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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Report of the Independent Expert on the human rights of internally displaced persons, Mr. Chaloka Beyani**

### **Addendum**

### **Mission to Sudan (14 to 23 November 2012)\* \*\***

#### *Summary*

The Special Rapporteur on the human rights of internally displaced persons (IDPs), Chaloka Beyani, conducted an official mission to Sudan from 14-23 November 2012, at the invitation of the Government of Sudan. Pursuant to the Special Rapporteur's mandate, contained in A/HRC/RES/14/6, he sought to examine the situation of IDPs in the country, with a focus on Darfur, the three Protocol Areas, and the situation of persons of South Sudanese origin in Sudan. Various contexts of internal displacement, both new and protracted, continue to be evident in Sudan, including displacement due to armed conflict, communal violence, and conflicts over resources. A number of important agreements have been signed to address outstanding issues perpetuating conflict and displacement, demonstrating efforts and some progress by the Government of Sudan, but these have not always been inclusive enough or have stalled due to their slow implementation.

Issues related to humanitarian access, the capacity of the Government, and insufficient preventive measures have adversely impacted assistance and protection services. At the same time, durable solutions have been affected by continued insecurity in parts of the country, the lack of services and livelihood opportunities in areas of return, underlying land issues, and the lack of comprehensive durable solution strategy that, in addition to returns, also facilitates other solutions such as local integration.

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\* The summary of the present report is circulated in all official languages. The report itself, which is annexed to the summary, is circulated in the language of submission and in Arabic only.

\*\* Late submission.

Recommendations are provided with regard to these and related topics, and the Government of Sudan is encouraged to continue to seek political solutions to outstanding conflicts or issues, facilitate unhindered humanitarian access, and adopt a participatory and human rights-based approach in addressing the causes, consequences and solutions to internal displacement in the country.

## Annex

[Arabic and English only]

### **Report of the Special Rapporteur on the human rights of internally displaced persons, Mr. Chaloka Beyani, on his mission to Sudan (from 14-23 November 2012)**

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## **I. Introduction**

1. In accordance with his mandate contained in Human Rights Council resolution 14/6, and at the invitation of the Government of Sudan, the Special Rapporteur on the Human Rights of Internally Displaced Persons, Chaloka Beyani, conducted an official visit to Sudan from 14-23 November 2012. The Special Rapporteur undertook this visit in order to examine the current situation of internally displaced persons (IDPs) in the country, with a particular focus on Darfur and persons of South Sudanese origin remaining in Sudan. The Special Rapporteur's conclusions and recommendations are based on his findings during his visit, and on the Guiding Principles on Internal Displacement (Guiding Principles).<sup>1</sup>

2. During his visit the Special Rapporteur met with various Government interlocutors including the Ministers of Foreign Affairs, of Justice, Social Welfare, and Health; the Human Rights Coordination Council of the Ministry of Interior; and representatives of the Humanitarian Aid Commission both in Khartoum and in the field. He also met with representatives of the National Human Rights Commission; the Director of the Internally Displaced Persons Centre; the Commission of Voluntary Humanitarian Work; the Darfur Regional Authority; and the Justice, Truth and Reconciliation Commission. During his field visits, he had the opportunity to engage with local government representatives, including the governors (Walis) of North, West and South Darfur, as well as members of civil society, traditional leaders and UN officials, including various units within UNAMID, and the Deputy Joint Special Representative. He is especially appreciative to have been able to meet with communities affected by internal displacement in the different parts of Darfur he visited, as well as persons of South Sudanese origin living in and around Khartoum and at departure points. He regrets that he was unable to visit some of the IDPs originally scheduled in North Darfur due to the interlude of a national holiday a day after his arrival.

3. The Special Rapporteur would like to express his appreciation to the Government of Sudan for their invitation, constructive engagement, and expressed willingness to continue their cooperation with the mandate. He is also grateful to the Office of the United Nations Resident Coordinator in Sudan, the Office for Coordination and Humanitarian Affairs (OCHA), the Office of the United Nations High Commissioner for Refugees (UNHCR), UNAMID, and in particular its Human Rights unit, who provided invaluable support during the preparations as well as throughout the visit. He also wishes to express appreciation for the cooperation and support provided by the United Nations Country Team (UNCT), and the internally displaced persons and persons of South Sudanese origin he met with, who shared their concerns and experiences with him.

## **II. General context**

### **A. Political and socio-economic context**

#### **1. Political context**

4. Sudan has been affected by long standing civil wars between the north and the south, and in the eastern and western regions of the country. Demands for greater political autonomy for these regions, recognition of their socio-cultural diversity, and issues related to the distribution of wealth and political inclusiveness of Sudan's peripheral regions have

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<sup>1</sup> E/CN.4/1998/53/Add.2

been at the heart of these conflicts.<sup>2</sup> The country's longest running civil war between the north and the south saw its conclusion through a referendum held in January 2011 in support of the independence of South Sudan, which came into effect on 9<sup>th</sup> July 2011.

5. In eastern Sudan, the conflict which had become violent by 1995 resulted in the signing of the Eastern Sudan Peace Agreement in October 2006. In the western region of Darfur, the conflict, spurred by the struggle for power and land, intensified as of 2003 and has caused massive displacement over the years. A series of ceasefires agreed during this longstanding conflict have failed, as did the Darfur Peace Agreement signed under the auspices of the African Union (AU) in May 2006. More recently, some political progress was achieved through the signing of the Doha Document for Peace in Darfur (DDPD).

6. President Omar Hassan al- Bashir, who came into power in a military coup in 1989, was subsequently elected president in 1996, 2000, and again in 2010, which marked Sudan's first multi-party elections in 24 years, although these came under criticism by some international observers.<sup>3</sup> Sudan is in the process of drafting a new national constitution, which has raised questions regarding the transparency, and participatory and inclusive character of the constitutional review process, and the extent to which the Constitution would resolve issues such as the different conflicts affecting the country.<sup>4</sup>

## 2. Socio-economic and environmental context

7. While Sudan is the third largest country in Africa, and benefits from considerable natural resources, endemic poverty affects 47 per cent of the population.<sup>5</sup> Particularly in peripheral regions, there is lack of access to basic services and a social safety net, reflected in indicators such as low access to improved drinking water and sanitation facilities (20.8 %), primary school completion (62.7 %), full immunization of children (39.3 %), birth registration (59.3 %), and high under-five and maternal mortality rates.<sup>6</sup> The United Nations estimates the number of people in need in Sudan at 4.4 million persons.<sup>7</sup>

8. Largely dependent on oil, the economy of Sudan has been impacted by the independence of South Sudan. The decision by South Sudan to suspend oil production and the damage to oil production facilities in Higliig has placed pressure on the Sudanese economy and led the government to impose a number of austerity measures to address the resulting budget deficit in 2012, the majority of which have resulted in cuts in development spending and federal transfers to state governments for the provision of basic services. As a net importer of food, Sudan has been particularly affected by currency instability, and inflation rates of over 30 %, resulting in high food prices and import costs for basic goods.<sup>8</sup>

9. Sudan is undergoing a significant demographic shift, which includes a near doubling of its population since 1983 and a rate of urbanization which has risen from an estimated 17 % in 1970 to approximately 40 % at present.<sup>9</sup> In addition to internal migration from the countryside for economic reasons, urbanization has also been spurred by

<sup>2</sup> IDMC, NRC, Sudan : Durable solutions elusive as southern IDPs return and Darfur remains tense, 23 December 2010, p. 15

<sup>3</sup> The Carter Center, Observing Sudan's 2010 National Elections, April 11-18, 2010, Final Report, p.3; European Union Election Observation Mission, Executive and Legislative Elections, Final Report, p. 4.

