

Returns in complex environments: the case of South Sudan

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Humanitarian agencies must be extremely cautious about how they support returns and relocations to ensure that they avoid causing harm or allowing humanitarian assistance to be instrumentalised by political actors.

South Sudan has been in the grip of civil war since 2013 and has witnessed instability, violence and human rights violations across the country. Many South Sudanese have fled, and there are now approximately 1.5 million internally displaced persons (IDPs) and over 2.2 million refugees in neighbouring countries. Since the signing of the peace agreement in September 2018, numbers of refugees and IDPs returning to areas of habitual residence or areas of origin have been rising. The situation remains complex, however, with multiple push and pull factors and concurrent spontaneous, facilitated and

involuntary returns, often all within the same geographic area. In addition, while some of those returning are doing so to their former homes, many are relocating to areas where they may have never previously lived or have not done so for many years.

In 2019 the Danish Refugee Council (DRC) has been analysing IDP and cross-border movement flows from Sudan. Securing quantitative data remains extremely difficult but consolidating data from various sources does highlight that numbers of persons returning are increasing, particularly within specific areas of South Sudan. Field

assessments in areas of return, however, have highlighted that some of those returning are in fact people who have been secondarily displaced – re-displaced either as a result of a lack of services in their area or country of refuge, or as a result of localised conflict in their displacement location. Significantly deteriorating conditions in Sudan and a lack of access to even basic health services, food or water, for example, have often been cited as reasons for people returning to South Sudan. Similar patterns have also been seen within the country, with IDPs being displaced due to a lack of access to services and returning to their areas of former residence in search of services, rather than because they believe it is safe to do so.

Such instances generally cannot be considered to meet the international definitions of fully informed and voluntary returns. However, it is important to note that international humanitarian and South Sudanese understandings of voluntariness and safety may differ significantly; in recent field research in areas of high returns and population movement, the majority of returnees considered themselves to have returned voluntarily, yet over 80% indicated that their transport was provided by a political actor and many cited push factors in their displacement location as the primary reason for return. Moreover, over half immediately entered displacement camps in search of services rather than returning to their former area of residence. Crucially, dynamics differ significantly by location, and it is essential that generalised analysis is not applied to all areas of the country as this will undermine contextualised provision of assistance.

In addition to ‘spontaneous’ (that is, unassisted) return, some of these movements are being facilitated – some on a voluntary basis, some with a risk of coercion, further complicating the situation. Since late 2018 and 2019, humanitarian UN agencies and the UN Mission in South Sudan (UNMISS) have facilitated returns from Protection of Civilians (PoC) sites¹ in Juba, Bor and Wau. South Sudanese government or opposition groups have also facilitated returns by air

and road from neighbouring countries or IDP sites. Some repatriating South Sudanese have also reported receiving transportation assistance from international and national private sector companies operating close to the border regions. Conversely, however, some IDP leaders within PoCs have encouraged those residing in the camps to remain there and to resist returns efforts, potentially to cement the leaders’ political leverage.

To further add to the complexity, people are often moving back, or their return being facilitated, to areas where service provision or access to basic coping mechanisms is extremely limited. Discussions with returning or relocating IDPs, for example, have highlighted that movement flows (including humanitarian-facilitated returns) have been to areas where food insecurity is at emergency levels (IPC Phase 4²) or where there are significant risks of intercommunal violence or which lack basic food, water and health services. Discussions with returnees and relocated men and women have also highlighted that, while the signing of the peace agreement was a contributing factor, the main drivers for their decision to move were overwhelmingly push factors, such as inadequate living conditions, lack of access to livelihoods and limited safety and security in their area of displacement, leaving them with few options.

Applying the IASC Framework

The IASC Framework on Durable Solutions for IDPs is the widely recognised benchmark for return of IDPs, and states that return and relocation must be voluntary, safe, dignified and informed. In a context where human rights violations are continuously committed against civilians, whether displaced or not, and where service provision across the country remains almost universally below SPHERE standards, it is difficult for humanitarian and development agencies to determine the nature of the conditions in which return happens. Moreover, discussions on returns within humanitarian leadership circles and coordination bodies have often risked assuming a homogeneity among returnee populations, failing to reflect the

need for different methods and levels of assistance depending on whether return is assisted or spontaneous or on the push and pull factors at play. There is a risk that simplistic narratives around return ignore the realities and complexities on the ground and instead direct funding and programming to people based on their return status rather than their humanitarian needs. This is particularly true given that local actors have in some cases inflated return numbers or actively encouraged returns as a method of accessing increased international assistance.

