

Protection and support of spontaneously returning Sudanese

by John Rogge

As Sudan's peace process inches forward, the spontaneous return of people displaced by the 21 year-long civil war and the demobilisation, disarmament and reintegration of combatants pose unprecedented reintegration challenges.

In May 2004, following protracted talks in the Kenyan city of Naivasha brokered by the Intergovernmental Organisation on Development (IGAD)¹, the Government of Sudan (GoS) and the Sudan People's Liberation Movement (SPLM) signed a protocol which is expected to lead to signing of a comprehensive Peace Agreement some time later this year.² Since the beginning of 2004 some 100,000 IDPs have returned from the north to the south. Though the flow was slowed by the onset of the rainy season in June, it is expected to accelerate again in October when the rains end and especially once an agreement is signed.

It is unclear how many of Sudan's estimated 3.5 million IDPs (the world's largest internally displaced population) and over half a million refugees³ will be returning and over what time period. Planning figures agreed upon by the GoS and SPLM for expected returns during the first six to nine months following a comprehensive Peace Agreement are 950,000 IDPs and 50,000 refugees.⁴ To this must be added an expected 150,000 demobilised combatants. Those who have already returned, and the majority who are likely to return in the months following the Peace Agreement, will be returning spontaneously and independently rather than as part of any large-scale organised return. Returning refugees will be brought by UNHCR to dispersal areas in the south from where they will independently continue to their final destinations.

A factor influencing the SPLM's desire to encourage refugee and IDP return is the commitment in the peace protocols for elections to be

held within three years of the signing of the Peace Agreement. Elections will have to be preceded by a census which should resolve the vexed question of the population of the south - currently estimated at anywhere between 7 and 10 million. Larger numbers of IDP and refugee returnees would substantially increase the influence of the SPLM in the proposed government of national unity.

There remains considerable debate among UN and NGO personnel over the question of assisted versus unassisted returns. There is serious concern about limited capacity in the south to absorb large numbers of returnees and fears that mass return will trigger local conflict over access to already limited natural resources and services. Some incidents have already occurred in Rumbek and western Equatoria.

It is recognised that many of the displaced are very anxious to return and that unassisted returns over such great distances will create undue hardship for the returnees and could lead to some loss of life. The GoS and SPLM's joint plan for the immediate post-Peace Agreement envisages that return movements will initially be spontaneous. Both parties, and especially the SPLM, envisage an assisted return programme in the medium term once conditions in areas of return have been improved. Consequently, they have called upon the international community to provide life-sustaining assistance along the primary routes of return and to assist with the immediate reintegration needs in the primary areas of return. A medium-term return and comprehensive reintegration and recovery strategy, that also includes

provision for displaced people who do not wish to return, has yet to be finalised by both parties and will require assistance from the international community.

The journey back

The spontaneous return movements to the south, and within the south, will require support due to the enormous distances involved, lack of all-weather roads, absence of commercial transport and the need to undertake long and arduous journeys on foot. Commercial transport is available from Khartoum, and other northern towns, where most IDPs are located, to the main transit points into the SPLM areas. Almost all of the IDPs that have returned so far have reached these transit points using existing commercial transport facilities. However, they have often become stuck due to the expense or lack of onward transport or because of insufficiency of food and financial resources to continue their journeys

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on foot. A large number of returnees are stranded in the city of Kosti, 300km south of Khartoum, because many of the river barges required to transport them further up the White Nile are not functioning.

As the southern stage of most homeward journeys will be on foot the strategy being adopted is to ensure that essential material and protection assistance is available along primary routes of return. The availability of such services will be communicated to returnees at points of origin and at transit points where they enter the south. However, basic services and livelihood opportunities in potential areas of return are minimal or often non-existent and there is much concern that too many



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returning too quickly will risk seriously destabilising fragile local peace processes. A worst-case scenario is that rapid mass return will simply result in a transfer of camps from the north to the south. Assistance provided to spontaneously returning persons must balance the need to provide life-saving assistance against the danger of creating a pull factor drawing people back to areas unable to sustainably absorb them.

Reintegration in areas of return

After over two decades of war, which totally reversed the limited development gains made during the eleven-year interlude of peace from 1972 to 1983, southern Sudan is today one of the least developed regions in the world. It has the world's highest infant and maternal mortality rates and some of the lowest adult literacy rates. There are hardly any trained health workers, access to potable water is rare and livelihood opportunities are confined to subsistence agriculture or pastoralism.

Returnees will be reintegrating among a population that has been acutely deprived for over two decades of access to even minimal levels of basic services and economic opportunities. Many will be perceived by local populations as having acquired 'foreign' values or as being politically suspect for not having supported the SPLM. Any assistance specifically targeting returnees and providing them with resources de-

nied to resident populations would be a recipe for friction and conflict.

Consequently, the GoS and SPLM's six-month strategy for the spontaneous return and immediate reintegration of the displaced, which is supported by the international community, places emphasis on area-based and community-driven support to the return process. All populations in areas of return will have equal access to services and opportunities provided to facilitate the reintegration process.