<sup>4</sup> A/HRC/21/62, p.8

<sup>5</sup> OCHA, Sudan: Humanitarian Dashboard, 31 October 2012, p. 1

<sup>6</sup> UN, Sudan: United Nations and Partners Work Plan 2013, pp. 8, 28

<sup>7</sup> Ibid., p. 9

<sup>8</sup> OCHA, Sudan, *Mid-year review*; January-June 2012, p. 12

<sup>9</sup> UN, Sudan work plan 2013, p. 28

displacement due to insecurity and conflict, with people fleeing in large numbers to urban areas. The proliferation of arms which has increased banditry, has also had a significant impact on livelihoods and access to services. At the state level, many government institutions have lacked the capacity and funding to adequately provide services to populations in their area.<sup>10</sup> National capacities with regard to crisis prevention, preparedness and management are also inadequate.

10. In addition, deteriorating environmental conditions, in part attributable to climate change, have led to an increase in failed growing seasons, desertification, deforestation, and erratic rainfall. These conditions have been important factors in exacerbating food insecurity and vulnerability, negatively affected health, water and sanitation conditions, and have reduced the availability of natural resources such as water and grazing lands. This has led to increased competition and conflict over scarce resources, particularly between pastoralist and agriculturalist communities.<sup>11</sup>

## **B. Human rights instruments and institutions**

11. Sudan is a party to most of the core international human rights treaties, although it has not ratified some of the related Optional Protocols to these.<sup>12</sup> As per article 27(3) of the Sudanese Interim Constitution of 2005, all rights and freedoms enshrined in international and regional human rights instruments ratified by Sudan are considered an integral part of the national Constitution. Some national and international actors have called for a revision of national laws to ensure consistency with the Constitution, for transparency and broad-based participation in the constitutional review process, and improvements to its Bill of Rights in line with international human rights.<sup>13</sup> In 2011, Sudan underwent the Human Rights Council universal periodic review process, which resulted in a number of recommendations relating to humanitarian access and IDPs.<sup>14</sup>

12. Sudan has a number of national institutions responsible for human rights. These include, inter alia, the Advisory Council on Human Rights, the National Committee on International Humanitarian Law, the Human Rights Committee of the National Assembly, and the National Commission for Human Rights. With regard to the latter, the Special Rapporteur urges the Government and international partners to support the Commission through capacity-building, training and other measures which can facilitate its compliance with the Paris Principles.<sup>15</sup>

## **C. History, causes and extent of internal displacement**

13. The historical pattern of internal displacement in Sudan is deeply rooted in political tensions between the centre and peripheral regions, often related to demands for reforms in the distribution of wealth, power, and greater recognition of the country's diversity.<sup>16</sup> These tensions have in certain areas of the country, led to armed conflicts, some of which have become protracted, impacted on civilian populations who have suffered grave violations of

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<sup>10</sup> Ibid., p. 29

<sup>11</sup> Ibid

<sup>12</sup> For ratifications see: <http://www.ohchr.org/EN/Countries/AfricaRegion/Pages/SDIndex.aspx>

<sup>13</sup> A/HRC/21/62, paras. 29-31, 33-37; A/HRC/WG.6/11/SDN/2, p. 3; A/HRC/WG.6/11/SDN/3, p. 2

<sup>14</sup> A/HRC/18/16, pp. 16, 22

<sup>15</sup> A/HRC/21/62, para. 15-17

<sup>16</sup> A/HRC/21/62, para. 15-17

their human rights and international humanitarian law, the loss of livelihoods, and forced displacement. At the time of the visit, internal displacement continued to profoundly impact the human rights of millions of persons in Sudan, including IDPs in Darfur, persons of South Sudanese origin (SSO) in Khartoum and other areas of the country, and IDPs in the three Protocol Areas of Abyei, South Kordofan and Blue Nile. In its 2013 work plan, the United Nations reported a total of 4.4 million persons in need in Sudan, including: over 1.4 million IDPs in camps in Darfur receiving food aid; nearly 140,000 IDPs/severely affected persons in Blue Nile State; and over half a million in South Kordofan. Between 220,000 and 350,000 people of SSO in Sudan are also of concern, many of whom require assistance.<sup>17</sup>

14. The armed conflict between the South Sudan People's Liberation Army in South Sudan and the Khartoum Government lasted several decades, first breaking out in 1956 until 1972, and resuming again 1983. It was brought to an end by the Comprehensive Peace Agreement (CPA) in January 2005, which set out detailed transitional power-sharing arrangements, and the status of the "Three Areas" (three Protocol Areas) contested between the north and the south, namely, Abyei, Southern Kordofan and Blue Nile.<sup>18</sup> The many years of civil war resulted in approximately 4 million IDPs, of whom an estimated 2 million returned to South Sudan, Abyei, and Southern Kordofan between the signing of the CPA in 2005 and the end of 2009.<sup>19</sup> Initiatives to facilitate the return to the south of persons of SSO still living in the north, including in and around Khartoum, also accelerated, especially as of August 2010. A large percentage IDPs from the South were hosted in the greater Khartoum area, which had already received and local integrated many IDPs during the two previous decades.<sup>20</sup>

15. After the nationwide election held under the CPA in April 2010, a South Sudanese referendum on self-determination was held in January 2011, which resulted in the independence of the South and the creation of the Independent Republic of South Sudan on 9 July 2011. While this signified compliance with the CPA, no resolution had been reached in three key areas, including the border between Sudan and South Sudan, which was the subject of renewed fighting. The latter impacted on related issues such as border security, access to migratory routes, water and grazing rights for nomadic groups, oil sector agreements, and citizenship and residency status for people of SSO still living in Sudan. The renewed fighting in the three Protocol Areas since independence, has caused new displacements, and delayed the referendum on the final status of Abyei, as well as the completion of the popular consultation process to take place in South Kordofan and Blue Nile

16. In Darfur, the conflict which began in early 2003 between two allied groups, the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM), and the Government of Khartoum, resulted in large-scale internal displacement, which has become protracted. Despite the signing of the Darfur Peace Agreement (DPA) in May 2006 between the Government in Khartoum and a faction of the SLM/A, further fractionalisation among the rebel groups resulted in renewed violence and the failure of the DPA. This was followed by a number of unsuccessful agreements and renewed fighting between the Sudan Armed Forces (SAF) and different rebel groups, as well as between the rebel groups themselves. By January 2009, there were an estimated 2.7 million IDPs, a further 2 million considered affected by the conflict, and 300,000 people killed.<sup>21</sup> Some

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<sup>17</sup> UN, Sudan work plan 2013, pp. 9,13

