

# Whose Rights Count? National and International Responses to the Rights of IDPs in the Sudan

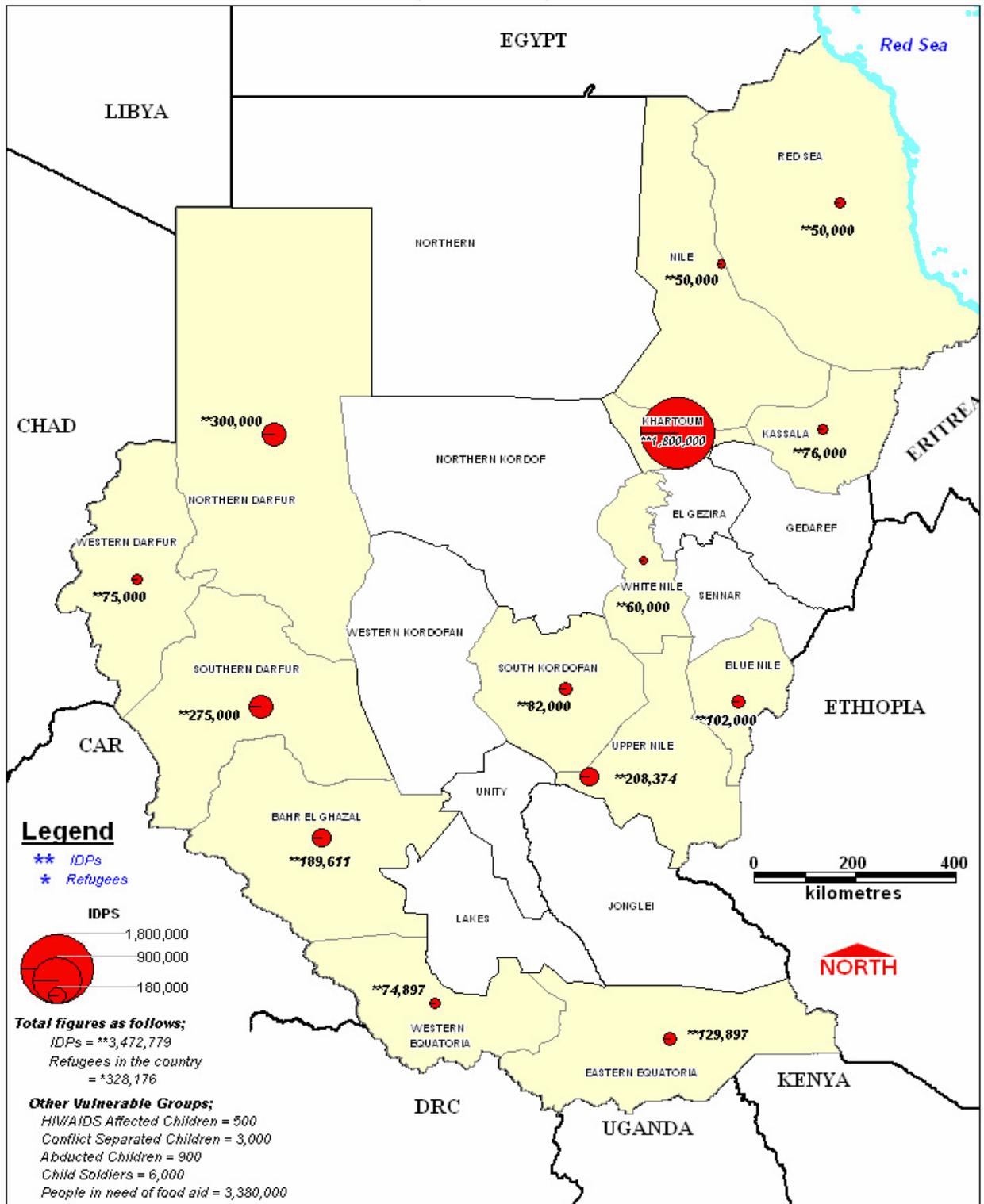
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**Sudan**  
**Affected Populations by District**  
**Internally Displaced and Refugees**  
**(October 2003)**



The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations

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## I. INTRODUCTION

### An Approach to the Rights of IDPs in Khartoum

This report looks at the national and international policy responses toward internally displaced persons (IDPs) in Khartoum. It specifically endeavours to find out how and in what ways such policy responses enable IDPs to pursue and realise their rights. It also probes into domains of responsibility (national and international) with regard to safeguarding the rights of IDPs enshrined in the UN Guiding Principles. Questions of who is doing what and IDPs' attitudes toward their future will be some of the core issues in the report. The question of internally displaced persons in the Sudan is now a concern for a whole lot of actors (the Sudan government, donors, UN agencies and NGOs, and civil society organizations) involved in the post-war arrangements for the country. With more than 5 million internally displaced persons, the Sudan is on the world's top list of countries that produce IDPs. The spells of droughts during early 1980s, the civil war in the south (1983-2004) and the crisis in Darfur (2003-) are the main factors leading to internal displacement. Although incidents of displacement in the Sudan go back in history (see Section 2) and received scholarly attention, the question of rights has been given little attention or ignored, both at the level of research and policy. In spite of the large numbers of IDPs in the Sudan, there has not been a coherent state policy on how to deal with the problem, particularly the question of rights. What existed so far, from the institutional point of view, were some *ad hoc* ministerial decrees that represented a response to certain situations in the chain of events related to displacement. The modicum of policies adopted thus far centre around meeting the needs of IDPs (though not adequately), something that is shared, in varying degrees, by both the state and NGOs. In terms of research, a lot has been done on IDPs. Yet, research on IDPs in Sudan, while empirically rich, is less explicit in probing into rights and does not make inroads into policy processes in ways that make it possible for rights to be institutionalized; hence realized.

The lack of political will to endorse a shift towards rights also plays into mystifying IDPs and their roles, hence paralyzing their agency. Stripped of their agency, IDPs are looked at as objects of charity. Tragic as it is, the condition of displacement in the Sudan resulted in urban discourses that are profusely concerned with labelling and categorizing; to the extent of looking at *naziheen* (IDPs) as a common stock. The word *naziheen* is a generic derogatory concept that does not lend itself capable of looking at those who are categorized as dignified citizens whose rights must be guarded. Thus, the focus on needs was not without ideological underpinnings or unproblematic. One problem was that the understanding of needs was top-bottom. For instance, in 1992, IDPs in need of shelter around Khartoum were forcibly evacuated to designated camps that lacked basic services. Many IDPs rejected the evacuation and got back to the areas from which they had been evicted.

The Comprehensive Peace Agreement (CPA) signed on 10 January 2005 between the government of Sudan and the SPLM provided a framework for policies that specifically addressed the question of IDPs. The right of IDPs to choose among the different options of stressed --- of whether to repatriate, integrate or relocate. But Sudan is yet to be a peaceful country as the situation in Darfur continues to deteriorate, and tensions in Eastern Sudan are also mounting (ICG 2006). This means that forced movements of people will continue. And since the adoption of needs-based approaches alone proved inadequate so far, it is necessary to shift the attention toward rights. Economic and political globalization strengthened international concern to support the rights of uprooted persons (Mehta and Gupte 2003).

The lack of a coherent rights regime not only obscures the lot of IDPs, their narratives about themselves and the root causes behind their miseries, but also compromises the very rights of IDPs (Malik 2003). The rights of IDPs are related to and affected by various kinds of institutional policy responses and official arrangements. This necessitates looking at institutional and policy frameworks that deal with IDPs, at the national and international levels. The condition of IDPs in the Sudan is particularly interesting given what the country is passing through at the present time. The recent peace agreement (January 2005) provides a whole range of opportunities for reconstruction and mending the social fabric of war torn communities. But the agreement also poses some serious challenges regarding the future of one of the biggest IDP population in the world. Questions about what is supposed to happen to the IDPs given their lengthy stay away from their original areas, and what arrangements are required for guaranteeing a better future for these people, are not answered in the agreement. These questions and challenges bring the issue of rights to the centre stage of thinking about the lot of IDPs.

Elsewhere (Assal 2004) I argued that needs-based approaches that have been adopted over the past couple of decades fell short of addressing the future prospects of IDPs. It is thus imperative that the different scenarios for the future of IDPs must be conceptualized in terms of rights, which IDPs should exercise in the post-war period. Adopting rights-based approaches require looking beyond the obvious causes of displacement (civil wars and natural disasters), which means that socio-political factors behind these obvious causes need to be discussed. It also requires looking at how rights that are enshrined in international conventions are played out in local contexts. The fact that the overwhelming majority of IDPs are from the southern and western parts of the country necessitates discussing the ways dominant political power privileges and empowers some people, and marginalises others.

This report is a theoretical-cum-empirical engagement that attempts to address the following three interrelated themes: (1) to critically examine the question of IDPs in the Sudan. The thrust here will be a historical contextualisation, with key characteristics, including the nature of movements (forced/voluntary), and the politics of displacement; (2) to look at rights versus needs through a discussion of international and national policy contexts, local politics of IDPs (their civil society organizations, key rights and the ability to exercise/attain them); and (3) to examine the question of return and its consequences for rights (e.g. education and livelihoods), and the perspective of institutions concerned with return. These three themes overlap but for clarity they are ordered the above way.

### **Contextualising the Question of Khartoum's IDPs' Rights**

The necessity of moving from needs to rights-based approaches in forced migration is gaining currency. Scholars of forced migration studies emphasise the importance of shifting the balance from settlement-based relief and welfare-oriented efforts towards more rights-based development, which could lead to treating individuals as responsible actors capable of making decisions about their own lives in the course of forced migration (Mehta and Gupte 2003: 31). With regard to population displacement in the Sudan, the severity of the problem led to a situation whereby almost all efforts have been directed towards realising the basic needs of IDPs. National and international efforts alike suffer from the same shortcoming. The *ad hoc* manner in which displacement has been addressed in the Sudan not only shrinks the room for IDPs to realise their potential but also totally ignores their rights. It is therefore not surprising that there is a striking lack of official endorsement for a shift from policies that focus on viewing IDPs as a security problem to guaranteeing the rights of IDPs, although recently the

government started to talk about policies that are rights-oriented (see Annex 1). The introduction of policies that are rights-oriented (for example, including the right of IDPs to choose whether to repatriate or resettle, in the Comprehensive Peace Agreement) appears to be no more than responses to the pressure from the international community and civil society organisations involved in advocacy programmes, since the agreement did not put in place mechanisms to implement IDPs' issues that had been agreed on. Despite the peace agreement, security approaches dominate official measures. Following the riots of 1 August 2005, in the aftermath of the sudden death of Johan Garang, IDP camps came under tight security surveillance, and IDPs residing in unauthorised areas were relocated. IDPs and other disadvantaged groups labelled 'criminals' were held responsible for the looting and rampage that overwhelmed Khartoum following the announcement of Garang's death. It is doubtful that a viable regime of rights can be put in place at a time of uncertainty, mistrust and the prevalence of security measures in dealing with the so-called 'urban problems'. Underlying this doubt is a repressive political environment in which civil and political rights are not respected.

The disrespect to civil and political rights represents an obvious national policy shortcoming. However, it must also be stressed that 'rights' as a concept is not without problems. Often there is an overlap between rights and needs since needs provide teeth for rights and vice versa. The problem of rights is also related to the lack of consensus about definitions. Following Mehta and Gupte (2003: 26), the rights of forced migrants can be grouped into two categories: negative and positive rights. The former includes political and civil rights, while the latter includes social and economic rights. In the case of the Sudan, there has been a wholesale violation of these rights, not only with regard to IDPs but also with regard to the general population in the country at large. The realisation of positive rights is of course dependent on many factors that relate to socioeconomic differentiation and the distribution of life chances among the country's inhabitants. Nonetheless, the lack of negative rights certainly affects the distribution of chances. This means that the realisation of negative rights ensures peoples' entitlements and guarantees their basic human needs. And since IDPs are considered a special group (see the definition of IDPs below), by virtue of being vulnerable, realising their rights requires some sort of affirmative action.

Due to the repressive political environment and the absence of democracy, state policies in the Sudan have been corroding the social and economic rights of IDPs. IDPs' rights to livelihood and development were not only absent from state policies, but were also suppressed by recourse to police violence. It is an irony that as early as 1990 the government abandoned its relief policies, without putting in place an alternative. At that time the authorities were experimenting with relocating IDPs to the so-called 'productive' areas in the country (like the mechanised agricultural schemes in Eastern Sudan). The rationale behind that policy shift was a governmental intent to make IDPs self-reliant, since for the authorities relief distribution bred dependence and fatalism among the displaced. But the pressure brought on by the United Nations thwarted the implementation of that policy. It must be stressed that at the present time the overall concern of both national and international organisations in the Sudan is the question of repatriation, although no substantive steps were taken to ensure the success of the process (Assal 2004).

The lack of harmony between national and international norms hinders a constructive pursuance of rights, be they positive or negative (see Section 4). Quite often, the state hides behind issues of sovereignty to block international interventions and those of national civil society organisations (see Annex 1). While the peace process provided opportunities for NGOs and civil society organisations to engage in lobbying and advocacy around the rights of IDPs,

their engagement is weakened by state blockages and lack of preparedness. Such blockage is not uncommon in the context of a totalitarian state that sees opening up discussions on rights as a threat to its grip on power. The lack of a clear legal basis for pursuing rights also represents an impediment to engagement. Moreover, the passing of the new 'Voluntary Work Law' in 2006 represents a step back in the government's commitment to peace building, to the extent that the new law cripples civil society organizations and gives the Humanitarian Aid Commission (HAC) legal powers, including the imposition of fines and cancelling the registration of NGOs.

