



**The Brookings Institution-SAIS
Project on Internal Displacement**

SEMINAR ON INTERNAL DISPLACEMENT IN SOUTHERN SUDAN

**RUMBEK, SUDAN
NOVEMBER 25, 2002**

Co-sponsored by:

**The Brookings Institution-SAIS Project on Internal
Displacement**

**The Representative of the United Nations
Secretary-General on Internally Displaced Persons**

The United Nations Children's Fund (UNICEF)

**SEMINAR ON INTERNAL DISPLACEMENT IN
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THE BROOKINGS INSTITUTION – SAIS PROJECT ON INTERNAL
DISPLACEMENT

1775 Massachusetts Avenue, NW, Washington DC 20036-2188

and 1717 Massachusetts Avenue, Suite 555, NW, Washington DC 20036

TELEPHONE: 202/797-6145 FAX: 202/797-6003 EMAIL: gsanchez@brookings.edu

FOREWORD

The seminar on Internal Displacement in Southern Sudan, held in Rumbek, Sudan, November 25, 2002, was the first directly convened by the Brookings-SAIS Project with the cooperation and active participation of non-state actors, in this case the Sudan People's Liberation Movement/Army (SPLM/A) and the Sudan People's Democratic Front (SPDF).

Its overall purpose was to try to promote greater attention to the needs of internally displaced populations living in areas controlled by non-state actors. The Brookings-SAIS Project has found that in civil war situations, far less attention is generally paid to internally displaced persons in areas controlled by non-state actors than in government-controlled regions. There is often little reporting on their numbers, conditions or treatment, and access to them is often limited. Another major purpose of the seminar was to increase non-state actor accountability with the international humanitarian and human rights standards restated in the Guiding Principles on Internal Displacement. Non-state actors as well as state actors are often responsible for the displacement of people and the violation of their human rights. Yet UN agencies often have been reluctant to deal with insurgents, fearing that this might lend legitimacy to the rebel movements and offend the government concerned.

In recent years, however, U.N. agencies have been interacting more with non-state actors. Indeed, Operation Lifeline Sudan is an example of international agencies working on both sides of a conflict without necessarily according legitimacy to the non-state actor in international law. The Brookings-SAIS Project, for its part, in addition to the Rumbek seminar, has been working with the Consortium of Humanitarian Agencies (CHA), an NGO umbrella group in Sri Lanka, which has been organizing seminars on the Guiding Principles with members of the Liberation Tigers of Tamil Eelam (LTTE).

We express appreciation to UNICEF for co-sponsoring the Rumbek seminar, in particular to Julianna Lindsey, James Oryema and Anna Michael Hadjixieros for their participation in the seminar and to Ms. Lindsey and Pia Vraalsen for helping with the preparations on the ground. We also thank three staff members of the Brookings-SAIS Project for their efforts in organizing and carrying out the seminar. Galit Wolfensohn, a researcher provided by the Government of Canada through the United Nations Association of Canada, did the initial planning for the Rumbek seminar, developed the background paper, and carried out painstaking and extensive research into conditions of internally displaced persons in areas under non-state control, including in Southern Sudan. Gimena Sanchez-Garzoli, Research Analyst with our Project, continued the preparatory work for the seminar, including the further development of the various documents, bringing to this work her experience in having trained members of the SPLM/A and the SPDF in the

Guiding Principles at a special program organized by the IDP Unit of the UN Office for the Coordination of Humanitarian Affairs (OCHA). David Fisher, Senior Research and

Legal Officer, finalized seminar preparations, led the discussions on the Guiding Principles, and prepared the seminar report. We also thank Gladys Alunit for editorial assistance.

Roberta Cohen

Francis M. Deng

Co-Directors
Brookings-SAIS Project
on Internal Displacement

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Introduction

On November 25, 2002, a Seminar on Internal Displacement in Southern Sudan was held in Rumbek, Sudan, co-sponsored by The Brookings Institution-SAIS Project on Internal Displacement, the Representative of the United Nations Secretary-General on Internally Displaced Persons, and the United Nations Children's Fund (UNICEF). This was the first seminar convened by the Representative and The Brookings-SAIS Project with the cooperation and active participation of non-state actors.

The purposes of the seminar were: to examine the worldwide problem of internal displacement with particular reference to Southern Sudan; discuss the content and application of the Guiding Principles on Internal Displacement with particular attention to their application to non-state actors; stimulate the further development of strategies for addressing issues of internal displacement, including issues of return, resettlement and reintegration; and reinforce the efforts of those in civil society interested in strengthening local and national capacities.

The meeting was chaired by Dr. Francis M. Deng, Representative of the Secretary-General on Internally Displaced Persons and Co-Director of The Brookings-SAIS Project. The 39 participants represented executive and humanitarian authorities of the Sudan People's Liberation Movement/Army (SPLM/A) and the Sudan People's Democratic Front (SPDF), international organizations and non-governmental organizations (NGOs) with operations in Southern Sudan, local civil society, as well as host communities and internally displaced persons. (For agenda, participants list and background paper, see Appendices A, B and C.)

Opening Remarks

The Seminar opened with a prayer led by Bishop Caesar Mazzolari of the Diocese of Rumbek. Bishop Mazzolari drew the participants' attention to the story of Exodus and to the Bible's admonition that persons driven from their homes be sheltered and aided in their distress.

Elijah Malok, Executive Director of the Sudan Relief and Rehabilitation Association (SRRA), the humanitarian arm of the SPLM/A, then offered an opening statement welcoming the participants on behalf of the SPLM/A leadership. Mr. Malok stated that both the Sudanese and the international community had realized that the time had come to address the issue of internal displacement in Sudan. In this connection, he noted several areas of inquiry which he believed most urgently needed to be addressed, in particular how to (1) gather and centralize basic data on internally displaced persons in Southern Sudan, such as their number, locations, and demographic makeup; (2) improve coordination among the SPLM/A, international and national authorities; and (3) ensure that the human rights of internally displaced persons are respected. (For full text of statement, see Appendix D.)

UNICEF Project Officer Julianna Lindsey welcomed the participants on behalf of both UNICEF and Bernt Aason, Deputy Humanitarian Affairs Officer of the UN Office for the Coordination of Humanitarian Affairs (OCHA) Sudan. The Representative of the Secretary-General, Francis M. Deng, also extended his welcome to the participants, noting that the seminar was occurring at a hopeful time of negotiations for peace.

Global Overview of Internal Displacement

Dr. Deng proceeded to discuss the global context of internal displacement and the history of the international response to the problem. He shared his view that response to internal displacement worldwide, frequently resulting from civil war, is often constrained by a ruptured sense of national solidarity and identity, which can lead states to withhold their protection from their own nationals. The international community is then needed to step in and fill the vacuum. Such involvement, however, confronts the challenges of sovereignty. While the concept of national sovereignty has traditionally been interposed as a barrier to international intervention in the plight of persons displaced within their own borders, the 1990s saw an increasing recognition that sovereignty carries with it the responsibility to ensure that basic human rights are observed. During the same period, however, the number of internally displaced persons continued to rise to a current estimate of 25 million persons, of which 10-11.5 million are in Africa, and 4.5 million in Sudan.

In 1992, Dr. Deng was appointed as the United Nations Secretary-General's Representative on Internally Displaced Persons, with a mandate to explore the normative framework for internally displaced persons, address the institutional response to their needs, conduct country missions, and foster research on the issue. At the request of the UN Commission on Human Rights and General Assembly, the Representative convened a group of legal experts who drafted the Guiding Principles on Internal Displacement ("the Guiding Principles"), an instrument designed to restate and interpret existing human rights and humanitarian norms relevant to internally displaced persons in one coherent document. Since they were formally presented to the Commission in 1998, the Guiding Principles have been widely accepted as an authoritative and useful tool for formulating policy at the international, regional and national levels. Through his 25 country missions (including three to Sudan), frequent regional and national conferences, and advocacy at the international level, the Representative has promoted these principles and encouraged the relevant actors to develop policies that better serve the internally displaced.

Because no single agency within the UN has been designated to have the primary responsibility for the internally displaced, emphasis has been placed on enhancing collaboration among the many agencies and NGOs that play a role with the internally displaced. To achieve better coordination, the Secretary-General designated the Emergency Relief Coordinator as UN focal point on internally displaced persons. The ERC chairs the Inter-Agency Standing Committee, composed of the heads of the major humanitarian and development organizations and NGO umbrella groups. It now meets regularly to discuss issues pertinent to internal displacement. At the national level, "Resident Coordinators" and "Humanitarian Coordinators" have been designated to serve

as focal points for the response to internal displacement in a number of affected countries. The system represents a considerable improvement over previous years, but it remains far from ideal, especially in situations like Southern Sudan. There is no resident coordinator or humanitarian coordinator specifically for Southern Sudan, notwithstanding the administrative divisions between Operation Lifeline Sudan of the north and the south and the tremendously different working environment in the two areas of the country. As the Southern Sudan model shows, therefore, more work needs to be done to render cooperation between international humanitarian agencies and organizations working on the ground.

Dr. Deng noted that he had undertaken three missions to Sudan and continued to be engaged in the country because Sudan remains the hardest-hit country in the world with respect to internal displacement, with more than 4 million displaced persons. He had been encouraged by the government of Sudan's recent participation in a seminar on the Guiding Principles convened by the OCHA IDP Unit and by the government's organization of its own policy seminar on internal displacement in 2002. He was also encouraged by the efforts currently being undertaken by the humanitarian wings of the SPLM/A and SPDF to incorporate the Guiding Principles into their policies and activities. In this regard, he noted the participation of these organizations in two training sessions on the Guiding Principles conducted by the OCHA IDP Unit, in September and November 2002, and their participation in the current seminar. Dr. Deng commended them for their recognition that non-state actors also have responsibilities for safeguarding the rights and well-being of internally displaced persons and called upon them to continue to make good on their commitments. (For full text of statement, see Appendix E.)

The Normative Framework

David Fisher, Senior Research and Legal Officer in the Office of the Representative of the Secretary-General, provided an overview of the development and content of the Guiding Principles and the extent of their penetration into law and policy at the national level. He noted that the Guiding Principles sprang from the UN's request to the Representative to develop a normative framework for internally displaced persons. After initially considering the option of a legally binding instrument for the internally displaced, the Representative and his team of experts decided instead to compile, restate and elucidate existing international norms, which they believed to provide adequate coverage for the internally displaced, but which were dispersed in a wide variety of instruments too diffuse to focus on internal displacement and which therefore had been frequently overlooked in situations of mass displacement.

The Guiding Principles, Mr. Fisher continued, are based on human rights law, humanitarian law, and refugee law applied by analogy. They are divided into four major sections dealing with (1) protection from arbitrary displacement, (2) protection during displacement, (3) access to humanitarian assistance, and (4) return, resettlement and reintegration. By their terms, the Guiding Principles apply to state and non-state actors and call upon those with authority over displaced persons not only to refrain from

persecuting them but also to act affirmatively to ensure that their security is ensured and that their humanitarian needs are met.

As noted above, the Guiding Principles have made important inroads at the international, and regional levels, with various bodies expressing their support. They have also begun to make an important impression in policy-making at the national level. In Angola, the government has enacted legislation on resettlement expressly based on the Guiding Principles. Uganda is considering similar legislation. In other countries, such as Burundi and Colombia, governments have expressly based their policies on the Guiding Principles. The Guiding Principles are also increasingly being used as a monitoring tool by inter-governmental agencies and NGOs.

Should the SPLM/A adopt its draft policy based on the Guiding Principles, as is currently being contemplated, this would be the first non-state actor to make such a commitment. If the policy were then fully implemented, it would make an important difference in the lives of the internally displaced in Southern Sudan. (For full text of statement, see Appendix F.)

Internal Displacement in Southern Sudan

Jeff Drumtra, Senior Africa Policy Analyst at the U.S. Committee for Refugees, an NGO, gave a presentation on the situation of internal displacement in Southern Sudan. He pointed out that Sudan's displacement arose from one of the longest uninterrupted civil wars in the world. Its magnitude was unique – totaling more than four million persons by the most commonly used estimate, constituting the largest displaced population in the world. Up to two million of the displaced were in the north of the country, 500,000 in the Nuba Mountains region, and another 1.5 to 2 million in the south. Other unique factors were the wide geographic dispersal of the displaced, their nearly equal numbers in government and rebel-controlled areas, and the repeated displacements of many of the same persons. These characteristics meant that the logistics of facilitating return and reintegration would most likely be just as difficult as had been the case in providing humanitarian relief. Moreover, the process of return would undoubtedly be chaotic and would require flexibility from the authorities and relief agencies. Many internally displaced persons would return with changed expectations, culture, language and even religion that would have to be taken into consideration.

At the same time, internal displacement in Sudan was similar to that in other countries in important respects. Those working in the Sudan could therefore benefit from lessons learned in other states. For example, Somalia, Ethiopia, and Mozambique encountered similar problems of drought and food shortages. Indeed, relief agencies were already applying lessons learned in those countries to Sudan. One such lesson was that drought and food shortages could be expected to continue even after the war ends which could help to disrupt the process of reintegration.

Likewise, displaced persons in other countries, such as Liberia, Uganda, and Somalia, had encountered protection problems akin to those in Sudan. As war had turned

increasingly inward over time, civilians became its primary targets and victims. To address this problem, humanitarian agencies would need to consider playing a greater role in monitoring of protection problems, documenting and taking steps to prevent abuses and pressing for accountability. International and local NGOs in Sudan had the opportunity to serve as a model for the continent in this regard. (For full text of statement, see Appendix G.)

Adele Sowinska, Program Coordinator for the International Rescue Committee, representing the NGO Forum, commented on Mr. Drumtra's presentation. She observed that there was a pressing need for the various parties addressing internal displacement in Southern Sudan to work more effectively together. In this regard, she pointed out that both the Government of Sudan and the SPLM/A were in the process of developing policies on the internally displaced. She called for an effort to make these policies cohesive.

Ms. Sowinska regretted that a number of international NGOs had been reluctant to cooperate with the SPLM/A's policies concerning the internally displaced because the SPLM/A was a non-state actor. She called upon international humanitarian organizations to provide greater support in planning and training to local NGOs and to give them greater responsibility as decision-makers. Ms. Sowinska noted that although both the Government of Sudan and the SPLM/A had recently reaffirmed their commitment to grant greater access to humanitarian organizations, NGOs had been told that implementation was being "taken slowly," especially in Western Upper Nile. She called upon national and SPLM/A authorities to grant NGOs immediate access to internally displaced persons in all territories under their control.

