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**Совет по правам человека**

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**Поощрение и защита всех прав человека,  
гражданских, политических, экономических,  
социальных и культурных прав,  
включая право на развитие**

**Доклад Специального докладчика по вопросу  
о правах человека внутренне перемещенных лиц  
Чалоки Бейани**

Добавление

Миссия в Судан\* \*\*

*Резюме*

В период с 14 по 23 ноября 2013 года по приглашению правительства Специальный докладчик по вопросу о правах человека внутренне перемещенных лиц Чалока Бейани совершил официальную поездку в Судан. В соответствии с мандатом Специального докладчика, изложенным в резолюции 14/6 Совета по правам человека, он стремился изучить положение всех внутренне перемещенных лиц в стране с уделением особого внимания Дарфуру, трем охватываемым Протоколом регионам, а также положению лиц южно-суданского происхождения в Судане. В Судане по-прежнему отмечаются различные, как новые, так и существующие, ситуации перемещения, включая перемещения, связанные с вооруженным конфликтом, межобщинным конфликтом и конфликтами из-за ресурсов. Для урегулирования нерешенных вопросов, способствующих продолжению конфликтов и перемещений, был подписан ряд важных соглашений, которые демонстрируют принимаемые усилия и определенный прогресс, достигнутый правительством Судана, однако принимаемые меры не всегда являются достаточно всеобъемлющими и не дают желаемого эффекта из-за их медленного осуществления.

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\*\* Представлено с опозданием.

На службы по предоставлению помощи и защиты уже негативно повлияли проблемы, связанные с доступом к гуманитарной помощи, возможностями правительства и недостаточными превентивными мерами. В то же время принятие долговременных решений затруднено из-за продолжающегося отсутствия безопасности в ряде районов страны, отсутствия услуг и возможностей зарабатывать на жизнь в районах возвращения, нерешенных проблем с землей, а также отсутствия комплексной стратегии выработки долговременных решений, которая в сочетании с возвращением перемещенных лиц могла бы способствовать другим решениям, таким как местная интеграция. Специальный докладчик выносит рекомендации по этим и другим смежным темам и призывает правительство Судана продолжать поиск политического решения неурегулированных конфликтов и проблем, способствовать обеспечению беспрепятственного доступа к гуманитарной помощи и взять на вооружение комплексный правозащитный подход на основе широкого участия для устранения причин, последствий внутренних перемещений в стране и решения связанных с ними проблем.

## Annexe

[Arabic and English only]

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

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## **I. Introduction**

1. In accordance with the 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 to 23 November 2012. The Special Rapporteur undertook this visit in order to examine the 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 the 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 Minister of Foreign Affairs, the Minister of Justice, the Minister of Social Welfare and the Minister of 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 United Nations officials, including various units within the African Union/United Nations Hybrid operation in Darfur (UNAMID) and the Deputy Joint Special Representative. He especially appreciates that he was able to meet with communities affected by internal displacement in the different parts of Darfur that he visited, as well as with 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 in North Darfur, as was originally scheduled, due to a national holiday the day after his arrival.

3. The Special Rapporteur expresses his appreciation to the Government of Sudan for its invitation, constructive engagement and willingness for ongoing cooperation with the mandate. He is grateful to the Office of the United Nations Resident Coordinator in the Sudan, the Office for Coordination and Humanitarian Affairs (OCHA), the Office of the United Nations High Commissioner for Refugees (UNHCR), UNAMID, in particular its human rights unit, which provided invaluable support during the preparations for 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 with whom he met and who shared their concerns and experiences with him.

## **II. General context**

### **A. Political and socioeconomic 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 sociocultural diversity, issues related to the distribution of wealth and political inclusiveness of Sudan's peripheral regions have been at

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

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 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 long-standing 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 to power in a military coup in 1989, was elected president in 1996, 2000 and again in 2010, which marked Sudan's first multi-party elections in 24 years, although these elections 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 the 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. Socioeconomic 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> The lack of access to basic services and a social safety net, particularly in peripheral regions, is reflected in indicators such as low access to improved drinking water and sanitation facilities (20.8 per cent), primary school completion (62.7 per cent), full immunization of children (39.3 per cent), birth registration (59.3 per cent) and high under-five and maternal mortality rates.<sup>6</sup> The United Nations estimates that 4.4 million people are in need in Sudan.<sup>7</sup>