Most of the studies on IDPs in the Sudan are skewed towards needs-based approaches. Probably this is justified by the fact that after more than two decades of displacement, the different actors are still struggling to meet the basic needs of IDPs. Notwithstanding this, a rights-based approach can be adopted in studies of forced migration in the Sudan. The newly emerging political structures and new leadership in IDP communities (Ahmed 2004) can be studied as institutions through which people pursue their rights. The incipient civil society organisations and their engagement with IDPs can also be explored by way of pushing for an effective regime of rights for the internally displaced. This study explores how some new civil society organizations among IDPs mobilize toward realizing rights related education, livelihoods and lobbying.

In addition to education and livelihoods, resettlement (integration) and relocation also represent the core rights of IDPs. A major challenge at the present time is that there is no clear policy in place, either by the government or by the international community, to realise either of these options. The August 2005 riots in Khartoum put the whole question of IDPs in perspective, and wider segments of the population are now not only sceptical about the possibility of integrating IDPs who are willing to integrate, but also wary about the possibility of a unified Sudan. While previously only southerners talked about self determination, now many northerners also call for cessation. Questions of equal citizenship and political rights are in the mainstream political lingo. Yet, the political bickering between the ruling National Congress and the SPLA/M seems to neglect some of the basic rights not only for IDPs, but also for other marginalised segments of the society. The right to education, health and viable livelihoods are some of the basic rights (in a sense needs, too) that are neglected. With regard to education, illiteracy rates among IDPs are not really different from the national average and IDPs (despite age differentials) seem to fare well. The efforts of national and international NGOs resulted in providing basic education facilities in IDP camps. This, however, does not mean that IDPs' educational rights are not violated. But the main challenge is in the domain of livelihoods. How IDPs mobilise their limited resources to safeguard their livelihoods is an area that requires further investigation, although some studies and reports have been done on the subject. Having said this, the condition of IDPs in the context of the Sudan is a political question, not just a humanitarian issue that can be addressed through committing monetary funds. It is also a question of power differentials.

Finally, the art of labelling and terminology is directly related to the lack (or attainment) of rights. It is questionable whether the label *naziheen* is useful at all, at least for some segments of IDPs. In no way am I questioning the right of people to choose their identities, but our discussions with IDPs in El-Salam Camp revealed that the term is not valued by the displaced themselves. To be certain, labels and terminologies are important and useful for bureaucratic purposes. But for those who were born and raised where they currently live, imposing this identification badge on them is among the things they do not want. In recent years, the government has shown a tendency to oppose the label *naziheen*. The authorities argue that the

displaced are Sudanese citizens who have the right to live anywhere in the country. Yet, the government has not taken any concrete steps to indicate it is serious about this. Thus, opposing the label *naziheen*, from the part of the authorities, appears to be no more than a politically correct gesture. The legalisation of the presence of IDPs (organising their habitat and providing them with legal residential plots) is a major shift in government policies. How this will advance integration and enable IDPs to realize their rights is yet to be seen, however. But certainly this cannot be considered a coherent policy that could address the rights and future prospects of IDPs.

### **Methodological Note**

This report is a continuation of an earlier engagement of the author with the question of IDPs in Khartoum. It is based on information gathered from a variety of sources. Published materials, UN and NGOs reports, and official reports were consulted. Substantive parts of the report are based on fieldwork data gathered by the author and a research assistant in Al Salam camp during December 2005 and January 2006. Al Salam camp was chosen since it is the biggest IDP camp in Khartoum. It was chosen also because it is undergoing a process of reorganisation, as part of a government initiative, since 2003, to integrate IDPs. The camp hosts a variety of ethnic groups from the South and West Sudan (Darfur and Kordofan). In the course of field work, however, information was mainly gathered from Dinka and Nuba ethnic groups, which represent the biggest ethnic groups in the camp.

The data was gathered through qualitative interviews, group discussions and direct observation. Interviews were conducted with members of community based organisations, traditional leaders, government officials responsible for IDP issues and popular committees' members. Group discussions were held with women and men for the purpose of ascertaining peoples' attitudes on repatriation and integration. Questions directed toward local community based organisations centred on their activities, membership, funding sources and links to international NGOs and authorities.

## **2. POPULATION DISPLACEMENT IN THE SUDAN: CAUSES AND MAIN CHARACTERISTICS**

### **Historical Overview**

Since the late 1980s, population displacements instigated by famines, civil wars and the resultant impoverishment of rural communities have become striking features of mobility in the Sudan. Historically, the population of the Sudan has been highly mobile. On average, 40 percent of the total population is believed to be on the move every year for different motives and durations (Hamid 1996: 6). Nomadic pastoralists, merchants, civil servants and refugees from neighbouring countries are all part of these population movements. These are not new phenomena and have historical roots (Abu Salim 1979: 44-46, McLoughlin 1970: 113, Galal el Din 1973). The Mahadist period (1885-1898) was in many ways similar to post-1989 Sudan in terms of civil wars and population destabilisation. Contemporary displacement is therefore a continuation of previous regimes of forced population movements that occurred in different circumstances but for similar structural reasons. The present scale of population displacement is unique only to the extent that it has been lingering for more than two decades. One problem that is concomitant with this uniqueness is the danger of taking population displacement for granted. Put differently, the generalised state of instability leads the state to relegate the question of forced movement to a matter of little priority. This way, the long term implications

and associations of population displacement are not adequately fathomed, and labelling and categorising take a foothold within both popular and institutional thinking. Terms like *naziheen* (displaced), *gharraba* (people from western Sudan), *ganubiyin* (southerners) are some of the categories that have social, economic and political implications for the categorized. While the different regimes of population movements in the Sudan (nomadic movements, voluntary migration, and international migration, such as West Africans migration to the Sudan on their way to Mecca for pilgrimage) have historical roots that require investigation, my focus here is primarily on forced population movements post 1984. While a historical overview of population displacement affords comparability, my main concern here is to explore the necessity of rights-based approaches to the question of forced population movement. Thus, in dealing with causal connections, I will limit myself to the contemporary socio-political factors and how these factors contributed to a protracted displacement.

For many scholars working on the Sudan, notably those adopting a socioeconomic approach to forced migration and population displacement, the causes of current displacement are rooted in misguided and lopsided development policies, extending from the colonial rule to the present (cf. Assal et al 2004, Hamid 1996: 23-25, 1992, Ibrahim 1985, O'Brien 1979, Umbadda 1988). In the literature on forced migration, reference is often made to 'oustees' who are displaced as a result of development projects (Mehta and Gupte 2003). In the case of the Sudan, the example of forced migration of Nubians who were relocated in 1964 as a result of the Aswan Dam in Egypt (Fahim 1981) represents an example of development oustees. The recent oil explorations in some parts of the Sudan affected some people who are forced to abandon their lands for purposes of oil exploration. While I do not intend to belittle the impact of development projects, I must stress the fact that the Sudan case also shows that displacement or voluntary migration happen as a result of concentrating development projects in areas far from those from which people flee. In other words, there can also be 'underdevelopment oustees'. This is a rather unconventional and twisted argument, yet a short adumbration might explain it. The argument I am making here is in fact a critique of the conventional clear-cut divide between forced and voluntary migration (see below). One need not use force to oust people from a certain place. People are ousted when their life becomes hell, and this often happens through undermining their livelihood systems, a typical syndrome of underdevelopment. By neglecting and marginalising certain areas, people are in fact forced out or 'ousted' from their homes.

The kind of regionally and sectorally biased development policies the Sudan has been pursuing since independence led to the concentration of most development funds in modern large-scale agricultural schemes located in the east-central parts of the country, leading to adverse impacts on people's livelihoods in neglected regions. The stagnation of traditional agriculture in the marginalised regions led to destructive patterns of land use and to armed conflicts over depleting resources (Hamid 1996: 77). As noted by Hamid (ibid), the substantial increase in the number of displaced persons in the post- 1984 period is a manifestation of a long term process of rural transformation, which eventually led to the demise of what had been, for millennia, a self-supporting rural economy. Many scholars (Ahmed 1992, Abdelkarim 1988, Duffield 1990, Ibrahim 1986, O'Brien 1979) allude to the proletarianization of the countryside, precipitated by the increasing commoditisation of all aspects of rural economies. Coupled with a long-term decline in rainfall:

these processes have increased the pressure on peasants to produce more cash crops -  
- at the expense of food crops -- through horizontal expansion of farmlands, intensification of cultivation, and through engaging in seasonal migration in search of supplementary employment. In the process, the age-long dependence on the

regenerative forces of nature, which had ensured a benign relationship with land, was replaced by a more exploitative, destructive relationship.... As for pastoralists, the ever-shrinking area of pastures (cordoned off for large-scale cultivation or lost to the creeping desert) negatively affected their viability, instigating drastic reductions in herd size, and nurturing antagonistic relationships between them and sedentary farmers..... By the early 1980s, the overall picture in rural northern Sudan was one of a shrinking resource base, massive impoverishment and lack of any form of social security (Hamid 1996: 78-9).

While Hamid (*ibid*: 77) clearly distinguishes between causes of displacement in Northern and Southern Sudan (droughts, desertification and famines in Northern Sudan; wars, famine, and epidemics in Southern Sudan), such distinction obscures the fact that the structural causes behind these obvious factors responsible for displacement are the same. To be certain, the civil war in Southern Sudan, as one of the main factors, is too grave to be missed or underestimated. Yet the question that begs an answer is: what are the causes of war? The causes of civil war have been extensively covered by many scholars, and it is beyond the scope of this paper to indulge in the issue. Interested readers may see Alier (1990), Beshir (1963, 1975), Deng (1995, 1973) and Garang (1987). Here, however, it must be mentioned that weak nationalist sentiments and elite failures, the legacy of slave trade, the colonial policy of Closed Districts, and mistrust between the North and the South are some of the traditional causes of civil war (Hamid 1996: 55-64). Beyond these traditional causes lie the issue of power inequality since the Sudan got its independence in 1956. The answer to the question of the causes of civil war brings the issue of power squarely into the discussion. The concentration of political and economic powers in the hands of the northern elite is one underlying factor behind the war. The northern elite have been dominating power in the country for the last fifty years (Assal et al 2004: 13).

Socio-politically, three interrelated factors have, since Sudan got independence, shaped the policy environment not only pertaining to ownership and use of vital resources in the country, but, in many ways, contributed to making conflicts of a protracted nature. The first of these relates to the effective control of vital strategic political and economic resources in the country by the northern elite. The elite used different forms of governments (civilian, military) and espoused various forms of ideologies. Such ideologies represent state socialism (during Numeiri's regime 1969-1985), Islamism and liberalism (during the Inghaz regime 1989-). By making inroads and allies with dominant ethnic and regional elites, the ruling elite in the centre has for the most part succeeded in maintaining its control and use of resources for their narrow sectarian, regional, class interests. Secondly, the nature of the state played an instrumental role in all this. Even when politics seemed to be dominated by radical social groups, relatively independent of the historically dominating elite (something that is rare anyway), policy environment and legislative institutions militated against charting a course of policies and actions that were more in tune with (a) a rational, sound use of resources, and (b) development policies and plans meaningful to the majority of the people. A colonial heritage of a law and order bureaucracy combined with post-colonial insensitivity to popular needs, particularly in recent decades, broadened the gulf between ordinary people and the state, and the instruments of government.

Decentralization, local government reform, regional rule, and federalism all failed to make the government responsive to the majority of people at grassroots, and rural areas. A third factor is the reform policies that the incumbent government has currently accepted to implement: economic liberalization, and the peace process that would bring about political change and

democratization. On both fronts (reform and peace building), serious gaps are evident, first in the half-hearted implementation of economic liberalisation policies in a macro environment dominated by one-party rule and second in a peace process that excluded other local actors (be they marginalized regions or political forces). The latter (peace building) is experiencing many difficulties, chief among which is the mistrust between the two parties (SPLM and NC), and disagreements on wealth sharing and the marginalized areas (Abyei, Blue Nile and the Nuba Mountains).