Finally, Ms. Sowinska underlined the inadequacy of resources and services available to internally displaced persons in Southern Sudan and called on donors to increase their participation. She noted that in Equatoria, there was currently one doctor for every 100,000 in the population and that there were no doctors at all in Bahr el Ghazal or Western Upper Nile. Many areas also lacked safe water and other necessities. Much greater resources were needed just to meet existing needs, and demands would greatly increase in the case of large-scale returns.

In the discussion, there was a consensus that greater resources were urgently needed in Southern Sudan for assisting internally displaced persons. Participants also agreed that lessons from previous displacement crises in other countries as well as in Sudan should be disseminated for use in the current situation.

The Draft SPLM/A Policy on Internal Displacement

Mr. Malok reported that at a training seminar for SPLM/A personnel on the Guiding Principles, conducted in September 2002 by the OCHA IDP Unit with the assistance of

the Office of the Representative of the Secretary-General on Internally Displaced Persons, a policy on internal displacement based on the Guiding Principles had been drafted and presented to him for consideration by the SPLM/A leadership.* (For text of draft policy, see Appendix H.)

Mr. Malok noted that because his energies and those of the SPLM/A leadership had been focused on the peace talks in Machakos, he had not yet presented the draft policy for approval. However, he assured the participants that he intended to formally present the draft to the SPLM/A leadership prior to the resumption of peace talks scheduled for January 6, 2003, and hoped to have the policy adopted soon thereafter.

The participants at the seminar encouraged Mr. Malok to proceed with the adoption of the draft policy, and also to explore ways to coordinate the activities of the SPLM/A with those of the government, especially in the areas of return and resettlement in the event of peace. At the suggestion of participants, Mr. Malok agreed that he would raise the issue at the next meeting of the Technical Committee on Humanitarian Assistance.

Prospects for Peace and the Consequences for Internally Displaced Persons

Mr. Malok reported on the recent peace talks in Machakos and provided his analysis of the prospects for success in the upcoming phase of talks scheduled for January 6, 2003. He reported that the SPLM/A and the Government of Sudan had agreed in principle that Islamic law would be applied in the north and secular law in the south and that after a six-year period, the south would be given the opportunity to have a referendum to choose between independence and remaining in Sudan. However, a number of challenging issues remained for further talks, including wealth sharing and the representation of the SPLM/A in the federal government institutions. He noted that the Government and the SPLM/A were still far apart on these issues. He cautioned participants that, despite rising hopes at home and abroad, it might not be easy to reach speedy agreement. The SPLM/A and humanitarian agencies should therefore remain prepared to address the needs of internally displaced persons regardless of the outcome of the peace talks.

Several participants urged Mr. Malok to include civil society in the peace process, especially insofar as it would have an impact on the displaced.

Dr. Deng reported to participants about pilot initiatives supported by his office and UNDP to encourage local peacemaking in Abyei, where local Dinka and Missiriya Arab leaders had reached accords to end inter-ethnic violence. With the support of the international community, these local initiatives had permitted the return of some displaced Dinka to their home areas and allowed Missiriya Arabs to recommence

* For the full text of this report prepared by Gimena Sanchez-Garzoli, Research Analyst, The Brookings-SAIS Project on Internal Displacement, and Marc Vincent, IDP Advisor, UN IDP Unit – OCHA, see *SPLM/A IDP Policy Training Workshop – South*, Internal Displacement Unit, OCHA, October 5, 2002. Available from www.idpproject.org

peaceful use of grazing land in Dinka areas. Dr. Deng observed that he had sensed a yearning for peace on both sides, but that the process was vulnerable unless it was strongly supported by the main warring parties, the government and the SPLM/A. He called upon the government and the SPLM/A to give local peace processes their strong support to ensure their success.

Report from the OCHA IDP Unit-UNICEF Training in the Guiding Principles

James Oryema, Assistant Project Officer at UNICEF, reported on the findings and recommendations of a training seminar on the Guiding Principles, conducted by the OCHA IDP Unit and UNICEF in Rumbek, November 21-23, 2002. Participants included representatives of SRRA, RASS, local and international NGOs, and churches.

Mr. Oryema reported that participants at the training session had noted the pressing need for accurate demographic information on displaced persons in Southern Sudan. They also identified the many causes of displacement in Sudan. While the armed conflict between the government and the SPLM/A was the major source of displacement, people had also been displaced as a result of cattle rustling, abductions, denial of access to humanitarian assistance, and floods. Participants in the training session felt that all the causes had to be addressed.

The training participants further emphasized the need for better cooperation among the different actors dealing with internally displaced persons. Some local NGOs, they noted, had been drawing up “silent plans” to deal with potential return and resettlement issues in the event of peace because the SRRA had not drawn them into a more comprehensive planning process. Training participants also called for greater coordination among international humanitarian agencies, noting the lack of a “Humanitarian Coordinator” for the south.

Finally, the training participants drew attention to the discriminatory treatment suffered by internally displaced persons at the hands of some host communities, such as the insistence that displaced persons wait for members of the local community to draw water before they themselves could use the well. In addressing this issue, however, the training participants warned against creating inverse discrimination against host communities, which had often been left to deal with large inflows of internally displaced persons with extremely limited resources. In creating a policy on internally displaced persons, including one for return and resettlement, the participants at the training session called upon all parties to ensure that the internally displaced were consulted and made part of the decision-making process.

Protection of Internally Displaced Persons

Regardless of whether peace was imminent in Sudan, participants at the Rumbek seminar agreed that the protection of internally displaced persons was an issue that had been overlooked and needed urgently to be addressed.

IDP Protection Network

Gordon Guem, Protection Officer for the SRRA, reported on progress made in the creation of an IDP Protection Network (“the Network”) for Southern Sudan. The Network includes UNICEF, local NGOs, the SRRA and RASS and is designed to promote protection through education and advocacy.

Like the SRRA’s consideration of the draft policy on internal displacement, Mr. Guem identified the SRRA’s participation in the Network as a sign of its commitment to incorporate international human rights standards into its policies and practices. In addition to educating internally displaced persons, SPLM/A officials, SPLA armed forces and community leaders, the Network would advocate with international and local institutions for better treatment of internally displaced persons. It would attempt to integrate its activities with those of international humanitarian organizations, for instance, by assisting organizations such as the International Committee of the Red Cross and Save the Children - UK in tracing missing family members of internally displaced persons.

Participants voiced their support for the new network and urged its members to coordinate closely with international humanitarian mechanisms. Participants also congratulated the SPLM/A on its willingness to encourage monitoring and advocacy by the Network, and encouraged it and the Network to take this function seriously.

Some participants called upon the SPLA to share more information with local NGOs to help them to protect the security of internally displaced persons. It was noted that displaced persons frequently do not receive crucial survival information. Mr. Malok responded that the SPLA had made an effort to share such information in the past.

Vulnerable Populations

Although all internally displaced persons faced vulnerabilities as a result of dislocation, participants recognized that some displaced persons were particularly vulnerable because of age, gender and disability.

Children and Women

Julianna Lindsey, Projects Officer at UNICEF, reported that displaced children were frequently separated from their parents and communities and therefore faced particular

danger. She noted that although some orphans had been taken in by local communities, they frequently faced discrimination and a lack of educational opportunities. In the event of return, Lindsey cautioned that differences in language, culture and experience could generate increased discrimination.

Lawrence Otika, Resettlement Officer for Catholic Relief Services, reported that women made up an overwhelming percentage of the internally displaced. Rape and other sexual violence were both a cause and a consequence of displacement for these women. Unfortunately, rape was rarely discussed in Southern Sudan and women were often unwilling to report that they had been raped for fear that they would not be able to marry. Soldiers and militia members knew this and took advantage of the culture of silence. Although there was little data on the issue, a recent study found that many displaced Nuer women had been raped as many as three to four times by militia members.

Women and especially girls also faced abduction into sexual slavery by armed forces such as those of the Lord's Resistance Army, which frequently entered Sudanese territory. Women's traditional tasks, such as gathering firewood and cultivating crops, tended to place them at increased risk of rape in a conflict environment. Avoiding such activities made subsistence impossible. Moreover, rape brought with it not only physical and emotional trauma, but also a high risk of transmission of HIV, as was confirmed by a recent study carried out by Médecins Sans Frontières in Upper Nile.

Mr. Otika recommended that international and local humanitarian organizations and authorities better coordinate to enhance protection for women. He called upon the local authorities in particular to empower women in decision-making. Finally, he reiterated the need for basic information on the location, makeup and needs of the internally displaced in general as an essential planning tool.

Disabled People

Fatuma Juma, Thematic Head for Community-Based Rehabilitation of Children with Disabilities for Save the Children/Sweden reported that disabled people were the most vulnerable of populations, especially in situations of armed conflict. In many societies, including Southern Sudan, they were considered to be lesser people and therefore suffered discrimination that compounded the challenges posed by their disabilities.

Disabled children were especially at risk. When people were forced to run, disabled children were frequently left behind to be killed by armed forces or hunger. They were also the last to be provided resources and education. It was estimated that fewer than 3 percent of disabled children were in school in Southern Sudan.

Ms. Juma noted that the Guiding Principles stipulated that special efforts should be made to meet the needs of disabled persons during displacement and called upon participants to integrate advocacy for this community into their protection programs.

Issues of Return, Resettlement and Reintegration

Building a Strategic Framework

Marv Koop, Technical Officer for the United Nations Development Program (UNDP) briefed participants on considerations in forming a strategic framework for addressing return, resettlement and reintegration. He asserted that the over-arching goal of such a framework should be to protect and expand choices of all war-affected populations to ensure equity among all returning populations. Thus, a policy concerning return should also deal with issues of human security, building and supporting the capacity of local structures and authorities, and fostering area-based rehabilitation.

Assuring human security would require means to monitor armed activities not only by the government and the SPLM/A, but by militias and rival ethnic groups. The latter type of conflict was rooted in resource issues and in the lack of a functioning system of justice to address disputes. The task was complicated by the proliferation of small arms and of landmines. A sustainable plan for return would also require capacity-building through the promotion of democratic governance, true partnerships between international and local humanitarian actors, empowerment of traditional authorities and the encouragement of respect for the rule of law. Likewise, communities should be rehabilitated through agricultural support, water projects, health services, education, support for the development of private sector initiative and other infrastructure needs.

Mr. Koop noted that a policy on return should anticipate problems such as movement-related security, unrealistic and/or changed expectations, discrimination, the possibility of political manipulation in order to influence a potential referendum on independence, land disputes and potential inequities in assistance between displaced and non-displaced populations.

In the discussion, participants noted that both the government and the SPLM/A were considering policies on return, and called upon the parties to coordinate their activities. As noted above, Mr. Malok pledged to raise the issue of coordination at the next meeting of the Technical Committee on Humanitarian Assistance. Participants also cautioned against the use of displaced persons as political pawns, especially in light of the planned referendum on adhesion to or secession from Sudan.

Participants agreed that there was a need to prepare for changed expectations, culture, and language in those who might be returning from the north. There was also a consensus that assistance programs should be carefully calibrated to deal equitably with all returnees, whether internally or externally displaced, as well as with other war affected populations who were not displaced.

Mr. Malok noted that the SPLM/A wished to encourage the return of displaced persons to their homes as soon as the security situation allowed, in order to commence the

rehabilitation of the displaced themselves, relieve the stress of current host communities, and begin rebuilding the south. Participants expressed support for a plan that would encourage voluntary return of the displaced in conditions of safety, dignity and access to the essentials of life and livelihood.

Grassroots Facilitation

Bishop Caesar Mazzolari reported that the Catholic Church had been active in Sudan to promote peace and reconciliation between the warring parties. He noted also that local parishes had already taken on the task of assisting many displaced persons in Sudan, and that they would continue to do so to the full extent of their resources in the event of large-scale return. In anticipation of such an event after peace, the Church would soon be appointing an officer to coordinate its activities in the south.

Bishop Mazzolari warned that great numbers could be expected to return in the event of peace and that food shortages, gaps in services, and poverty probably would await them. He pledged that the church would increase its involvement, including attempts to engage internally displaced persons currently in the north to prepare them for conditions in the south, and in efforts to promote reconciliation among chiefs, host communities, and returning displaced persons.

Participants urged officials of the church and the SPLM/A to work together with other members of civil society to create comprehensive plans for return.

Property Dispute Resolution

Participants noted that large-scale return would likely provoke disputes over entitlement to property as displaced persons found others on their habitual lands. These disputes would be complicated, inasmuch as many persons had been displaced several times and had made connections with properties in several areas.

Some participants voiced the view that those currently putting property to beneficial use should be entitled to remain there. Others asserted that customary law in the south would require at least that ancestral lands where shrines have been erected be returned to their displaced owners. It was noted that the customary rules of communal land ownership in Southern Sudan were nuanced and did not preclude individual entitlement to property after displacement. There was consensus that equitable laws and a responsive judicial system should be put into place as soon as possible to address all potential disputes.

Recommendations

Participants in the seminar made the following recommendations:

1. The SPLM/A should adopt and implement the draft policy on internal displacement developed in September 2002 which was based on the Guiding Principles on Internal Displacement. The international community should encourage and support the SPLM/A as it engages with international human rights standards.
2. International humanitarian organizations, local NGOs and the SPLM/A should work together to develop accurate data on displacement in southern Sudan and to coordinate their programs of assistance and protection for the internally displaced.
3. The SPLM/A and the Government of Sudan should coordinate their return policies in the event of peace. The SPLM/A should raise this issue at the next meeting of the Technical Committee on Humanitarian Assistance.
4. Partnerships should also be forged among local authorities, international humanitarian organizations and civil society to facilitate return and build local capacity.
5. All actors should ensure that the return and resettlement of displaced persons are voluntary, safe and in dignity. To this end, local peace processes could facilitate reconciliation among communities and clans and foster voluntary and safe returns. Programs designed to assist returning and resettling displaced persons should enlist the participation of host communities and ensure that their needs are taken into account. For their part, local communities should make efforts to eliminate discrimination against returnees and the displaced.
6. International donors should increase their involvement in southern Sudan, especially in the event of large-scale return, but regardless of whether or not there is a peace agreement. To this end, international agencies and the Office of the Representative of the Secretary-General on Internally Displaced Persons should hold discussions with the donor community.
7. The SPLM/A should share relevant security information with local civil society and international humanitarian organizations to assist in the protection of the internally displaced. Special attention should be paid to the protection and assistance needs of women, children and the disabled.
8. Humanitarian agencies should be granted immediate access to displaced persons wherever they may be found to promote assistance and protection to those at risk.