<sup>18</sup> IDMC, Sudan: Durable solutions, p.7

<sup>19</sup> Ibid., p. 10

<sup>20</sup> Ibid, p. 11

<sup>21</sup> IDMC, Sudan: Durable solutions, p. 7-8, 24-29.

political progress was achieved with the signing of the DDPD between the Government and the Liberation and Justice Movement (LJM) - a grouping of small armed movements in Darfur – in July 2011. However, a comprehensive peace settlement, including with the larger armed opposition movements such as the JEM and the Sudan Liberation Army/Abdul Wahid (SLA/AW) had not yet been attained at the time of the visit, and while some returns have taken place in parts of Darfur, other areas have seen continued fighting and new internal displacements.<sup>22</sup>

17. While the Special Rapporteur was not able to visit Eastern Sudan, this region has also been affected by violent conflict and displacement, especially since 1995 with the eruption of armed conflict between the army and the Eastern Front, an insurgent coalition. In 2006, these parties signed the Eastern Sudan Peace Agreement, but its implementation has been slow.<sup>23</sup> As of 31 March 2013, there were an estimated 30,000 persons of SSO and approximately 150,000 IDPs in the Eastern Sudan states of Gedaref, Red Sea and Kassala,<sup>24</sup> to which there are humanitarian access restrictions. The region continues to have the worst development indicators in the country, although the relatively calm political and security situation more recently has allowed some recovery and development activities to go forward.

### **III. Frameworks for assistance and protection of IDPs**

#### **A. Domestic legal, policy and institutional frameworks**

18. Sudan has neither signed nor ratified the African Union Convention for the Protection and Assistance of IDPs in Africa, 2009 (Kampala Convention), although the Special Rapporteur is encouraged that the Government is conducting a study in this regard. Sudan has ratified the Pact on Security, Stability and Development in Africa's Great Lakes Region (2006), and in particular, its Protocol on the Protection and Assistance to Internally Displaced Persons, and the Protocol on the Property Rights of Returning Persons, which require States Parties to respect and integrate the Guiding Principles into their national legislation.

19. In January 2009, the Government adopted a national IDP policy. The policy covers all the stages of displacement due to conflict or natural disasters, sets out IDP rights, including the right to security and inclusion in development programmes, and promotes the principles of participation, and of voluntariness and freedom of choice with respect to durable solutions. It also establishes Government responsibilities throughout all phases of displacement, specifying the roles of all levels of government in the planning of IDP activities.<sup>25</sup> Of note are also provisions recognising the Guiding Principles, the obligation of the State to ensure the rights of IDPs are upheld through national implementing legislation, and a derogation provision stipulating conditions under which some rights can be temporarily suspended. The implementation of the policy however, has been slow, in part due to the lack of fully functional government monitoring mechanisms, such as the High Committee on IDPs. With regard to implementation, relevant stakeholders note a lack of due recognition and attention to IDPs outside of camps and settlements. Non-camp IDPs, especially in urban and semi-urban areas have become virtually 'invisible', with no standard registration or other procedure to identify them and respond to their protection or

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<sup>22</sup> UN, Sudan work plan 2013, p. 14

<sup>23</sup> IDMC, Sudan: Durable solutions, p. 9

<sup>24</sup> Information provided by United Nations, April 2013

<sup>25</sup> Republic of Sudan, National Policy on Internally Displaced Persons, 2009

assistance needs. In relation to durable solutions, while the national IDP Policy provides for return, local integration or resettlement, the emphasis has generally been placed on returns, for which it has been important to establish joint verification mechanisms with the Government, in order to confirm voluntariness. A number of domestic laws such as the Child Act (2010), and the Armed Forces Act (2007)<sup>26</sup>, and regional peace agreements, such as the DDPD also contain pertinent references to IDPs and forced displacement (see chapter IV below).

20. The Humanitarian Aid Commission (HAC) is the key Government body responsible for the coordination of IDP programmes between state agencies/ ministries and other concerned government bodies, and national and international NGOs and donors. It is also responsible for providing technical support, facilitating relevant procedures and assisting with the preparation, implementation and assessment of IDP programs. In the IDP Policy, the High Committee on IDPs has a more policy, planning and monitoring function role, and is tasked with identifying the role of relevant stakeholders.<sup>27</sup> Separately, the High Level Committee (HLC) is charged with overseeing humanitarian action in Darfur. It has been largely inactive to date, however, and a Coordination Committee has been established in the interim to coordinate activities between the Government, the UN and NGOs.<sup>28</sup>

21. The creation of the Darfur Regional Authority (DRA), under the provision of the DDPD, was officially launched in February 2012, and constitutes one of the most significant political and institutional developments in Darfur recently. Issues related to the provisions in the DDPD on return and reintegration of IDPs and refugees (chapter IV of the DDPD) have been designated to the Voluntary Return and Resettlement Commission.(see chapter IV for more details).<sup>29</sup>

22. Government ministries particularly involved in IDP affairs include the Ministry of Humanitarian Affairs and the Ministry of Welfare and Social Security. Other relevant Government institutions include the National Centre for IDPs and Voluntary Return. The Joint Procedures Centre, established in 2006, aims to bring together relevant government departments and ministries in order to address the bureaucratic aspects (e.g. visas, registrations, work permits) related to NGO work in Sudan.

23. There are an estimated 3,800 national NGOs active in the area of humanitarian assistance in Sudan. In order to secure technical agreements with the Government of Sudan, UN agencies and INGOs are required to engage with Sudanese counterparts and to build their capacity. Capacity building activities have become an even more central issue since 2011, with restrictions on access to conflict areas by international aid agencies, and a policy favouring mainly Sudanese organisations, including Government ministries.<sup>30</sup>

24. While the Special Rapporteur believes that it is critical to advance national capacities to manage humanitarian and displacement situations, he is of the view that this should not negatively affect humanitarian access for the UN or INGOs. The latter continue to be essential to providing the high level of technical and logistical capacity necessary to: manage the large-scale humanitarian situations affecting the country; mobilise the necessary resources; provide monitoring and evaluation; and ensure safeguards are in place to uphold the humanitarian principles of neutrality and impartiality in situations of conflict. Moreover, a key component of capacity building should aim at enabling timely and

<sup>26</sup> Articles 29, 116, 126-127, and article 159 of above legislation respectively

<sup>27</sup> Sudan, National Policy, para. 9

<sup>28</sup> UN, Sudan work plan 2013, p. 25

<sup>29</sup> UNHCR –Darfur, Return Monitoring and key Findings in Darfur, January-March 2012, Quarterly Report to the Joint Verification Mechanism/ High Level Committee, p. 1.

<sup>30</sup> OCHA, Sudan: Mid-year review, January-June 2012, p. 25

unhindered humanitarian access to populations in need, and the promotion of development/recovery activities to consolidated durable solutions.