8. Largely dependent on oil, the economy of Sudan has been impacted by the independence of South Sudan. South Sudan's decision to suspend oil production and damage to the oil production facilities in Higliq has placed a burden on the Sudanese economy and led the Government to impose a number of austerity measures in 2012 aimed at addressing the resulting budget deficit. The majority of the measures involved 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 per cent, resulting in high food prices and import costs for basic goods.<sup>8</sup>

<sup>2</sup> Internal Displacement Monitoring Centre (IDMC), *Sudan : Durable solutions elusive as southern IDPs return and Darfur remains tense – A profile of the internal displacement situation*, 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, *Sudan: Executive and Legislative Elections 2010*, Final report, p. 4.

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

<sup>5</sup> United Nations Office for the Coordination of Humanitarian Affairs (OCHA), "Sudan: Humanitarian Dashboard", 31 October 2012, p. 1

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

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

<sup>8</sup> OCHA, *Sudan: United Nations and Partners Work Plan 2012 - Mid-year review*, 2012, p. 12

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 per cent in 1970 to approximately 40 per cent at present.<sup>9</sup> In addition to internal migration from rural areas for economic reasons, urbanization has also been spurred by displacement due to insecurity and conflict, with people fleeing in large numbers to urban areas. The proliferation of arms has increased banditry and has also had a significant impact on livelihoods and access to services. At the State level, many government institutions lack 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 are important factors in exacerbating food insecurity and vulnerability, negatively affecting health, water and sanitation conditions and reducing 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.<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, transparency and broad-based participation in the constitutional review process and improvements to the Bill of Rights in line with international human rights.<sup>13</sup> In 2011, Sudan underwent the universal periodic review (UPR), 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, including, 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 to facilitate its compliance with the Paris Principles.<sup>15</sup>

<sup>9</sup> OCHA, *Sudan: United Nations and Partners Work Plan 2013*, p. 28.

<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 and 33-37; A/HRC/WG.6/11/SDN/2, para. 4 ; A/HRC/WG.6/11/SDN/3, para 4-5.

<sup>14</sup> A/HRC/18/16, paras. 83.57; 83.157 – 83.160

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

### 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 led to armed conflicts in certain areas of the country, some of which have become protracted, impacted civilian populations who have suffered grave violations of their human rights and international humanitarian law, loss of livelihoods and forced displacement. At the time of the visit, internal displacement continued to profoundly impact the human rights of millions of people in Sudan, including IDPs in Darfur, people of South Sudanese origin in Khartoum and other areas of the country, and IDPs in the three Protocol Areas – Abyei, South Kordofan and Blue Nile. The United Nations has reported a total of 4.4 million people in need in Sudan, including over 1.4 million IDPs in camps in Darfur, who are receiving food aid; nearly 140,000 IDPs and/or severely affected people in Blue Nile; and over 500,000 in South Kordofan. Between 220,000 and 350,000 people of South Sudanese origin living in Sudan are also of concern; many of them require assistance.<sup>17</sup>

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

15. Following the nationwide election held in April 2010 under the terms of the CPA, a referendum on Southern Sudan self-determination was held in January 2011, and resulted in the independence of Southern Sudan and the creation of the Republic of South Sudan on 9 July 2011. While this signified compliance with the CPA, no resolution had been reached in three key areas. These included the border between Sudan and South Sudan, which was the subject of renewed fighting that impacted on a number of issues (such as border security, access to migratory routes and water and grazing rights for nomadic groups); oil sector agreements and citizenship and residency status for people of South Sudanese origin still living in Sudan. 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 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 Sudan, 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 of Sudan and a faction of the SLM/A, further fractionalization 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

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

<sup>17</sup> OCHA, *Sudan: United Nations and Partners Work Plan 2013*, pp. 9 and 13

<sup>18</sup> IDMC, *Sudan: Durable solutions* (see footnote 2) p. 7.

