the south, there were a series of security incidents in Southern Kordofan on the road to Abyei. One attack led to the closure of the most direct route between the north and the south through Abyei. Convoys and barges also stopped operating during this period because the SSRRC had run out of money. This caused approximately 6,000 people to be stranded at Kosti way station and another 22,000 at designated departure spots in Khartoum who are still waiting for transportation south. As it stands now, the SSRRC estimates that there are a total of 145,000 people who are urgently waiting for transportation to the south and the UN estimates that 500,000 more southerners will return to the south by August.

## **INCREASE SUPPORT FOR THE RETURNS PROCESS**

The HCT in Southern Sudan has ramped up its efforts to protect the rights of displaced people by deploying UNHCR staff to every state, coordinating a very effective response to returnees, and proactively engaging with the SSRRC. In the past year, the performance of the protection cluster has dramatically improved and protection activities have been prioritized. The same cannot be said about the HCT in the north. Humanitarian agencies in northern Sudan continue to disassociate themselves from the needs of returnees – even on the basis of humanitarian principles. Now that the official results of the referendum have been announced and recognized by both parties and the international community, it is time for donors and international agencies to step up and financially support the return process. The UN Humanitarian Coordinator for Sudan (HC) must also do more to seek this support.

Access to IDP settlements has repeatedly been cited as a primary reason for the lack of operational presence within these areas and the information vacuum. The expulsion of thirteen aid agencies in 2009 and the difficulty in obtaining work visas for northern Sudan has minimized the presence of humanitarian actors around Khartoum, especially those who prioritize the protection of IDPs. But since then aid

agencies have not recognized the importance of utilizing the ability of local organizations to access more restricted sites and facilitate the provision of humanitarian assistance, as well as information sharing.

While in Khartoum the RI team was able to visit multiple IDP settlements that also served as convoy departure points. Families told RI that they would never have given up their homes had they not been promised transportation south because the cost has more than doubled and they cannot afford it themselves. They were homeless and sleeping by the side of the road, but had not received any humanitarian assistance except for blankets from a church organization. Eventually, UNHCR began to distribute plastic sheeting. With their furniture and belongings piled high around them, the community waited for word on when convoys would arrive. Women were giving birth in the open, children were no longer attending school, and there was no medical or food assistance being provided to these groups. At Kosti way station, though agencies were present and providing humanitarian assistance, the situation was even more dire. A facility built to host 800 people housed nearly 6,000 people without proper water and sanitation, shelter, or sufficient health services.

The SSRRC has assumed responsibility for the returns process and formally requested financial and technical support from the Sudan United Nations Country Team (UNCT). The HC has pledged to move 5,600 southerners stranded at Kosti way station, and transportation for these groups is currently underway. RI welcomes this necessary step, but the scale of the need surpasses this action. With the understanding that there is a hesitancy to engage in a large scale return process, at the very least donors and operational agencies should provide financial and technical support to the SSRRC so that they can immediately transport the most vulnerable groups and people with special needs, such as pregnant women, those in need of medical attention, and the elderly.

The return of southerners from the north was built into contingency plans that the HCT developed in November and fully supported by international donors. Though the assumption was that returns may be due to conflict or insecurity, the estimated scale of the returns is still accurate, with around 250,000 people having returned since October and another 400,000 to 500,000 people expected to return by August. The prepositioning of supplies in November 2010 was critical to mitigating the impact of the returns over the last few months. In September the U.S. Office of Foreign Disaster Assistance (OFDA) gave IOM \$4 million in funding for a Rapid Response Fund that proved

to be invaluable in assisting returnees that were stranded en route to the south. Returnees who were stranded in the south received food, medicine and other supplies, which limited the spread of disease and met basic needs.

The return of southerners is voluntary and there are no signs of political motivation. Several southerners of all socioeconomic classes told RI that they did not want to live as foreigners on someone else's land when they could return to their homeland. The SSRRC has already indicated that at least 3,000 more people intend to join their families at Kosti way station once the convoys begin. As word spreads within Khartoum and other areas throughout the north that transportation from Kosti is available, this number will only continue to grow as people are unable to pay the cost of transportation south on their own. The HC should more aggressively advocate for donors to support a phased and organized returns process and not wait for a large scale humanitarian or security crisis to arise before responding.

### **ENSURE TIMELY AND EQUITABLE ACCESS TO LAND**

The convergence of returnees in towns has been the biggest obstacle to the resettlement and reintegration of people back into their communities. It has put a huge strain on the provision of basic services and land allocation. In areas such as Abyei, Kwajok, Aweil, and Malakal the population has practically doubled. While returnees are often encouraged to return back to their mostly rural communities of origin where land is more available, they are reluctant to rebuild their lives there. During their time in Khartoum, they became accustomed to an urban lifestyle. Young people especially desire to live in more urban settings where there are more educational and employment opportunities.

The allocation of land has been a challenge due to the scarcity of land around town centers, miscommunication about land availability, and the absence of a universal policy. In Aweil, for example, the government settled people on plots of land around the town center and then told them later that the plots were not permanent settlements. This not only posed a challenge for returnees that were asked to move, but also to the agencies who believed they were providing assistance to returnees at their final destinations rather than a transit site. In other instances returnees have been charged for land or told they had to prove they had the resources to build a shelter before it would be allocated.