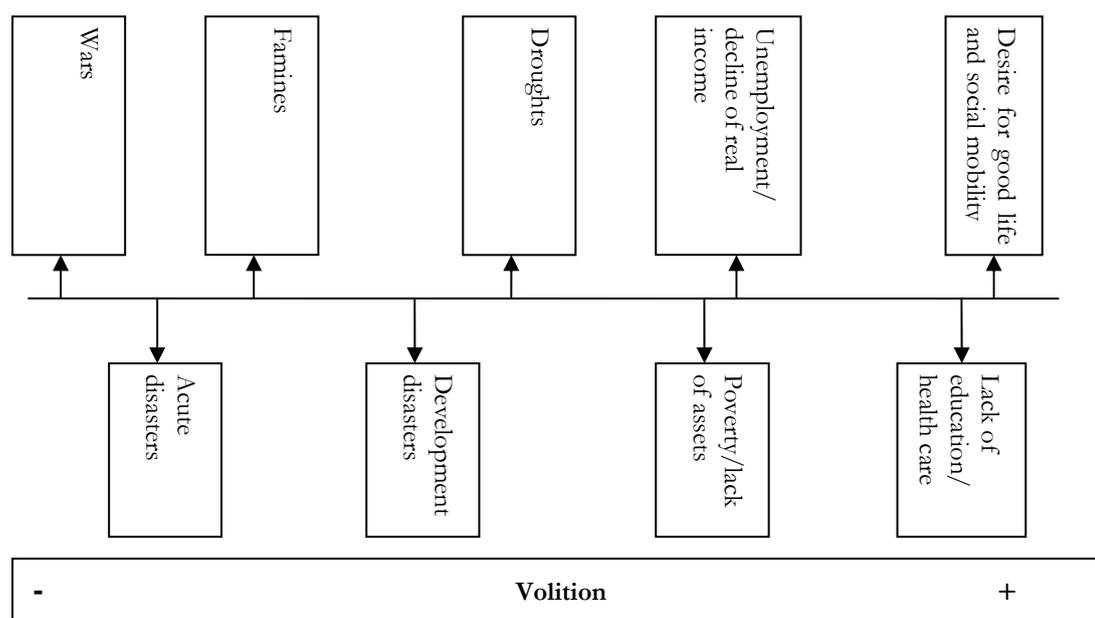
These political conundrums and processes that have been at work for a long time, before the actual occurrence of geographical movement of IDPs, are at work to worsen the lot of forced migrants. In other words, the act of geographical movement is a mere culmination and an end result of long-term impoverishment to which the victims were subjected. As rightly put by Ahmed (2004: 8), the role of the elite is a key factor in explaining the country's conundrums, and the social and political structures characterising the social map of present-day Sudan. The egregious suffering of the various regions can be attributed to the status and roles of the modern political elite, who are assuming power and authority and controlling productive resources from the centre. Pursuing the rights which were outlined in the introduction, whether of IDPs or other disenfranchised sections of the population, must then be seen within this entrenched system of inequality in the Sudan.

### **Differences Between Voluntary and Involuntary Migration in the Sudan: Real but Relatively Unimportant!**

Due to the aforementioned socio-political factors, the Sudan exhibits a generalised state of marginalisation. By marginalisation I mean the process through which groups and individuals are denied access to important positions and symbols of economic, religious or political power within any society. Apart from the capital region and Al-Gazeera State, the rest of the country can be dubbed marginalised (Harir 1994). The civil war in the South, the rebellion in Darfur and the overt tensions in the East are all living examples of what marginalisation has wrought. In these conditions, it is not easy to differentiate conceptually between forced and voluntary migration. Due to the present circumstances in the Sudan, voluntary migration is no more than a disguised form of forced migration. In fact, voluntary and forced migrations lie in a continuum and not always separated neatly from each other (Fig. 1).

The figure below is to a large extent self-explanatory. However, a few more arguments in relation to involuntary migration in the Sudan are warranted here. Traditionally, displacement is put in the conceptual rubric of involuntary/forced migration. While conceptually involuntary migration can be considered a separate category within the repertoire of the different regimes of movements, there are empirical challenges that render separating voluntary and involuntary migrations relatively unimportant, at least at the empirical level. The first challenge is the fact that in generalised conditions of marginality and insecurity, it is empirically difficult to differentiate between those who are forced to flee and those who choose to flee before they are forced to. For instance, those who were directly affected by the war in Darfur (in terms of loss of assets and homes) are few. However, due to the generalised state of insecurity, the whole of the Darfur is, in a sense, engulfed in war, with millions of people becoming IDPs. And they are in the same boat with those who became IDPs as a result of direct combat actions. This suggests that the degree of choice or volition for both categories is not really crucial. It would also suggest that emphasis must be put on the subjugation of people to the causes of displacement collectively rather than individually.

Figure 1: Continuum of Voluntary/Involuntary Migration.



Source: Adapted from Hamid (1996: 16).

The second empirical challenge that questions a clear-cut conceptual difference between voluntary and involuntary migration is that people in both categories cope with the condition of migration in intelligible ways. In terms of household coping strategies, both forced and voluntary migrants exhibit similarities. Another point that can be added here relates to the ways policy responses are shaped, based on the distinction between forced and voluntary movements. Even when policy responses are directed toward forced migrants, such responses deal only with those who are in camps. The displaced who are, for one reason or another, not staying in camps do not receive attention either from the authorities or the national and international NGOs that undertake humanitarian interventions. For instance, it is estimated that the number of IDPs in Khartoum alone numbers 1.8 million. Out of this number, only 326,000 IDPs live in official camps (the four camps which were established by the government in 1992), and are officially recognised as displaced. Nonetheless, this does not mean that the rights of 'officially recognised' IDPs are better acknowledged, or that they have better ways of exercising such rights. They might be better in terms of realising their needs, since NGOs' work on needs takes place only in official camps. The needs and rights of those who live in squatter settlements may be identical to those of IDPs in the camps, and it would be unfortunate not to be able to address those needs and rights because people are not officially recognized as IDPs.

As pointed out by Stølen (1998), the concept of forced migration is problematic, its passive form expressing only one extreme among a number of possible outcomes of conflict situations. A proper understanding of migration dynamics demands more complex conceptual tools. Even in situations of extreme violence some people remain within their local communities or relocate within their immediate surroundings. This may be due to a lack of resources, making long-distance flight impracticable, but this may also involve an active resistance to migratory pressures in the form of military action or local oppression, encouraging new forms of collective action. On the other hand, migration often conceptualised as 'voluntary' may originate in situations where, to the individual, no alternative options are available.

Population movements, more or less forced, have diverse historical and political causes and involve people who find themselves in qualitatively different situations and predicaments. One implication here is the necessity of not taking people (IDPs) as a common stock. This also necessitates deconstructing concepts that are glued to people. Migration, voluntary or involuntary, is only one aspect of larger cultural and socio-political processes, and theoretical and conceptual development within this field of study can be accomplished only by comparing these wider processes and the social settings within which they are located. For some scholars (cf. Shami 1990), the voluntary/involuntary migration debate represents an impasse in migration studies. There is thus a need to advance the debate beyond dichotomisation; to focus on the multidimensional nature of population movements.

Although forced migration can be considered a separate category from the conceptual point of view, empirically the distinction between forced and voluntary migrations is rather blurred. But of course practically the distinction is important since it has policy implications, particularly for forced migrants. In the case of the Sudan, almost all types of migration (with the exception of migration for educational purposes) are responses to the need to avoid problems in sending areas. Thus, 'except for extreme cases where the distinction is conceptually and empirically valid, the dichotomy between voluntary and involuntary migrations is somewhat contrived. The large degree of overlap between the two, and the relative degree of volition exercised by every migrant (however small it might be), is masked by this dichotomy' (Hamid 1996: 15).

### 3. IDPs IN KHARTOUM

#### Key Characteristics

A precise figure for the total number of IDPs in the Sudan does not exist. Apart from the fact that numbers are constantly fluctuating, there are differences of opinion as to who should be included in this category, including the question of when a person has become or ceases to be internally displaced. Some scholars (cf. Shami 1990) question the very usefulness of operating with a definition, arguing for instance that forced migration, whether cross-border or internal, should be dealt with comprehensively. However, for analytical purposes, it is important to have a common perception of the targeted group. As will be discussed below, it is less obvious whether this also implies that specific institutional or normative frameworks need to be put in place for the intended beneficiaries. On the one hand, it is important not to exclude people who find themselves in a similar situation, and therefore should be entitled to the same level of support. On the other, in order to retain a focus on a category with specific needs, some criteria are required to distinguish internally displaced people from other vulnerable groups. The UN defines IDPs as:

persons or groups of persons who have been forced 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 disasters, and who have not crossed an internationally recognized state border (Hampton 1998: xv).

A lack of consensus over the exact number of IDPs in the Sudan is one of the problems that affect the way the condition of IDPs is understood. The different estimates about the number of IDPs and their distribution also affect the provision of services for the displaced. Until 2002, different reports show that the Sudan has a total of 4 million IDPs, which constitutes the biggest

number of internally displaced persons in the world. This figure has exceeded 5 million as a result of the civil war in Darfur, which erupted in 2003. The distribution of IDPs within the country and the conditions under which they live are issues of contention between UN agencies, NGOs and the government. Over recent years, however, different reports have tended to come to an agreeable approximation for the number of IDPs living in camps in and around Khartoum. A recent comprehensive report by CARE and the International Organization for Migration (IOM) provided a figure of 49,090 as the total number of IDP households living in camps in Khartoum. The same report provides a figure of 326,209 as the total number of IDPs in the four major camps in Khartoum and other selected squatter settlements in the national capital. Due to the volatile situation of IDPs, these figures must be taken cautiously.

The reasons underlying the lack of consensus over the numbers of IDPs and their regional distribution are varied. One major reason is that these differing estimates relate to different points in time. Both the numbers of IDPs and their regional distribution fluctuate over time, due to movements between different camps, voluntary return or migration to other cities. Another reason that explains the variation in the estimates relates to practical strategies such as the allocation of relief food and the provision of services. Inflation of numbers at times of relief distribution is likely to occur. How the IDPs are defined is yet another factor that accounts for the varied estimates. Thus, 'whereas UN sources seem to focus on the numbers of southern Sudanese, government estimates seem to include those from western Sudan (southern Kordofan and southern Darfur) and the southeast (Blue Nile Province) who were equally displaced due to war-related factors' (Ibrahim 1995: 36).

IDPs in Khartoum make up 40 percent of the capital's current population; they also represent half of Sudan's displaced population. According to the Humanitarian Assistance Commission (HAC), approximately 273,000 IDPs live in four camps established by the government during the early 1990s. There are between 1.8 and 2 million IDPs in Khartoum. Out of these, 273,000 live in camps and the rest live in squatter settlements and other residential areas in Khartoum. Based on HAC's estimates, the four camps (Wad Al Bashir, Al Salam Omdurman, Jebel Awlia and Mayo Farms) host respectively 45,500, 117,000, 52,000 and 58,500 IDPs. IDPs in the camps are mainly from the western and southern regions of the Sudan including Greater Kordofan, Greater Bahr Al Ghazal, Greater Darfur, Unity and Nile states (Jonglei, Blue and Upper Nile and Unity states) and from Greater Equatoria.

**Table 1: Estimated Population of the Four IDP Camps in 2004 (HAC)**

Camp	Number of households	Total population
Wad Al Bashir	7,000	45,500
Al Salam	18,000	117,000
Jebel Awlia	8,000	52,000
Mayo	9,000	58,500
Total	42,000	273,000

*Source:* HAC

**Table 2: Number of IDPs in Camps Around Khartoum (CARE and IOM 2003)**

Camp	Total number of households	Total population
Idd Babiker	2,571	16,712
Baraka	4,006	26,039
Salama South	2,123	13,800
Soba Aradi	3,505	22,783
Mayo Farm	5,286	34,359
Mayo Village	5,000	32,500
Dikhenat	1,600	10,400
Jebel Awlia	7,429	48,289
Wad Al Bashir	3,286	21,359
Al Salam	14,286	92,859
Total	49,092	319,100

*Source:* CARE and IOM 2003, p. 28.

The lack of consensus about the number of IDPs in Khartoum is apparent from the above two tables. While the Humanitarian Aid Commission (HAC) provides figures only for the official camps, CARE and IOM (2003) added six areas (Table 2), hence we have the difference in figures.

The empirical conditions of IDPs in camps around Khartoum have been the subject of many recent studies and reports (cf. Abdel Ati 2004, Assal 2004, Banaga 2001, El-Nagar 1996, Hamid 1996, 1992, IOM and CARE 2003, Inter-Agency Report 2004, 2005, NRC 2004, Osman and Sahl 2000). A common feature of most of these studies is that they are conducted within the needs-based approaches, although few have touched on the issue of rights, particularly political rights (El-Nagar 1996) and the right to decide on future prospects (Assal 2004). Of relevance here is the transformation IDPs living in Khartoum have undergone. According to Assal (2004: 32), there has been a considerable shift in connections from areas of origin to current places of residence. Some displaced persons have been living in Khartoum since mid-1980s and have therefore established some kind of connection to the place. This necessitates a reconsideration of labels in ways that allows people to exercise their rights as dignified citizens where they currently live, while not depriving them of the right to repatriate if or when they choose to do so. A parallel development is weakening connections, at least physical ones, with their original locations. A further transformation is that traditional gender roles have undergone change, notably with regard to the engagement of women in activities that generate income (Assal 2002: 76-7, El Nagar 1996). Those who have been cut off from their original areas are not certain whether those places are still empty or available.