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

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

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 people considered affected by the conflict, and 300,000 people killed.<sup>21</sup> Some political progress was achieved with the signing of the Doha Document for Peace in Darfur (DDPD) between the Government of Sudan 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 people of South Sudanese origin and approximately 150,000 IDPs in the eastern Sudan states of Gedaref, Red Sea and Kassala,<sup>24</sup> which have humanitarian access restrictions. The region continues to show the worst development indicators in the country, although the relatively calm political and security situation prevailing more recently has allowed some recovery and development activities to go forward.

### III. Frameworks for assistance and protection of internally displaced persons

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

18. Sudan has neither signed nor ratified the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention). The Special Rapporteur is nonetheless 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, the Protocol on the Protection and Assistance to Internally Displaced Persons - which requires States parties to respect and integrate the Guiding Principles on Internal Displacement (Guiding Principles) (E/CN.4/1998/53/Add.2) into their national legislation - and the Protocol on the Property Rights of Returning Persons.

19. In January 2009, the Government of Sudan adopted the National Policy on Internally Displaced Persons. The policy covers all stages of displacement due to conflict or natural disasters, sets out the rights of IDPs - including the right to security and inclusion in development programmes - and promotes the principles of participation, as well as 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 the provisions recognizing the Guiding Principles, the obligation of the State to ensure that the rights of IDPs are upheld through national implementing legislation and a derogation provision

<sup>21</sup> Ibid., pp. 7-8 and 24-29.

<sup>22</sup> OCHA, *Sudan: United Nations and Partners Work Plan 2013*, p. 14.

<sup>23</sup> IDMC, *Sudan: Durable solutions* (see footnote 2), p. 9.

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

<sup>25</sup> Republic of the Sudan, Ministry of Humanitarian Affairs, "National Policy on Internally Displaced Persons (IDPs)" (2009).

stipulating conditions under which some rights can be temporarily suspended. However, implementation of the policy 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 of the policy, relevant stakeholders noted 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 assistance needs. In relation to durable solutions, while the national IDP policy provides for return and 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 chap. IV below).

20. The Humanitarian Aid Commission (HAC) is the key Government body responsible for the coordination of IDP programmes between State agencies or 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 programmes. The national IDP policy gives the High Committee on IDPs a more policy, planning and monitoring role, and tasks it with identifying the role of relevant stakeholders.<sup>27</sup> Separately, the Sudan High Level Committee (HLC) is charged with overseeing humanitarian action in Darfur, although it has been largely inactive to date, and a Coordination Committee has been established in the interim to coordinate activities between the Government, the United Nations 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 return and reintegration of IDPs and refugees have been assigned to the Voluntary Return and Resettlement Commission (see DDPD, chap. IV).<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, United Nations agencies and international NGOs are required to engage with Sudanese counterparts and contribute to building their capacity. Capacity-building activities have become an even more central issue since 2011, with restrictions on access to conflict areas for international aid agencies and a policy favouring mainly Sudanese organizations, including government ministries.<sup>30</sup>

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

<sup>27</sup> Republic of the Sudan, Ministry of Humanitarian Affairs, “National Policy on Internally Displaced Persons (IDPs)”, para. 9

<sup>28</sup> OCHA, *Sudan: United Nations and Partners 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 and the High-Level Committee, p. 1.

<sup>30</sup> OCHA, *Sudan: United Nations and Partners Work Plan 2012 - Mid-year review*, January-June 2012, p. 25.

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 United Nations or international NGOs which 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; mobilize the necessary resources; 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 unhindered humanitarian access to populations in need and the promotion of development and 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 US\$1 billion in 2012 and 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 the Special Rapporteur's visit, however, 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 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 (United Nations, League of Arab States, African Union) to secure humanitarian access to South Kordofan and Blue Nile State.<sup>34</sup>

28. Despite the long-standing 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>

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<sup>31</sup> OCHA, *Sudan: United Nations and Partners Work Plan 2013*, pp. 3, 7 and 9.

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

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

<sup>34</sup> *Ibid.*

<sup>35</sup> OCHA, *Sudan: United Nations and Partners Work Plan 2012 - Mid-year review*, January-June 2012, p. 18.

## 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, this chapter provides an analysis of the situation in Darfur and the situation of people of South Sudanese origin living in Sudan, based on 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: Abyei, South Kordofan and Blue Nile.