## **B. International response and frameworks**

25. The humanitarian operation in Sudan continues to be one of the largest in the world, with the United Nations and partners appealing for approximately 1 billion US dollars in 2012 and in 2013 respectively, in order to assist over 4.4 million people in need, representing over 12 per cent of the population of Sudan.<sup>31</sup> At the time of this visit however, the response to the humanitarian needs in Sudan was considerably constrained by declining humanitarian funding as only 53 per cent of requirements had been committed by donors for 2012 activities.<sup>32</sup>

26. In addition to engaging with relevant Government institutions, such as the HAC, the international humanitarian response is facilitated by coordination mechanisms such as the humanitarian country team and the sector coordination system, which includes sectors such as food security and livelihoods, health and protection. In 2012, the ‘Governance, Infrastructure and Economic Recovery sector’ was newly established to strengthen early recovery efforts and the link between humanitarian assistance and durable solutions.<sup>33</sup>

27. Regional actors have played an important role in the humanitarian response, and in peace processes, recovery and development in Sudan. In addition to a number of NGOs from the region which operate in Sudan, and bilateral agreements such as those intended to assist returns in Darfur in the context of the DDPD, other examples include the Tripartite Initiative to secure humanitarian access to South Kordofan and Blue Nile State, by the United Nations, the League of Arab States and the AU.<sup>34</sup>

28. Despite the longstanding and large-scale humanitarian operations in Sudan by the international community, several challenges persist in ensuring their effective implementation. These include constraints on access to affected populations due to conflict-related security concerns and government regulations, a decrease in humanitarian funding, and a lack of sufficient national capacity, including of line-ministries.<sup>35</sup>

## **IV. Responses to internal displacement: prevention, protection and durable solutions**

29. The various crises and displacement situations in Sudan have required distinctive response frameworks, often in the form of regional policies, agreements and institutional structures, which address the specific challenges of each situation and the local environment. While it is not possible in this report to address in detail the multiple situations of internal displacement in the country, the following chapter provides an analysis of the situation in Darfur, and that of persons of SSO living in Sudan, in line with the field locations visited and the displacement situations which the Special Rapporteur was able to focus on during his visit. A briefer analysis is provided with regard to the situation in the three Protocol Areas of Abyei, South Kordofan and Blue Nile.

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<sup>31</sup> UN, Sudan work plan 2013, p. 3, 7, 9.

<sup>32</sup> Ibid, p. 11

<sup>33</sup> Ibid, p. 25

<sup>34</sup> Ibid

<sup>35</sup> OCHA, Sudan: Mid-year review, January-June 2012, p. 18.

## A. Darfur

### 1. Prevention and progress to date in finding solutions

30. Now in its tenth year, the crisis in Darfur has evolved into a protracted internal displacement situation, and the largest humanitarian operation in Sudan. Despite some improvements in security and notable political developments, these have not led to significant improvements in the overall humanitarian situation, and returns that have taken place have been counterbalanced by new displacements. Nearly 40 per cent of the population of Darfur (3.5 million people) continued to receive humanitarian assistance in 2012, approximately half of which were registered IDPs living in camps.<sup>36</sup>

31. While improvements in security, especially in West Darfur, permitted an estimated 203,000 people to return home since early 2011, over 114,000 new displacements were reported in 2012.<sup>37</sup> More recently, from January to March 2013, a number of violent clashes between different groups have caused further displacement, continuing to reveal a pattern of multiple causes, including tribal clashes, armed conflict between Government Security forces and armed movements,<sup>38</sup> and sporadic violence between nomads and farmers. .

32. The international community has provided support to Darfur since armed conflict broke out in 2003, which led to the displacement of nearly 2 million persons and many deaths. This has included humanitarian assistance, support to peace processes, and the establishment of peacekeeping operations.<sup>39</sup> Under the auspices of the AU, and with the support of the United Nations and other partners, the Darfur Peace Process (DPA) was signed in 2006, and a renewed peace process was again initiated in 2010, culminating in the DDPD (July 2011), DDPD, which includes specific provision on IDPs.

33. An unprecedented AU/UN Hybrid peacekeeping operation in Darfur was established by the Security Council in 31 July 2007 (SC resolution 1769), thereby replacing the AU Mission in Sudan (IMIS). UNAMID's mandate has been renewed yearly, with the latest extended until 31 July 2013 (SC resolution 2063), and includes the protection of civilians, monitoring the implementation of agreements, the promotion of human rights and rule of law, and providing assistance toward an inclusive political process and the restoration of security conditions to enable the provision of humanitarian assistance.<sup>40</sup>

34. During 2012, the DDPD saw its first phase of implementation, the establishment of the Darfur Regional Authority (DRA), and the division of Darfur into 5 rather than the previous 3 states. Although the DDPD did not, at the time of the visit, include the three largest armed movements in Darfur, it has become the focus of Government and international efforts to work towards peace and long-term solutions for affected communities. As part of these efforts, a Darfur Joint Assessment was undertaken in order to identify needs and priorities, and followed by the Darfur Donors Conference on Reconstruction and Development in Darfur, which took place in April 2013 and aimed to secure the necessary funds for recovery and development projects.

35. The DRA, created under the DDPD, includes a total of 21 representatives from all 5 Darfuri states. Despite its significant role and mandate, namely to act as the link between

<sup>36</sup> UN, Sudan work plan 2013, p. 14

<sup>37</sup> Ibid

<sup>38</sup> OCHA, Humanitarian Bulletin, Sudan, Issue 09, 25 February-3 March 2013, p. 1-2; OCHA, Humanitarian Bulletin, Sudan, Issue 08, 18-24 February 2013, p. 1.

<sup>39</sup> UNAMID, 'Background', at: <http://unamid.unmissions.org/Default.aspx?tabid=10998&language=en-US>; <http://www.un.org/en/peacekeeping/missions/unamid/mandate>.

<sup>40</sup> Ibid.

the federal Government and Darfur states, and ensure the coordination of the 5 states in the implementation of the DDPD, the DRA continues to be severely under resourced and constrained by the prevailing security situation.

## **2. Current situation of IDPs in camps and host communities**

### *(a) Humanitarian access and security*

36. While access to the majority of persons in need in Darfur has been possible, factors such as insecurity, bureaucratic impediments, and access restrictions have constrained humanitarian responses and negatively affected the operating environment for international humanitarian organisations in particular.<sup>41</sup> New Government procedures for humanitarian personnel to travel to Darfur were instituted in 2012, which resulted in confusion and prevented some UN staff and NGOs from travelling to Darfur for several months. The announcement by Government in March 2013 regarding the removal of travel restrictions on humanitarian agencies operating in Darfur, is therefore welcomed and its rapid implementation strongly encouraged. Moreover, the Special Rapporteur stresses the concern of IDP leaders he met with, who explained that the humanitarian situation in the camp had deteriorated significantly since the expulsion in 2009 of INGOs. Other interlocutors noted the increased constraints and government restrictions on humanitarian access in areas dominated by armed movements or where the population was perceived as being aligned to the 'wrong communities', affecting the provision of medicines, protection and other services.

