

December 10, 2010

Contact:
Limnyuy Konglim

SUDAN: THE 30-DAY COUNTDOWN

As the January 9 referenda in south Sudan and Abyei approach, so do the possibilities for violence and humanitarian crises. The United Nations has mapped out potential flashpoints for conflict and drawn up detailed contingency plans, but many critical challenges remain unresolved. With less than a month remaining until the referenda, agencies lack sufficient staffing, humanitarian access has become a growing issue, a coordinated response to gender-based violence has yet to be developed, and a systematic plan to protect minority communities and returnees has not been finalized. These issues must be resolved immediately in order to effectively protect and assist the Sudanese people if a large-scale crisis emerges.

THE WORST-CASE SCENARIO

United Nations humanitarian actors have created a worst-case scenario that describes the impact of potential conflict during the period surrounding the south Sudan and Abyei referenda in January 2011. In this scenario, an estimated 4 million people will be in need of protection, 3.2 million people may lose access to trade and social services, 2.8 million people may be internally displaced, and as many as 800,000 southerners living in the north may return home. The crisis could stretch beyond Sudan's borders, with up to 250,000 refugees fleeing to neighboring countries. Should this scenario unfold, the humanitarian impact on the lives of people still recovering from over two decades of conflict will be devastating. The current capacity of government authorities in south Sudan to respond to the many ongoing emergencies throughout the south is limited at best. Strong technical and financial support from the international community will be required.

The UN Humanitarian Country Team (HCT) led by the UN Office for the Coordination of Humanitarian Affairs (OCHA) has drawn up detailed contingency plans to prepare and respond to this worst-case scenario. However, the

POLICY RECOMMENDATIONS

- The UN Humanitarian Country Team (HCT) must urgently overcome critical gaps in contingency planning, such as conducting community consultations and ensuring sufficient staff.
- The UN HCT should include greater attention to gender-based violence in the contingency plan and donors should increase funding for UNHCR and UNFPA to strengthen prevention and response services.
- The U.S. and other donors must frontload their planned emergency funding for 2011. They should support the immediate deployment of additional UN staff, provide long-term funding for the reintegration of returnees, and particularly ensure that money is available for protection activities.
- UNHCR should strengthen its protection and support for returnees by increasing its field presence in areas of high return. Clearer guidelines should also be developed so the protection cluster can adequately assess the needs of returnees. Humanitarian actors in Sudan should be prepared to assist southern returnees based on vulnerability and need, rather than location.

humanitarian community has limited ability to implement these plans. The poor state of infrastructure throughout south Sudan and the Three Areas (Abyei, Blue Nile, and Southern Kordofan) make it difficult to transport humanitarian supplies and staff. There are insufficient partners to provide assistance in the event of a large-scale disaster and the security situation throughout the country remains unpredictable. Still, easily accessible and flexible funding from donors is urgently needed. The UN HCT members understand their operational constraints. The onus is now on donors and humanitarian actors to ensure that necessary resources are in place to implement these contingency plans and proactively resolve critical gaps before the referenda.

CONTINGENCY PLANNING

The UN contingency planning process was slow to start. Spanning from November 2010 to June 2011 the UN outlined three different scenarios, and created plans to respond to the worst-case possibility. Plans were drawn at the state level, consolidated at the north/south level, and finally a country-wide plan was created for humanitarian clusters in the south and sectors in the north.

The difficulty of operating within Sudan's current political climate is its sheer unpredictability. The smallest trigger could result in large-scale catastrophe. Abyei, for example, remains the most contentious flashpoint in Sudan. With its small population of approximately 100,000 people, including expected returns, agencies in the region believe that the humanitarian ramifications will be manageable. However, if the issues surrounding the Abyei referendum remain unresolved by January 2011, conflict may affect the entire country. As one senior UN official put it, "People don't know how bad things can get here."

The HCT did a fairly good job of coordinating the planning process and ensuring input from the international community, although some NGOs complained of not being given sufficient time to provide feedback on written plans. However, the HCT did not seek sufficient involvement of local community leaders and community-based organizations in plans and scenarios formulation. Though the Southern Sudan Relief and Rehabilitation Commission (SSRRC) is in theory viewed as the interlocutor between the international community and local communities, this is often not the case in practice and communities' direct involvement in the design of plans has been quite minimal. Refugees International (RI) was told that plans were based on thorough security and capacity analysis, but without local input, conclu-

sions about the intentions of local groups were based largely on assumptions and past trends. Contingency planning partners should use community-based networks and early warning systems to effectively gauge the triggers of conflict and anticipate population movements. Women's groups must be involved in early warning networks, and reports of sexual violence included as conflict indicators.