### A. Darfur

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

30. Now in its 10th 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 whom were registered IDPs living in camps.<sup>36</sup>

31. While improvements in security, especially in West Darfur, enabled 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 people and many deaths), including humanitarian assistance, support to peace processes and the establishment of peacekeeping operations.<sup>39</sup> Under the auspices of the African Union, and with the support of the United Nations and other partners, the Darfur Peace Agreement (DPA) was signed in 2006, and a renewed peace process was again initiated in 2010, culminating in the DDPD (July 2011), which includes specific provisions on IDPs.

33. An unprecedented African Union/United Nations Hybrid peacekeeping operation in Darfur (UNAMID) was established by the Security Council (resolution 1769) on 31 July 2007, thereby replacing the African Union Mission in Sudan (AMIS). UNAMID's mandate has been renewed yearly, with the latest extended to 31 July 2013 (Security Council resolution 2063). It includes protection of civilians, monitoring the implementation of agreements, promotion of human rights and rule of law, providing assistance towards an

<sup>36</sup> OCHA, *Sudan: United Nations and Partners Work Plan 2013*, p. 14.

<sup>37</sup> Ibid.

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

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

inclusive political process and restoration of security conditions to enable the provision of humanitarian assistance.<sup>40</sup>

34. During 2012, the DDPD launched its first phase of implementation, established the Darfur Regional Authority (DRA) and undertook the division of Darfur into five, rather than the previous three states. Although the DDPD did not, at the time of Special Rapporteur's visit, include the three largest armed movements in Darfur, it has become the focus of Government and international efforts to bring about peace and long-term solutions for affected communities. As part of these efforts, a Darfur Joint Assessment Mission was undertaken by UNDP in 2012 in order to identify needs and priorities. This was followed by the International Donor Conference for Reconstruction and Development in Darfur, held in Doha in April 2013, which aimed at securing the necessary funds for recovery and development projects.

35. The DRA, created under the DDPD, includes a total of 21 representatives from all five Darfur states. Despite its significant role and mandate, namely to act as the link between the federal Government and the Darfur states, and to ensure coordination of the five 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 people 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 organizations 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 United Nations staff and NGOs from travelling to Darfur for several months. The Government's announcement in March 2013 regarding the removal of travel restrictions on humanitarian agencies operating in Darfur is therefore welcome and its rapid implementation is strongly encouraged. Moreover, the Special Rapporteur stresses the concern of IDP leaders with whom he met, who explained that the humanitarian situation in the camps had deteriorated significantly since the expulsion in 2009 of international NGOs. Other interlocutors noted increased constraints and government restrictions on humanitarian access in areas dominated by armed movements or where the population is perceived as being aligned to the "wrong communities", which affects 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, including, 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>

<sup>40</sup> See UNAMID mandate, available from <http://www.un.org/en/peacekeeping/missions/unamid/mandate>.

<sup>41</sup> OCHA, *Sudan: United Nations and Partners Work Plan 2013*, pp. 14-15.

<sup>42</sup> *Ibid.*, pp. 20-22.

38. Displaced women and girls continue to be at increased risk of sexual and gender-based violence (SGBV) and various forms of abuse and exploitation. Internally displaced women with whom the Special Rapporteur met highlighted the security risks they faced when venturing outside the camps, and the need for 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 (e.g. education), while other family members would return seasonally in order to cultivate their land. Maintaining family registration in the camps was also used as a precaution against the unpredictable security situation or agricultural output, as the family could return to the camp if necessary. This strategy was reinforced by the fact that the World Food Programme (WFP) does not have long-term food assistance in areas of return in Darfur. As a result of these family survival strategies, there were an increasing number of female-headed households and unaccompanied minors in the IDP camps, representing a significant protection concern.