37. According to information received by the Special Rapporteur, security both within and outside the camps was compromised by a number of factors. These include, inter alia: alleged infiltration and violations in some camps by armed groups; violations committed by Government security forces and the Central Reserve Police in charge of security inside the camps; lack of humanitarian access, which could ensure protection and monitoring activities; and continued insecurity outside the camps due to the activities of armed militia groups and banditry. Moreover, protection sector activities in Darfur have been especially constrained by access issues, the security situation in some areas, and the limited capacity of sector partners.<sup>42</sup>

38. Displaced women and girls continue to be at an increased risk of SGBV, and various forms of abuse and exploitation. Internally displaced women the Special Rapporteur met with, highlighted the security risks they faced when venturing outside the camps, and the need to provide more security within the camps. During a verification exercise conducted in areas of return in 2012, it was found that the separation of families was becoming a troubling trend; part of the family would remain in the IDP camp in order to maintain their registration and access to related services there (e.g. education), while other family members would return seasonally in order to cultivate their land. Maintaining a family's registration in the camp was also used as a precaution against the unpredictable security situation or agricultural output, allowing them to return to the camp if necessary. This was reinforced by the fact that WFP does not have long-term food assistance in areas of return in Darfur. As a result of these family survival strategies, it was found that there were an increasing number of female-headed households and unaccompanied minors in IDP camps, representing a significant protection concern.

39. Moreover, legal and psycho-social support continue to be extremely limited. According to information provided to the Special Rapporteur, in cases of rape and sexual

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<sup>41</sup> UN, Sudan work plan 2013, p. 14-15.

<sup>42</sup> UN, Sudan work plan 2013, p. 20-22

assault, follow-up by police such as in the form of investigations and arrests continue to be rare, thereby perpetuating a culture of impunity. While he is encouraged by some improvements to respond to these concerns by the Ministry of Health (MOH) and Ministry of Social Affairs (MOSA), more institutional capacity is required to address this problem in IDP and conflict-affected communities, and to establish legal referral and support services for survivors, and sensitisation and capacity-building among service-providers and law enforcement officials.

(b) *Capacity and sectoral challenges*

40. With regard to the provision of services, various sectors have encountered implementation challenges, related to access but also to a decrease in bilateral funding, delays in donor disbursements, and other factors. These include the health sector, which due to funding constraints in 2012 has had to hand over running of health facilities to MOH. In view of the limited human and financial capacity of the MOH, this transfer is expected to result in a decrease in the number and quality of services.<sup>43</sup> In the emergency shelter and non-food items (NFI) sector, various delays and impediments to delivery were encountered in parts of Darfur due to security, transportation, and funding issues. Government restrictions on movements of supplies alone resulted in an estimated 33 per cent of targeted beneficiaries in Darfur not receiving the expected rainy season replenishments of shelter and NFIs.<sup>44</sup> This was evidenced by the Special Rapporteur during his visit to camps, where many IDPs were living in rudimentary and tattered make-shift shelters providing little protection from the elements.

41. In the water, sanitation and hygiene sector (WASH), significant achievements were possible at the national level in 2012. However, in Darfur, the creation of 2 additional states has stretched already limited WASH capacity and resources in the region, as have new displacements and reduced funding.<sup>45</sup>

### 3. Durable solutions

(a) *Areas of return: security, services and livelihoods*

42. Of the three durable solutions available to IDPs, returns have been given priority in the DDPD. Various interlocutors the Special Rapporteur met with, including IDPs, government representatives and many organisations working with IDPs in Darfur have however, expressed that while voluntary returns should be facilitated, other alternatives such as local integration should also be part of a comprehensive durable solution strategy.

43. The security situation and lack of services in areas of return remain key challenges to sustainable returns. Some IDPs the Special Rapporteur engaged with, including women, stated that for many it was too early to speak of significant returns, stressing that while access to lands was central to returns, their lands continued to be occupied. They also highlighted insecurity related to continued activity by the Janjiweed, expressing that in their opinion neither the Government nor UNAMID were capable of protecting them, and citing the example of the attacks in Kutum (August 2012), and the Hashaba massacre (September 2012). In the Special Rapporteur's meeting with representatives of DRA, the latter reiterated the need to establish security for people in areas of return, including through the promotion of an inter-Darfurian dialogue addressing the relationship between nomads and settlers – and issue affecting the stability of rural areas. They noted that as most areas

<sup>43</sup> UN, Sudan work plan 2013, p. 19, 20

<sup>44</sup> Ibid.

<sup>45</sup> Ibid, p. 22

outside of cities in Darfur have been evacuated due to the conflict, with many people displaced to IDP camps or settlements, these areas are now largely occupied by nomads – and that while the latter may not necessarily claim that the land is solely theirs, there is a need to undertake concerted dialogue on this and related issues. With regard to dialogue with IDPs, including on returns, the Special Rapporteur was pleased to learn of the IDP Conference which took place in Darfur on 25-26 March 2013.

44. Incidents of communal violence, particularly between nomadic and farmer communities in Darfur, continue to stem from competition over scarce resources, and issues related to the use of land and water. Such conflicts are often triggered by the destruction of crops by livestock of nomadic populations or demands that farmers provide a share of the crops in return for the use of the land. The proliferation of small arms has also rendered peaceful conflict resolution more difficult. The DDPD provides for the implementation of DDR among the nomadic population, and a commission to deal with land issues. However these initiatives are expected to take a significant amount of time.<sup>46</sup> In this context, it will be important to provide greater support to initiatives which seek to offer practical solutions to immediate situations, and conflict management mechanism such as the ‘forums for dialogue’ which have been set up by some communities in order to address how to minimize damage to crops.

45. A number of actors the Special Rapporteur met with also highlighted the need to place a stronger emphasis on including nomadic communities in assistance efforts, (especially in West Darfur), in regional dialogues in order to better understand their needs, and in other processes such as the DDPD consultative process. The Special Rapporteur is pleased that the Darfur Peace and Stability Fund includes support to the nomadic community, and that a steering committee led by UNEP is looking into how to improve engagement with nomadic groups and strengthen community dialogue, and encourages further efforts in this regard.

46. The neglect and destruction of infrastructure in rural Darfur over the last decade, the resulting lack of basic services, and water scarcity and droughts in the region have also been key impediments to large scale IDP returns.<sup>47</sup> In the Special Rapporteur’s meeting with representatives of DRA, the latter acknowledged that conditions must be sufficient to attract returnees, and informed him that the process of reconstruction in Darfur is to include the creation of services outside of cities and in areas of return. The Government of Sudan is to contribute 200 million dollars the first year and 300 million the second, to this process, with further funds expected from the donor conference to take place on the 7-8 April 2013. As part of this plan, Qatari INGOs are planning to start work on five “Service Centres” (sometimes referred to as “model villages”), comprised of a school, health centre, police station, mosque etc, in each of the 5 States of Darfur. Sites for these centres have been identified, although there have been delays in getting the projects started. While the Special Rapporteur supports initiatives to provide better services in rural areas, some interlocutors he met with raised concerns about the environmental impact of these projects, the types of building materials likely to be used, and whether there will be adequate livelihood opportunities at these sites to sustain returns.

47. Several of the above challenges to sustainable returns were also confirmed during a verification mission to monitor returns in West, Central North and South Darfur undertaken in 2012.<sup>48</sup> In addition to security issues, these included the lack of access to livelihood opportunities and basic services including water and education facilities (at reasonable

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<sup>46</sup> UNHCR- Darfur, Return, p. 3

<sup>47</sup> UN, Sudan work plan 2013, p. 33

<sup>48</sup> UNHCR- Darfur, Return, p. 2

distance), hostile communities and insufficient presence of law enforcement officials; conditions which amongst other things, place women and girls at increased risk of SGBV.