The procurement and prepositioning of emergency supplies is a key component of the plan. Three months of supplies for each of the six core emergency pipelines – food and nutrition; non-food items and emergency shelter; emergency medical kits; seeds and tools; and water, sanitation and hygiene supplies – are being prepositioned in hubs near flashpoint areas where violence is most likely to erupt or vulnerable groups are most likely to concentrate. Prepositioning began in November 2010 but faced challenges due to the lack of paved roads, damaged airstrips, and the inability to access remote locations during the rainy season.

Despite the levels of gender-based violence (GBV) in previous conflicts in Sudan and the ongoing high levels of GBV in the country, the contingency plan does not adequately address the need to prepare for increases in sexual violence if conflict breaks out. Availability of supplies and expansion of GBV services are essential. Post-rape kits and safe birthing kits need to be prepositioned, particularly outside of provincial capitals. There are also insufficient resources for GBV programming in south Sudan. Donors should assist the UN Refugee Agency (UNHCR) and the UN Population Fund (UNFPA) in increasing funding for GBV programs so they can urgently expand currently available services through international and local NGOs and community networks. As the protection cluster lead, UNHCR together with UNFPA should ensure the emergency deployment of a GBV coordinator and resources, and that GBV prevention and response be considered in other cluster planning.

HUMANITARIAN STAFF AND ACCESS

UN actors in the north and south have identified the need to quickly deploy additional staff as a critical component to effectively implementing contingency plans and longer-term stabilization in Sudan. Humanitarian actors are already overstretched responding to existing crises at the local, state, and national levels. Under a worst-case scenario, the current staff capacity is insufficient. Key UN agency staff are not always present at state level and very few NGOs have committed to increasing their current staff levels. The HCT has already made several pleas to the international

community for additional staff capacity in the south and has requested that those already in the country should scale up their operations, if possible.

Some NGOs said that they would be scaling down their operations and pulling staff out of field locations during the December/January holidays and not returning until after the referendum. There are understandable risks involved in operating during this volatile time and organizations have different mandates. However, decisions about withdrawal or scaling back of staff should be based on up-to-date information about security, access, and other relevant factors, rather than preemptive assumptions. A noticeable reduction in humanitarian actors could have a huge negative impact on people in need. South Sudan is already in a state of emergency due to extreme flooding, ongoing inter-tribal conflicts, and overall low state capacity. The time needed to get humanitarian actors back into their areas of operation post-referendum could produce unnecessary hardship for Sudanese people. It is important that humanitarian organizations establish a presence in remote areas of south Sudan and maintain a critical mass in staffing.

The HCT has proposed a Humanitarian Access Framework for Sudan to be signed by the Government of National Unity (GoNU), the Government of Southern Sudan (GOSS), and the UN in order to ensure the protection and security of civilians and humanitarian actors and the delivery of humanitarian assistance. Many humanitarian agencies operating in the Three Areas are managed from Juba. In the event that cross-border operations are restricted around the time of the referenda, it is critical that agencies are still able to access their supplies and resources. The HCT has also discussed alternative routes for the transportation of supplies in case the north-south border is closed. The U.S. government and other donors should pressure the National Congress Party (NCP) and SPLM to sign the humanitarian access framework and commit to implementing it. In the meantime, the UN Humanitarian Air Service (UNHAS), the UN Department of Safety and Security (UNDSS), and the UN peacekeeping mission in Sudan (UNMIS) should continue to support the security and operations of humanitarian staff to the extent possible in order to maintain the presence of humanitarian actors, despite competing priorities throughout the referenda period.

PROTECT MINORITY POPULATIONS AND RETURNEES

In June 2010, RI called for humanitarian contingency planning to consider returnees from the north. There is no

clarity on exact numbers, but recent reports estimate roughly 35,000 people returned to the south in November. The overwhelming majority of returnees cited fear as a major, and often primary, reason for their decision to move. Some southerners chose to return after the GOSS announced its intent to facilitate the return of 1.5 million southerners living in the north before the referendum. Others were motivated by the governments in the north and south failing to reach an agreement on citizenship that reassures people of their status and inflammatory remarks made by NCP officials. Many international actors see these returns as politically motivated and thus something they are unwilling to fully support. Although the influx of returns was considered in the contingency plans, the timing surprised most of the humanitarian community and has posed one of the first challenges to the implementation of the referenda-related contingency plans.

The HCT in Juba created the “emergency returns” cluster to respond to a possible greater influx of returns after the referendum. However, systems for tracking, monitoring, and assisting spontaneous returnees remain under-resourced. RI spoke with spontaneous returnees who exhausted their savings, sold property, or collected money from relatives to secure transport to the south. As RI has been reporting since 2006, spontaneous returnees remain one of the most neglected populations in south Sudan.