Concluding Comment

It should be reiterated in conclusion that the Rumbek seminar set a very positive example in that the Representative of the Secretary-General in collaboration with United Nations agencies and non-governmental organizations and, in particular, with the cooperation of the government, engaged a non-state actor to assume its responsibility for the protection

of internally displaced persons in accordance with the principles of international humanitarian and human rights law, as restated in the Guiding Principles on Internal Displacement. It has been widely accepted that in addition to state actors, non-state actors are also often responsible for the displacement of people and for the violations of their human rights. The logic of attributing responsibility for displacement and human rights violations to non-state actors is to hold them accountable on the basis of internationally established standards without necessarily implying according them legitimacy in international law. The Guiding Principles make this very explicit and Sudan offers a good example of the practical application of the Principles to non-state actors.

APPENDIX A

AGENDA

SEMINAR ON INTERNAL DISPLACEMENT IN SOUTHERN SUDAN

*Rumbek, Sudan
November 25, 2002*

Chair: Francis M. Deng, Representative of the UN Secretary-General on Internally Displaced Persons, and Co-Director, The Brookings-SAIS Project on Internal Displacement

9:00 AM OPENING SESSION

Opening Remarks by Elijah Malok, Executive Director, Sudan Relief and Rehabilitation Association (SRRA)

Opening Remarks by Julianna Lindsey, Project Officer, UNICEF

Opening Remarks by Francis M. Deng, Representative of the UN Secretary-General on Internally Displaced Persons, and Co-Director, The Brookings-SAIS Project on Internal Displacement

9:20 AM GLOBAL OVERVIEW OF INTERNAL DISPLACEMENT

This session provides an overview of internal displacement worldwide and examines the response of the international community, including institutional arrangements, country visits and the development of a legal framework.

Presentation: Francis M. Deng, Representative of the UN Secretary-General on Internally Displaced Persons, and Co-Director, The Brookings-SAIS Project on Internal Displacement

Discussion

10:05 AM Tea Break

10:20 AM INTERNAL DISPLACEMENT IN SOUTHERN SUDAN

This session will present a brief overview of the causes of displacement in southern Sudan, the different settlement patterns of those internally

displaced, the current protection and assistance concerns prior to and during displacement as well as during return and resettlement, and recent developments that impact the humanitarian response.

Presentation: Jeff Drumtra, Senior Africa Policy Analyst, U.S. Committee for Refugees (USCR)

Commentator:
Adele Sowinska, International Rescue Committee

Discussion

11:20 AM THE NORMATIVE FRAMEWORK

This session will focus on the development of the Guiding Principles on Internal Displacement, their reception at the international, regional and national levels and their application to southern Sudan. The presenter will give examples of how various concerned actors have utilized the Guiding Principles as a tool for addressing the situation of the internally displaced.

Presentation: David Fisher, Senior Legal and Research Officer, The Brookings-SAIS Project on Internal Displacement

Discussion

12:00 PM Lunch

2:00 PM REPORT ON RECENT INITIATIVES TO APPLY THE GUIDING PRINCIPLES IN SOUTHERN SUDAN

The IDP Unit in conjunction with UNICEF recently conducted two separate trainings in southern Sudan on the Guiding Principles where participants discussed how to best address the internal displacement situation. Speakers will present the key findings and best practices identified at these trainings as well as the draft SRRA policy for internally displaced persons in SPLM/A territories along with progress toward its implementation. Discussion will focus on how local chiefs, IDP leaders, local, national, international and non-governmental agencies can support and complement this policy and build on prior findings.

Presentations:
Main Findings of the IDP Unit Training in Rumbek September 21-23 and the SRRA Draft Policy to Address the Needs of Internally Displaced Persons in SPLM/A Controlled Territories, as well as the status of the adoption of the draft policy.

Elijah Malok, Executive Director, Sudan Relief and Rehabilitation Association (SRRA)

Discussion

Main Findings of IDP Unit/UNICEF OLS Training November 21-23

James Oryema, Assistant Project Officer, UNICEF

Discussion

3:15 PM ADDRESSING PROTECTION AND ASSISTANCE

This session will focus on the development of a common framework to address the protection needs of the internally displaced. It will include a presentation on the objectives and planned activities of the recently established IDP protection network. It will focus on the special needs of women, children, older displaced persons and the disabled.

Presentations:

The IDP Protection Network: A New Role for Civil Society Organizations in Promoting Protection

Gordon Guem, Protection Officer, SRRA

Addressing Protection Concerns of Groups with Special Needs

In particular, attention will be paid to psycho-social support for children, family reunification, tracing, demobilization, rehabilitation and protection of children without primary caregivers.

Julianna Lindsey, Project Officer, UNICEF, on children

Lawrence Otika, Resettlement Officer, Catholic Relief Services, on women

Fatuma Juma, Thematic Head for Community Based Rehabilitation for Children with Disabilities, Save the Children/Sweden, on disabled persons

Discussion

4:30 PM Tea Break

4:45 PM RETURN, RESETTLEMENT AND REINTEGRATION

In the event of a peace agreement, large numbers of internally displaced persons will decide to return to their places of origin, become integrated in the places they are currently situated or resettle in new areas. This session will focus on the development of joint strategies to promote safety, dignity and sustainable returns, resettlements and reintegration of those involved.

Presentations:

Meeting Challenges of Return, Resettlement and Reintegration

Marv Koop, Technical Officer, UNDP

The Role of Grass-Roots Reconciliation in Facilitating Return

Bishop Caesar Mazzolari, Diocese of Rumbek

Discussion

5:40 PM CONCLUSIONS AND FUTURE STEPS

Report by Rapporteur:

David Fisher, The Brookings-SAIS Project on Internal Displacement

Discussion

6:05 PM CONCLUDING REMARKS

Elijah Malok, Executive Director, SRRA

Francis M. Deng, Representative of the UN Secretary-General on Internally Displaced Persons

APPENDIX B

LIST OF PARTICIPANTS

Local Authorities and Humanitarian Agencies

1. Elijah Malok, Executive Director, Sudan Relief and Rehabilitation Association (SRRA)
2. Paul Maluei Malok, SPLM County Secretary for Rumbek County, malueinyicol@ttotm.com
3. Mayok Ayuen, SRRA
4. Henry Munga, Yambio Protection Officer, SRRA
5. Gordon Guem, Protection Officer, SRRA, guem_david@yahoo.com.uk
6. Deng Mtuc Deng, Protection Officer, SRRA
7. Abraham Mayom Makuac, Field Monitoring Officer, SRRA
8. Chuong Juoi Teat, Protection Officer, Relief Association of Southern Sudan (RASS)

International Organizations

9. Francis M. Deng, Representative of the Secretary-General on Internally Displaced Persons and Co-Director of The Brookings-SAIS Project on Internal Displacement
10. Jan Eijkenaar, European Commission Humanitarian Aid Office (ECHO), jan.eijkenaar@cec.eu.int
11. Pia Vraalsen, Assistant Child Protection Officer, United Nations Children's Fund (UNICEF), pvraalsen@unicef.org
12. Julianna Lindsey, Project Officer, UNICEF, jlindsey@unicef.org
13. James Oryema, Assistant Project Officer, UNICEF, oryema@yahoo.com
14. Mona Duale, Humanitarian Affairs Officer, United Nations Office for the Coordination of Humanitarian Affairs (UN-OCHA) Sudan in Nairobi, duale@un.org.
15. Marv Koop, IDP Technical Advisor, United Nations Development Program (UNDP), marv.koop@undp.org
16. Dawit Wondwossen, World Food Program (WFP) Nairobi, Dawit.Wondwossen@wfp.org
17. David Fisher, Senior Legal and Research Officer, Office of the Representative of the Secretary General on Internally Displaced Persons and The Brookings-SAIS Project on Internal Displacement, dfisher@ohchr.org
18. Anna Michael Hadjixieros, UNICEF, ahadjixiros@unicef.org

International Non-Governmental Organizations

19. Jeff Drumtra, Senior Africa Policy Analyst, U.S. Committee for Refugees (USCR), jdrumtra@irsa-uscr.org

20. Lawrence Otika Joseph, Resettlement Officer, Catholic Relief Services, Lotika@crssudan.org
21. Mariam Juma, Norwegian Church Aid, ncaloki@africaonline.co.ke
22. Fatuma Juma, Thematic Head for Community Based Rehabilitation of Children with Disabilities, Save the Children/Sweden, Box 19423 Nairobi
23. Felipe Donoso, Head of Sudan Office, International Committee of the Red Cross (ICRC), nai.ssd@icrc.org
24. Samuel Bon, Field Coordinator, ICRC, lockichokio.lok@icrc.org
25. Adele Sowinska, Programme Coordinator, International Rescue Committee (IRC) Nairobi, adeles@ircsosudan.org
26. Gordon Molitor, Country Director, CARE International Somalia/South Sudan Country Office, gordy@care.or.ke
27. William Deng Pook, Save the Children, United Kingdom
28. Judith Lane, IRC, judithrumbek@yahoo.com
29. Paul Obura, Save the Children, United Kingdom, paul.obura@scfuk.or.ke

Local Non-Governmental Organizations/Church Groups/IDP Representatives and Chiefs

30. Mario Mayek Manhom, New Sudan Council of Churches (NSCC)
31. Bishop Caesar Mazzolari, Diocese of Rumbek, diradm@wabachi.com
32. Steven Ajongo Akol, Bahr el Ghazal Youth Association (BYDA)
33. Nyang Gatluak Rik, Latjor Development and Relief Organization (LDRO), ldro_org@yahoo.com
34. Elizabeth Nyaguan, Naath Community Development Service (NCDS)
35. Aloys Nyagah, Middle East Reform Fellowship (MERF), Box 41488 Nairobi
36. Benedetto Malith, Sudan Production Aid (SUPRAID), Box 77901 Nairobi, Tel: 604565
37. Iba Lucy, Magwi Action for Self Reliance Association (MASRA), Box 67464 Nairobi
38. Atem Aweng, Executive Chief of Aweng
39. M. Ruai, IDP Representative for Bahr El Ghazal

APPENDIX C

BACKGROUND PAPER

Introduction

Internal displacement has come to the fore in recent years as one of the most pressing issues facing the global community. There are an estimated 20-25 million persons throughout the world forcibly displaced within the borders of their own countries. Most are in acute need of protection and assistance. More than half of this population can be found in Africa. The largest number of internally displaced persons are located in the Sudan where more than 4 million persons are estimated to have been forcibly displaced by armed conflict and natural and human-made disasters. Of this population, an estimated 2 million are found in southern Sudan, the majority of whom live in areas that are under the de facto control of non-state armed actors.

While the primary responsibility for the security and well-being of the displaced rests with their governments, in many cases governments do not have the capacity or the willingness to meet this responsibility, and in some cases there may be no government presence at all. As the displaced often fall into a vacuum of responsibility within the state, regional, international and local involvement becomes essential.

Governments are not the only entities with responsibility towards displaced populations. A significant proportion of internally displaced populations live in areas controlled by, or directly subject to the actions of non-state actors, specifically armed groups operating independently of government control. Despite the fact that non-state actors are not generally formally bound by human rights law, international humanitarian law and some international human rights treaties such as the Convention on the Rights of the Child apply to both governments and non-state actors. Some armed actors have publicly recognized and committed to such responsibilities, including the Sudan People's Liberation Movement/Army (SPLM/A) and the Liberation Tigers of Tamil Eelam (LTTE of Sri Lanka). The Guiding Principles on Internal Displacement, which draw from international humanitarian, human rights and refugee law by analogy, also apply to non-state actors.

Increasingly, international agencies are recognizing the importance of working in cooperation with these actors to address the protection and assistance needs of displaced populations in areas outside of government control. This is reflected in policy documents such as the Inter-Agency Standing Committee's Policy on the Protection of IDPs (December 1999), which recognizes that engaging with non-state actors must be one of its protection strategies, and the United Nations Secretary General's report on Protection of Civilians in Armed Conflict (8 September 1999), which calls on non-state actors to respect international humanitarian, human rights and refugee law. At present, the Office for the Coordination of Humanitarian Affairs (OCHA) is developing criteria for dealing with non-state actors.

Purpose of the Seminar

Utilizing the Guiding Principles on Internal Displacement as its framework, this seminar has three main objectives: 1) to review the situation of internal displacement globally, with particular reference to southern Sudan; 2) to discuss the reception of the Guiding Principles on Internal Displacement and recent initiatives to apply them in southern Sudan, in particular in areas under the control of the SPLM/A; and 3) to stimulate the further development of strategies, with particular regard to return, resettlement and reintegration, and reinforce local capacities for addressing internal displacement.

Displacement in Southern Sudan

An estimated 2 million of the more than 4 million internally displaced persons of the Sudan are located in the south of the country.¹ Of this number, an estimated 1.4 million live in areas under the control of the SPLM/A.² Many persons have been displaced numerous times over the course of several years and have settled throughout rural areas, villages and camps. Given the severely impoverished living conditions of southern Sudan in general, displaced populations face particularly harsh conditions during the initial stages of displacement. Many flee with little or no provisions and may lack access to clean water, food and non-food items. The majority of displaced persons settle in rural areas and are absorbed by the host population, but many remain in need of assistance. Most of them have no access to humanitarian relief, which tends to be provided in camps or select aid distribution centers. Of those displaced persons with access to aid, many may be marginalized in locally run relief re-distribution efforts, which tend to favor local residents. While war affected populations in southern Sudan face extreme hardships, displaced persons are particularly vulnerable as many have lost their homes, their cattle, their possessions, their livelihoods, their family structures and their community support systems. As women and children comprise the majority of the displaced, they are particularly vulnerable in such circumstances.

A combination of international and local agencies address the humanitarian needs of war-affected populations in southern Sudan. The southern sector of Operation Lifeline Sudan (OLS), a UN-coordinated international relief effort which includes more than forty UN and international non-governmental organizations, serves as the main operational framework through which international relief is delivered to the south. OLS-South works in operational partnership with the humanitarian wings of rebel movements to coordinate and distribute humanitarian aid. These arrangements, formalized through the Agreement on Ground Rules signed between OLS-South and individual armed groups, are based on minimum operating standards designed to facilitate safe and unimpeded humanitarian access to populations in insurgent areas on the basis of respect for human rights and humanitarian principles. Half a dozen international aid agencies operate outside the OLS

¹ U.S. Committee for Refugees, *World Refugee Report 2002*.

² *Ibid.*

framework, which frees them from restrictions on relief delivery imposed on OLS by the national authorities, and allows them access to otherwise inaccessible populations.

The Role of Non-State Armed Actors/SPLM/A

Aside from several garrison towns, the majority of southern Sudan is under the de facto control of non-state armed actors, including the largest, the SPLM/A. The relief wings of armed groups, such as the Sudan Relief and Rehabilitation Association (SRRA) of the SPLM/A, work directly with international agencies to distribute relief to populations living in their respective areas.

In addition to providing and facilitating relief delivery to war-affected populations, non-state actors have a responsibility to try to protect populations from violations of international humanitarian and human rights law. According to human rights reports, internally displaced persons in southern Sudan have been subjected to serious human rights abuses at the hands of the warring parties.