48. It was found that the absence of NGOs and partner agencies, especially development partners capable of bringing sufficient funding and technical capacity for longer term programming in areas of return, and the lack of capacity of local state government to ensure sustained social services were important factors impeding returns. Other constraints to durable returns included: the lack of food assistance and institutions for solving land disputes, in areas of return; insufficient information on IDPs and their intentions; and the slow implementation of the DDPD.<sup>49</sup>

(b) *Urbanisation and local integration*

49. While some of the 1.4 million IDPs currently living in IDP camps may elect to return to their areas of origin, it is expected that a significant percentage will opt to locally integrate in or near their current host towns and cities. The Special Rapporteur was encouraged by the openness manifested by many Government representatives to this option during his meetings with them. In this context, he believes it would be desirable, with the support of the international community, to conduct a profiling exercise in order to determine the current demographic breakdown and needs of IDPs, as well as their intentions with regard to durable solutions, so as to ensure a timely and effective urban planning process. This would ensure that solutions are devised with and around IDPs, that urban infrastructures and services, as well as livelihood, land and housing issues are addressed accordingly.

50. High rates of population and urban growth in Darfur (50 per cent), which has been largely accelerated by conflict and displacement,<sup>50</sup> pose significant challenges to urban management. Careful planning processes however, can help address many of these. They can mitigate the expansion of informal urban settlements and related problems such as: poor access to services, security of tenure and housing rights; construction in areas prone to natural or other hazards; and the risk of mass evictions due to safety reasons, legal land claims or development projects. Experience has shown that if they are not avoided, such conditions often generate a cycle of urban or secondary displacement, poverty and insecurity.

(c) *Transition from humanitarian emergency to durable solutions*

51. The Special Rapporteur is pleased to note that while there continue to be pockets of insecurity and fighting in some parts of Darfur, the international community and the Government of Sudan believe that there are now significant opportunities for achieving durable solutions for IDPs in Darfur. In this context, it is all the more pertinent that urban planning and rural development processes fully integrate the needs of IDPs. The Special Rapporteur wishes to note however, that some sections of the Darfur population, including IDPs, remain in a situation of deep vulnerability and need, including with respect to food security – which is expected to remain a concern throughout 2013.<sup>51</sup> He believes that a combined approach which addresses the immediate as well as the durable solutions needs of IDPs, based on a profiling of their needs and vulnerability, more accurate camp population figures, and information on their intentions will provide more targeted and effective interventions without the risk of neglecting urgent humanitarian concerns. Moreover, various actors noted that while there was an awareness of the need to focus more

<sup>49</sup> Ibid., p. 3

<sup>50</sup> UN, Sudan work plan 2013, p. 28, 30

<sup>51</sup> UN, Sudan work plan 2013, p. 37-38.

on finding durable solutions for IDPs, underlying challenges, such as those relating to insecurity, land use, and livelihoods in areas of return need to be addressed.

(d) *Participation and reconciliation*

52. The Special Rapporteur wishes to commend the Government and all concerned actors for facilitating a process of engagement which enabled IDP representatives to participate in the development of the DDPD. IDP and civil society groups have expressed concern however, that since its signature, there has been little participation in its implementation procedures. Repeated emphasis was also placed on the need to work towards a more inclusive peace agreement that would include all armed movements, to encourage the Government of Sudan to address the situation in Darfur through political solutions rather than military ones, as well as to cease Government policies which are ‘tribe-based’ – and which perpetuate conflict in the region. The Special Rapporteur also wishes to highlight the concerns expressed to him by various IDPs and civil society groups with regard to the lack of a political environment for discussion and debate on matters of concern to them, and the risk of arrest. He stresses that freedom of expression is fundamental to the participation of IDPs in any peace and political process, the search for durable solutions, and the justice and reconciliation process.

53. With regard to latter, the Special Rapporteur was pleased to learn that the Justice, Truth and Reconciliation Commission in Darfur (JTRC), was planning field visits and ongoing dialogue sessions with local constituencies and IDP leaders in all 5 states in Darfur. In his meetings with representatives of the Commission, they underlined the need for a neutral mechanism that provides for legal accountability for the atrocities committed in Darfur since 2003, and compensation to victims, as well as a reconciliation process which mends social relationships and mechanisms to prevent the breakdown of peace in the future. In order to implement these activities, however, they highlighted the need for training, sharing of good practices, and resources, which required increased donor commitment.

## **B. Persons of South Sudanese origin**

### **1. Overview of the situation**

54. From the signing of the CPA in 2005 to a year into South Sudan’s independence, approximately 2 million persons of SSO living in Sudan have returned to South Sudan. It is estimated that 220,000-350,000 persons of SSO now remain in Sudan.<sup>52</sup> The Special Rapporteur found that many who wished to leave to South Sudan were unable to do so due to lack of means, limited transportation or insecurity, while others who may have wished to remain in Sudan were concerned about their future status in the country and the loss of livelihoods. He was pleased to note that no forcible mass deportations have taken place to date and also notes the formal establishment of a 9 month grace period during which persons of SSO were to regularise their stay in Sudan. He regrets however, that the regularisation of their status was not possible by the deadline of 8 April 2012, as the necessary mechanisms (e.g., to issue required identification documents) were not set in place in a timely manner by either Sudan or South Sudan.<sup>53</sup>

55. At the time of the visit, the Special Rapporteur found that a significant population remained stranded in open air departure points and transit stations in Khartoum, including

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<sup>52</sup> Ibid., p. 13

<sup>53</sup> Ibid

some people who had moved to these sites before the referendum on independence with the hope of being provided assistance to return. This has resulted in dire emergency-like living conditions, unsuited for prolonged periods. This was starkly visible in the poor physical condition of the grounds, the tattered tents, and the lack of basic services such as sanitation facilities in the sites he visited. The international community has provided some assistance to persons at these sites and support to documentation processes. However, this support has been significantly constrained, including due to limitations related to humanitarian access.<sup>54</sup>

## 2. Durable solutions for persons of South Sudanese origin

56. Some progress on returns was possible in 2012, thanks to assistance provided for transportation to persons unable to afford the cost, and an airlift operation by IOM in June 2012 of nearly 12,000 persons who had been stranded at the Kosti way station. However, by the time of the visit, security concerns along transit routes and the closing of border-crossings due to fighting and disagreements between the two countries meant that for the most part, very few returns were now possible. As such, an estimated 40,000 persons remained in open air departure points in Khartoum, and between 3000-4500 at the Kosti railway station.

57. As Sudanese citizens, many persons of SSO living in and around Khartoum and in other parts of Sudan have lived there for many years or even generations, and many displaced there during the war had long integrated into their host communities. However, in the context of escalating tensions around the referendum, partition and unstable political relations between the two states in its aftermath, many persons the Special Rapporteur met with recounted how they had lost their jobs, and been subjected to harmful rhetoric and threats in the media and their communities - resulting in a social climate rendering their continued stay in Sudan unviable. Others also expressed concern regarding their properties and other assets in Sudan, which they would be obliged to either abandon or sell below their market price, when the time came to depart.