In 2003, CARE and IOM, in partnership with the government of the Sudan (GOS) and the UN Development Program (UNDP) conducted a study in the IDP camps and other selected IDP areas. The study covered 6,300 IDP households. The result of this study is a demographic and socioeconomic profile for IDPs living in Khartoum. The study also touched on the questions of repatriation and integration of IDPs. The following are some of the main findings of this study (IOM and CARE 2003: 14-27, Assal 2004: 23-4):

1. Some 44 percent of all IDPs where the study was conducted, of all age groups, have no education.
2. 36 percent of IDPs have no identification cards of any sort. Due to uprooting, people lost their identification documents. To get new ones, they must undergo screening to ascertain that they are Sudanese, something which IDPs avoid.
3. The major ethnic groups are Dinka and Nuba (representing 25.4 percent and 20.6 percent, respectively). Arab ethnic groups represent 14 percent, while Fur represent 13.1 percent. Other significant groups include Shilluk 4.1 percent, Bari 4 percent, Firtit 3.2 percent, Nuer 2.3 percent and Fonj 2 percent.
4. 95 percent of the IDP household members were reported as having no health related vulnerabilities. Of those IDPs declaring health vulnerability, fewer than 2 percent are chronically ill, 1 percent physically disabled and less than 1 percent mentally ill.
5. 31.4 percent of the households interviewed originated from Greater Kordofan, 19.2 percent from Greater Bahr Al Ghazal, 14.9 percent from Greater Darfur, 11.7 percent from Unity and Nile States (comprising Jonglei, Blue and Upper Nile and Unity states) and 10.9 percent from Greater Equatoria.
6. 66.4 percent of the IDPs expressed their intention to return to their original areas, while 29 percent of them said that they wish to remain in their current location, and only 1.4 percent expressed their willingness to move to a third location. As provided by CARE and IOM, these figures represent IDPs in camps and other areas in Khartoum (Table 2), and they are not gender-segregated. Our data from Al Salam camp (see Section 5 in this report) revealed some differences in opinions about repatriation, on the basis of gender, ethnicity and age. For instance, Nuba men expressed their wish to stay in Khartoum, since they do not know how the situation looks like in home areas. Likewise, Nuba women who are engaged in the informal sector would prefer to stay. Unlike the Nuba, the Dinka (southern Sudan) expressed their wish to return. Overall, however, it was found that the youth overwhelmingly prefer Khartoum over their areas of origin.
7. The intentions to return to areas of origin, move to a new location or remain in the current place followed ethnic lines. Some ethnic groups expressed a very strong wish to return to their areas of origin. Those who expressed a strong wish to return include the Bari, 91 percent; Nuer, 90 percent; Dinka, 87 percent; and Acholi, 87 percent. On the other hand, a few ethnic groups expressed a remarkably stronger wish to remain where they currently are. These include the Fonj, 68 percent; and Arabs, 66 percent.
8. Of those households expressing a wish to return to their place of origin, 68.9 percent said they want to return immediately, 24.2 percent would like to return later, with the period of time unspecified.
9. Out of those who wish to return, 43.8 percent said that they would need money to re-establish their former activities.

A couple of points deserve to be mentioned here. The first one relates to education. The opportunities for education, however meagre, provided the chance for IDPs' children to go to school, which adds to the above point of entrenching connections in the current locations. The second point relates to the appearance of second generation displaced in Khartoum. There are children born to displaced families in Khartoum who are now in their twenties or late teenage years. Some of these children are at schools or engaged in different fields in the conurbation. For those whose children are at school, repatriation implies cutting their children's education short. These changes will likely affect the decisions of IDPs on whether to repatriate or not. A related development is the appearance of new leadership in IDP communities, which is breaking away from the traditional systems of authority (ACORD 2004, Ahmed 2004: 11).

Adjustments to new systems of organization and new structures of administration in the camps become vital for existence. The IDPs are faced with new structures that include more than one ethnic group under the same administrative unit. These issues will be substantiated in the following section that addresses education, livelihoods and civil society as venues of rights in Al Salam camp in Omdurman.

## **Al Salam Camp: Education, Livelihoods and Community-Based Organisations**

### *An Overview*

Al Salam camp, widely known as *Jabarona*, which literally means *we were forced*, is one of the four official camps. The inhabitants calling the camp *Jabarona* is indicative of how the relocated groups that were moved there felt about their new location that borders the desert. *Jabarona* is located on the western periphery of Omdurman, around 20 minutes drive west of Souk Libya. The camp was established (February 1992) to host IDPs expelled from different parts of Khartoum (Assal 2004). The camp is ethnically diverse. Fur, Dinka, Nuba, Nuer, Shiluk, and the Azande and other smaller Equatoria groups are the dominant inhabitants of the camp. The Dinka are numerically dominant in the area. HAC provides a figure of 117,000 as the total inhabitants of the camp (Table 2).

In 2003 the authorities started a process of reorganising the camp; to upgrade it to a normal residential area. People who were living in the camp at the start of the process were given tags or badges to ascertain their eligibility for plots. The process of demolition started on 11 November 2003, and the camp was divided into 12 blocks, each containing 2080 plots. By the end of 2005 a total of 9 blocks were surveyed and organised. Organising the rest of the blocks is under way.<sup>1</sup> Since 2003, the authorities have bulldozed thousands of mud-brick houses in the camp. A government official at the Migrants' Housing Office said the demolitions were part of a larger re-planning programme that is meant to provide plots for residents and bring them vital services such as electricity and water.<sup>2</sup> Some 25,000 families had applied for the new government-allocated plots that are expected to replace the area cleared by the demolitions. From these families, 11,000 could afford a plot and had the necessary documents, such as a birth certificate and a medical assessment of age, to make the purchase. However, 6,000 could not afford the costs of constructing a new home. It must be stressed that those who are entitled for plots are the ones who were residents since 1997. Those who arrived after this date were also considered, but only after the old-timers were served.

The process of re-planning or organizing the camp affected services that were provided for people. For instance, within the camp, there used to be 7,000 latrines -- 1 for every 3 families. Now, most of them have been destroyed, leaving most people without access to latrines, CBO officials said. Likewise, the wrong assumption that IDPs will repatriate immediately after the signing of the peace agreement, led to a shift in international NGOs' work from service provision to engagement in advocacy and training activities. Most of the international NGOs left the camp by 2002, leaving the burden to community-based civil society organizations. A member of Al Wifag CBO, the first women's organisation in Al Salam camp, says: 'Health services had suffered as a result of the withdrawal of international aid organisations. Medical services are scarce now and have to be paid for. In the afternoon, no emergency services are

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<sup>1</sup> Interview with Sultan Angoy Atiab, president of Block 50 Popular Committee, December 2005.

<sup>2</sup> Interview with Asia Obeid, a social worker at Migrants' Housing Office 21/12/2005.

available as the remaining doctors work half-days. There is one nurse who helps with the delivery of the babies of approximately 12,000 families.’<sup>3</sup>

Another concern of inhabitants is the recent increase in crime. Proximity of the camp to Souk Libya encourages many to visit the camp in order to indulge in illicit activities such as drinking and prostitution. Incidents of violence increased during the process of camp planning. The leader of one popular committee in the camp says: ‘In an incident of armed mugging that occurred two months ago, a local inhabitant was attacked with a knife in order to take his money. Pulled down fences enable thieves to have easy access to homes; empty plots hinder any rescue effort by others.’<sup>4</sup> It is ironic that the process of organizing the habitat for IDPs, which was meant to allow for a better provision of services, resulted in the deterioration of existing services, led to the destruction of homes, and increased the rate of crime in the area. Our interviews and conversations with grassroots bodies and local civil society organizations, however, revealed that the authorities work with and consult local leaders in the different matters related to the camp. But as we will show below, the youth in Al Salam camp contest traditional leaders who are accused of complicity with the authorities.



Partly destroyed Al Salam Camp

### *Education*

There are 18 primary schools and 5 kindergartens in the camp. Seven of these are government schools and four out of them are not functioning at the present time. All these schools use the curriculum developed by the Ministry of Education. And there are no high or secondary schools in the camp. The Ministry of Education also supervises the performance of these schools. Since pupils are a mixture of Muslims and Christians, both Christianity and Islam are taught in all schools. The Ministry of Education also pays the salaries of teachers in government schools.

It is apparent from Table 3 that some schools are overcrowded. There are also other problems which these schools suffer. The payment of teachers is one problem that schools are facing. For instance, Al-Tilal, which is a popular school, pays its teachers from tuition fees. This also applies to Archbishop 1 and 2, Halleluiah, and the Biblical school.<sup>5</sup>

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<sup>3</sup> Gisma Mohamed, Interview, Al Salam camp, Al Wifag Organisation, 4/12/2005.

<sup>4</sup> Interview with Sultan Angoy Atiab, *ibid.*

<sup>5</sup> Interview with Peter Web, a teacher at Archbishop 1, 23/12/2005.

Table 3: Schools in Al Salam Camp

Government schools			
Name of school	Type	Number of pupils	Number of teachers
Um Al-Qura Boys	Government	389	12
Al-Rahma Boys	Government	327	11
A. Al-Radi Girls	Government	420	13
O. Al-Mukhtar (girls and boys)	Government	267	7
Al-Inghaz (girls and boys)	Government	558	11
Al-Tadamun Boys	Government	940	8
Al-Tadamun Girls	Government	114	8
NGOs and popular schools			
Al-Tilal Al-Gharbiya (girls and boys)	Popular	670	17
Love and Peace (boys and girls)	NGO	565	15
Church schools			
Archbishop 1	Anglican Church	620	14
Archbishop 2	Anglican Church	450	12
Halleluiah School	Anglican Church	300	12
Biblical School	-----	-----	-----
Rumeila (boys and girls)			
Al-Izzba Girls	Catholic Church	-----	21
Al-Izzba Boys	Catholic Church	-----	21
Noura Boys	Catholic Church	-----	21
Zagalona Girls	Catholic Church	-----	21

Source: Fieldwork, December 2005.

The problems of education in the camp can be categorized as i) problems that relate to schools themselves, such as poor construction, poor equipment, lack of teaching facilities and illustration materials, congestion and crowding, lack/shortage of school textbooks, and lack of recreational and cultural activities, which is partially attributed to lack of trained teachers who supervise and lead such activities; (ii) problems related to the teachers, which include lack of qualified trained staff due to lack of training, weak salaries that force teacher to engage in 'extra-curricular activities' as an additional source of income, and large numbers of students, which frustrates teachers, and the fact that many teachers come from outside the camp which implies high cost of transportation; and (iii) problems related to curriculum.<sup>6</sup>

Despite all these problems, school fees are very high, because each student has to pay enrolment fees identified and determined by the Ministry of Education in addition to monthly fees. The local authorities and school management also impose additional fees. Other types of fees include the cost of exercise books, school uniforms, etc. Construction of new classes and maintenance of existing ones are also the responsibility of students' parents. The high rate of school dropout (ACORD 2005) is generally attributed to the inability of families to pay school fees and provide their children with school uniforms. The fees are lower in church-affiliated schools compared to those run by the government. For example, Um Al-Qura Girls charges its

<sup>6</sup> Interview with Badawi Abulwahid, Dar Al Salam Educational Office, 12/12/2005.

pupils from 1<sup>st</sup> to 4<sup>th</sup> grade 500 SD and from 5<sup>th</sup> to 8<sup>th</sup> grade 700 SD and 100 SD to collect the exam certificate. Additionally, children have to pay 20 SD per day.



A school affected by reorganisation of the camp

The imposition of educational fees in Al Salam camp represents a breach of *Principle no. 23* in the UN Guiding Principles on Internal Displacement, which stipulates that 'To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such 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.' The imposition of fees at primary school level also represents a violation to article 13 of the interim constitution of the Sudan. It must be stressed that general education in the Sudan suffers problems similar to those in IDPs' schools. In March 2006, primary and high secondary school teachers filed a complaint against delayed salaries.<sup>7</sup> The right of IDPs for education is thus far from being realized. They endeavour to educate their children through self-help (building and maintaining schools and paying tuition fees -- which is illegal by law). And here it must be stressed that some of the problems relating to rights generally are the product of the lack of the enforcement of the law. The UN (UNICEF) is involved in assisting IDPs with regard to supporting education. In 2005, UNICEF provided 6,230 children with school supplies and trained 400 teachers. The teachers were given a return and repatriation package (UN 2005: 2). But as will be shown below, repatriation is not at the top of the priorities of IDPs in Khartoum.

### *Livelihoods*

The displaced from Southern Sudan, in particular, remain displaced even though the violence that caused their displacement (the civil war in the south) has ended. Their bad lot continues due to the slowness in implementing the peace agreement and lack of preparedness to provide opportunities for reintegration that include de-mining and repossession of properties. In a situation of protracted displacement, IDPs live as second class citizens facing discrimination and difficulties in accessing social services and benefits. This situation also impacts on livelihoods. In Khartoum, until 1998, IDPs depended for their living on relief rations provided by NGOs which cover around 70 percent of households needs for food (Assal 2004).

Following the halt of relief distribution in 1998 and with most international NGOs from Al Salam camp leaving in 2003, the livelihoods of IDPs were put under stress. Previously, IDPs received free food rations that were enough to feed people, and therefore the need for getting a job was not considered a priority for the majority of people in the camp. Until 1998, there were few men who work in building and construction sites in Khartoum, while women engaged in informal activities (selling tea, working at homes of affluent persons, and brewing local beer). According

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<sup>7</sup> Al-Rai Al-aam Newspaper, Saturday, March 11<sup>th</sup> 2006.

to the omda of Dinka Aweil, 'When relief was cut, 90 percent of men depended on women who work either as housemaids in Khartoum or brewing *aragi* [local alcoholic drink]. When some sultans and other IDPs were recruited in the Popular Police Forces, unemployment was reduced.'<sup>8</sup>

Local CBOs estimate unemployment rate in Al Salam camp to be 90 percent. Since most of the inhabitants are illiterate and unskilled they could not get jobs. Those who are lucky got jobs with the police, schools in the camp and factories outside the camp area. They represent only 10 percent of the population. The salaries of those who are working are not enough to cater for family needs. There is thus an overwhelming dependence on women, and some families subsist on only one meal during the day; a meal that is brought by females in the evening, after they are done with work.<sup>9</sup>

Women and youth are the ones who carry the burden of putting food on the table. The youth go for work in the different neighbourhoods in Khartoum, stay for the whole week and return during the weekend. Women commute daily and get back in the evening to bring food and resume the next day.<sup>10</sup> Like education, the right to livelihood, enshrined in principle 18 in the UN Guiding Principles stipulates: 'At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to: (a) essential food and potable water; (b) basic shelter and housing; (c) appropriate clothing; and (d) essential medical services and sanitation.'