The SPLM/A is one of a handful of non-state actors worldwide that has pledged to adhere to the standards of international human rights and humanitarian law. In 1995, the SPLM/A pledged to support the Convention on the Rights of the Child and the Geneva Conventions and Optional Protocols by signing the Agreement on Ground Rules with Operation Lifeline Sudan. In a 1998 reaffirmation of its commitment, the SPLM/A declared that “the movement stands in support and respect of international Conventions on Human Rights and similar international protocols on human rights.”³ The relief wings of other non-state armed actors operating in southern Sudan have similarly signed cooperative agreements with OLS. In 1996, the International Committee of the Red Cross (ICRC) reported that the SPLM/A was observing the basic laws of war by granting the agency access to some prisoners of war.⁴

The SPLM/A has also made various commitments to cease the practice of recruiting child soldiers, a promise that was renewed in October 2000 during a visit to southern Sudan by UNICEF Executive Director Carol Bellamy. In February 2001, UNICEF coordinated an airlift of 3,551 demobilized child soldiers to their home areas.

In 1996, the SPLM/A committed to demining efforts in areas under its control, and created Operation Save Innocent Lives-Sudan to address the issue. The SPLM/A has also made various statements recognizing the importance of ceasing to use landmines, and in March 2000, it made a verbal commitment to the International Campaign to Ban

³ Vision Program and Constitution of SPLM, March 1998, in Alor Kuol, Monyluak, *Holding Armed Groups Accountable: the case of the SPLM/SPLA*, research paper commissioned by International Council on Human Rights Policy, as background to the report, *Ends and means: human rights approaches to armed groups*, Geneva, 2000:20.

⁴ U.S. Department of State, *1999 Country Reports on Human Rights Practices in Sudan*, Bureau of Democracy, Human Rights, and Labor, February 25, 2000.

Landmines not to use landmines under any circumstances.⁵ In March 1999, the SPLM/A reportedly committed to stop using mines in southern Sudan during the visit of the United Nations Secretary General's Special Representative on Children and Armed Conflict, Olara Otunnu.

The SPLM/A has also participated in humanitarian and human rights awareness training seminars administered by international agencies such as UNICEF and the ICRC, which have addressed the protection and assistance responsibilities of armed actors under international humanitarian and human rights law. In addition, the SPLM/A has participated in various local, national and international conferences on good governance, civil society, landmine bans, and grass roots peace-making, all of which have addressed issues relating to the promotion of international human rights and humanitarian standards and practices. The SPLM/A's restructuring of the organization in 1994, which included a resolution to separate the military from civilian command, its increased efforts to increase popular participation and influence within the movement, and its attempts to reduce human rights abuses among its ranks through increased internal sanctions, further indicate a readiness to establish greater accountability.

In September 2002, the IDP Unit of the Office for the Coordination of Humanitarian Affairs (OCHA), with assistance from the Brookings-SAIS Project on Internal Displacement, held a training workshop on the Guiding Principles for the SPLM/A, Sudan Relief and Rehabilitation Agency (SRRA) and Relief Association of Southern Sudan (RASS) in Rumbek. Participants recognized the rights of internally displaced persons and pledged commitment to the promotion of their rights. They also drafted a policy that addresses the needs of internally displaced persons in SPLM/A controlled areas. The policy is guided by the Guiding Principles and includes a series of institutional proposals for responding to internal displacement within SPLM/A structures at the local and regional levels. At the conclusion of the workshop, the participants presented the draft policy to Mr. Elijah Malok, executive director of the SRRA, for review and presentation to the SPLM/A leadership. In addition, an IDP Protection Network is being created by UNICEF, representatives of the humanitarian wings of local authorities (SRRA/RASS) and various Sudanese indigenous NGOs to enhance protection in southern Sudan.

Building on these efforts, the seminar on internal displacement in Southern Sudan will examine the challenges that remain in implementing the standards set forth in the Guiding Principles. The seminar will seek to increase the effectiveness of non-state actors, international and non-governmental organizations, chiefs and churches in meeting their responsibilities towards displaced populations and other war affected populations. In particular, it will address ways to enhance the SPLM/A's application of their policy for addressing the concerns of internally displaced persons, and consider ways to strengthen civil society in non-state actor areas as well as the judicial system and law enforcement.

⁵ Statements by Non-State Armed Actors Under International Humanitarian Law, compiled by the non-state actor Database, March 2000, London, <http://www.icbl.org/wg/nsa/library/nsadeclarations.html>.

The seminar will also look to develop joint strategies that address the protection and assistance needs of the internally displaced. Special attention will be paid to the protection and assistance concerns of vulnerable groups and to the displaced undergoing return, resettlement and reintegration. In the event of a peace agreement, large numbers of internally displaced persons will decide to return to their places of origin, become integrated in the places they are currently situated or resettle to new areas. Therefore the seminar will seek the development of joint strategies to promote safety, dignity and sustainable returns, resettlements and reintegration of those involved.

Legal Framework

The Guiding Principles on Internal Displacement, completed in 1998 and introduced to the UN by the Representative of the Secretary General, are the first international standards specifically tailored to the needs of the internally displaced. They provide a useful normative framework for addressing the assistance and protection needs of internally displaced persons, and can be used to guide the direction of assistance and protection efforts. They apply to all parties to a conflict, both governments and non-state actors.

The Guiding Principles were developed by a team of international legal experts under the direction of the Representative of the Secretary-General on Internally Displaced Persons, Dr. Francis M. Deng. They were drafted in response to a request by the United Nations Commission on Human Rights and General Assembly that a normative framework be developed for internally displaced persons. Based on existing human rights and humanitarian law, and refugee law by analogy, the 30 articles of the Principles set forth the rights of the internally displaced and the obligations of governments, non-state actors and other relevant actors toward these populations. They apply to all phases of displacement, offering protection prior to displacement (that is, against arbitrary displacement), during displacement and in the return and reintegration phase. Although not a binding legal document like a treaty, the Principles are based on international law that is binding and have gained, in a relatively short period of time, considerable recognition and standing.

The Guiding Principles quite innovatively formulate a right not to be arbitrarily displaced and prohibit displacement on ethnic, religious or racial grounds. Further, they set forth a broad range of rights addressing the protection and assistance needs of persons once they are displaced. As is clear from Guiding Principles 14-23, protection of the internally displaced encompasses a broad range of economic, social, cultural, civil and political rights. For instance, the right to basic material assistance (food, medicine, shelter), the right to education, freedom of movement and residence, political rights such as the right to participate in public affairs and the right to participate in economic activities. The importance of these various rights for the internally displaced will be discussed at the seminar.

In the return phase, the Principles not only emphasize the importance of voluntary and safe return but of the need to assist the displaced to recover their property and possessions. When recovery is not possible, the Principles call for compensation or just reparation. The seminar will look at what is required to facilitate and ensure conditions for safe and voluntary return, including efforts to address local tensions through grass roots peace efforts. Since the Principles emphasize both return and voluntary resettlement as solutions, the seminar will also examine alternatives to return in the case of protracted displacement. As the search for lasting political solutions to the conflict in Sudan continue, attention needs to be paid to strengthening the capacities of the displaced themselves during this period and to promote their self-sufficiency. To this end, training and education programs, development projects and economic opportunities need to be explored.

Reception of the Guiding Principles

Following their presentation to the UN, the Commission on Human Rights, Economic and Social Council (ECOSOC) and General Assembly adopted resolutions taking note of the Principles and of the Representative's intention to use them in his dialogues with governments, intergovernmental bodies and non-governmental organizations. Even earlier, the Inter-Agency Standing Committee (IASC), composed of the heads of the major international relief, development and human rights agencies (i.e., UNHCR, World Food Program, UNICEF, the International Committee of the Red Cross, etc.) welcomed and endorsed the Guiding Principles and encouraged its members to share them with their Executive Boards and their staff and to apply them in the field. In his report to ECOSOC in 1998, the Secretary-General listed the Principles as one of the notable achievements in the humanitarian field in 1998. And in a report to the Security Council in 1999, the Secretary-General called upon states to observe the Principles in situations of massive displacement. In January 2000, the Security Council, in a presidential statement, cited the Guiding Principles. Also in 2000, the General Assembly adopted a resolution welcoming the dissemination and application of the Principles by intergovernmental, regional and non-governmental organizations. In 2001, the Commission on Human Rights adopted a resolution that welcomed and requested continued efforts by the Representative to use the Principles in his dialogues with governments, intergovernmental and non-governmental organizations, appreciated the use of the Principles by an increasing number of States, UN agencies and regional and non-governmental organizations, and encouraged the further dissemination and application of the Guiding Principles at regional and other seminars on displacement. In 2002, the Commission on Human Rights adopted a resolution that expressed its appreciation of the Principles, as an important tool for dealing with situations of internal displacement and encouraged the Representative to continue to initiate seminars on the Guiding Principles, in consultation with regional organizations, intergovernmental, non-governmental organizations and other relevant institutions, and to provide support for efforts to promote capacity building.

Regional organizations have also begun to take note of and disseminate the Principles. The Organization of African Unity (OAU), now called the African Union (AU), formally expressed appreciation of the Principles, and several OAU-sponsored seminars have

emphasized the importance of the Principles to Africa. The Inter-American Commission on Human Rights of the Organization of American States (OAS) has endorsed the Principles, and in its most recent visit to Colombia, measured conditions on the ground in terms of the Principles. In Europe, the Organization for Security and Cooperation in Europe (OSCE) has expressed support for and begun to disseminate the Principles to its field staff.

In addition, international and national non-governmental organizations have been publicizing and widely circulating the Guiding Principles and have organized workshops and meetings in a number of countries, together with regional and international organizations, to discuss how best to implement them in the field. For example, in 1998, a regional conference, organized by the OAU, UNHCR and the Brookings Project on Internal Displacement, was held in Addis Ababa on internal displacement in Africa which featured the Principles and called for their dissemination and application in Africa. In 2002, the Economic Community of West African States (ECOWAS) and the International Organization for Migration (IOM), in collaboration with the Brookings-SAIS Project on Internal Displacement, held a workshop on migration in West Africa in order to help integrate the issue of internal displacement into programs for the region. The Guiding Principles were well received by the participating governments, while ECOWAS representatives expressed interest in establishing a regional focal point on migration, including internal displacement.

Governments have also begun to rely on the Guiding Principles as a useful guide for the development of laws and policies on internal displacement and as a yardstick for measuring conditions in their countries. In Angola, the Guiding Principles form the basis of a set of minimum standards for the resettlement of internally displaced persons, which has been adopted as law by the Council of Ministers. The Governments of Burundi and Uganda are using the Principles as a basis for policy.

Concluding Remarks

In Sudan, protracted armed conflict, drought, famine, poverty and underdevelopment have all contributed to producing one of the largest internally displaced populations in the world. Underlying the conflict are struggles over political representation, ethnicity, race, religion, national identity and economic disparities, which have limited the ability of displaced populations to mitigate the devastating effects of their plight. As non-state armed actors control a large part of southern Sudan, their actions and de facto governing efforts have a direct impact on the security and well-being of the estimated 2 million displaced persons in these areas. Despite their non-state status, these groups have a responsibility to ensure that the protection and assistance needs of displaced persons are addressed in an adequate fashion, through their own initiative, as well as in cooperation with local and international actors. At least one of these actors, the SPLM/A has already made public commitments to uphold international humanitarian and human rights standards. It is in process of finalizing a policy to address the needs of internally displaced persons based on the Guiding Principles on Internal Displacement. This seminar affords a unique opportunity to reinforce these efforts and to encourage the

development of practical strategies to meet the specific protection and assistance needs of the displaced.

Through the identification of patterns and trends of internal displacement in southern Sudan and building upon recent efforts to utilize the Guiding Principles as a framework for addressing the concerns of the displaced, the seminar hopes to encourage more effective local, national, regional and international strategies for promoting protection, assistance and durable solutions for the displaced.

Prepared by Galit Wolfensohn, Researcher, and Gimena Sanchez-Garzoli, Research Analyst, The Brookings-SAIS Project on Internal Displacement

APPENDIX D

ADDRESS BY ELIJAH MALOK ALENG EXECUTIVE DIRECTOR SUDAN RELIEF AND REHABILITATION ASSOCIATION (SRRA)

Rumbek-South Sudan

Dr. Francis Deng, Representative of the UN Secretary-General on IDPs, Ladies and Gentlemen,

On my own behalf, and on behalf of the Leadership of the Sudan People's Liberation Movement (SPLM), I welcome you to the town of Rumbek, which so far has been serving as one of the main administration centers of the SPLM.

All of you from various walks of life and institutions have gathered here to deliberate and recommend how best the Sudanese internally displaced persons (IDPs) can be served. This is a very great conference, and the timing could not have been more appropriate than now (November 2002). We did this same exercise last September 2002, here in the SRRA Headquarters in Rumbek.

Both the Sudanese and the international community have realized that the time has come to address the main issues surrounding the fate of Sudan IDPs. We are all aware that an IDP is a Sudanese citizen who has been displaced from his/her house by war and is now living in other parts of Sudan despite herself/himself, and outside her/his home of origin. This conference is therefore sitting here to discuss how best the Sudanese IDPs can be assisted within the prevailing war environment. We therefore need to look at some of the following areas:

1. What is the assessed and estimated number of the IDPs as per the various agencies and institutions e.g. the UN bodies, GOS, HAC, SPLM/A and international Non-Governmental Organizations (INGOS)?
2. Improvement of social strata: are the IDPs capable of improving their lot if they are given appropriate skills so that they become independent instead of being dependent?
3. Gender classification: Men, Women and children of school age.
4. Where are the IDPs roughly located, and what are the possibilities of encouraging assisted voluntary return of IDPs to their places of origin?
5. How do we establish an IDP census system that can provide reasonable, acceptable population estimates?
6. How do we set up a consortium that will act as a focal point—an information bank from which the various actors can get credible information? Such an agency will cooperate with the SPLM/SRRA authorities in the SPLM administered areas, and with The Government of Sudan/HAC in the Government of Sudan areas. It

- will also require the involvement of the UN/INGOS in both the Southern and Northern sectors.
7. When we discuss IDPs we are talking about the five Rs: Repatriation, Resettlement, Rehabilitation, Reconstruction, and Reintegration. Estimates of the total cost for six years of an interim period will have to be worked out as the financial aspect of the whole operation.
 8. We need to recommend how best both the local Civil Authorities and the Civil Society in the SPLM-liberated areas can partake in the burden and challenge of the five Rs.
 9. What are the human rights of the IDPs, e.g. education for their children, personal protection from harm, right to produce and to own of property, freedom of movement, etc.