58. The Special Rapporteur is encouraged by the signing of the Framework Agreement on the Status of Nationals of the other State (Framework Agreement) between the Government of Sudan and South Sudan on 27 September 2012. This Agreement, through which the two parties have agreed to provide for the terms for the regularisation of stay of persons of SSO wishing to remain in Sudan can, if implemented in a timely and effective manner, facilitate local re-integration as a durable solution. He is concerned however, that without the adoption of a clear policy or legislation that takes into consideration the status of South Sudanese as former nationals of Sudan, a number of requirements provided for in the existing legal framework on immigration for the issuance of residency permits may be difficult for persons of SSO to meet (e.g. certain medical requirements, proof of re-entry into Sudan, the possession of a national passport). In the context of State secession, he believes that guarantees against statelessness and a meaningful and effective right of option regarding citizenship should be provided to concerned persons.<sup>55</sup> He urges the Governments of Sudan and South Sudan to take practical measures to rapidly implement the Framework Agreement in this spirit. He notes special interventions may be necessary in the application of the agreement to border tribes and nomadic communities, including awareness-raising and legal assistance services.

59. Moreover, until durable solutions have been attained in the form of returns or regularisation of their status in Sudan, it is essential that the human rights of persons of SSO be protected. He urges the Government of Sudan to promote a culture of respect for

<sup>54</sup> Ibid, p. 16.

<sup>55</sup> General Assembly Resolution 55/153, 12 December 2000

their rights, and to investigate and prosecute any violation of these. The very difficult conditions in some departure points, including with regard to water, sanitation, shelter, healthcare and other basic services, require urgent attention and monitoring.

### C. Three protocol areas: Abyei, South Kordofan and Blue Nile

60. In South Kordofan and Blue Nile, the continued fighting since June 2011 and throughout 2012 between the Sudanese Armed Forces (SAF) and the Sudan People's Liberation Movement-North (SPLM-N), has severely limited access and the response by the international humanitarian community to the nearly 800,000 IDPs and severely affected persons in these areas. The UN has no presence in SPLM-N areas, and no assistance has been delivered from within Sudan. In Government-controlled areas, international humanitarian organisations have continued to support assistance efforts undertaken by the Government and national organisations, despite security concerns and government restrictions on movements of international staff. In August 2012, the "Tripartite Initiative", instigated jointly by the AU, the League of Arab States and the United Nations resulted in two separate Memoranda of Understanding with the Tripartite by the Government of Sudan on the one hand, and the SPLM-N on the other, and a Plan of Action intended to facilitate the delivery of humanitarian assistance to civilians in SPLM-N held areas in the two states. While the Government accepted the plan of action, the SPLM-N had not yet done so at the time of writing, so that the plan remained unimplemented.<sup>56</sup>

61. In the case of Abyei, humanitarian access has generally been restricted from Khartoum, with the majority of assistance being provided by humanitarian organisations based in South Sudan. There are reports that some movements back into Abyei have taken place, particularly following the withdrawal in May 2012, of South Sudanese Police, the Sudanese Police and SAF from the area, which allowed the United Nations Interim Security Force for Abyei (UNISFA) to implement its stabilisation mandate.<sup>57</sup> The Special Rapporteur is particularly encouraged that the negotiations undertaken in Addis Ababa in March 2013, under the auspices of the Commission of the AU, resulted in the signing of the 'Implementation Matrix' for the nine Agreements signed between Sudan and South Sudan, including the Agreement on Temporary Arrangements for the Administration and Security of the Abyei Area.<sup>58</sup>

## V. Conclusions and recommendations

### A. Conclusions

62. **Various contexts of internal displacement, both new and protracted, are evident in Sudan, including displacement due to armed conflict, communal violence, and conflicts over resources as a result of the effects of climate change. The Government of Sudan has made some efforts to try to address the sources as well as the consequences of internal displacement, and to work towards peace and sustainable solutions. In Darfur, these include the signing of the Doha Document for Peace in Darfur of July 2011, which**

<sup>56</sup> UN, Sudan work plan 2013, pp. 13-14

<sup>57</sup> Ibid, p. 12

<sup>58</sup> AUC Press Release: « The African Union welcomes the signing of the implementation Matrix for the Agreements signed between Sudan and South Sudan », Addis Ababa, 12 March 2013. This breakthrough does not include an agreement on the Final Status of the Abyei Area or a resolution of the Disputed and Claimed Areas.

contains some provisions for achieving durable solutions for IDPs and returnees, while the Framework Agreement provides a mechanism allowing for the regularization of stay of persons of South Sudanese origin in Sudan. In the three Protocol Areas, the Government has endeavored to provide humanitarian assistance in their areas of control, but a political solution is urgently required. While the various agreements the Government of Sudan has committed to offer new opportunities to work towards peace and durable solutions, visible results for affected communities continue to be challenged by a number of factors, including: the lack of comprehensive political solutions and the slow pace of implementation of existing agreements, insecurity, limited access and capacity, and insufficient preventive measure such as conflict-resolution mechanisms. The resulting human and socio-economic toll on the country has created deep vulnerabilities among displacement-affected communities, already affected by environmental challenges, including more frequent and prolonged droughts, and food insecurity which is exacerbated by conflict and rising food prices.

63. In particular, issues related to humanitarian access and Government capacity have challenged the effectiveness of assistance and protection programs, and international support. A more open and enabling environment could reverse this dynamic and create the space for greater solutions-oriented cooperation. Such a context could provide the opportunity for the implementation of practical measures that can respond to new displacements, better protect and assist IDPs affected by protracted displacement, and secure a long-awaited transition from humanitarian to durable solutions.

## **B. Recommendations**

64. In view of the above, the Special Rapporteur makes the following recommendations.

**To the Government of Sudan:**

### *IDP legislative, policy and institutional frameworks*

Develop a comprehensive national framework on internal displacement, including national legislation, in line with the relevant Great Lakes Protocols, the Guiding Principles on Internal Displacement, and the Kampala Convention, and ratify the latter at the earliest opportunity. In this context, review the national IDP Policy with a view to making any necessary changes and provide the required institutional resources for effective implementation of the policy and legislative frameworks.

### *Humanitarian access*

Establish and implement clear, predictable and transparent procedures, which are communicated to all and which facilitate timely, effective and unimpeded humanitarian access at the Capital, Regional, State and locality levels, including for staff of the United Nations, its implementing partners and INGOs.

### *National capacity-building*

In cooperation with the international community, continue to strengthen capacity-building efforts for national actors in all sectors, including with regard to the promotion of human rights, protection, and durable solutions for IDPs (including vulnerable groups), access to services, and the mainstreaming of the ‘Do No Harm’ principle in humanitarian action.

*Enabling environment, participation and consultation*

Strengthen systems of work and cooperation with NGOs, civil society, the United Nations and communities affected by internal displacement which promote the principle of freedom of expression, meaningful consultation, participation and information-sharing with a view to enhancing mutual trust and more effective responses to displacement and development approaches.