39. Moreover, legal and psychosocial support continue to be extremely limited. According to information provided to the Special Rapporteur, in cases of rape and sexual assault, follow-up by police – in the form of investigations and arrests, for example – continue to be rare, thereby perpetuating a culture of impunity. While improvements in the responses to these concerns by the Ministry of Health (MoH) and Ministry of Social Affairs (MoSA) are encouraging, 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, as well as sensitization and capacity-building for 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 not only to access, but also to the decrease in bilateral funding, delays in donor disbursements and other factors. Problems due to funding constraints in 2012 in the health sector for example, has meant that the running of health facilities had to be handed over to MoH. In view of MoH's limited human and financial capacity, 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 sector, various delays and impediments to delivery were encountered in parts of Darfur, due to security, transportation and funding issues. Government restrictions on the movement 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 non-food items.<sup>44</sup> This was noted by the Special Rapporteur during his visit to camps, where many IDPs were living in rudimentary and tattered make-shift shelters which provided little protection from the elements.

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

<sup>43</sup> Ibid., pp. 19-20.

<sup>44</sup> Ibid.

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

### 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. However, various interlocutors with whom the Special Rapporteur met, including IDPs, government representatives and organizations working with IDPs in Darfur, have stated, 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 with whom the Special Rapporteur engaged, including women, stated that it was too early to speak of significant returns, stressing that while access to land was central to returns, their lands continued to be occupied. They also highlighted security concerns related to continued activity by the Janjaweed and stated that in their opinion, neither the Government nor UNAMID were capable of protecting them, citing the example of the attacks in Kutum (August 2012) and the Hashaba massacre (September 2012). DRA representatives with whom the Special Rapporteur met reiterated the need to establish security for people in areas of return, including through promotion of an inter-Darfur dialogue addressing the relationship between nomads and settlers – an issue affecting the stability of rural areas. They noted that since most areas outside of cities in Darfur have been evacuated due to the conflict, with many people displaced to IDP camps or settlements, those areas were now largely occupied by nomads. They also stated that while the nomadic groups may not necessarily claim that the land is solely theirs, there is still 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 IDPs and Refugees Conference which took place in Darfur on 25 and 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 the 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 for a commission to deal with land issues. However the implementation of these initiatives is expected to take a significant amount of time.<sup>46</sup> In this context, it would be important to provide greater support to initiatives that offer practical solutions to immediate situations and a conflict management mechanism, such as the “forums for dialogue” set up by some communities to address how to minimize damage to crops.

45. A number of actors with whom the Special Rapporteur met also highlighted the need to place stronger emphasis on including nomadic communities in assistance efforts, (especially in West Darfur), in regional dialogues, so as 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 United Nations Environment Programme (UNEP) is looking into how to improve engagement with nomadic groups and strengthen community dialogue; he encourages further efforts in this regard.

<sup>46</sup> UNHCR, “Darfur: Return monitoring” (see footnote 29), p. 3.

46. The neglect and destruction of infrastructure in rural Darfur over the last decade, the resulting lack of basic services as well as water scarcity and droughts in the region have also been key impediments to large-scale IDP returns.<sup>47</sup> DRA representatives acknowledged that conditions must be sufficient to attract returnees, and informed the Special Rapporteur that the reconstruction process in Darfur is supposed to include the creation of services outside of cities and in areas of return. The Government of Sudan is to contribute \$200 million in the first year and \$300 million in the second to this process, with additional funds expected from the donor conference held in Qatar on 7 and 8 April 2013. As part of this plan, Qatari international NGOs are planning to start work on five “service centres” (or “model villages”), comprised of a school, health centre, police station, mosque, and other basic facilities in each of the five states in 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 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 undertaken in 2012 to monitor returns in West, Central North and South Darfur.<sup>48</sup> In addition to security, lack of access to livelihood opportunities and basic services, including water and education facilities (at reasonable distance); hostile communities and insufficient presence of law enforcement officials – conditions which, place women and girls at increased risk of SGBV were some of the issues identified.

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) *Urbanization 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 to this option that was manifested by many Government representatives he met with. 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 population and urban growth rates in Darfur (50 per cent), which have been largely accelerated by conflict and displacement,<sup>50</sup> pose significant challenges to urban management. Careful planning, however, can help to address many of these as they can mitigate the expansion of informal urban settlements and related problems such as poor

<sup>47</sup> OCHA, *Sudan: United Nations and Partners Work Plan 2013*, p. 33

<sup>48</sup> UNHCR, “Darfur: Return monitoring” (see footnote 29), p. 2.