It will be vital to strengthen local dispute resolution mechanisms

The immediate needs are simply to provide basic services in health care, education, water and sanitation and ensure food supplies are made available and livelihood opportunities are supported. Local authorities have no resources to provide any of these needs and are therefore heavily dependent upon the international community. Moreover, the capacities of local authorities to manage the return and reintegration process are very limited and hence, parallel to the provision of basic services, there is also the need to create the machinery of governance. The process of sustainable reintegration and recovery will be dependent upon the establishment of the rule of law in an insecure region where small arms are ubiquitous. It will be vital to strengthen local dispute resolution mechanisms to solve disputes over access to land and claims for property restitution. At the moment

there are fewer than 20 judges in the SPLM-controlled south.

Reintegration and recovery will also require widespread mine action. Throughout the south, the government-controlled towns remain cut off from their SPLM-controlled hinterland by mine fields. Economic recovery of returnees in both the urban and rural areas will be dependent upon reconnecting towns with their hinterlands which will need extensive mine clearance.

The urban option

IDPs in Khartoum, and those in other northern towns, present a special problem. The majority have been in the north for a long time and many have been born there. Many are relatively integrated, usually employed - albeit often at minimal levels - and many have children in local schools. It is anticipated that many will adopt a wait-and-see attitude or will remain in the north indefinitely.

Some among them will want to return immediately as part of the anticipated post-Peace Agreement wave but much of this movement will be urban to urban. This is expected to be particularly the case for youths who have grown up in northern towns, for many demobilised combatants and for those repatriating from semi-urbanised camps such as Kakuma in Kenya. Livelihood opportunities will remain limited for some time and there is a risk that a sizable population of unemployed youth and young males, many of them able to access small arms, will jeopardise



the fragile peace process. A few incidents have already occurred in Juba. Urban returnees must be provided with vocational training and assisted to establish new livelihoods.

The SPLM policy to channel as much of the return movement to areas of origin may run counter to the wishes of many returnees who will opt for return to urban areas. The Sudanese authorities and the international community must safeguard the right of all displaced people to return in safety and dignity based on a free and informed choice of their final destination. It is crucial that arrange-

ments are put in place to monitor the safety and dignity of return along the primary routes of return and to ensure that the returnees are able to reach the destinations of their choice in an unhindered manner. National, regional and local authorities have the primary responsibility to ensure that returnees are protected from all forms of human rights and physical violations.

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The views expressed here are personal and do not necessarily represent those of the UN.

¹ A regional organisation bringing together Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan and Uganda. See: www.igad.dj

² The text of the Protocols are online at: www.igad.dj/pressroom/POWER%20SHARING.pdf

³ These numbers, especially for IDPs, are subject to considerable variation and exclude the IDPs and refugees currently created by the crisis in Darfur.

⁴ As indicated in *The Framework Plan for Spontaneous Return in Sudan*, GoS and SPLM, 13 July 2004. Many observers consider the actual numbers of IDPs to be less.

Dangers of de-linked peace processes

Prospects For Peace In Sudan is a monthly briefing on peace and conflict in Sudan published by Justice Africa.

The latest report warns that the Darfur crisis has brought the Naivasha process to a virtual standstill. Talks between the Government of Sudan (GoS) and the Sudan People's Liberation Movement (SPLM) remain stuck on two key issues: the funding of the armed forces of southern Sudan during the interim period and the role to be played in the new security structure by members of southern militia who have supported the GoS.

The GoS is pursuing the high-risk strategy of seeking a solution on its own terms in Darfur, anticipating that international interests in the Naivasha process will allow it to prevail. The GoS has made only modest progress in implementing commitments in Darfur set out in the UN Security Council Resolution 1556 and has focused its efforts on building an international coalition opposed to sanctions. The GoS calculation is that the international community does not have sufficient

seriousness of purpose, will not risk derailing the Naivasha process over Darfur and that time is therefore on Khartoum's side.

While the GoS has facilitated improved humanitarian access to rebel-held areas of Darfur the government has been slow to present plans for controlling the Janjaweed. This is due to the fact that a large proportion of the Janjaweed, including its commanders, are part of the command structure of the Sudanese armed forces so that disarming them while also maintaining the pretence that they are an independent force represents political challenges.

The international community and many observers remain opposed to linking the Naivasha peace process with the African Union's peace talks at Abuja, Nigeria. In fact, argues Justice Africa, Darfur is no reason for delaying Naivasha. Naivasha remains the lynchpin of peace in

Sudan. Without its completion all other peace processes are doomed to failure. The completion of Naivasha will significantly change the political dynamics in Khartoum and make a settlement of all other outstanding issues and conflicts, beginning with Darfur and including the simmering discontent of the non-Arab Beja people who straddle both sides of Sudan's borders with Eritrea, Egypt and Ethiopia.

To subscribe to Justice Africa's Sudan email briefing, email: sudan@justiceafrica.org or visit www.justiceafrica.org. Alex de Waal, director of Justice Africa, analyses responses to the Darfur tragedy on p49.

Other sources of information are:

- UN Integrated Regional Information Networks (IRIN) www.irinnews.org/webspecials/SudanDarfur/default.asp.
- UN Sudan Information Gateway www.unsudanig.org
- GoS Washington Embassy www.sudanembassy.org
- Sudan People's Liberation Movement <http://splmtoday.com>
- Darfur Information Centre www.darfurinfo.org
- Darfur Information: www.darfurinformation.com
- Beja People www.bejapeople.com
- Sudan Justice and Equality Movement (JEM) www.sudanjem.com/english/english.html

Camp, El Geneina, Darfur