I hope our deliberations will produce tangible results that will enrich the national policy on IDPs in the Sudan.

APPENDIX E

A GLOBAL VIEW OF INTERNAL DISPLACEMENT

*Address by Dr. Francis M. Deng
Representative of the United Nations Secretary-General
on Internally Displaced Persons*

Introductory Remarks

Let me begin by welcoming all of you to today's seminar and expressing my appreciation for your attendance and participation. I would also like to acknowledge and thank our co-sponsor, the United Nations Children's Fund (UNICEF), for providing organizational and other support for this event.

Today's seminar forms part of a series of regional and country conferences on internal displacement co-sponsored by The Brookings Institution-SAIS Project on Internal Displacement. The Project, which I co-direct with Roberta Cohen, is a joint endeavor of the Brookings Institution and the Johns Hopkins University School of Advanced International Studies (SAIS) and was set up to lend support to my mandate as Representative of the Secretary-General on Internally Displaced Persons.

These meetings aim at developing appropriate policies and strategies on the basis of the Guiding Principles on Internal Displacement which were prepared by an international team of legal experts under my supervision and presented to the UN Commission on Human Rights in 1998. The first seminar, co-sponsored by the Brookings Project, focused on internal displacement in Africa and was held in Addis Ababa, Ethiopia, in 1998. In 1999, the second seminar was held in Bogota, Colombia, to examine the plight of internally displaced persons in Colombia and Peru. A third seminar on internal displacement in Asia was held in Bangkok, Thailand, in 2000, in which representatives from 16 Asian countries participated. Also in 2000, a fourth seminar was held in Tbilisi, Georgia, that focused on displacement in the South Caucasus region of Europe - Armenia, Azerbaijan and Georgia. In 2001, a seminar focused on internal displacement in Indonesia brought together over 130 persons, thirty of whom came from 10 of the most affected provinces. Lastly, this past year, my office co-sponsored a seminar in the Russian Federation that looked at the plight of the displaced in that country.

All of these seminars fostered constructive discussions among the authorities, members of civil society, non-governmental groups, and regional and international organizations. They also stimulated important follow up activities on behalf of internally displaced persons. For example, the seminar in the South Caucasus subsequently led to an analysis of the laws and regulations in Azerbaijan, Armenia and Georgia on the basis of the Guiding Principles. This was done by lawyers from the region in partnership with the Organization for Security and Cooperation in Europe/Office for Democratic Institutions

and Human Rights (OSCE/ODIHR) and the Brookings Project. These seminars also raise national and international attention to the problem of internal displacement in the countries concerned.

As with previous seminars, today's meeting will utilize the Guiding Principles, as a framework to address the protection and assistance concerns of the internally displaced in southern Sudan. Although it is necessary that policies and strategies be developed to address the current situation, we must also keep in mind the future, especially in light of the ongoing Machakos peace negotiations between the Government of Sudan and the leadership of the SPLM/A. In the event of a peace agreement, large numbers of internally displaced persons will most likely return to their places of origin, but some may choose to be integrated in the places they currently reside in or may resettle in other areas of the country. These options will require support from the authorities and the international community.

It is particularly important that people are not forced to return to areas that are not safe or to conditions where basic services are lacking and their essential needs not met. This will mean providing people with adequate information on the conditions to which they would return so that they can make an informed decision on the matter. Even when people choose to return, unless their physical and psychological security and their survival needs are adequately met, such return cannot be viable and at least some people are likely to move from the area again. Meeting the needs of return, resettlement and integration is a challenge for all who work with the displaced. This afternoon we will have the opportunity to discuss this topic and to develop joint strategies to ensure that return and resettlement are done by choice with dignity and safety.

In order to establish a framework for our discussions, let me now present a brief overview of the global displacement crisis, the response of the international community to the crisis, the role my mandate has played in this connection both at the global level and in the Sudan, and our cooperation with SRRA in developing an appropriate policy on internal displacement.

The Global Displacement Crisis

It should be noted at the outset that internal displacement is a truly global crisis, affecting an estimated 25 million people in some forty-seven countries. Literally all regions of the world contain internally displaced persons. But although the crisis is global, Africa is the worst hit, with half of the world's refugees and internally displaced persons. According to the U.S. Committee for Refugees, there are an estimated 10-11.5 million conflict-induced internally displaced persons in Africa alone. Our own country, the Sudan, has the unenviable distinction of having the largest number of internally displaced persons (over 4 million) in the world. Of the over 4 million internally displaced within Sudan, an estimated 1.4 million are in areas under the control of the Sudan People's Liberation Movement and its Army (SPLM/A).

According to the definition adopted in the Guiding Principles, internally displaced persons are those uprooted by armed conflicts, communal violence, egregious violation of human rights and other human-made or natural disasters, but remain within the borders of their own countries.

Internal displacement is considered an internal problem which should be the responsibility of the state concerned and its national and local authorities. But that is only in theory. In practice, most of the countries torn apart by internal conflicts are either too poor or devastated by conflict to have the capacity needed for dealing with these problems. Worse, most of them suffer from severe crises of identity and lack a sense of national cohesion and solidarity. Controlling authorities rarely identify themselves with the victims of internal displacement, often perceiving them as part of the enemy, if not the enemy itself. Instead of being protected and assisted as citizens, they are neglected and even persecuted. To whom can they turn for protection and assistance, if not the international community?

The involvement of the international community is, however, impeded, if not obstructed, by negative perceptions of national sovereignty as a barricade against international scrutiny and humanitarian action. The critical question is whether the international community can watch humanitarian tragedies unfold, inflicting gross indignities and even the threat of death on large numbers of people, and do nothing in response. Although the answer to this question may not be categorical, there is no doubt that international solidarity with the needy populations is becoming the norm.

It is true that the post Cold War period has witnessed significant disengagement by the major powers from crises in other countries because they do not see their strategic interests involved. But it is also true that human rights and humanitarian concerns have increasingly become bases of engagement by the international community with human conditions the world over. It is therefore difficult to perceive indifference by the international community in the face of grave human suffering. Globalization is not only economic, it is, and should be, also human.

Had the displaced crossed international borders, they would be refugees for whom the international community has well-established legal and institutional frameworks and mechanisms for their protection and assistance. And yet, the internally displaced, by virtue of remaining within a country in conflict, are exposed to severe threats of physical and psychological insecurity, gross violations of human rights, denial of such basic needs as shelter, food, medicine, sanitation, potable water, education, occupation, community and resource base.

It should be noted that women and children are disproportionately affected by displacement and as a result bear most of its burden. Internally displaced children often suffer severe trauma and their education is interrupted, often for years on end. For young internally displaced persons in protracted situations of displacement, their entire childhood can be lost.

The Response of the International Community

In 1992, as the magnitude of the global crisis of internal displacement began to be in the limelight of international attention, the Commission on Human Rights decided to place the issue of internal displacement on its agenda and requested the Secretary-General to appoint a Representative on Internally Displaced Persons, initially to study the problem and recommend ways in which the United Nations system and the international community in general, might respond to the needs of the internally displaced. I was honored to have been given that responsibility.

On a personal note, when the Secretary-General first asked me to assume the position of his Representative on Internally Displaced Persons, I told him that I was honored, but wanted to know from his people the details before giving him my final response. He responded by saying: "Francis, I know you well enough to know how much you care about these human problems. This is a problem that is not only a global crisis; it is one that affects your continent the most; and in Africa, it affects your country, the Sudan, the most; and in the Sudan, it is your people in the South who are the worst hit. I cannot see how you can say No!" The Secretary-General was right and that is why I have undertaken this assignment with a sense of mission and compassion.

In the discharge of the mandate, I have conceptualized the role of the Representative as that of a catalyst in the international system and have focused my activities in several areas: developing an appropriate normative framework for meeting the protection and assistance needs of the internally displaced; fostering effective international and regional institutional arrangements to these same ends; focusing attention on specific situations through country missions which offer the opportunity for advocacy and constructive dialogue with authorities; and undertaking further research to broaden and deepen our understanding of the problem in its various dimensions. While advocacy and the research agenda operate within a broad and open-ended scope, the other three areas of activity have been relatively specific, with tangible results.

To provide the international community with a normative framework and tool for action, my office developed the Guiding Principles on Internal Displacement in response to the request of the Commission on Human Rights and the General Assembly, and in close collaboration with a team of international legal experts. Based on existing international human rights and humanitarian law, and refugee law by analogy, the 30 Guiding Principles set forth the rights of internally displaced persons and the obligations of governments and other controlling authorities toward these populations. The Principles cover all phases of displacement, providing protection from arbitrary displacement, protection and assistance during displacement, and for safe return in safety and dignity or resettlement and reintegration.

The Guiding Principles have gained significant international recognition and standing in the short time since their presentation to the Commission in 1998. Even before they were formally presented to the Commission on Human Rights, the Inter-Agency Standing Committee (IASC), which is comprised of the heads of UN agencies, other inter-

governmental bodies and non-governmental organizations, endorsed the Principles and adopted them for application in their field of operations. Following their presentation to the UN, the Commission on Human Rights, Economic and Social Council (ECOSOC) and General Assembly adopted resolutions taking note of the Principles and my intention to use them in my dialogues with governments, intergovernmental bodies and non-governmental organizations. The Principles have also been translated into over 20 languages and we hope to have them locally accessible in this region in the near future. David Fisher, the Senior Legal and Research Officer with our Project, will give a more in-depth treatment of the content, application, reception and use of the Principles worldwide.

Now turning to institutional arrangements, while refugees fall under the mandate of the United Nations High Commissioner for Refugees (UNHCR), there is no single specialized agency to provide protection and assistance to the internally displaced. We have proposed a number of remedial options, ranging from the creation of a specialized agency for the internally displaced, to the designation of an existing agency to assume full responsibility for them, to a collaborative arrangement that would utilize existing capacities and enhance the effectiveness of the international system. It is clear that in the present international climate, there is no political will for the first option. Although the argument that one existing agency should be charged with responsibility for the internally displaced is an idea that resurfaces periodically, a broad consensus has emerged that the problem is too big for one agency. That leaves the collaborative approach as the preferred option.

There is, however, a need to strengthen the collaborative approach through effective coordination to fill in the gaps in the present system. The 1997 reform agenda of the Secretary-General drew special attention to the gaps in the international system in responding to the protection and assistance needs of the internally displaced and assigned the primary responsibility of seeing to it that these needs are adequately addressed to the Emergency Relief Coordinator (ERC).

A series of other measures to strengthen the collaborative approach and make it more effective included initially the establishment of an Inter-Agency Working Group on Internal Displacement, followed by a Working Group on Internal Displacement, later succeeded by the high profile Senior Inter-Agency Network. The latest arrangement was the establishment of the IDP Unit at OCHA in January 2002 to facilitate the role of the Emergency Relief Coordinator toward a more effective collaborative approach. Among its responsibilities, the Unit is to undertake systematic reviews of selected countries to assess international efforts to meet the assistance and protection needs of internally displaced persons and to make recommendations for improved response. While there are distinctive mandates and features in the work of my mandate and that of the IDP Unit, our respective activities are also complementary and mutually reinforcing. A Memorandum of Understanding (MOU), which sets out areas of complementarity and collaboration between the mandate and the Unit, was signed on April 17, 2002.

My office has also endeavored to promote greater involvement of regional organizations in situations of internal displacement. In this connection, it is worth noting that regional organizations around the world have begun to take note of and disseminate the Principles. The Organization of African Unity (OAU), now reconstituted into the African Union, formally expressed appreciation of the Guiding Principles, and several OAU-sponsored seminars have emphasized the importance of the Principles to Africa. In October 2002, the Economic Community of West African States (ECOWAS) and the International Organization for Migration (IOM) invited the Brookings-SAIS Project to join them in convening a workshop on migration in West Africa in order to help integrate the issue of internal displacement into programs for the region. The Guiding Principles were well received by the participating governments, while ECOWAS representatives expressed interest in establishing a regional focal point on migration, including internal displacement.

Mandate's Role on Behalf of Sudanese IDPs

Although focusing on my own country when my mandate is global has been a rather sensitive issue for me, I have indeed given special attention to the Sudanese crisis of internal displacement. Of the 25 missions which I have undertaken to affected countries in different parts of the world, three have been to the Sudan (1992, 2001 and 2002). During my first visit in 1992, I used two main arguments to gain support for addressing the issue of internal displacement. First, as a country with the worst crisis of displacement, the Sudan needed to address this national tragedy and its human rights implications. Second, given its international profile on human rights, Sudan stood to gain diplomatically from addressing the problems creating this profile and from supporting, indeed championing, international initiatives on behalf of the displaced.

In comparing the conditions of the displaced in the camps around Khartoum with those close to the area of origin, such as in the area of Abyei, I proposed several alternatives for addressing the needs of the displaced. The first option was that the displaced be given the choice to go back to their areas of origin or to settlements closest to their natural setting, and accorded the protection and assistance necessary for them to resume normal and self-sustaining life. Alternatively, those who chose not to go back should be assisted to move freely into any area of the country, including urban centres, and given the necessary assistance to integrate themselves as ordinary citizens. A third alternative was that those who chose to remain in camps should not only be given essential services, but also assisted with materials to build for themselves more comfortable and healthier accommodations. When I undertook my second mission in 2001, I found that these three options were still valid.

In planning my second mission, I recommended the convening of workshops for developing appropriate national policies on internal displacement and promoting international cooperation in response to the needs of the displaced, building on the Guiding Principles. Initially, two national level workshops were to be held during my mission to the Sudan originally scheduled to take place in May 2001. One was to be held in Khartoum and co-sponsored by UNDP and The Brookings Project, and the other in the

south of the Sudan, in Rumbek, also in collaboration with UNDP and The Brookings Project. At the last moment, the Government decided against holding the workshops, but invited me to visit the country in order to discuss the situation, with a view to agreeing on alternative plans for workshops. The mission eventually took place in September 2001 and focused on discussing with the Government the possibility of convening a seminar on internal displacement in the Sudan. My September mission was successful in that the Government agreed to undertake a comprehensive review of current Government policy and to produce a report that would be used as background material for a workshop to be co-sponsored by the Project and held in Khartoum.

During that mission, I was again able to visit displacement camps around Khartoum and in other areas. While the situation of the displaced had improved, especially in view of the fact that significant numbers of displaced persons around Khartoum had been allocated some land to resettle and those in the rural North had also been granted agricultural land to farm, the challenges of displacement for the most part remained as they had been almost a decade earlier.