In addition to spontaneous returns, the governors of a number of states in the south have organized their own privately funded mass return processes without notifying humanitarian actors in return areas. RI heard reports of returnees being stranded in reception centers for days as they waited for transport to their final destinations. The reception centers were not equipped to house large numbers of people and lacked proper water, health, and sanitation facilities. In an effort to alleviate the problem, the International Organization for Migration (IOM) and the UN World Food Programme (WFP) have provided short-term emergency assistance to returnees stranded en route.

Most humanitarian agencies say they strongly prefer providing assistance to vulnerable groups once they reach their final destination or communities of origin, so that new displacement camps are not created along the return corridors. However, some returnees may ultimately migrate back to city centers, since communities in the south and border areas are ill-equipped to accommodate new arrivals and provide basic services. Humanitarian actors must be prepared to support returnees based on need in a variety of locations.

UNHCR's role with respect to protection and support for returnees needs strengthening. Although UNHCR is the protection cluster lead, it does not have sufficient staff to be present in each state in the south or the Three Areas. As a result, cluster members have not routinely conducted thorough needs assessments for the influx of returnees. Few spontaneous returnees have been formally registered by the SSRRC and thus are unaccounted for and ineligible to receive formal assistance packages. Protection activities in general have been underfunded in south Sudan (only 40% of protection activities were funded in the 2010 Consolidated Appeal). This trend should not continue into 2011, especially if the security situation significantly deteriorates. The needs of returnees must be proactively identified and prioritized in all humanitarian programming.

In north Sudan, the issue of returns is also alarmingly absent from contingency plans. The protection sector in the north is tasked with tracking forced population movements, but the coordination and provision of basic services to populations on the move is unaddressed. Returnees tend to be viewed as an issue to be dealt with by the south without sufficient regard to their protection and welfare en route. Equally, the protection needs of northerners in the south who may be forcibly expelled or harassed is overlooked.

The long term reintegration of returnees in the south poses an enormous challenge. Many of the returnees that RI met were born or spent the majority of their lives in Khartoum, spoke primarily Arabic, and were unaccustomed to rural lifestyles in small villages. Most returnee households were female-headed, with husbands who were deceased or working in Khartoum or other urban centers. There have also been reports of unaccompanied children. These dynamics demonstrate the difficulties returnees face in reintegrating into their communities and establishing livelihoods. UNHCR should be supported in its efforts to deploy protection officers in states with high levels of returns and provide them with guidelines to assess the needs of all returnees – organized or spontaneous. These guidelines should take into account the previous lifestyles of returnees to better understand their needs, intentions, and the capacity of communities to absorb them.

To prevent more returns motivated by fear, international actors with leverage over the governments of the north and south, particularly the United States and the African Union, should demand a swift conclusion to the negotiations on citizenship and an agreement that complies with international norms. RI learned that the recent talks on citizenship considered an agreement that falls short of at least two key

principles – the choice of the person concerned and non-discrimination on ethnic, religious, or other grounds. This is a cause for serious concern and must be addressed by international actors involved in the negotiations.

DONORS MUST ENSURE EARLY FUNDING

The UN has requested a \$63 million advance on the 2011 Consolidated Appeal Process (CAP) for contingency planning in the north and south, which would cover the first three months of emergency humanitarian operations, should the worst-case scenario take place. This includes funding for the procurement and prepositioning of the core emergency pipelines and building the logistical and response capacity of key organizations. Thus far, a disproportionate amount of funding and resources has been spent on filling the pipelines, while logistical and human resource capacity await reinforcement. Since time is needed to mobilize additional staff capacity, donors should be prepared to release funds quickly, as the international community will be expected to respond if the worst-case scenario arises. Donors should also be proactive and frontload the 2011 CAP for Sudan in order to ensure the availability of funding and resources. The humanitarian needs throughout Sudan are great and considering the immediate need for funding in the midst of a large-scale emergency, every minute counts.

CONCLUSION

Now that contingency plans around the referenda have been developed, it is time for the international community to ensure that the resources are available to implement them. The U.S. must sustain the same level of engagement in Sudan through the referenda period and post-Comprehensive Peace Agreement (CPA) transition and not allow unresolved issues to fall by the wayside during this fragile period. Southerners will continue to return after the referenda and the international community should continue to press for their protection and effective integration into the places they choose. Donors should continue to stress the need for community consultations at every level of programming in order to ensure that the intentions of Sudanese people are accurately reflected in plans for future international engagement in Sudan.

Limnyuy Konglim assessed the contingency planning process for the January 2011 referenda in Sudan in November 2010.