

# What hope for IDPs in a new Sudan?

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**The most probable outcome of the 2011 referendum is that Southern Sudan secedes from the North, breaking Sudan into two independent nation states.**

The last of Sudan's civil wars between the North and the South ended in 2005 with the Comprehensive Peace Agreement (CPA). The wars have caused the displacement of more than four million people and the death of more than two million Southerners. The CPA mandated both North and South to make unity attractive, while also paving the way for the South to hold a referendum to decide whether to secede. However, there will be numerous challenges during the preparations for the referendum and after any secession. The two particular questions that need to be addressed are whether all the internally displaced persons (IDPs) in Khartoum will have the chance to vote, and what their citizenship will be after secession if that is the outcome.

## Voting in the referendum

The population statistics deriving from the 2008 census in Sudan will be used to determine how power and wealth are to be distributed if and when secession is realised. To ensure a proportionate distribution, all individuals from southern Sudan should have been counted, including displaced persons in the camps in and around Khartoum. The Central Bureau of Statistics (CBS) stated that Southerners constitute 21.1% of Sudan's total population compared to 78.9% of Northerners.<sup>1</sup> The figure of 21.1% has been contested by the First Vice-President Salva Kiir, a Southerner, who suggests that over 33% is a more accurate estimate.

One reason for the low numbers is that many IDPs in camps and squatter areas around the capital were ignored. In May 2009 the CBS announced that only 520,000 southern Sudanese live in and around Khartoum compared to the 2 million estimated by the southern Sudan People's Liberation Movement (SPLM). A survey completed by Tufts-

IDMC in 2008 estimated that between 1.3 and 1.7 million IDPs mainly from the South live in Khartoum among the other communities.<sup>2</sup>

It is crucial to emphasise that only about a third of the southern Sudanese IDPs living in Khartoum were registered to vote in the 2010 elections, as only a third of them were considered to exist according to the (Northern) National Congress Party (NCP). The key question now is: will all 1.3 million or more IDPs be registered to vote in the referendum?

Guaranteeing all southern Sudanese a chance to vote will be costly and in some cases impractical as both sides are reluctant to finance or manage the logistics. Both sides need to ensure that there will be enough registration and polling stations in and around Khartoum to hold a fair referendum. However, a fair referendum may not be to the advantage of either side. The SPLM fears that many IDPs may in fact vote for unity if they have security in the North in terms of jobs and education. In September 2006, the International Organization for Migration discovered that 25% of IDPs in the North had no intention of returning to the South and the number of Southerners in the North is ever increasing.

On the other hand, the NCP is concerned that if the IDPs are encouraged to resurrect memories of the suffering and ill-treatment that was imposed on them for several decades by the North, they will vote for secession and this will lead to a tighter control of resources by the South, which would not be welcomed by the North.

Recognising the need for equitable wealth sharing, the CPA mandated that wealth allocation "shall be based on the premise that all parts of the Sudan are entitled to development".

In reality the current regime has yet to keep its promise and deliver equal shares of oil revenues in particular. The revenue is required for capacity building in the South; without it Southerners who may choose to return will have nothing to return to. Infrastructure and socio-economic security and stability need to be in place before they can enjoy the effects of independence and secession. Returning IDPs may not be guaranteed jobs and their children may not have access to education.

## Citizenship

If South Sudan secedes from the North, it will not be the first time in recent years that an African nation faces a citizenship crisis. Comparisons can be drawn with the Eritrea-Ethiopia experience. As a result of a referendum, Eritrea peacefully seceded from Ethiopia in 1993 with both sides agreeing to respect the rights of citizens living on either territory by issuing dual nationality.<sup>3</sup> In Sudan no such agreement has been reached thus far. In 1998, however, a conflict over borders led the Ethiopian government to expel and deprive many Eritreans of citizenship as a vote for the referendum was considered a vote for repatriation to Eritrea. Eritrea has also expelled and denationalised those of Ethiopian origin. Nevertheless, irrespective of being treated as foreigners and second-class citizens with no protection of their rights, and ultimately stateless, many of each nationality decided to remain in the other's territory.

It is difficult to assess at this point whether or not the Southerners will be expelled from the North and vice versa if there is secession. It has been suggested by high-ranking officials that, despite it being contrary to the CPA, Southerners in the North who vote for secession will not be entitled to citizenship of North Sudan.

And if the Southern IDPs choose to remain in the North, they will

continue to live under *shari'a* law as the NCP has no intention of governing a secular Sudan. There is some question of the extent to which the Southern non-Muslims' human rights will be protected, especially if they end up having to live as 'foreigners' in the North.<sup>4</sup>

Sudan has not ratified the 1961 Convention on the Reduction of Statelessness, and therefore it has no international obligation as a contracting state to ensure that Southerners can acquire Northern nationality and not be denied it "on racial, ethnic, religious or political grounds". Religious and ethnic tensions may arise, and it is not inconceivable that certain groups will resort to violence. There has been no public discussion as yet of any contingency plans to counter violent eruptions or new conflicts.

As the CPA was designed to promote unity, there is no indication as to what citizenship the displaced Southerners could acquire. To date neither the North nor the South has declared what citizenship people of the new Sudan would be entitled to. If the people who originate from the South cannot choose their own citizenship – i.e Northern or dual citizenship – they may become stateless if they decide to remain in the North. They may not even be entitled to refugee status if the cessation clause is applied. Southerners will not be eligible to apply for refugee status



In Aweil, Bahr el Gazal, returnees to southern Sudan are enrolled in farmer field schools and farm cooperatives. "...in the North we were only working as labourers on others' farms," said Chol Luka Wol Wol, who attends a returnee farmer field school near the border. "Now we work our own farms." In December 2009, Wol had organised 24 other families and walked for 15 days to Aweil. "We [thought if] Southern Sudan would break [away] we would not get a place to stay in the North," he said.

as secession would mark the end of their struggle and of the conflict, in which case they no longer have a well-founded fear of persecution.

If UNHCR decides to adopt the policy of cessation and classify Southerners in the North as a group that is no longer in need of protection, then the international community should at least offer durable solutions in the South. If forced to repatriate, Southerners will have great need of homes, livelihoods and a sense of community.

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1. See October 2010 *CPA Monitor* p12, 103. <http://tinyurl.com/CPAMonitor-Oct2010>

2. <http://tinyurl.com/Tufts-IDMC-Khartoum>

3. See article by Katherine Southwick on 'Ethiopia-Eritrea: statelessness and state succession' in FMR 32 at <http://www.fmreview.org/FMRpdfs/FMR32/15-17.pdf>

4. As of November 2010, UNHCR had been in discussion on a range of issues with both Southern and Northern leaders, the African Union and UNMIS but had not been asked to participate formally as an expert adviser in the working group on citizenship. See also [http://untreaty.un.org/ilc/summaries/3\\_4.htm](http://untreaty.un.org/ilc/summaries/3_4.htm) for the International Law Commission on 'Nationality in relation to the succession of states'