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

<sup>50</sup> OCHA, *Sudan: United Nations and Partners Work Plan 2013*, pp. 28 and 30.

access to services; security of tenure and housing rights; construction in areas prone to natural or other hazards; risk of mass evictions due to safety reasons, legal land claims or development projects. Experience has shown that such conditions, if they are not prevented, 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 notes, 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 that addresses the immediate as well as the durable solutions needs of IDPs, and which is 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 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 of Sudan and all concerned actors for facilitating a process of engagement which enabled IDP representatives to participate in the development of the DDPD. However, IDP and civil society groups have expressed concern 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 that are “tribe-based” and which perpetuate conflict in the region. The Special Rapporteur also wishes to highlight the concerns expressed 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 justice and reconciliation, the Special Rapporteur was pleased to learn that the Justice, Truth and Reconciliation Commission (JTRC) in Darfur, was planning field visits and ongoing dialogue sessions with local constituencies and IDP leaders in all five Darfur states. Representatives of the Commission 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.

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<sup>51</sup> Ibid., pp. 37-38.

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

### **1. Overview**

54. Between the signing of the Comprehensive Peace Agreement in 2005 to 2012, one year after South Sudan's independence, approximately 2 million people of South Sudanese origin who were living in Sudan have returned to South Sudan. It is estimated that some 220,000 to 350,000 people of South Sudanese origin now remain in Sudan.<sup>52</sup> The Special Rapporteur found that many who wished to go 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 nine-month grace period for persons of South Sudanese origin to regularize their stay in Sudan. However, he regrets that the regularization of their status was not possible by the 8 April 2012 deadline, as the necessary mechanisms (e.g., to issue required identification documents) were not put 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 number of persons of South Sudanese origin remained stranded in open-air departure points and transit stations in Khartoum, including 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 that are not viable for prolonged periods. This was starkly visible in the poor physical condition of the grounds, tattered tents and lack of basic services, such as sanitation facilities, in the sites visited. The international community has provided some assistance to people at these sites as well as support to the documentation processes. However, such support has been significantly constrained, due, *inter alia*, 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 transportation assistance provided to people unable to afford the cost and an airlift operation by the International Organization for Migration (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 possible. As such, an estimated 40,000 persons remained in open-air departure points in Khartoum while some 3,000 to 4,500 people were at the Kosti way station.

57. As Sudanese citizens, many people of South Sudanese origin have lived in and around Khartoum and in other parts of Sudan for many years or even generations, and many who had been displaced there during the war had long integrated into their host communities. However, many people recounted to the Special Rapporteur how, in the context of escalating tensions around the referendum and partition, and the generally unstable political relations between the two countries, they had lost their jobs and been subject to harmful rhetoric and threats in the media and within their communities. This resulted in a social climate which rendered 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 market price when the time came to leave.

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

<sup>53</sup> *Ibid.*

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

58. The Special Rapporteur is encouraged by the signing of the Framework Agreement on the Status of Nationals of the other State and Related Matters (Framework Agreement) by the Governments of Sudan and South Sudan on 27 September 2012. This Framework Agreement, which provides for the terms for the regularization of stay of persons of South Sudanese origin wishing to remain in Sudan, can, if implemented in a timely and effective manner, facilitate local re-integration as a durable solution. However, the Special Rapporteur is concerned that without the adoption of a clear policy or legislation that takes into consideration the status of South Sudanese as former nationals of Sudan, it may be difficult for persons of South Sudanese origin to meet a number of requirements provided for in the existing legal framework on immigration for the issuance of residency permits (e.g. certain medical requirements, proof of re-entry into Sudan, 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 the persons concerned.<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 that 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 in the form of returns or regularization of their status in Sudan have been attained, it is essential that the human rights of persons of South Sudanese origin be protected. He urges the Government of Sudan to promote a culture of respect for their rights and to investigate and prosecute any violation thereof. The very difficult conditions at some departure points, including with regard to water, sanitation, shelter, health care and other basic services, require urgent attention and monitoring.