Where returns are considered to be spontaneous, it is essential – in order not to cause harm – that any assistance is based on an analysis of the reasons and circumstances of the movement and considers the local conflict and political dynamics affecting integration into the receiving community. The UN Humanitarian Country Team (HCT) has stated that South Sudan is not yet ready for large-scale facilitated returns, and in August 2019 issued a guidance note on this matter. Humanitarian agencies must respect this, and ensure that people can return and relocate on their own, having access to relevant information to make an informed decision. Previous cases have shown that rushing assistance can create a false sense of security and optimism which exacerbates conflict drivers and undermines the potential

for stability and finding a durable solution – issues that have been seen in this particular context in previous years. Primary research has already identified, for example, reports of returning men and boys being forcibly recruited by non-State actors. In addition, the significant lack of housing and land rights for displaced populations, and particularly for women, risks significantly exacerbating inter-community tension where new populations occupy land or property that was once occupied by the returning population.

A lack of attention to such issues was recognised as a failure of previous returns and reintegration processes in 2005 and 2016. Unfortunately, the distinction between providing needs-based services and encouraging returns remains extremely difficult to identify, particularly given the pervasive lack of services in South Sudan or southern parts of Sudan. Such lack of services means that virtually any service provision risks creating a pull factor.

In instances of facilitated or assisted return, similar challenges exist in applying internationally recognised standards. PoC sites are clearly an ineffective method of providing long-term humanitarian assistance, and protracted displacement is highly undesirable. In some instances those living within PoCs have expressed a desire to return to their places of origin or residence and



Refugees returning from Sudan to northern South Sudan, June 2019.

requested assistance to do so; current returns in such instances have been facilitated by humanitarian agencies and UNMISS. Such requests for assistance to return present highly complex issues for humanitarian actors, however, particularly where IDPs actively request assistance to return to their homes but where there is evidence that such return may be unsafe or undignified or have implications that lead to harm either for the individuals or the wider population in the area. IDPs requesting to return may also lack adequate and reliable information about the safety situation and services available in their area of return. Displaced ethnic minority groups and women, meanwhile, express a particular desire to return home, due to the risks of violence, including gender-based violence, in their place of refuge. They know however that their original homes have been destroyed or occupied, that the chances of recovery and restitution are slim, and that safety risks are still prevalent; rushing to provide support to returnees therefore risks increasing the marginalisation of minority groups, particularly if conflict-sensitive gender analysis and community engagement and participation are not thoroughly applied.

Where displaced people have their own means to travel, it is easy to support the principle of their freedom of movement. Where they lack the basic resources to return, however, and assistance from humanitarian agencies is the only way that they may be able to return, there is a difficult balance to strike between supporting their choice and avoiding the potential of causing harm. Humanitarian agencies should be very wary of thinking they know better than the South Sudanese people whom they serve by choosing not to assist such return requests but evidence has also shown that some of those who have made what they consider to be an informed and voluntary decision to return and have been assisted by humanitarian agencies to do so have immediately been put at risk in their area of return, and have sought humanitarian assistance along with other displacement-affected communities. As a result, it is essential that the process for deciding when and how to assist in

such instances is agreed by the HCT in advance, that the process for assessments and decisions is transparent and fully documented to ensure accountability in the future, and that it recognises the complexity and nuances of the situation on the ground.

Within South Sudan, various agencies are working to develop an operational framework that will integrate and contextualise the IASC principles for use in South Sudan, and that all humanitarian and development actors can sign up to and – most importantly – fully adopt. The aim is that this can be applied throughout the country, led by the Advisory Group on Solutions. The operational framework provides guidance on solutions, following national and international legal frameworks and minimum standards for analysis and decision making; it also establishes an accountability mechanism around actors' responsibilities. Thorough protection and context analysis needs to be conducted both in the area of displacement and in the potential area of return prior to any decision making around solutions. The involvement of IDPs, returning refugees and other affected communities is crucial throughout this process, and must not be impeded by political, programmatic and other diverging interests. Bringing the voices of displacement-affected populations to the forefront of discussions would improve accountability and reduce the likelihood of putting people at further risk.

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The views expressed in this article are the authors' own and do not necessarily represent the views of their organisation.

1. Established by UNMISS to provide short-term protection to civilians.
2. Integrated Phase Classification (IPC) describes the severity of food insecurity on a scale of 1–5, where famine is classified as Phase 5. <http://fews.net/IPC>