A third official visit to Sudan was undertaken in May 2002 as a joint mission with the Deputy Administrator for the United States Agency for International Development (USAID). We visited Khartoum, Abyei, Kadugli, Rumbek and other districts in Bahr el Ghazal. In Khartoum, I followed up on earlier discussions with Government authorities concerning plans to convene a national workshop on internal displacement. Since then, the Government has held its own internal national seminar. Followed by a broader international seminar in which country representatives of UN agencies, the donor community and non-governmental organizations participated. In addition, at the initiative of the Minister for External Relations, a regional seminar is being organized by the Intergovernmental Authority on Development (IGAD), in collaboration with OCHA and my office.

The May 2002 mission focused significantly on the prospects of return to the South, with special attention to the Abyei area, including local efforts aimed at peace-building and reconciliation between the Missiriya Arabs and the Dinka, which would facilitate return. At the suggestion of UN colleagues, the funds I received in December 2000, when I was honoured with the Rome Prize for Peace and Humanitarian Action, were to be used as seed money for the Abyei return project. It was to be a catalyst for an inter-agency collaborative project. The project has since evolved into a much larger inter-agency initiative that is attracting significant donor interest and support aimed at benefiting communities in areas under the control of both the Government and the SPLM/SPLA. While several villages have been resettled by returnees, much is still at the conceptual and planning level. Nevertheless, the prospects are significant enough to warrant the attention and support of both the Government and the SPLM/A.

Cooperation with SRRA in Addressing the Concerns of the Internally Displaced

One of the encouraging developments in our work on behalf of the displaced populations of the southern Sudan has been the increasing cooperation with the SRRA. Today's

seminar brings together representatives of the SPLM with international agencies and NGOs working with the displaced in SPLM-held areas to use the Guiding Principles as a framework and to enable further discussion on internal displacement in this part of the country. My office was in the process of planning today's event when the opportunity came for the OCHA IDP Unit to conduct a training on the Guiding Principles with the SPLM/A, SRRRA and RASS. It was therefore decided that the IDP Unit would facilitate this training in collaboration with the Brookings-SAIS Project. The training workshop took place in September in Rumbek. I am pleased that it raised awareness of the Guiding Principles in southern Sudan and led to the formulation of a draft SPLM/A policy on internal displacement based on the Guiding Principles. It must be noted that in August 28-29, 2002, the IDP Unit also facilitated a similar training with the Government of Sudan to discuss the formulation of an IDP policy based on the Guiding Principles. This past week the IDP Unit also held, in conjunction with UNICEF, a similar training workshop with OLS staff in Rumbek. On the whole, a picture is beginning to develop that shows multiple parties utilizing the same framework to meet the needs of the displaced throughout Sudan.

Concluding Remarks

In conclusion, I would like to reiterate that governments are not the only ones with responsibility towards the displaced. A significant portion of the world's displaced populations live in areas under the control of non-state actors. Despite the fact that non-state actors are not formally bound by international treaties and commitments, international humanitarian and human rights standards, as restated in the Guiding Principles, apply to both governments and non-state actors. It is my sincere hope that today's seminar, building upon recent efforts to promote and disseminate the Guiding Principles in southern Sudan, will contribute significantly toward the protection and assistance needs of the internally displaced in the southern Sudan, including the prospects for post-conflict return programs.

APPENDIX F

THE NORMATIVE FRAMEWORK OF INTERNAL DISPLACEMENT

*Presentation by David Fisher
Senior Research and Legal Officer
The Brookings-SAIS Project on Internal Displacement*

Introduction

My purpose is to discuss the development and reception of the Guiding Principles worldwide and how they have begun to make themselves felt on the ground. In particular, because our focus this afternoon will be on issues of protection and return and resettlement, I want to point out how the Principles frame these issues, and how governments, NGOs and agencies have used the Principles in other countries to address these problems. I hope that this will provide some context for consideration of the Sudan People's Liberation Movement (SPLM's) movement toward adopting a policy based on the Principles and what may be done to encourage this development and to ensure the successful implementation of such a policy.

Development, Authority and Acceptance of the Principles

I begin with a description of where the Principles came from. As the Representative pointed out, when he was appointed in 1992, an important aspect of his mandate was to develop a "normative framework" for dealing with internal displacement. After considering the option of advocating the creation of a new treaty specifically geared to the needs of the internally displaced, he opted instead to seek out and collect relevant principles from existing law. He did this because his research revealed that existing law already addressed many of the issues faced by internally displaced person, but was not being sufficiently emphasized on the ground. Moreover, with over 20 million displaced persons worldwide, the need for an international instrument was too pressing to wait the many decades that are frequently required for a new multilateral human rights treaty to come into being. Thus, in 1994, the Representative convened a team of international legal experts to draft the Guiding Principles. They derived the Principles from humanitarian law, also known as "the law of war" (including the provisions of the Geneva Conventions of 1949), human rights law, including the "International Bill of Rights," and refugee law by analogy. The various Principles either restate or interpret provisions of these treaties, gathering them together in a way that is comprehensible and focused on the issues raised by internal displacement.

The Principles have been widely accepted at the international, regional and national level as a valuable resource for setting policy with respect to internally displaced persons. They were formally presented to the United Nations Commission on Human Rights for the first time in 1998, and since that time the Commission, many of its special

rapporteurs and other mechanisms, the UN General Assembly and even the Security Council have welcomed the Principles as a useful tool. UN agencies such as UNICEF, UNDP, UNHCR and of course the OCHA IDP Unit have incorporated the principles into their humanitarian programs and use them for training their staff and displaced communities.

Introduction to the Principles

What do the Principles say? Many of us here have just completed an excellent 3-day training on the contents of the Principles led by the OCHA Internally Displaced Persons Unit, and a number of you are also already quite familiar with the Principles. However, I do think it will be useful briefly to refresh your recollection of the key points of greatest interest to our discussions this afternoon.

The Principles define “internally displaced persons” as “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights, or natural or human-made disasters and who have not crossed an internationally recognized state border.” The two crucial elements of this definition are (1) coercion, in other words, the involuntary nature of the displacement, and (2) movement within a state’s borders. These are crucial because we want to address forced displacement, not voluntary movement, and because those who flee across a border have special protection under refugee law and under a regime of refugee protection under the auspices of UNHCR.

The Principles establish that internally displaced persons must not be discriminated against simply because of their displacement, or on bases such as race, sex, language, religion, social origin and the like. The Principles then broadly cover four areas of concern to internally displaced persons: (1) protection from arbitrary displacement, (2) protection during displacement, (3) access to humanitarian assistance, and (4) return, resettlement and reintegration.

The Principles reaffirm that “national authorities” bear the obligation as a result of their position of power to ensure that displaced persons’ basic needs for food, water, shelter, dignity and safety are met. By using the term “national authorities,” the Guiding Principles contemplate application not only to governments but also to non-state actors, such as the SPLM. If a national authority is unable to provide for humanitarian needs, then it is under the obligation to call in assistance from the international community. The international community, in turn, represented by humanitarian organizations from the UN and NGOs, has the responsibility to ensure that its own programs respect the rights of internally displaced persons, and to intervene in an appropriate way where a national authority cannot or will not guarantee the rights of the displaced.

Relevant Concepts for Protection, Return, Resettlement and Reintegration

The Guiding Principles emphasize that it is not enough to provide food, water, housing, sanitation, education and other basic necessities to internally displaced persons, although they have the right to request and receive them. Moreover, they do not merely forbid national authorities from actively persecuting internally displaced persons. Instead, they call upon these authorities to protect internally displaced persons with their sphere of control from a number of types of depredations, whoever commits them.

Thus, Principle 10 reasserts that every displaced person has the right to life, and clarifies that national authorities must protect them against genocide, murder, disappearance, and against their use as shields or targets in military actions. Principle 11 notes that every human being has the right to dignity and physical, mental and moral integrity. This might be violated by torture, rape, slavery, or acts of terrorism. Relevant authorities must take reasonable actions to prevent such acts under their watch. Likewise, Principle 12 assures internally displaced person protection against arbitrary detention. Principle 13 prohibits recruitment of children or discriminatory recruitment of internally displaced persons. The Principles also require guarantees that internally displaced persons will be protected against arbitrary deprivations of their property (GP 21).

With regard to return, resettlement and reintegration, the Principles require competent authorities to provide for such solutions in a voluntary, safe and dignified atmosphere (GP 28). “Competent authorities” must make efforts to facilitate the solutions chosen by the internally displaced, and ensure that internally displaced persons fully participate in the planning of their return, or their resettlement in another location. Once the internally displaced return to their homes, the competent authorities must endeavor to assist them to recover their possessions or assist them in obtaining compensation (GP 29). Crucially, moreover, humanitarian organizations must be allowed full access to assist in return, resettlement and reintegration (GP 30).

In sum, the Guiding Principles require local authorities to treat IDPs as individuals, with individual rights to protection, and to facilitate durable solutions based on voluntary participation, safety and dignity.

How Some States and NGOs Have Applied the Principles to Enhance Protection and to Assist Return, Resettlement and Reintegration

How do these principles translate into action in the real world? We are starting to see the first steps to their incorporation into national laws and policies. The Principles are also being increasingly adopted in the humanitarian sector, where they are being used in a number of ways in different countries.

Angola

Angola was the first country to enact elements of the Guiding Principles directly into its national law. In October 2000, the Angolan Council of Ministers used the Principles as its guide in formulating its “Norms on Resettlement of the Internally Displaced Populations.” The Norms placed primary authority in overseeing resettlement and return with Provincial governments and a “Subgroup on Displaced Persons and Refugees,” consisting of governmental entities, NGOs, humanitarian organizations and other institutions. The Norms provided, consistent with the Guiding Principles, that any resettlement or return must be voluntary (GP 28), that all authorities were required to take measures to ensure family reunification (GP 17) and the safety and dignity of the populations while moving to return or resettlement sites (GP 11), and that displaced persons would be provided with appropriate food, water, and other aid as needed (GP 18). The Norms also provided that returning and resettling populations would be given at least one half-acre of arable land, in sites cleared for mines with proper sanitation facilities, as well as “resettlement kits” including seeds and tools. The Norms call on provincial and national entities to establish and maintain a “presence” in the sites of resettlement and return to monitor progress there.

The government later elaborated on the Norms with the “Regulamento” which fleshed out the provisions of the Norms with more specific requirements. The Norms were also supplemented on the Provincial level with local plans for the protection of returning and resettling persons (“Provincial Emergency Plans for Resettlement and Return”), developed in conjunction with humanitarian assistance organizations. The Norms themselves, and especially the provincial plans, were formulated with the close participation of international humanitarian agencies, including UNHCR and OCHA, which have taken on a monitoring role since their enactment.

While the Angolan policy is excellent on paper, implementation needs far more attention. Angola is now in the process of shifting hundreds of thousands of internally displaced persons from over-crowded camps to resettlement sites, but many of the resettlement sites have also been reported not to meet the standards in the Norms and Regulamento. At the same time, the government is working on resettling tens of thousands of former-UNITA combatants and their families. Meanwhile, hundreds of thousands of internally displaced persons have reportedly spontaneously returned in recent months, often to homes unprepared to support them. In addition, some international human rights NGOs, notably Human Rights Watch and Refugees International, have reported that some internally displaced have been forced to return to unsafe areas.

UN Humanitarian Coordinator Erick de Mul recently described the situation as a “glass half full.” Only 30% of the returns completed thus far complied with what was laid out in the Norms.

On the positive side, the Principles did help to establish a framework for return and resettlement, thereby encouraging some protection and assistance by the Government of Angola that might not otherwise have been extended. Moreover, UNHCR, OCHA and NGOs have been able to rely on the Norms in their monitoring, giving them greater moral force in asking the government to stick to its word. But implementation

mechanisms are also needed, and we continue to hope that Angola will do so as it continues with its resettlement and return program.

Uganda

The government of Uganda is also moving to create a National Policy on Internal Displacement based on the Guiding Principles, with a similar emphasis on resettlement and return but even broader commitments to meeting humanitarian and development needs. The policy has been developed in conjunction with OCHA and the UN country team, and awaits approval by the Cabinet.

In the latest draft that I saw, the Policy would radically change Uganda's prior approach of consigning internally displaced persons to "protected villages," where they often received little or no protection. The new policy would guarantee voluntary resettlement and return, make protection of internally displaced persons a key governmental objective, and require national and local governments to provide humanitarian assistance, shelter, assistance in recovering land, education, and other fundamentals. The policy provides for a number of policy and technical committees to carry out its provisions.

Renewed fighting Uganda between government forces and the Lords Resistance Army make internally displaced persons even more vulnerable and in need of policies and implementation mechanisms to protect them.

Southern Caucasus, Colombia, Sri Lanka

Elsewhere in the world, governments and especially civil society are using the Guiding Principles as a yardstick for assessing their existing laws. In 2001 and 2002, Representative Deng's office, a local lawyer's association, and OSCE co-sponsored conferences in Georgia, Armenia and Azerbaijan to review reports prepared by local lawyers to assess to the degree to which their national laws comply with the Guiding Principles. The reports resulted in government consideration of changes in existing law to the benefit of internally displaced persons. A formal study will be published next year.

In Colombia, NGOs use the Guiding Principles as a yardstick for measuring conditions on the ground. The Constitutional Court has also relied upon them in legal challenges to rights violations brought by internally displaced persons.

In Sri Lanka, a coalition of local non-governmental organizations collaborated to create a "Toolkit" about the Guiding Principles, based on the Principles, the Handbook for Applying the General Principles and other materials. The Toolkit is designed to introduce the Principles from a local perspective. The NGOs have used the toolkit to train state officials as well as members of the Liberation Tamil Tigers of Elam (LTTE).

Application in Southern Sudan

What can be gleaned from the international experience is that the Guiding Principles can help national or local authorities formulate policies on internal displacement that are responsive to their particular needs of the displaced and also comply with international standards. The process of deriving such a policy from the Guiding Principles for the SPLM already began at a seminar Representative Deng's office co-sponsored with the OCHA IDP Unit in Rumbek, in September of this year. We will be hearing about the draft policy that emerged from the seminar and its progress toward formalization later today. If and when it adopts this policy, the SPLM will be the first non-state actor to formally adopt a policy based on the Guiding Principles.

Importantly, as we will also hear more about later this afternoon, the Sudan Relief and Rehabilitation Association (SRRA) is already reaching out to Sudanese indigenous non-governmental organizations (SINGOs) with the help of UNICEF to form a protection network to ensure that IDPs and host communities are sensitized to the rights of internally displaced persons as contained in the Principles as well as their protection needs.

However, as the Angolan experience especially shows, the creation of a policy is only the first step. There must be a willingness and determination to fully implement it on the ground. Such willingness is best demonstrated through the creation or encouragement of monitoring mechanisms, both within the governance structure of the national authority and from local and international humanitarian organizations.