There is a sort of unintended collision between national and international responses to the question of livelihoods as one of the important rights of IDPs. Since the establishment of IDP camps, the responsibility of the government with regard to livelihoods has been zero. The well-being of IDPs was taken care of by international NGOs. Following the peace agreement and the crisis in Darfur, NGOs shifted their concerns to other areas, notably repatriation. While this is an important right of IDPs, the emphasis laid on it ignored the urgency of livelihoods, to the extent that the overwhelming majority of IDPs are yet to leave Khartoum. The incipient community based organizations in Al Salam camp endeavour to tackle some of the challenges facing people. The following section provides insights into these organizations and their perspective on the rights of IDPs.

### *Community-Based Organizations in Al Salam Camp*

There is growing awareness and there are noticeable efforts to articulate IDPs' rights in Al Salam camp. This is evident from the presence of community based organizations that lobby and advocate for realizing the rights of the displaced. These incipient civil society organizations have different programmes to deal with the problems of the camp. But a basic constraint is financial ability. The leader of one of these organizations laments: 'Donors do not come directly to us. Instead they come through intermediaries to provide their support for our community-based organizations. The intermediaries (NGOs) present their programmes to us for implementation. We are the ones who know the conditions, priorities and how to deal with them. Donors should come to us first.'<sup>11</sup>

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<sup>8</sup> Interview with Abdelrahman Yell, the omda of Dinka Aweil, 29 December 2005.

<sup>9</sup> Interview, Sultan Kiir Agor, 18 December 2005.

<sup>10</sup> Interview, Erica Tom Chol, President of Sudanese Women Association in Al Salam camp, and member of Sawa Sawa Organisation, December 10<sup>th</sup> 2005.

<sup>11</sup> Interview, Fibiano Malwal, President, Sawa Sawa Organization, December 7<sup>th</sup> 2005.

At present there exists 10 community based organizations in Al Salam camp. Out of these, only 4 are registered and hence legally recognized by authorities. They include (1) Sawa Sawa; (2) Al Wifaq; (3) Peace and Development; and (4) Tallora.

*Sawa Sawa* is the biggest CBO in the camp and it supervises a water project after it was phased out by the Sudanese Red Crescent. It uses the former premises of Save the Children Fund. But parts of the premises will be bulldozed as a result of re-planning the camp.<sup>12</sup> The membership of Sawa Sawa is constituted from Sultans (traditional leaders) and popular committee members from the 33 neighbourhoods in the camp. Each neighbourhood has 5 members; making the total number of members in Sawa Sawa 165 persons.

The organization oversees the implementation of projects funded by donors (national and international NGOs). Its role is basically to supervise and monitor projects, in close coordination with beneficiaries and traditional leaders. In fact, almost all members are community leaders; something that contributes to facilitate the work and draws popular and participatory support.

*Al Wifaq* used to be the 'Poultry Group' funded by ACORD until 1998, when it was registered as 'Productive Families'. It was one of the local CBOs that persisted after its main donor, ACORD, ceased to be physically present in Al Salam camp. In 2003, Al Wifaq was officially registered as a local community organization. Its members are widowed, orphaned and deserted women. It has 50 members: 5 men and 45 women. Al Wifaq used ACORD premises for 2 years, but it will move to another location since ACORD is back, to work on HIV/AIDS in Al Salam camp. The new location was provided by ACORD and built by the Gender Centre in Khartoum.

The main donors of Al Wifaq are (i) ACORD (provides financial support); (ii) IRC- revolving funds and training; and (iii) Gender Centre (building the new premises, and providing training on book keeping, and financial support).

*Peace and Development* organization is an offshoot from 51 groups, with a membership of 618 individuals. These groups were supported by FAR and the IRC to engage in petty trading. The organization was registered in 1999. It uses FAR's compound in block 43. The organization carries out a variety of projects that are funded by donors, but mainly it builds latrines. Its main donor is FAR.<sup>13</sup>

*Tallora* was founded in 1999. It number 217 members, and is dominated by Fur and Nuba. The executive body is run by 15 individuals. One of the members donated his house to the organization and the IRC furnished the offices. The activities of Tallora include fighting blindness, helping IDPs get identification cards, running two kindergartens, and implementing projects funded by donors. Tallora gets support from the Gender Centre (training and medicine), President Carter's Fund (medicine); and the IRC (training and office equipment).<sup>14</sup>

Based on our observations and conversation with members of these CBOs, we believe that they are closely linked to the IDPs, to the extent that they are locally based and its members are IDPs resident in the camp. As such they are in a position to know and identify the issues and hence pursue the rights of their constituents. Tallora, for instance, is engaged in helping IDPs get identification cards, something which determines entitlement, among other things, to

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<sup>12</sup> Interview, Karbino, Secretary General, Sawa Sawa Organization, December 3<sup>rd</sup> 2005.

<sup>13</sup> Interview, Siza Jerry, Peace and Development Organization, 11/12/2005.

<sup>14</sup> Interview, Augustino Onosmo, President, Tallora Organisation, 26/12/2005.

residential plots in the area. These organizations also work with authorities to provide better services to IDPs. Their main concern is the bureaucracy of donors who instead of channelling their funds directly to these CBOs, go through intermediaries. This not only cripples the implementation of projects but also is not sensitive to local priorities of IDPs.

How does the above picture of IDPs in Al Salam camp fit in the national and international policy responses to the plight of IDPs? And what national policies are in place to address the question of IDPs? Is such policy sensitive to the rights of IDPs? Where do the UN Guiding Principles for IDPs fall within the national policy framework? These questions will be tackled in the next section.

#### **4. NATIONAL AND INTERNATIONAL POLICY RESPONSES**

##### **National Policy Responses**

Until the international community comes out with a clear mandate, IDPs remain the responsibility of national governments. For governments, available policy options for dealing with their internally displaced populations include repatriation, integration, and resettlement. Some scholars of forced migration (Hamid 1996: 127) include 'retention' in camps as a policy option. In most African countries, nonetheless, 'the least active in trying to meet IDPs' needs are national governments and national NGOs/CSOs either because of lack of capacity or lack of will... and in Africa, quite often national governments are either themselves the cause of IDPs' predicament or they barely exist in the areas of crisis' (Abdel Ati 2004: 1). Elsewhere (Assal 2004: 28-34) I discussed Inter-Agency repatriation plans (IOM, CARE and OCHA) and also pointed out to some challenges facing efforts at voluntary repatriation. Some of these challenges will be outlined as I proceed in this section. Here, however, I shall discuss national responses to the question of IDPs.

Since 1984, four successive governments have ruled the country, and each of these governments responded in one way or another to the problem of IDPs. A common feature of all these successive national governments is their reluctance to admit that a problem exists. When they do admit to it, it is often too late to address the problem expeditiously. Nimeiri's government (1967-1985) not only failed to deliver relief to areas affected by the 1983-4 famine in Western and Eastern Sudan, but also was reluctant to admit that famine exists. It was only in mid 1984 that the government took some measures to address the problem of IDPs, who were mostly the famine-stricken population from Western Sudan. Some of the measures taken include: (1) a military committee to direct relief operations; (2) establishing the Higher Council for Relief; and (3) establishing the Higher Council for Mitigation of Disasters, Droughts and Desertification (Government of Sudan 1990). The impact of these bodies was insignificant because of the severity of the situation and the hasty manner in which these institutions were established. Following the downfall of Nimeiri's regime in 1985, the Transitional Military Council (1985-6) was busy purging Nimeiri's legacy and no IDP policy was put in place.

Some steps were taken to deal with the IDPs during the rule of Al-Sadig Al-Mahadi (1986-9). The response of the government at that time was mainly due to the floods (August 1988) that led to the displacement of families in Khartoum; adding to the numbers of drought and war displaced who are already in the place. The steps taken include: (1) establishing Relief and Rehabilitation Commission (RRC). The function of this body was to formulate policies and implement plans to combat disasters, and to mobilize national and international resources for the rehabilitation of affected areas; (2) establishing the National Council for the Displaced

Affairs; and finally in 1988 (3) establishing the Commission of the Displaced (COD). The mandate of COD was to:

provide emergency supplies and employment opportunities to the *naziheen* [displaced], to provide health care for women, children and the elderly, to facilitate the participation of the *naziheen* in the management of their own affairs, to relocate the spontaneous *mo'skarat* [camps] to more secure and decent locations, to reach the *naziheen* who settled among urban dwellers and assist them, to inform the international community about their plight, to review the experience of other countries with displacement, to persuade the *naziheen* either to return to their secure homelands or to resettle closer to their regions and to assist them in their repatriation (Government of Sudan 1990, quoted in Hamid 1996: 131).

Despite these seemingly serious and noble objectives, partisan bickering and squabbles paralysed the government, and none of these objectives was achieved until the democratic government was overthrown by the current regime. A glance at the above policies would reveal that they are needs-based. None of them contemplated the long-term implications of displacement. The possibility of integrating the displaced in refuge areas was totally excluded.

The policy of the post- 1989 government with regard IDPs is anything but consistent. In 1989, the government created a ministry for Relief and Displaced Affairs. A few months later, the Ministry was reorganized; adding to it the Commission of Refugees (COR) and the Relief and Rehabilitation Commission (RRC). The new name thus became Ministry of Relief, Rehabilitation and the Displaced and Refugees' Affairs. But the ministry was dissolved in 1993. The different commissions were then attached to different ministries (the rehabilitation commission was attached to the Ministry of Planning, while COR became part of the Ministry of Interior). Some of the responsibilities for IDPs were also transferred to the newly established states. This resulted in the compartmentalization of IDP and refugees issues, and also led to a lack of coordination between the different bodies.

Apart from these fragmented policy measures, the use of force in dealing with IDPs was one of the main elements in the government policy during the 1990s. In early 1992, the government started the forcible relocation of IDPs within Khartoum. People who were hitherto living in squatter settlements were forcibly evacuated to areas far from the city. That policy culminated in the establishment of the current four IDP camps in Khartoum. The reasons for evicting IDPs and relocating them in camps include (1) areas where IDPs sneak in belong to other people (residential land plots, agricultural and industrial areas); and (2) to enable the distribution of relief food and other services to the IDPs. Perhaps putting IDPs in camps was the most significant thing the government did. However, the manner in which the government dealt with relocating IDPs to camps resulted in national and international outcry. It also drew the attention of the international community to the plight of IDPs in the Sudan. The government has been claiming that donors, the UN and INGOs, go beyond their mandate and interfere with sovereign issues. On their part, international donors claim that they are denied access to IDPs and that the government blocks their interventions. Issues of land tenure, forced relocation and IDPs protection have been points of contention between the authorities and the international community. In view of what has been said about Al Salam camp, it can be said that the national policy failed to address the key rights of IDPs (education and livelihoods).

Despite the unfortunate policy shortcomings, the peace process, which started in July 2002, provided an impetus for the government to re-engage with the question of IDPs. Prior to that, the government established the Humanitarian Aid Commission (HAC) the mandate of which is to manage the protection and assistance for IDPs. In 2003, the Ministry of Humanitarian Affairs was established, and HAC was appended to it. Nonetheless, HAC is more concerned with the surveillance of national and international NGOs rather than serving or protecting the displaced. Its efforts are in fact caught in registering national NGOs and granting permission to foreign NGOs to work in the Sudan. In November 2002, a round-table meeting was convened to review the National Policy Document on Internal Displacement (see Annex 1). Although there has been increasing coordination between the government and donor agencies during the last couple of years, there is no agreement on the basic three policy options available for IDPs: repatriation, integration and resettlement. While donor agencies emphasise voluntary repatriation, the government is embarking on a policy of providing residential plots to IDPs in Khartoum (Inter-Agency Report 2004, Assal 2004, also see above). This creates a state of confusion among IDPs who are not certain about the different available options.

A few points must be noted here by way of concluding this part. Displacement is both a political and humanitarian issue. It is also a question of power. This implies that both needs and rights of IDPs must be attended to. Here, however, I will try to bring together the different elements of a national policy framework. To start with, the different policy regimes deal with displacement as a short-term problem. This way, most of the measures to address problems of IDPs are *ad hoc*, as the policies of the incumbent government would reveal. Conceptualizing displacement as a short-term problem resulted in (1) focusing on the provision of needs; (2) neglecting the long-term implications of displacement outlined in the first part of the report; and (3) heavy dependence on donor assistance.