### **C. Protocol Areas: Abyei, South Kordofan and Blue Nile**

60. Continued fighting in South Kordofan and Blue Nile 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 United Nations has no presence in SPLM-N-controlled areas, and no assistance has been delivered from within Sudan. International humanitarian organizations have continued to support assistance efforts undertaken by the Government and national organizations in government-controlled areas, despite security concerns and government restrictions on movements of international staff. In August 2012, the Tripartite Initiative, instigated jointly by the African Union, the League of Arab States and the United Nations, resulted in two separate Memoranda of Understanding between the Tripartite Parties and 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 has 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, so that the majority of assistance has been provided by humanitarian organizations based in South Sudan. There are reports that some movement back to Abyei have taken place, particularly following the withdrawal of South Sudanese Police, the Sudanese Police and SAF from the area in May 2012, which allowed the United Nations

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<sup>55</sup> See General Assembly Resolution 55/153.

<sup>56</sup> OCHA, *Sudan: United Nations and Partners Work Plan 2013*, pp. 13-14.

Interim Security Force for Abyei (UNISFA) to implement its stabilization 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 African Union Commission, resulted in the signing of the Implementation Matrix for the nine agreements 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 contains some provisions for achieving durable solutions for IDPs and returnees, while the Framework Agreement on the Status of Nationals of the other State and Related Matters 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 endeavoured to provide humanitarian assistance in their areas of control, but a political solution is urgently required. While the various agreements to which the Government of Sudan has committed 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 measures, such as conflict-resolution mechanisms. The resulting human and socioeconomic 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 programmes and international support. A more open and enabling environment could reverse this dynamic and create the required 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.

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

<sup>58</sup> African Union, "The African Union welcomes the signing of the Implementation Matrix for the agreements signed between Sudan and South Sudan", Addis Ababa, 12 March 2013. The Implementation Matrix does not include an agreement on the final status of the Abyei Area or a resolution of the Disputed and Claimed Areas.

## **B. Recommendations**

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

65. **The Special Rapporteur recommends that the Government of Sudan:**

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

(a) **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 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (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*

(b) **Establish and implement clear, predictable and transparent procedures, which are communicated to all parties concerned and which facilitate timely, effective and unimpeded humanitarian access at the capital, regional, state and local levels, including for the staff of the United Nations, its implementing partners and international NGOs;**

### *National capacity-building*

(c) **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 mainstreaming of the “Do No Harm” principle in humanitarian action;**

### *Enabling environment, participation and consultation*

(d) **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*

(e) **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*

(f) **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*

(g) Strengthen information-gathering and management systems relating to internal displacement, including, inter alia, updated and disaggregated statistics on IDPs in camps and in 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, disabled, elderly); levels of access to services and human rights of IDPs in displacement sites and areas of return or 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 are analysed and given due consideration in policy-making, programme development, implementation and evaluation;

*With regard to Darfur*

(h) Develop, in cooperation with the international community and affected communities, a two-pronged approach which recognizes 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;

(i) Continue engagement with relevant actors with a view to achieving more comprehensive and inclusive political solutions and/or 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;

(j) 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;

(k) 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 to capture the needs and intentions of IDPs with regard to durable solutions. In particular, promote investments and assistance in areas of return, 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 sound absorption capacity and urban development policies. With regard to urban development, adopt strategies that also include vulnerable IDPs already living in these urban environments in relevant IDP integration and assistance programmes;

(l) 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*

(m) Accelerate and facilitate, in cooperation with the Government of South Sudan, procedures for the documentation of persons of South Sudanese origin in Sudan;

(n) 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;

(o) Review rapidly and with flexibility the requirements for their applications for 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;

(p) 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;

(q) 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*

(r) 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;

(s) Take practical steps, as a matter of priority, for the realization of the Implementation Matrix for the nine Agreements 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;

(t) 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;

(u) 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;

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

66. **The Special Rapporteur recommends that 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.**

67. **The Special Rapporteur recommends that the international community continue to support the Government of Sudan through the activities of UNAMID, other relevant United Nations organizations, capacity-building, technical assistance and financial commitments, with a view to:**

(a) **The consolidation of peace and security in the country; 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;**

(b) **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;**

(c) **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;**

(d) **Support efforts by all relevant stakeholders to identify and address the root causes of forced and protracted displacement; develop early-warning and conflict-resolution mechanisms to prevent or protect against forced displacement; and strengthen peacebuilding and reconciliation activities.**