*Addressing underlying causes triggering or exacerbating internal displacement*

Initiate a multi-stakeholder process or mechanism, such as a commission, to look into the root causes and exacerbating factors triggering or prolonging internal displacement in Sudan, with the aim of providing recommendations on immediate, medium and long-term strategies to address the various challenges, including, inter alia: the slow-onset effects of climate change; conflicts between pastoralist and farmer communities; land and resource management; insecurity; inter-communal conflicts; and claims or issues requiring political processes to resolve conflict and displacement.

*Prevention and mitigation*

Establish or further develop early-warning, conflict-resolution and mediation mechanisms, including at the local level, to address issues and conflicts which are likely to trigger forced internal displacement or pose an obstacle to durable solutions. Where effective and consistent with human rights standards, consider adapting existing community structures and traditional conflict-resolution mechanisms for this purpose.

*Information collection and dissemination*

Strengthen information-gathering and management systems relating to internal displacement, including, inter alia: updated and disaggregated statistics on IDPs in camps and non-camp situations, and their needs and intentions with regard to durable solutions; the situation of particularly vulnerable groups (e.g., unaccompanied children, female-headed households, the disabled, elderly); levels of access to services and human rights of IDPs in displacement sites and areas of return/local integration; protection monitoring; needs assessments in restricted areas; and population movement tracking. With the support of the international community and civil society, ensure this evidence-base and data is analysed and given due consideration in policy-making, programme development, implementation and evaluation.

*With regard to Darfur*

Develop, in cooperation with international community and affected communities, a two-pronged approach which recognises the need for continued efforts to meet the immediate assistance and protection needs of vulnerable IDPs, while developing strategies to promote sustainable solutions, including through development activities.

Continue engagement with relevant actors with a view to achieving more comprehensive and inclusive political solutions/agreements to the conflict that can lead to improved security in all parts of Darfur, and durable solutions to displacement. Promote the meaningful participation of displacement-affected communities in the implementation of the DDPD and future agreements.

Facilitate humanitarian access to IDPs in and outside of camps to all sectors and humanitarian actors in line with the general recommendation above. Unhindered humanitarian access is necessary to, inter alia: validate needs assessments for effective provision of humanitarian aid; ensure access to services; justify fundraising and disbursement activities by the international community and civil society; monitor and

provide protection for vulnerable and at-risk groups; safeguard human rights and humanitarian principles; and ensure evaluation of ongoing assistance.

Develop and implement a comprehensive durable solutions strategy which embraces all voluntary solutions including return, local integration and resettlement elsewhere in the country, and integrates these into relevant development, poverty-reduction, urban planning and other processes. In this context, conduct a profiling exercise which can capture the needs and intentions of IDPs with regard to durable solutions. In particular, promote: investments and assistance in areas of return, and especially in infrastructure, access to services, food security, and local mechanisms to address underlying land and insecurity issues (including between pastoralist and farmer communities); and strategies for the local integration of IDPs in urban or semi-urban settings which promote a sound absorption capacity and urban development policies. With regard to the latter, adopt strategies to also include vulnerable IDPs already living in these urban environments, in relevant IDP integration and assistance programs.

Redouble efforts and provide sufficient resources for the meaningful participation of displacement-affected communities, including women and youth, in reconciliation and transitional justice processes.

*With regard to persons of South Sudanese origin*

Accelerate and facilitate, in cooperation with the Government of South Sudan, procedures for the documentation of persons of South Sudanese origin in Sudan.

Ensure all necessary safeguards in law and practice, against possible statelessness, particularly for categories of persons who risk being perceived as nationals of the other country by both the Governments of Sudan and South Sudan, (e.g., persons of unknown parentage or mixed origin/ancestry, or from cross-border communities). Consider establishing a joint Sudan-South Sudan mechanism for the determination of such cases.

Review rapidly and with flexibility the requirements for their applications of stay in Sudan, in light of their right of option as former nationals of Sudan and practical challenges that these requirements may pose for persons of South Sudanese origin wishing to remain in Sudan. Promote an environment and practice of respect for the human rights, dignity and safety of persons of South Sudanese origin in Sudan, without discrimination, including those who wish to remain in Sudan and those awaiting departure. In this context, ensure human rights violations are fully investigated and appropriate follow-up action taken in line with international standards.

Ensure unhindered humanitarian access to all persons of South Sudanese origin in Sudan, and their access to services and protection monitoring. As a matter of priority, monitor conditions at departure points and makeshift sites, with the support of the international community, in order to rapidly address the dire living conditions, lack of key services (e.g. sanitation, education, medical) , and the situation of particularly vulnerable groups.

In order to ensure the voluntary, safe and informed return of persons of South Sudanese origin to South Sudan, engage with all relevant authorities with a view to securing safe humanitarian corridors for their transportation, and ensuring information-dissemination, and reception capacity upon arrival in South Sudan.

*With regard to the three Protocol areas*

Facilitate humanitarian access to Abyei from Khartoum so as to enable the conduct of needs assessments, timely and effective delivery of assistance and early-recovery programmes, and the monitoring of returns.

Take practical steps, as a matter of priority, for the realisation of the 'Implementation Matrix' for the nine Agreements signed between Sudan and South Sudan, including the Agreement on Temporary Arrangements for the Administration and Security of the Abyei Area; and towards a peaceful and definitive political solution which provides an agreement on the Final Status of the Abyei Area or the resolution of Disputed and Claimed Areas.

Continue to strengthen efforts to provide humanitarian assistance in Government-controlled areas of South Kordofan and Blue Nile, and facilitate humanitarian access to international and national humanitarian actors.

Take practical actions, as a matter of priority, towards the implementation of the Memoranda of Understanding and the eventual Plan of Action intended to facilitate the delivery of humanitarian assistance to civilians in SPLM-N held areas.

Redouble efforts, with the support of the international community, to identify and secure peaceful political solutions to the conflict.

**To other parties to relevant conflicts:**

Take all practical measures to prevent forced displacement and protect and assist IDPs, including by providing safe and unrestricted access to humanitarian actors, and ensuring respect for the rights of IDPs under international human rights law, international humanitarian law, and the Guiding Principles on Internal Displacement. Redouble efforts towards a peaceful political solution to the conflict and durable solutions to displacement.

**To the international community:**

Continue to support the Government of Sudan through the activities of UNAMID, other relevant UN organisations, capacity-building, technical assistance and financial commitments, with a view to:

- The consolidation of peace and security in the country; the promotion and protection of the human rights of displacement-affected communities and persons; facilitating safe humanitarian access and the provision of assistance and protection to affected populations;
- Supporting comprehensive durable solutions strategies based on updated and disaggregated information on the needs and intentions of IDPs and affected communities. These should support strong cooperation between humanitarian, development actors and Government, including State and local Government authorities;
- Supporting activities to strengthen national capacities and frameworks for the protection of the human rights of IDPs at every stage of displacement, in line with international standards and humanitarian principles;
- Support efforts by all relevant stakeholders to identify and address the root causes of forced displacement and protracted displacement; develop early-warning and conflict-resolution mechanisms to prevent or protect against forced displacement; and strengthen peace-building and reconciliation activities.