The sluggish ways in which the different governments dealt with displacement led to the development of an urban politics that is hostile to IDPs. Evacuating IDPs to areas far from cities attests to this hostile urban politics. Quite often, IDPs are made the scapegoat for the problems Khartoum is facing. Rising unemployment, congestion in public transport, lack of order and crime, all these ills are blamed on IDPs. What is undeclared is that for the government, IDPs are a security problem. And this explains the harsh manner in which the authorities dealt with IDPs during the 1990s. The Ministry of Housing and Public Utilities, backed by the police, undertook a policy of bulldozing squatter settlements where IDPs lived. During the mayhem of demolition and relocation, the Minister of Housing and Public Utilities was quoted saying that IDPs 'constitute an obstacle to appropriate planning' (Malik 2003: 2). The harsh measures adopted against IDPs under the incumbent government were in fact part of an old policy of *kasha* [purge], which was introduced by Nimeiri's regime (Ibrahim 1988). The *kasha* policy is an indicator of the failure of the state in assisting those incapacitated by drought and famine, the state had only coercion at its disposal to impose its legitimacy and assure its. For the public, IDPs are a threat to public peace. It is not easy to envisage the future of IDPs who may opt for integration in the national capital. Probably a rigorous regime of 'rights' will suffice, or perhaps things will be changed by inertia?

### **International Policy Responses**

While refugees have an established system of international protection and assistance, those who are displaced internally fall under the domestic jurisdiction and responsibility of the state, without there being specific legal or institutional bases for their protection and assistance. Due to the question of sovereignty and national states' responsibility, internal displacement poses a

challenge to the international community to develop norms, institutions, and mechanisms for preventing it, addressing its consequences, and finding durable solutions.

It goes beyond the scope of this paper to fully review in detail international, institutional and policy responses to the question of IDPs. Some observations, nevertheless, merit mentioning. First, the magnitude and seriousness of internal displacement has in recent years been increasingly recognised. A sign of the increased emphasis given by the international community to the plight of IDPs was the appointment in 1992 of the Representative of the Secretary-General on Internally Displaced Persons. The main elements of the Representative's mandate include visits to countries affected by displacement and the review and evaluation of existing international institutions and international law to determine the degree to which they provide an adequate basis for the protection and assistance needs of those who are internally displaced. The Representative has also been mandated to formulate appropriate recommendations to improve the response to their needs.

The appointment of the Representative of the Secretary-General on Internally Displaced Persons led to some positive responses from actors (human rights organisations and donors) concerned about internally displaced persons. Firstly, it triggered a much wider response from the international community to the plight of IDPs. Secondly, governments have become more responsive by acknowledging their primary responsibility to protect and assist affected populations under their jurisdiction, and when they cannot discharge that responsibility for lack of capacity, they are becoming less reticent about seeking assistance from the international community (Deng 1998, Helle 1998). Nonetheless, the international community appears more inclined than it is prepared, both normatively and institutionally, to respond effectively. Much of the driving force seems to be more humanitarian rather than reflective of human rights concerns. The reluctance of the international community to fully engage with the plight of IDPs in Darfur is one instance of lack of preparedness. Again, questions of sovereignty and national responsibility towards citizens are relevant here. Governments are more interested in seeking assistance from the international community than they are responsive to human rights monitoring and ensuring protection. They are also more willing to recognise and address the humanitarian consequences of displacement than they are to find solutions to the underlying causes. Again, the Sudan government's response to the question of IDPs generally and Darfur IDPs in particular is a case in point. The political context within which state responses and policies are formulated must be taken into consideration when contemplating national and international policy frameworks. The Sudan is one of the countries that are not favoured internationally, something which affects donors' decisions and commitments. In situations of civil wars, political repression and violations of human rights, donors become reluctant, and the international community imposes conditionality on providing funds. For instance, although donors at the Oslo Conference (April 2005) pledged more than \$4 billion for post war reconstruction and development in the Sudan, donors condition the release of these funds upon the progress of peace in Darfur.

In an effort to address the legal dimensions of IDPs, the UN (1995) produced 'the Compilation and Analysis of Legal Norms,' which was presented at the 51st session of the Commission on Human Rights. The Compilation lists a range of rights and needs experienced by those who are internally displaced, as identified in the context of field studies. Among these are equality and non-discrimination (both between internally displaced people and the rest of the population as well as among the IDPs themselves), life and personal security, personal liberty, subsistence needs, movement-related needs (including the ability to seek safety in other parts of the country and abroad, to return to one's home area and to be protected from forcible return

to conditions of danger), need for personal identification, documentation and registration (which is often necessary as a means to obtain public services, but which may expose internally displaced people to persecution), property-related needs, needs to maintain family and community values, and the need to build self-reliance. In all these areas, the Compilation highlights the corresponding provisions under international human rights law and humanitarian law, and examines the extent to which they provide adequate coverage. The Compilation also analyses different aspects of access to vulnerable persons, their access to relief agencies, the protection of relief workers and organisations, including their transport and relief supplies.

There are, however, a lot of gaps that can be identified: (1) the right of IDPs to restitution of property lost during the mayhem of fleeing is one of the gaps in the Compilation; (2) ratification gaps, where a person is without the protection provided by the international human rights law because the government have not ratified the relevant law; and (3) there is no explicit prohibition of forcible return. With regard to the ratification of conventions, the Sudan ratified the Child Rights convention, but that had little bearing on the lot of IDP children with regard to basic rights such as education, livelihoods and protection. Conventions relating to women's rights (CEDAW, for instance) are yet to be ratified. While refugees benefit from the principle of non-refoulement, IDPs have no such recourse. These gaps cast doubts on the applicability of international laws and other legal frameworks in national contexts. As Helle (1998: 8) puts it: 'It is questionable whether the Compilation, with some 105 pages of main text and 70 pages of endnotes, can be described as a user-friendly document. Its primary usefulness is probably for researchers, legal advisers at headquarters and governments seeking to develop or revise their domestic legislation.' At this level, it must be stressed that international responses, whether legal or policy-oriented, seem to be skewed towards certain rights, with 'protection' as the most important issue. Fair enough. But legal and policy frameworks do not address the ways in which the rights of IDPs could be safeguarded. More importantly, one point that may be raised is the legitimacy of providing preferential protection to a distinct group, which may not be provided to other equally vulnerable groups. A serious implication here is the compartmentalization of rights.

Despite the inadequacy of policies, in recent years there has been a remarkable response from the international community to the plight of internally displaced persons in the Sudan. A plethora of UN agencies and NGOs are carrying out (directly or indirectly) programmes targeting IDPs. Following the peace agreement, the WFP started a programme of providing food for IDPs who are on their way home. The IOM in the Sudan also assists in transporting IDPs who are willing to be repatriated. But as yet there is not a single body that is in charge of IDPs, unlike refugees whose needs and rights are addressed by the UNHCR. In effect, the question of IDPs is yet to be adequately addressed either by international legal and policy frameworks or national governments. Rights of IDPs are first and foremost the responsibility of national governments more than the international community. The recent involvement of the UNHCR in the question of protecting IDPs is a major development in the international response. Yet, it is not clear what mechanisms are put in place to realise this orientation.

## **5. DOMAINS OF RESPONSIBILITY TOWARDS THE RIGHTS OF IDPS**

### **Repatriation/Integration and its Implications for Rights**

The question of repatriation/integration of IDPs represents a policy challenge for the government at two levels (the national interim government level and at the level of the

government of Southern Sudan). It also represents a challenge to international donors. Many factors are responsible for this. Firstly, mechanisms that would enable the realisation of different options are yet to be put in place. The policy adopted by the government of reorganising the habitat in IDP camps is perhaps an exception, although it is confusing for IDPs who are not certain about what option they should go for (repatriation or integration). Secondly, focussing on the right of repatriation ignores other key rights such as livelihoods and education for IDPs who still live in camps. So much emphasis has been put on repatriation that donors are reluctant to fund other activities for IDPs. Thirdly, little is known about the intentions or priorities of IDPs with regard to repatriation and other options. The surveys done to ascertain people's attitudes about repatriation (cf. IOM and CARE 2003, Inter-Agency Report 2005) pay scant attention to differences of attitude on the basis of gender, generation gap and ethnicity.

IDPs in Al Salam camp corroborate the different attitudes and points of views with regard to repatriation. These views also differ across gender, ethnicity and generations. For instance, Nuba men in Al Salam camp would prefer to stay in Khartoum. They would just go to the Nuba Mountains to visit relatives. The reasons for their preference are: (i) as fathers, they should seek the best future for their children. For them, such a future is in Khartoum, not the Nuba Mountains; (ii) persistence of troubles in the Nuba Mountains. Some said they went back but discovered that the area is not safe, and they returned; and (iii) having a residential plot in Khartoum. For Nuba men, despite the difficult environment in Khartoum, they would stay. Similar views were also expressed by Nuba women who argued that it is better for their children to be raised in Khartoum, and since there is already a seasonal movement between Khartoum and the Mountains, there is no need to go back for good. 'Our children who were born and grew up here do not know what it looks like in the Mountains. The little that they know is relayed to them by elders,' a Nuba woman said.<sup>15</sup> Nuba youth are ambivalent.

The Dinka provide a contrasting picture. Among a group of 20 Dinka men, 16 said they would repatriate immediately. Dinka men argue that the difference in livelihood patterns between the North and South puts a strain on them: 'In the south, we depend on cattle and farming, and it is easy to live without cash,' one man said. The end of war in the south was also cited as one reason for them to go home. But importantly, the stress on cultural identity was cited as the most important reason: 'Our children are living in a totally different society, and they are losing their cultural identity,' an elderly Dinka man lamented. Although enthusiastic about return, the Dinka condition repatriation on attaining a reasonable rehabilitation in their home areas (health and education are mentioned as the most important aspects). Those who would stay said that their reason is to have a better education for their children.<sup>16</sup>

Dinka youth concur with elders on the question of repatriation. Commitment to homeland was cited as the most important reason for return. They believe they must rehabilitate and develop their areas, and volunteer in educating their people. Like the elderly, they also emphasized cultural identity crisis as a reason for repatriation. The ones who are less enthusiastic said they may consider repatriation if or when access to education and employment are guaranteed in the south. Those who would not repatriate reasoned their position as follows: 'There is nothing in the south to go for. We do not even know how to herd cattle or cultivate.'

In contrast to the elderly and young men, Dinka women are less enthusiastic about repatriation. In a discussion with a group of 12 Dinka women, none of them specified a time for return. They would not sacrifice the education of their children: 'If we must go home, we will split our

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<sup>15</sup> Group discussion, Nuba men and women, Al Salam camp, January 2006.

<sup>16</sup> Group discussion, Dinka men and youth, Al Salam camp, January 3<sup>rd</sup>, 2006.

families; some members will stay here and others go to see what is taking place there,' one woman said. Dinka women also argue that they must stay until they get their residential plots, since this would also guarantee the education of their children.<sup>17</sup>

It is apparent from the examples of Nuba and Dinka that the IDPs are conscious about their rights, with regard to livelihoods and the education of their children. Decisions to stay or repatriate are linked to their wellbeing and future opportunities. This means that IDPs are active agents in deciding about their fate. It also means that assistance programmes related to repatriation must take notice and incorporate the agency of IDPs and should not take them for granted. While helping them to exercise the right of return, NGOs and UN agencies must also take care of realizing the rights of IDPs while they are still in Khartoum. The discussion on local CBOs revealed that a lot is still needed, given the current situation in the camp, which is undergoing a process of reorganization.

It must also be stressed that the intentions of IDPs to repatriate should be taken cautiously. In light of the slow implementation of the peace agreement, and in light of the little progress in providing a safe home for return, the stay of IDPs in Khartoum is likely to continue for some time. Therefore, the pullout of international NGOs should be reconsidered. The process of reorganizing the camp and converting it into a normal residential area implies that the label *naziheen* would become irrelevant. It also implies that there would not be a legal basis for the intervention of NGOs. This would compromise the rights of people. It is ironic that measures to integrate IDPs may lead to their marginalization. In no sense is this a call for retaining labels. Rather, it is a caution against abandoning IDPs once the camp is converted into a neighbourhood.

### **NGOs and Donors' Response to the Question of Repatriation**

Presently the donors' attention is focussed on IDPs in Darfur, while UN agencies and international NGOs engage with IDPs in Khartoum, though partly. The problem with the donors is that they condition their support with the progress of peace talks on Darfur in Abuja, which are currently under way. As mentioned earlier, international NGOs that have been working in IDP camps either left or scaled down their activities substantially. Amongst international NGOs, IOM embarked on a pilot project to assist in the repatriation of IDPs to the south. The project started in 2004. The main features of the project are as follows:

1. IOM plans to assist about 100,000 'qualified' IDPs with the Office for Coordination of Humanitarian Affairs (OCHA) in 2004.
2. IDPs qualifying for IOM assistance will be selected if they fulfil the criteria of being both 'skilled' and belonging to 'vulnerable groups'.
3. Out of the estimated 2 million IDPs expected to return, only about 5 percent, or 100,000 are expected to meet these criteria.
4. Such IDPs will be registered and provided return transport assistance.
5. Phase one will be planning for return through assessing needs in return communities and running information campaigns.
6. Phase two will focus on capacity-building and community rehabilitation.
7. IOM's program will seek to improve HIV/AIDS awareness and training as well as mines awareness.

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<sup>17</sup> Group discussion, Dinka women, Al Salam camp, January 7<sup>th</sup> 2006.

IOM proposes to assess, plan and implement a comprehensive return and reintegration program, with direct assistance for 100,000 qualified and vulnerable IDPs in partnership with OCHA. The IOM Sudan strategy foresees phased approaches to IDPs return and reintegration. Phase 1 will involve the activities that raise awareness about and assist planning in preparation for implementation in Phase 2. The assisted return of qualified IDPs in Phase 2 takes a community capacity building approach and thereby seeks to redress the dearth of capacity to deliver essential services in return areas. Furthermore, the program will seek to benefit and involve the whole community as well as returning IDPs. IOM will work with Sudanese counterparts as well as other relevant development partners and UN agencies such as OCHA and UNDP who are engaged in and are also planning similar interventions. The IOM program objectives in 2004 are to achieve further progress in relation to goals 1-6 (see following objectives) as well as the Millennium Declaration principles of human rights, governance and peace building.