Uganda's example shows that engaged international humanitarian organizations can become partners in the development of local policies for internally displaced persons and that they are needed as monitors of implementation. In south Sudan, both Operation Lifeline Sudan (OLS) and non-OLS agencies are already working on capacity building with the SRRA, Relief Association of Southern Sudan (RASS), other local authorities and SINGOs. However, at this time, there is no resident coordinator for southern Sudan (indeed no permanent RC even for Khartoum), and no focal point within OLS for IDP issues. Local civil society feels that it has no one person or agency to turn to on IDPs, especially with regard to protection, and among the international players, there remains a lack of focus on the needs of IDPs. The international community should find a way to coordinate better to ensure that IDPs' rights are observed and particular needs are met.

As we go on with our discussions this afternoon, I invite you to reflect upon what I see as the basic underlying message of the Guiding Principles – that IDPs are individual human beings, each with their own rights and needs – and consider how policies can be created and truly implemented to address those rights and needs, even in the context of severely limited resources and political uncertainty.

APPENDIX G

INTERNAL DISPLACEMENT IN SOUTHERN SUDAN

*Presentation by Jeff Drumtra
Senior Africa Policy Analyst
U.S. Committee for Refugees*

It is an honor to be invited all the way from Washington, D.C. to participate in this seminar sponsored by UNICEF and the office of the UN Secretary General's Special Representative for Internally Displaced Persons.

The U.S. Committee for Refugees is an NGO. We do reporting, analysis, and advocacy on refugee and displacement issues worldwide. The U.S. Committee for Refugees has conducted dozens of assessment trips to southern Sudan since the 1980s. Part of my job over the past 10 years has been to monitor the situation in southern Sudan on a regular basis and to advocate that more be done for displaced people in Sudan.

Although this is my first time in Rumbek, a few years ago I spent time down the road in Mapel, interviewing displaced people there who had come from Rumbek, as well as from Tonj, and Wau, and other places. I hope some of those people have now returned back to their homes here in Rumbek and are restarting their lives.

I have been asked to speak for 20 minutes, and I will take that time limit seriously. After all, this is your seminar. You are the ones who are on the humanitarian front lines.

There is much that everyone at this seminar already knows about internal displacement in Sudan. You know that displacement in Sudan is occurring amid one of the longest uninterrupted wars in the world -- 19 straight years of war. You know that the most common estimate is 4 million internally displaced people in Sudan; some estimates range somewhat higher or lower, because the exact number of uprooted people is not known with precision. Sudan has more internally displaced people than any country on earth. One out of every six internally displaced people worldwide is Sudanese. One-sixth of the world's internally displaced population is right here!

Therefore, aid workers in Sudan truly are on the humanitarian front lines. Southern Sudan is exactly the most appropriate place to conduct a seminar, workshop, or conference on internal displacement, because it is not a distant or hypothetical topic here.

It is difficult to count 4 million displaced people. The best estimates available are that nearly 2 million internally displaced persons have congregated around or near Khartoum, many of them southerners. About a half-million people are believed to be displaced in central Sudan's transitional zone, particularly in the Nuba Mountains. Many researchers estimate that about 1.5 million to 2 million people are displaced in southern Sudan: 10 to

20 percent are reportedly in government-held areas of the south, and about 80 to 90 percent of the displaced population in the south are in SPLM or other opposition areas.

Perhaps some aid agencies have different estimates. There's no need to argue over the numbers at this seminar. What is important at the outset of this seminar is to put on the table several key points about internal displacement in Sudan. In particular, I have been asked to discuss some of the ways that displacement in Sudan compares or contrasts with population displacement in other African countries. There are six points that need to be made along these lines.

Point one: The magnitude and the geographic scope of internal displacement in Sudan is unique. Not only are there a massive number of 4 million displaced people, but they are widely spread out over vast distances. Angola might be the only African country that is somewhat comparable to the situation in Sudan in this regard. Angola also is a very large country with 2-3 million displaced people caused by war. But the majority of displaced Angolans are clustered in a dozen urban areas and along the west coast of the country, so aid workers generally know where to locate them. In contrast, the displaced population in Sudan is far-flung and remote. If you jumped from an airplane and parachuted down almost anywhere in southern Sudan, you would probably land within 50 kilometers of displaced people. That's extraordinary.

The magnitude and geographic scope of displacement in Sudan has enormous relief implications, as relief workers well know. The logistics of aid here are extraordinarily difficult. The size and scope of displacement means that when peace finally comes, aid officials and government authorities on the ground cannot reasonably expect to control the population flow as people decide to head home. Aid agencies and relief officials will not be able to synchronize people's movements toward home. Different displaced people living in different parts of the country will have their own timetable for going home, depending on conditions in their home area, conditions in their displacement area, conditions along the route they must travel to reach home. Some uprooted Sudanese probably will return home quickly, some slowly; some people will take risks, while others will be extremely cautious.

As a result of this, doing proper planning for reintegration programs is important, but it is also important not to over-plan. It will be important to incorporate flexibility into reintegration and reconstruction programs. Aid workers should not fool themselves into thinking they can orchestrate the entire population's return home. Massive reintegration is inherently messy and chaotic in other countries, and it will be equally so in Sudan when peace arrives.

Point two: There is a second way that displacement in Sudan is different from most other African countries. In southern Sudan, most displaced people do not live in camps. If you go to Liberia -- I was there in July -- you will find that up to two-thirds of all displaced families in that country live in designated camps. Humanitarian workers can drive up, deliver aid supplies, and drive away. In Rwanda several years ago, when more than a half-million people were displaced in that country, the vast majority lived in camps; aid

workers drove down the highway and could see one camp after another. Relief workers do not have that luxury in southern Sudan. The fact that so many uprooted Sudanese live outside of camps makes relief programs more difficult and more expensive.

However, when peace finally arrives in Sudan, the fact that so many displaced Sudanese have lived on their own outside of camps may prove beneficial. Many international aid workers are concerned about a dependency syndrome among southern Sudanese after two decades of war -- a legitimate concern up to a point -- but it might be a lesser concern in Sudan than in other African countries. Without camps, many displaced southern Sudanese out of absolute necessity have had to fend for themselves. They have had to keep farming; they have had to maintain some level of self-sufficiency in order to survive. That experience of supporting themselves with minimal outside aid might serve them well when peace arrives and reintegration occurs, because many Sudanese people will find themselves forced to rebuild their lives with little international aid in some areas.

Point three: A third characteristic that distinguishes Sudan's displacement from the displacement seen in other African countries is that southern Sudan has an abnormal amount of sequential displacement. Sequential displacement means that many families fled a first time; then from there they fled a second time; then from there they fled a third time; on and on. Many relief workers in southern Sudan probably know people who have fled 5-6-7 times from place to place to place over the past 10-15 years.

I remember a few years ago interviewing a young man who, during a five year period, had fled from Akok to Mayen Abun. Then following attacks on Mayen Abun he fled to Turalei, then to Thiet, then to Rumbek, on to Bor, then Ame, then Aswa. He was last seen in Labone. His story of sequential displacement is not unique in Sudan, where people often flee in epic journeys over hundreds of miles on foot over many years, fleeing one violent incident after another. This kind of sequential displacement is far more common here than in other African countries. Sequential displacement occurs elsewhere, but is much more pervasive in southern Sudan.

What impact does sequential displacement have on relief programs and, eventually, on reintegration programs? For some displaced people, sequential displacement changes their sense of where their home is. A significant number of displaced southern Sudanese -- especially youths -- have no intention of returning back to their original homes when the war ends. After constant movement from place to place, and after restarting their lives over and over again, some uprooted people no longer yearn to go all the way back home. They now define their home in a different place.

Some experienced aid workers might be skeptical about this phenomenon. They know that the pull of the land is exceptionally strong in Sudan as in the rest of Africa. It is true that the majority of uprooted Sudanese probably will choose to return to their ancestral land. But do not be surprised if a significant minority choose to reintegrate in a different location, to a place they have come to regard as a new home. For some people, definitions of home have changed after so many years of war and endless displacement.

What impact might this have on post-war Sudan? It might lead to a higher number of local land disputes, water disputes, and other local tensions as people return to their home areas and find that they have new neighbors to deal with. Some international aid workers, as well as residents of southern Sudan, probably will mistakenly assume that the main goal of peace is to return all Sudanese to where they were before, with the same rules, the same relationships, the same customs and community boundaries. But reintegration might not work quite that neatly. Sudanese society has been changed by two decades of war and upheaval. Some of those changes will hold surprises when peace finally comes.

Point four: There is another characteristic to the displacement pattern in Sudan that is unusual and worth noting, because it affects humanitarian aid work and is bound to affect post-war reintegration. Compared to other countries, it is unusual that the distribution of displacement in Sudan is nearly evenly divided between government-controlled areas and non-government areas. Of Sudan's estimated 4 million displaced population, about 2 million are believed to be in government-held locations, and about 2 million are believed to live in areas controlled by SPLM and other opposition groups. These are rough estimates, of course.

How does this distribution compare to other wars in Africa? In Sierra Leone's civil war, about 80 percent of the displaced population fled to government-controlled areas. In Uganda, virtually 100 percent of the displaced people in the north are in government areas. By far most of the estimated 2 million internally displaced people in Congo-Kinshasa can be found in rebel areas of the country. In Sudan, even though the displaced population is overwhelmingly composed of southerners, uprooted families are fairly equally distributed on both sides of the front lines. (This does not mean that displaced people in government zones support the government -- people simply fled in fear in whatever direction they could.)

As a result, relief agencies face a doubly difficult situation in humanitarian terms and in political terms. The geographic distribution of displaced persons complicates aid efforts, because OLS is forced to negotiate with at least 2 different governing entities to distribute aid. International NGOs in Sudan must adhere to two sets of rules, sometimes two different criteria for performance, and two different administrative headquarters.

Therefore, the current distribution of displaced Sudanese into government and non-government areas affects how aid workers provide emergency relief every day, and it might affect reintegration when peace comes. For example, perhaps some displaced persons -- especially those in government-held areas -- have adopted new religious practices that they will carry home with them. Some Sudanese will return home speaking new languages and be unable to speak a traditional local language. Some returnees might have a different way to build homes, a different way to farm, or perhaps they will not want to farm at all.

Because of the distribution of displaced people across political lines, forcible returns will be a distinct possibility in post-war Sudan. For example, it is possible that officials in government-held towns might see fit to prematurely push their displaced populations home to rural areas once the war is over, because after the war displaced people will have lost much of the political propaganda value that they currently possess. In short, the reintegration process might become politicized in the same manner that the current aid process is often politicized. Aid workers should not be taken by surprise when that happens.

Point five: The problem of internal displacement in Sudan is, in some other ways, similar to the displacement problem seen in other African countries. For example, population upheaval in Sudan has occurred amid regular droughts and endemic food shortages. Droughts have made a bad humanitarian situation worse. Perhaps it is some small consolation to note that Sudan's droughts are not unique. The combination of large-scale displacement and serious drought have also posed challenges in countries such as Somalia, Ethiopia, and years ago in Mozambique.

As aid organizations in Sudan attempt to strategize about the future, they have one sad advantage over aid agencies in many other countries. Combating drought, and combating serious food shortages, are already built into everything that aid workers do in Sudan. Relief workers here already have long experience dealing with the drought factor in their relief programs and in their planning. The humanitarian aid regime in Sudan has already established food and nutrition monitoring systems which, though imperfect, are more advanced than systems in many other countries.

If Sudan's war ends and people begin to return home, it will be important for relief officials to remember that drought and food shortages will almost certainly disrupt reintegration programs, similar to the disruption already caused in emergency relief work. Because of drought, some Sudanese will take longer to get back on their feet. They will need more time to become economically self-sufficient. This means that humanitarian agencies should do more than distribute seeds and tools to facilitate reintegration. Investments in irrigation systems and new boreholes will also be important to cushion against the effects of drought. In some areas, unfortunately, extended food handouts deep into the reintegration period might also be necessary because of drought-induced food shortages. The timeline for reintegration must be slower in southern Sudan than it is in other countries.

Moreover, drought-related food shortages in the future might produce new population displacement in the middle of post-war reintegration. Some Sudanese might flee home in search of food while other Sudanese are in the process of going back home. As a result, humanitarian organizations must be prepared during the reintegration phase to mount new emergency relief programs simultaneous with rehabilitation and reconstruction programs. This is not easy to accomplish. Currently, humanitarian assistance agencies are struggling to operate two-tiered aid programs in Sierra Leone and Burundi, where humanitarian emergencies and reintegration are occurring at the same time, stretching aid

resources to the breaking point. The same challenge will likely occur in Sudan eventually.

Point six: Internal displacement in Sudan is sadly similar to internal displacement in other African countries in another way, which might be the most important point of all. The serious protection problems that face displaced people in southern Sudan are a continent-wide problem.

I was in Liberia a few months ago, where combatants regularly have attacked camps for displaced people. Targeted attacks against uprooted people have long been a serious problem in Burundi, Congo-Kinshasa, Uganda, and Somalia. Civilians in these countries have become deliberate targets of combatants. Perhaps 20-30 years ago, population displacement was an accidental by-product of war. In today's world, however, population displacement often seems to be the primary goal of one side or the other. Ethnic cleansing, or something very much like it, has become the primary purpose in many conflicts.

In southern Sudan, attacks against civilian populations and even against relief programs have been raised to a new level. Sudanese combatants on all sides have been guilty -- some more than others. Nearly 20 years of war in Sudan have taught a clear lesson that if internal displacement of hundreds of thousands of people is a deliberate goal of war, humanitarian workers and relief officials are never able to catch up to the curve. Relief agencies are never able to address the overwhelming humanitarian needs created by widespread human rights abuses.

During the past three months, my organization -- the U.S. Committee for Refugees -- has traveled to Liberia, Sierra Leone, Guinea, Ivory Coast, Burundi, Rwanda, Tanzania, Kenya, and Sudan. If there is one issue truly on the cutting edge in all those places, it is the issue of how humanitarian aid workers can become more involved in doing protection monitoring, documentation of atrocities, taking steps to prevent abuses, and pushing for accountability when massacres occur.

OLS and non-OLS agencies have taken steps in the past few years to emphasize protection problems, but more needs to be done. More commitment is needed. Humanitarian agencies must learn to work in a highly coordinated fashion to share information related to protection and human rights abuses. Relief organizations need to be willing to "second" staff members into protection duties. Humanitarian assistance officials have to take risks in getting the truth out and marshalling international pressure to improve protection of displaced populations.

The humanitarian community in southern Sudan has an opportunity to be an international leader in bringing protection issues to the attention of policy-makers. The steps that aid agencies take here can become a blueprint for humanitarian organizations in other parts of Africa, and elsewhere in the world.