Delays in land allocation have created bottlenecks at transit sites because people are hesitant to leave until they have been assured that they will have access to land. Without safe and habitable land, they are unable to build permanent

structures or begin cultivating food. This situation will only worsen once the rainy season begins and road travel becomes more of a challenge. A universal policy and method of implementation needs to be immediately established by the GOSS and implemented at the state and county levels.

### **BALANCE THE NEEDS OF RETURNEES AND HOST COMMUNITIES**

The excitement surrounding the birth of a new nation has led to unrealistic expectations for returnees. There are many highly skilled and educated people returning from the north that will need to be absorbed into southern Sudanese society. They are unlikely to find the same professional opportunities that they had in the North and may not be inclined to agricultural activity. The HCT should support the SSRRC to mitigate these high expectations through relevant public information campaigns. Information about transportation, reintegration packages, land rights, and the conditions that returnees should expect must be clearly articulated once individuals indicate their intention to return. With a fairly new government and NGOs providing roughly 80 percent of health and education services, it will take time before people's needs can be fully met.

Implementing appropriate and effective reintegration programs is also extremely important. Returnees need to be given proper reintegration packages with materials that enable them to build shelters before the rainy season and seeds and tools to begin cultivating their land if that is the profession that they choose. The more assistance and livelihood opportunities that are provided at the county and payam level, the more likely returnees will be willing to resettle there and not migrate back into towns. This will also aid in harmonizing the relationship between returnees and host communities as their presence will be seen as mutually beneficial.

The Resident Coordinator Support Office (RCSO) has a long-standing presence at the state level throughout Southern Sudan. Their role is critical in the transition from humanitarian assistance to reintegration and they have offered invaluable support to the policy and procedures established by the GOSS. Their expertise, historical knowledge, and the leadership that they have shown in past years should be built upon to ensure a smooth transition.

### **PROTECT THE RIGHTS OF MINORITY POPULATIONS**

As RI found during its 2010 missions, there are two primary factors prompting the return of southerners back

to the south. One is their affinity to their homeland and the second is fear over changes to their legal status after Southern Sudan becomes independent.

The end of the CPA implementation period is nearing, yet the issue of citizenship has yet to be resolved. It is important that the Sudan Peoples' Liberation Movement (SPLM) and National Congress Party (NCP) reach a broad framework agreement on citizenship that considers practical issues regarding the implementation of the agreement. For example, the right to reside, work, own property, travel between both nations, and freely express one's religion and culture are issues that are critical to the protection of minority communities on both sides of the border and from all socioeconomic classes. Citizenship should be based on objective criteria such as residency and place of birth, rather than ethnicity. The definition of a southerner was intentionally left vague in the CPA in order to be more inclusive, but if this definition is used to automatically impose citizenship on individuals who appear to be southern Sudanese, many people will be arbitrarily and indiscriminately denied their rights.

Southerners in IDP settlements told RI of the trauma they have experienced due to regular harassment and arrests by authorities during their time in the north. Southerners in the north are supposed to be exempt from Sharia law, but this has not been applied in practice. Southern women, who make their livelihood by brewing alcohol, are regularly arrested and often forced to stay in jail for up to six months at a time with their children. Juveniles are also arrested for "indecent" dress and behavior and separated from their families for months with their whereabouts unknown. Currently, the status of street children and children in detention is unclear and the government in Khartoum has announced its intent to conduct a mass deportation. The international community should continue to prioritize unifying these children with their families before they are forcibly returned south unaccompanied.

RI also met with southerners in the north who own property and couples of mixed marriages. Although day to day physical protection was not their primary concern, these groups were concerned about their ability to maintain their property and jobs after July. Some wanted to move south before July, but had been unable to because they were unable to sell their property. There is a general belief in and around Khartoum that the property of southerners will either be abandoned or forcibly seized after July, which has led to a significant decline in property values.

## CONCLUSION

The international community, and in particular the United States, has invested significant funding and diplomatic resources in Sudan to establish a peace agreement and maintain a relative peace between north and south Sudan. However, the southern referendum was not the sole element of the CPA. Without ensuring that people are given the assistance necessary to rebuild their lives and the option to live where they choose, we risk jeopardizing years of investment into the country. UNHCR has launched a \$53 million appeal for an emergency response to CPA-related IDP movements in Sudan. This appeal identifies activities that are crucial to adequately protecting IDPs and returnees and establishing durable solutions that will help people reintegrate into their new communities. The ability for the south to absorb the large influx of returnees is admittedly low and it is only through partnerships and capacity-building with the GOSS that sustainable reintegration can be achieved. The U.S. should continue to support their efforts and maintain the standard 25% contribution to UNHCR funding appeals. The world can only avoid the emergence of a failed state if Southern Sudan receives adequate assistance in its path to independence. We should not wait for a humanitarian crisis to arise before we act.

*Regional Director Andrea Lari and Advocate Limnyuy Konglim assessed the needs of displaced people in Khartoum, Kosti, Abyei, and Southern Sudan in February 2011.*