The immediate objective of the interventions will be to identify the profiles and needs of the IDPs, in order to effectively implement sustainable return, resettlement and reintegration programs. This objective is closely linked with the support of host communities, and in recognition of the need of income generation projects to support community absorption capacity for at least 10 return communities. Return transportation assistance will be provided to an estimated 100,000 IDPs. This figure is based on the assumption that approximately 2,000,000 IDPs will opt for return and resettlement, with 5 percent of that population meeting vulnerability and skill definitions.

As they stand, these plans are nicely designed. They also seem to be implemented by a number of different agencies (IOM, UNDP, OCHA, CARE and others) that will coordinate their efforts to achieve these objectives. These plans are also wide in their scope, in the sense that they will include IDPs in the different parts of the country and not only those living in Khartoum. But it is interesting to note that while the government authorities in Khartoum emphasize integration, international organizations and UN agencies emphasize repatriation and reintegration in former areas of IDPs. The IOM's plans do not talk to those IDPs who decide not to repatriate. Moreover, the designated figure of 100,000 (5 percent) for the vulnerable groups seems to be an underestimation. CARE and IOM (2003: 16) estimated that the 'vulnerable groups' represent 20 percent of IDPs. Furthermore, the phrase 'skilled and vulnerable', as a criterion, is unclear.

## 6. CONCLUSIONS

The question of realizing the rights of IDPs remains challenging for IDPs, national authorities, UN agencies, NGOs and donors. Long years of protracted displacement, poor or inadequate response from national governments and the international community, and the huge numbers of IDPs in the Sudan combine to produce a challenging policy environment. Realizing the rights of IDPs enshrined in the UN Guiding Principles for the Displaced (see Annex 2) is a task that is yet to be accomplished for the Sudanese IDPs. There is no doubt that protecting IDPs and guaranteeing their rights is the responsibility of the Sudan government. Based on our review of national policies with regard to IDPs from the 1980s up to the present, it is apparent that little has been done not only in addressing the root causes of displacement, but also in dealing with the phenomenon itself. The comprehensive peace agreement signed in January 2005 between the Sudan Government and the SPLA/M provided a framework for dealing with root causes through addressing injustices in sending areas. The agreement also talked about guaranteeing

the rights of IDPs, including the right to choose whether to repatriate or not. Yet, political bickering between the SPLA and the National Congress stalls the implementation of the agreement, hence affecting the realization of a better life for IDPs.

The position of the international community (represented by donors, UN agencies, and international NGOs), is no less lethargic than that of the national government, although there is a remarkable presence of the international community in the Sudan. International engagement is also less coherent and unpredictable, represented by the scaling down of programmes in IDP camps in Khartoum, leaving poorly equipped and minimally funded local community organizations in IDP camps to deal with challenges facing their communities. This compounds the challenge for IDPs with regard to the right to education and livelihoods. The data we provided about Al Salam camp reveals that the rights of IDPs are violated, as evident for instance in the imposition of fees on primary school pupils. In the national context, this is a violation of a constitutional right (article 13 of the interim constitution). One implication here is that laws that protect basic rights exist, but they are not enforced, something that questions the responsibility of the state towards its citizens.

The incipient local community-based organizations are striving to deal with the problems facing IDPs. But they are poorly funded and organizationally weak. And here lies the responsibility of donors. Since these CBOs are locally based, work with IDPs and understand their problems, they must be supported. What the government does in this regard is just legalizing their status through registration, but it does not assist them logistically. In fact, out of 10 local community organizations in Al Salam camp, only 4 are officially recognized by the authorities. In this connection, the newly passed humanitarian work law imposes a lot of restrictions on both national and international NGOs at a time when the state is abdicating its responsibilities toward IDPs.

The question of repatriation is another area of concern. The absence of databases on IDPs and lack of knowledge about their attitudes towards repatriation represent one policy challenge. The unpredictable policies of international NGOs and lack of preparedness on the part of national NGOs (lack of funding, organizational lethargy and state's policies) make it difficult to repatriate willing IDPs. The IDPs themselves show mixed attitudes towards both repatriation and integration in host communities. And they are active agents in making use of the modicum of services and facilities available to them. Some ask for assistance to go home. Others say they need sometime to think, while yet others condition their return with rehabilitating their home areas.

A lot of gaps have been identified in both international and national policy frameworks. The absence of common norms, the problems inherent in international human rights law and the discrepancy between national and international interests contribute to thwarting meaningful engagement with internal population displacement. Given the prevalence of these gaps, it is difficult to realise a regime of rights that can effectively be put in place, especially at the level of policy formulation and implementation. But perhaps an engagement with IDPs, their incipient organisations and emerging leadership in the Sudan can be promising. A viable way out is the coordination of these scattered efforts of national and international institutions working with IDPs. A common ground needs to be established between the government, donors, UN agencies, national and international NGOs, and IDPs represented by their community-based organizations.

## ANNEX 1

### Round Table Meeting *Review of The National Policy Document on Internal Displacement*

(19 November 2002)

#### **Background:**

The current bout of Sudan civil war, which started in 1983, resulted in an unprecedented displacement of the populations from their areas of refuge, fleeing the fighting. The civil war has already claimed an estimated two million lives due to causes related to war. It is estimated that the number of the internally displaced populations (IDPs) have exceeded 4 million, which is the largest number of the IDPs in Africa. (While Africa is already hosting 50% of the global 20 millions number of the IDPs). The IDP groups have reached as far as Dongla in the North and Port Sudan in the east, and large numbers of the IDPs have settled around greater Khartoum, the garrison towns of the south and at the transitional zone between the south and the north.

The international community has continued to respond, unflinching, to the plight of the IDPs. Operation Life Line Sudan (OLS) has been the mainframe for protection and service delivery to these vulnerable groups across the lines of conflict. The UN has been entrusted to run the intervention continuously since 1989. The implementation has been with different actors, among whom are the NGOs -- both domestic and international. However the International Non-Governmental Organizations (INGOs) have played a pivotal response role. This is due to their ability in resource mobilization, physical contact with the grassroots and acceptance in both the government and SPLA/M areas.

However, the interventions have never run smoothly. The government have been claiming that the donors, the UN and the INGOs sometimes go beyond their mandate and interfere with sovereign issues. On the other hand, the international actors claim that they have been denied access and the government has not created a conducive environment for their interventions. Issues like land tenure, forced resettlement, IDPs protection have been points of contention between the authorities and the international community.

#### **The National Response**

During the 1980s, a Commission for Relief and Rehabilitation (RRC) was formed to respond to the plight of the IDPs created by the disasters, mainly those affected by the draught. In 1986, a federal Ministry of Refugees, Displaced and Relief was established. The Ministry was entrusted to set out policies and implement intervention programmes vis-à-vis the IDPs. In 1988 the Council of Ministers issued the decree (310) recognizing and responding to the phenomenon of displacement. In 1990 a national conference on displacement was held in Khartoum to agree on clear policies from among the different actors who were involved. However by the year 1993, the federal ministry was dissolved and the responsibility for IDPs issues was transferred to the newly formed States. Each state was to design policies and programmes according to its pertaining circumstances. The Humanitarian Aid Commission (HAC), the implementing counterpart to OLS, continued to be the federal focal point for registration of the INGOs and facilitation of access to the IDPs. Lack of a national policy on internal displacement has been identified as a constraint to effective programming by all parties.

## The Internal Displacement National Policy Process

HAC initiated the process of developing a national policy on internal displacement. UNDP, the IDP Unit, Francis Deng as the Representative of the UN Secretary General on Internal Displacement and UN OCHA have engaged in advocacy, dialogue and planning with the GOS throughout 2002 to address the development of an IDP policy.

On 16 July 2002, the Minister of International Cooperation issued a ministerial decree, nominating a higher national committee to address the issue in question. This should start by calling for a national workshop with the view of fulfilling the following objectives:

- Review the former directives and policies
- Determine the workshop vision and guidelines
- Suggest the workshop themes, topics and format
- Generate a consensus on practical recommendations

However, it was felt that a preparatory training workshop was mandatory for HAC personnel and the other focal ministries before the national workshop. The training workshop took place on 28/29 August 2002. UN experts from Geneva, Somalia and Macedonia participated in the training. The workshop achieved the following:

- Identification of the essential elements of the national policy.
- Exposure to policy building processes in other countries, namely Angola, Uganda, Indonesia and Brundi.
- Explanation and discussion of the concept of protection pertaining to IDPs and its relationship to the issue of sovereignty.

On 30 September and 1 October 2002, a national workshop on internal displacement was held. Participants were from the states as well as the federal ministries' focal points. Each state had a chance to reflect on its experience in dealing with displacement. National NGOs, experts and representatives of the IDP communities also participated in the workshop. However the workshop discussed four main papers presented by experts, around which the deliberations have revolved:

- Migration and displacement as an important element in the formulation of Sudanese national identity.
- The economic and social impacts of internal displacement.
- The current experience of the population displacement and the role of the national NGOs.
- Towards formulating a national policy on internal displacement.

The workshop recommendations were distributed to all stakeholders including the donors, UN agencies and INGOs. The workshop recommendations have focussed around seven main topics (information, planning, capacity building, protection, programmes, administrative management and finances). A copy of the detailed items of the seven elements is attached as an annex.

On 19 November 2002 a round table meeting was called to review the national policy document on internal displacement. The donor community, UN agencies and INGOs were invited to take part as well as HAC and the other federal ministries. National experts and NGOs were also invited. A total of 45 persons have participated in this one day meeting. The following documents were also distributed which helped to shape the direction of the discussion:

- The UN Guiding Principles on internal displacement.
- The SRRRA draft policy to address the needs of the internally displaced persons in the SPLM/A controlled areas.
- Towards a national policy on Displacement in Sudan (a paper prepared by Dr. Sulaf Eddin Salih, the commissioner of HAC).

The round table meeting was facilitated by a national consultant.

### The Round Table Meeting

Date: 19<sup>th</sup> of November 2002.

Time: 0900 – 1500 hours.

Venue: Grand Holiday Villa Hotel – Khartoum.

Participants: Donor community, UN agencies, NGOs, GGS focal ministries and national experts (see Annex 2, list of participants)

Chairing: Dr. Sulaf Eddin Salih – HAC commissioner

Michael Jones – Chief, UN-OCHA Sudan

Facilitation: Dr Hussein el Obeid (CHARM)

The Agenda:

- 1- Welcome, registration and introduction of the participants.
- 2- Overview of the IDP Policy Document and Process to Date.
- 3- Plenary Discussion on the Document and Process.
- 4- Break (Snacks).
- 5- Focussed Discussion on the three components of the IDP Policy Document:
  - a. Basic Principles.
  - b. National Policy Objectives.
  - c. Recommendations from the Document.
- 6- Recommendations from the Round Table Meeting.

Basic Principles:

The participants have reiterated their agreement on the following principles:

- Free movement of the IDPs.
- Citizen's Rights are universal and should never be limited to the IDPs.
- Demobilization of the militias and the armed groups.
- Eradication of women and children abduction.
- Careful integration of ex-combatants into the society.
- Control and collection of small arms and light weapons.
- Rehabilitation of child soldiers and street kids.
- Observe people's choices which are changing over time.
- Don't influence people's choices.
- Build CBO's capacity.
- Promote sustainable return.
- Maintain IDPs security during the transitional period.
- Don't impose international standards. Adapt them to local context.
- Translate principles into policies and action plans.

Policies:

The participants were exposed to experiences on IDPs management and demobilisation programmes in El Salvador, Colombia, Sierra Leone and Uganda. The participants have generated useful discussion and built consensus around the following policy directives:

- A viable national policy bestows obligations on all actors.
- For realization of the agreed upon national policy, it should be translated into legal obligations to be enforceable by law. A national government institution, which can access all levels and get things done, is of pivotal importance in this respect.
- Engagement of the IDPs in the policy design should be sought to guarantee their ownership for their own destiny. The IDPs need assistance to help them cope with the prevailing circumstances and prepare for the post conflict era.
- The foundation for the IDPs rehabilitation is built on security and capacity building
- IDPs should be, in depth, informed about the ceasefire agreements and the peace talks and their views should be taken into account.
- With the current environment of peace talks, the policy should seek to cater for refugees and demobilized combatants as well. Ex-combatants physical strength and discipline could be a potential bonus, if managed carefully!
- Host communities should be engaged and guidance should be sought on potential settlement areas. Proper information is needed.
- For the UN to mobilize resources, HAC and SRRA should come up with a viable policy directive with full participation of the IDPs
- Meanwhile, we should focus on promotion of social peace!

## Recommendations

The guiding directions of the discussion have been along the lines of seven elements of the National Policy Documents.

### Information:

- Important to identify the key elements of information (source, management, usage, update and feedback) and who knows what on the specific areas.
- Promote an environment that enables better exchange of information.
- Facilitate for the IDPs to know about the critical elements of ceasefire and peace frame agreements e.g. the referendum, interim arrangements, wealth sharing etc.
- Allow for cross conflict information sharing and exchange of ideas.
- Information is important at all levels.
- OCHA is to start developing information website in Sudan.