One final observation: This is an extremely interesting moment in the history of humanitarian work in Sudan. On one hand, aid workers must continue current relief programs on the assumption that war will continue. On the other hand, aid workers at this moment have an opportunity to imagine -- to dream -- about what programs they could undertake in a post-war Sudan. They can begin to pose questions such as: How should displaced people come home? What kind of reintegration help would they need? What kinds of reconstruction programs make sense?

Humanitarian aid staff who worked in Sudan during the 1980s and 1990s rarely had a chance to think about peace and reintegration, because it seemed so far-fetched amid endless war. Even today, the possibility of peace still might be a long-shot. But perhaps the time has come in Sudan for humanitarian organizations to make reintegration strategies part of their long-range contingency planning.

These observations hopefully will provide food for thought. It is a pleasure to participate in today's seminar.

APPENDIX H

DRAFT POLICY TO ADDRESS THE NEEDS OF INTERNALLY DISPLACED PERSONS IN SPLM/A CONTROLLED AREAS

Southern Relief and Rehabilitation Association (SRRA)
Rumbek, Sudan
September 23, 2002

Statement of Recognition and Commitment

The purpose of this policy is to recognize the rights of internally displaced persons and pledge commitment to promote their protection, and address their needs, in accordance with international human rights law and humanitarian law, as expressed in the Guiding Principles on Internal Displacement.

This policy recognizes that the needs and rights of the host community must be addressed at the same time as the internally displaced.

Article One - Definitions

Internally Displaced Persons - Persons considered internally displaced by this policy are those who, in accordance with the description found in the Guiding Principles on Internal Displacement, include persons or groups of persons who have been forced or obliged to flee or leave their homes or places of habitual residence, in particular, as a result of, or in order to avoid, the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disaster. Those forcibly displaced by conflict in or around the oil fields are included under conflict-induced displacement.

Implicit in the policy is that those persons who initially moved to the Government of Sudan (GoS) controlled territories, as economic migrants, may not necessarily be included in the description but who nevertheless will require special consideration in order to promote respect for their rights, should they return.

Return: The voluntary process of going back to one's place of origin or place of "habitual residence"

Resettlement: The voluntary process of starting a new life in any place other than the place of original residence but still within the same country

Reintegration: Describes the re-entry of formerly internally displaced people back into the social, economic, cultural and political fabric of their original community

Article Two – Policy Objectives

Using the Guiding Principles on Internal Displacement as guidance:

- 1) Ensuring that all internally displaced persons enjoy proper protection and dignified treatment by SPLM/A authorities according to international human rights and humanitarian law.
- 2) To promote and facilitate the search for durable solutions for those internally displaced in the SPLM/A controlled areas and those returning from the (GoS) controlled territories.
- 3) To enable the internally displaced to enjoy the same rights and freedoms as all citizens under the areas controlled by SPLM/A.
- 4) To clarify the role of all actors including that of the internally displaced, SPLM/A civilian authorities, intergovernmental organizations and local and international NGOs operating in the area with clear rules and principles to guide their response to the internally displaced.

To promote the inherent capacities and productivity of the internally displaced to lead a dignified life. In this connection, internally displaced must be given access to land during the period of their displacement.

Article Three - Articulation of Rights and Reference to Standards

This policy draws upon existing commitments of the SPLM/A in the Operation Lifeline Sudan (OLS) Ground Rules, Beneficiary Protocols of the Technical Committee (TCHA) on Humanitarian Affairs and international legal norms on international human rights and humanitarian law. This policy uses the Guiding Principles on Internal displacement as a framework and articulation of international law as it relates to the internally displaced.

Article Four – Passing the Policy Into Law

In order to make this policy into an official SPLM/A document a specially designated committee, under the leadership of the Executive Director of the SRRA, shall review the draft policy and undertake consultations with all stakeholders including the internally displaced.

Following consultations, the Policy shall be passed into SPLM/A law by the National Liberation Council.

Article Five - Creation of SPLM/A Institutional Framework for Addressing the Protection and Assistance Needs of the Internally Displaced Sudanese

In order to implement this policy a SPLM/A Committee on Internally Displaced Persons shall be created at the highest level. This committee is to be composed of the SPLM/A, SRRA/RASS (Relief Association of Southern Sudan). It will also invite the international members of the OLS, international and national non-governmental organizations to participate as active members of the committee.

The Committee on Internally Displaced Persons shall be primarily responsible for implementation of the policy and ensuring regular monitoring of all other matters concerning protection and assistance of the internally displaced.

The Committee on Internally Displaced shall also be formed at the regional and county levels to ensure implementation of this policy. These committees shall be comprised of, among others, representatives of the SPLM and SRRA/RASS. They will also invite agencies of the OLS, international and national non-governmental organizations, local authorities and the internally displaced to participate to participate as active members of the committee.

At the regional level the Regional Committee on Internally Displaced Persons shall be responsible for monitoring implementation of the SPLM/A policy and other matters concerning the protection and assistance needs of the internally displaced persons and ensuring that SPLM/A Committee is aware of any obstacles in implementation of the policy. The Committee shall, where possible, further develop local strategies and programs to enhance and facilitate implementation of the policy.

The County Committee on Internally Displaced Persons shall be responsible for implementation of the SPLM/A policy concerning internally displaced persons at the county level. In addition the County Committee shall ensure regular monitoring of the safety and protection of the displaced and develop strategies to meet their assistance needs. Included in the monitoring is facilitating access of the internally displaced to social services, land and programs to promote sustainable livelihood.

In addition and accordance with this policy, the SRRA/RASS, County Secretary will serve as focal point on the internally displaced at the county level. He or she shall be responsible for coordinating and monitoring the response to the internally displaced among the international community, local NGOs and other organizations who work with the displaced.

Article Six – Statement of Rights and Obligations

The following rights of the internally displaced are considered areas of concern and of specific responsibility of those administering this policy.

1. Protection Against Arbitrary Displacement

According to this policy all SPLM/A authorities in the SPLM/A controlled areas shall respect, and ensure respect, of international law, including international human rights and humanitarian law to prevent arbitrary displacement and avoid conditions that might lead to internal displacement.

The SPLM/A authorities shall ensure that any movement of individuals, only when absolutely necessary for their safety, is carried out in a manner that does not violate the rights to life, dignity, liberty and security of those being relocated. SPLM/A authorities

recognize that special attention must be paid to protect groups with special attachment to their lands from displacement.

2. Protection During Displacement

SPLM/A authorities commit themselves to protect the rights of physical security and freedom of movement during displacement and strive to promote respect for family unity and social, economic and cultural rights, according to international human rights and humanitarian law.

3. Physical Security

The SPLM/A pledge to enhance protection and physical security of the internally displaced in SPLM/A controlled territories.

Internally displaced persons must be protected in particular against genocide, murder, summary or arbitrary executions, and enforced disappearances, including abduction or unacknowledged detention, threatening or resulting in death. Threats and incitement to commit any of the foregoing acts shall be prohibited.

Attacks or other acts of violence against internally displaced persons who do not, or no longer participate in hostilities, are prohibited in all circumstances. Internally displaced persons shall be protected, in particular, against, direct or indiscriminate attacks or other acts of violence, including the creation of areas wherein attacks on civilians are permitted, starvation as a method of combat, their being used to shield military objectives from attack or to shield, favour or impede military operations, attacks against their camps or settlements; and from the use of anti-personnel landmines.

In order to promote the neutral character of internally displaced settlements, SPLM/A authorities will make every effort to ensure that internally displaced persons camps and settlements become “weapons free zones.”

Internally displaced persons, whether or not their liberty has been restricted, shall be protected from harm in particular against rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity, gender-specific violence, forced prostitution and any form of indecent assault, all forms of slavery and acts of violence intended to spread terror among internally displaced persons.

4. Freedom of Movement

The SPLM/A pledge to protect the freedom of movement and related rights of the internally displaced.

Internally displaced persons shall not be interned in or confined to a camp. If in exceptional circumstances such internment or confinement is absolutely necessary, it

shall not last longer than required by the circumstances. Internally displaced persons shall be protected from discriminatory arrest and detention as a result of their displacement. In no case shall internally displaced persons be taken hostage.

Every internally displaced person has the right to liberty of movement and freedom and choice of residence. In particular, internally displaced persons have the right to move freely in and out of camps or other settlements.

Internally displaced persons have the right to seek safety in another part of the country, the right to leave their country; the right to seek asylum in another country; and the right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.

5. Internally Displaced Must be Protected From All Forms of Discrimination

SPLM/A authorities pledge to protect the internally displaced against discrimination.

Internally displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of the rights to freedom of thought, conscience, religion or belief, opinion and expression. They have the right to seek freely opportunities for employment, participate in economic activities, associate freely, participate equally in community affairs, vote, participate in local affairs, including and to communicate in a language they understand.

Displaced children shall not be recruited nor be required or permitted to take part in hostilities. Internally displaced persons shall be protected against discriminatory practices of recruitment into any armed forces or groups as a result of their displacement. In particular any cruel, inhuman or degrading practices that compel compliance or punish non-compliance with recruitment are prohibited in all circumstances.

6. Essential Needs

SPLM/A authorities recognize that internally displaced persons have safe access to essential food and potable water; basic shelter and housing; appropriate clothing; and essential medical services and sanitation.

SPLM/A authorities will make special efforts to ensure the full participation of women in the planning and distribution of these basic supplies.

7. Health Care of Internally Displaced Persons

The SPLM/A authorities recognize the health care needs of the internally displaced and that special attention must be paid to the health needs of internally displaced women. All wounded and sick internally displaced persons as well as those with disabilities are entitled to the fullest extent practicable and with the least possible delay, to medical care and attention they require, without distinction on any grounds other than medical ones.

When necessary, internally displaced persons shall have access to psychological and social services.

Displaced women should have access to health care and services, such as reproductive health care. Counseling should be made available to victims of sexual and other abuses. Also the SPLM/A authorities will pay special attention to the prevention of contagious and infectious diseases, including AIDS, among internally displaced persons. In circumstances where there is a lack of local funding and resources, it will seek the support of the international community in this effort.

8. Internally Displaced Persons and Documentation

SPLM/A authorities shall promptly issue to internally displaced persons, all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, SPLM/A authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions on the internally displaced in order to obtain these or other required documents.

Internally displaced women and men shall be granted equal rights when obtaining needed documents. Also women and girls will have documentation issued in their own names.

9. Family Unity

SPLM/A authorities pledge to protect the rights to family unity and community. All internally displaced persons have the right to know the fate and whereabouts of missing relatives.

SPLM/A authorities shall make efforts to maintain the integrity of family units. They establish the fate and whereabouts of internally displaced persons reported missing, and cooperate with relevant international organizations engaged in this task. They shall inform the next of kin on the progress of the investigation and notify them of any result.

SPLM/A authorities shall endeavour to collect and identify the mortal remains of those deceased, prevent their despoliation or mutilation, and facilitate the return of those remains to the next of kin or dispose of them respectfully. Grave sites of internally displaced persons should be protected and respected in all circumstances. Internally displaced persons should have the right of access to the grave sites of their deceased relatives.

Family members of internally displaced persons who wish to remain together shall be allowed to do so. Efforts will be made by the SPLM/A authorities to reunite families were separated due to displacement as quickly as possible. All appropriate steps shall be taken by the SPLM/A authorities and partners to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with the work of

humanitarian organizations engaged in the task of family reunification. Members of internally displaced families whose personal liberty has been restricted by internment or confinement in camps shall have the right to remain together.

10. Quality of Life of the Internally Displaced

SPLM/A authorities pledge to protect and support the rights of all internally displaced persons to an adequate standard of living.

SPLM/A authorities concerned shall strive ensure that internally displaced persons, in particular displaced children, receive education which shall be free and compulsory at the primary level. Education should respect their cultural identity, language and religion.

Special efforts should be made to ensure the full and equal participation of women and girls in educational programmes. Education and training facilities shall be made available to internally displaced persons, in particular adolescents and women, whether or not living in camps, as soon as conditions permit.

Article Seven - Promoting Capacity and Productivity of the Internally Displaced

The SPLM/A shall mobilize local resources and seek assistance from the international and local non-governmental organizations so it can promote the capacity of the internally displaced. Capacity building of the displaced will include skills training and education, health and social services. The main goal of promoting capacity building and increasing the productivity and skills of the displaced is to promote self-reliance. Efforts shall be made to augment the skills of the displaced and to assist them with gaining employment.

Article Eight - Durable Solutions

All internally displaced persons no matter their current location have the right to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country.

Internally displaced persons who have returned to their homes or places of habitual residence or who have resettled in another part of the country shall not be discriminated against as a result of their having been displaced. They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services. Special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration.

The SPLM/A Committee on Internally Displaced Persons including its regional and county counterparts shall be responsible for creating and implementing a strategy for return and resettlement of the internally displaced in consultation with all stakeholders including the internally displaced themselves.

The Committees at all levels will monitor return and resettlement in SPLM/A controlled territories and ensure it takes place voluntarily and under conditions of safety and dignity. It will coordinate appropriate actors and promote establishment of the conditions necessary for return and resettlement.

All SPLM/A authorities will grant to international agencies and non-governmental organizations rapid and unimpeded access to internally displaced persons to assist in their return or resettlement and reintegration.

In the event of a successful peace agreement, the SPLM Commission for Foreign Affairs, Information and Humanitarian Affairs, as the existing governing body of the SPLM/A responsible for the welfare of the internally displaced, may propose that a national commission composed of representatives of both GoS-controlled territories and SPLM/A-controlled territories be established with the mandate to harmonize any existing policies on internally displaced persons so as to ensure that all return and resettlement is voluntary according to safety and dignity.

The proposed National Commission may need to establish guarantees to ensure coordination of the safe, dignified and voluntary return of internally displaced southerners from the GoS-controlled territories to the SPLM/A-controlled territories.

The SPLM/A authorities shall be responsible for collecting appropriate information on the conditions in areas of return or resettlement and disseminating it to the internally displaced in the GoS-controlled territories so that they can make an informed decision.

In the event of a large scale return the SPLM/A authorities should ensure that services, funded by authorities and international and local nongovernmental organizations, to assist all return, resettlement and reintegration of internally displaced persons shall have the objective of achieving sustainability in the medium term.

Article Nine - Efforts to Promote Public Awareness of the Rights of the Internally Displaced and this Policy

To ensure a proper understanding and implementation of this policy, the County and Regional Committees on internally displaced persons at the regional and county levels will disseminate this policy to all concerned.

In an effort to raise awareness of the internal displacement situation among locals in SPLM/A held territories and to inform the internally displaced of their rights, the County and Regional Committees on Internally Displaced Persons will support public awareness training programs on the Guiding Principles on Internal Displacement, international humanitarian law and human rights law.

September 23, 2002

SRRA Headquarters
Rumbek – Sudan