### Planning:

- Planning is an on-going process and not a single shot activity.
- It is important to identify who should be engaged, but first and foremost the IDPs should be involved in the whole process.
- Planning should strategize for transforming from the war to sustainable peace environment.
- The social component should never be overlooked in the planning process.

### Training and Capacity Building:

- Always adopt the strategy of the inclusion of IDPs.
- Equip IDPS with knowledge about their civic and human rights.
- Enhance the technical competence of the IDPs in managing their livelihoods.

- Promote the skills of accountability, transparency and responsibility – particularly among the community leaders.
- Empower the IDP communities to assume responsibility for their own affairs.
- Develop and support the culture of peace and conflict resolution.
- Strengthen the institutions that are active in research, training and capacity building of the IDPs.
- Target long term capacity.

Protection:

- As the state of insecurity is impacting protection, the quest for peace should never wane.
- Protection is a necessity that should never be limited to IDPs.
- Specific protection measures should be extended to the most vulnerable (children, women and the elderly).
- Children under special circumstances like unaccompanied minors, the abductees, the child soldiers, the handicapped etc. need extra focussing.
- Allowances should be made for loss or incomplete IDP documents due to the insecurity.
- Address in a timely manner the problems that may arise between IDPs and the host community like issues around land tenure, cultural clashes etc.
- Customary law (traditional courts) should be recognized and supported.
- There is a need for dissolving the militias and the armed groups.
- There should be thorough and meticulous collection of small arms and light weapons.
- Mine action activities (including clearance, awareness and victim assistance) are mandatory to minimize the risk to the IDP communities.
- HIV/AIDS awareness and control measures should be adopted as soon as possible. It poses a special risk to the IDP communities, as it exacerbates in both the emergency and immediate post conflict situations. Women and young girls are the most vulnerable.

Programmes:

- Be realistic and do not raise expectations.
- Priorities must address who, when, where, how and why.
- Promote the dignity of IDPs and enhance their capacities.
- The programmes must be delivered through package format (e.g. health, water, education etc.) and not through single vertical interventions.
- The strategy triad of
  - a. service delivery (facility shared and managed jointly).
  - b. joint management.
  - c. community ownership should be adhered to.
    - Grass root peace building activities must be supported.
    - Extra caution is to be observed in education, as the language of instruction and the curriculum content are both political issues.
    - Local integration of IDPs must be managed in a timely manner.
    - The impact of IDPs on urban settings must be assessed and responded to.
    - Programmes of demobilization and social integration of the ex-combatants are mandatory and should be coordinated.

#### Administrative:

- The administrative procedures should be flexible, practical and affordable.
- The identity of IDP papers and cards must serve to assist them.
- The issues of land tenure and agricultural activities have to be settled in a fair manner.
- Machakos talks are addressing the questions of policies and administration. Are the real stakeholders involved?
- HAC and SRRA may need to harmonize their administrative and policy procedures.
- It is high time a timeframe is set for the interventions with specific bench mark indicators and continuous monitoring of progress.
- We have to delineate clearly the management outlines of IDP programmes.
- There is a need to discuss and agree on integration and coordination mechanisms.

#### Finances:

- All parties must be realistic. Response to rehabilitation and development should not be expected to be as swift as that to emergency assistance.
- Accountability and transparency are the only guarantees to sustained donors' funding.
- There is a need for agreement on a uniform methodology for assessment and support.
- IDPs need to be informed about the resources and engaged in the planning and reallocation of those resources.
- IDPs need special counselling services on the management of allocated resources.

#### List of Participants

No.	Name	Organization
1	Hassabo Mohamed	HAC – Khartoum
2	Abalgak Madut	HAC – Khartoum
3	Caesar Z. Nolargo	HAC – Wau
4	Hassan Y. Mahmoud	SDSO, UNHCR
5	Joseph N. Mbithi	UNHCR- Khartoum
6	K. Ramachandran	UNICEF – Khartoum
7	Jyoti D. Rajhundlia	WFP – Khartoum
8	Faisal S. Ali	OCHA
9	Dr. Ibrahim Abou Auf	University of Khartoum
10	Omer Osman	SRC – Khartoum
11	Dr. Kamal Balla	SRC – Khartoum
12	Hamdan Wadi	Ministry of Foreign Affairs
13	Salih Abdul Mageed	OXFAM – Khartoum
14	Gasim Azam	Save the Children (USA)
15	Marv Koop	UNDP
16	Jeff Labovitz	IOM
17	Chris Petch	IOM
18	Mare Bellemans	FAO
19	Nicholas Coghlan	Canadian Diplomatic Office

20	Matt Baugh	British Embassy
21	Kate Half	SC-UK
22	Michael Laing	CARE
23	Leo Roozendool	CARE
24	Hans Veenbaas	Netherlands Embassy
25	Anne-Marie Cluckers	UNDP
26	Andrew Mawson	UNICEF – Khartoum
27	Abdul Haleem Daffalla	BIF – Khartoum
28	Dr. Sharaf Eddin Banaga	Ex – State Minister of Engineering
29	Ahmed Gingari	HAC - Khartoum

## ANNEX 2 UN Guiding Principles on Internal Displacement

### Introduction: Scope and Purpose

1. These Guiding Principles address the specific needs of internally displaced persons worldwide. They identify rights and guarantees relevant to the protection of persons from forced displacement and to their protection and assistance during displacement as well as during return or resettlement and reintegration.
2. For the purposes of these Principles, internally displaced persons are 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.
3. These Principles reflect and are consistent with international human rights law and international humanitarian law. They provide guidance to:
  - (a) The Representative of the Secretary-General on internally displaced persons in carrying out his mandate;
  - (b) States when faced with the phenomenon of internal displacement;
  - (c) All other authorities, groups and persons in their relations with internally displaced persons; and
  - (d) Intergovernmental and non-governmental organizations when addressing internal displacement.
4. These Guiding Principles should be disseminated and applied as widely as possible.

### Section 1: General Principles

#### *Principle 1*

1. Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.
2. These Principles are without prejudice to individual criminal responsibility under international law, in particular relating to genocide, crimes against humanity and war crimes.

#### *Principle 2*

1. These Principles shall be observed by all authorities, groups and persons irrespective of their legal status and applied without any adverse distinction. The observance of these Principles shall not affect the legal status of any authorities, groups or persons involved.
2. These Principles shall not be interpreted as restricting, modifying or impairing the provisions of any international human rights or international humanitarian law instrument or rights granted to persons under domestic law. In particular, these Principles are without prejudice to the right to seek and enjoy asylum in other countries.

#### *Principle 3*

1. National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.

2. Internally displaced persons have the right to request and to receive protection and humanitarian assistance from these authorities. They shall not be persecuted or punished for making such a request.

*Principle 4*

1. These Principles shall be applied without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria.
2. Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.

**Section II: Principles Relating to Protection from Displacement**

*Principle 5*

All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons.

*Principle 6*

1. Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence.
2. The prohibition of arbitrary displacement includes displacement:
  - (a) When it is based on policies of apartheid, "ethnic cleansing" or similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population;
  - (b) In situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand;
  - (c) In cases of large-scale development projects, which are not justified by compelling and overriding public interests;
  - (d) In cases of disasters, unless the safety and health of those affected requires their evacuation; and
  - (e) When it is used as a collective punishment.
3. Displacement shall last no longer than required by the circumstances.

*Principle 7*

1. Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects.
2. The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated.
3. If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall be complied with:
  - (a) A specific decision shall be taken by a State authority empowered by law to order such measures;

- (b) Adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation;
- (c) The free and informed consent of those to be displaced shall be sought;
- (d) The authorities concerned shall endeavour to involve those affected, particularly women, in the planning and management of their relocation;
- (e) Law enforcement measures, where required, shall be carried out by competent legal authorities; and
- (f) The right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected.

*Principle 8*

Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected.

*Principle 9*

States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.

**Section III: Principles Relating to Protection During Displacement**

*Principle 10*

1. Every human being has the inherent right to life which shall be protected by law. No one shall be arbitrarily deprived of his or her life. Internally displaced persons shall be protected in particular against:

- (a) Genocide;
- (b) Murder;
- (c) Summary or arbitrary executions; and
- (d) 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.

2. 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:

- (a) Direct or indiscriminate attacks or other acts of violence, including the creation of areas wherein attacks on civilians are permitted;
- (b) Starvation as a method of combat;
- (c) Their use to shield military objectives from attack or to shield, favour or impede military operations;
- (d) Attacks against their camps or settlements; and
- (e) The use of anti-personnel landmines.

*Principle 11*

1. Every human being has the right to dignity and physical, mental and moral integrity.

2. Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against:

- (a) Rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution and any form of indecent assault;

- (b) Slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation, or forced labour of children; and
  - (c) Acts of violence intended to spread terror among internally displaced persons.
- Threats and incitement to commit any of the foregoing acts shall be prohibited.

*Principle 12*

1. Every human being has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.
2. To give effect to this right for internally displaced persons, they 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.
3. Internally displaced persons shall be protected from discriminatory arrest and detention as a result of their displacement.
4. In no case shall internally displaced persons be taken hostage.

*Principle 13*

1. In no circumstances shall displaced children be recruited nor be required or permitted to take part in hostilities.
2. 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.

*Principle 14*

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

*Principle 15*

Internally displaced persons have:

- (a) The right to seek safety in another part of the country;
- (b) The right to leave their country;
- (c) The right to seek asylum in another country; and
- (d) 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.

*Principle 16*

1. All internally displaced persons have the right to know the fate and whereabouts of missing relatives.
2. The authorities concerned shall endeavour to 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.
3. The authorities concerned 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.
4. 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.

*Principle 17*

1. Every human being has the right to respect of his or her family life.
2. To give effect to this right for internally displaced persons, family members who wish to remain together shall be allowed to do so.
3. Families which are separated by displacement should be reunited as quickly as possible. All appropriate steps shall be taken 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.
4. Members of internally displaced families whose personal liberty has been restricted by internment or confinement in camps shall have the right to remain together.

*Principle 18*

1. All internally displaced persons have the right to an adequate standard of living.
2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:
  - (a) Essential food and potable water;
  - (b) Basic shelter and housing;
  - (c) Appropriate clothing; and
  - (d) Essential medical services and sanitation.
3. Special efforts should be made to ensure the full participation of women in the planning and distribution of these basic supplies.

*Principle 19*

1. All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the 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.
2. Special attention should be paid to the health needs of women, including access to female health care providers and services, such as reproductive health care, as well as appropriate counselling for victims of sexual and other abuses.
3. Special attention should also be given to the prevention of contagious and infectious diseases, including AIDS, among internally displaced persons.

*Principle 20*

1. Every human being has the right to recognition everywhere as a person before the law.
2. To give effect to this right for internally displaced persons, the authorities concerned shall issue to them 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, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence in order to obtain these or other required documents.
3. Women and men shall have equal rights to obtain such necessary documents and shall have the right to have such documentation issued in their own names.

*Principle 21*

1. No one shall be arbitrarily deprived of property and possessions.

2. The property and possessions of internally displaced persons shall in all circumstances be protected, in particular, against the following acts:

- (a) Pillage;
- (b) Direct or indiscriminate attacks or other acts of violence;
- (c) Being used to shield military operations or objectives;
- (d) Being made the object of reprisal; and
- (e) Being destroyed or appropriated as a form of collective punishment.

3. Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use.

#### *Principle 22*

1. 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 following rights:

- (a) The rights to freedom of thought, conscience, religion or belief, opinion and expression;
- (b) The right to seek freely opportunities for employment and to participate in economic activities;
- (c) The right to associate freely and participate equally in community affairs;
- (d) The right to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right; and
- (e) The right to communicate in a language they understand.

#### *Principle 23*

1. Every human being has the right to education.

2. To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such 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.

3. Special efforts should be made to ensure the full and equal participation of women and girls in educational programmes.

4. 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.

### **Section IV: Principles Relating to Humanitarian Assistance**

#### *Principle 24*

1. All humanitarian assistance shall be carried out in accordance with the principles of humanity and impartiality and without discrimination.

2. Humanitarian assistance to internally displaced persons shall not be diverted, in particular for political or military reasons.

#### *Principle 25*

1. The primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities.

2. International humanitarian organizations and other appropriate actors have the right to offer their services in support of the internally displaced. Such an offer shall not be regarded as an unfriendly act or an interference in a State's internal affairs and shall be considered in good faith. Consent thereto shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance.

3. All authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced.

*Principle 26*

Persons engaged in humanitarian assistance, their transport and supplies shall be respected and protected. They shall not be the object of attack or other acts of violence.

*Principle 27*

1. International humanitarian organizations and other appropriate actors when providing assistance should give due regard to the protection needs and human rights of internally displaced persons and take appropriate measures in this regard. In so doing, these organizations and actors should respect relevant international standards and codes of conduct.

2. The preceding paragraph is without prejudice to the protection responsibilities of international organizations mandated for this purpose, whose services may be offered or requested by States.

**Section V: Principles Relating to Return, Resettlement and Reintegration**

*Principle 28*

1. Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons 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. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons.

2. 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.

*Principle 29*

1. 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.

2. Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.

*Principle 30*

All authorities concerned shall grant and facilitate for international humanitarian organizations and other appropriate actors, in the exercise of their respective mandates, rapid and unimpeded access to internally displaced persons to assist in their return or resettlement and reintegration.

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