

Southern Sudan: Overcoming obstacles to durable solutions now – building stability for the future

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After two and a half decades of war, the 2005 Comprehensive Peace Agreement (CPA) between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Army brought relative peace to Southern Sudan and provided the opportunity for some reconstruction. With less than five months left before the referendums in which Southern Sudanese will vote on southern independence and people living in Abyei on the status of Abyei in January 2011, the north, the international community, and not least the semi-autonomous Government of Southern Sudan (GoSS), face many challenges.

Most of the practical arrangements for conducting the referendums, including the registration of voters, are yet to begin. Abyei residents will choose whether to stay part of the north with a special administrative status, or to join Southern Sudan. However the demarcation of the border of the volatile region, which will take at least seven months, has only just started. The citizenship of up to two million internally displaced southerners living in and around Khartoum and their rights of residence and property, are still pending. Oil revenues currently account for 98 per cent of the budget of Southern Sudan and yet the landlocked south is completely dependent upon the north for its exportation. The process of disarming, demobilising and reintegrating almost 180,000 Southern Sudanese fighters began as late as 2009 and has had mixed success.

In the period since the signing of the CPA, Southern Sudan has faced ongoing population movement. The number of people newly displaced in 2009 reached nearly 400,000 and in the first half of 2010 over 150,000. This is the first time since the Darfur crisis started that the number of people newly displaced in Southern Sudan has exceeded the number newly displaced in Darfur. People also continue to return to the south from the north and from neighbouring countries, and to their home communities from elsewhere within the south.

The ability to address the causes of new displacement and to accommodate durable solutions for the internally displaced people (IDPs), whether they decide to return to their place of origin, locally integrate or settle elsewhere in the country, is a vital part of the much broader issue of community stabilisation in Southern Sudan. Resolution of the ongoing conflicts and challenges is a necessary first step towards avoiding much greater violence once the plans for and outcomes of the referendums become clear.

Figures, patterns and causes of displacement

Approximately four million people were displaced from or within Southern Sudan during the civil war from 1983 to 2005. Approximately two million have returned to their homes, both from the north and within the south, since the signing of the CPA. The peak years of return were 2006 and 2007, but there was a noticeable rise in return movements from November 2009 due to the April 2010 election. 34 per cent of the returnees from November 2005 to December 2009 (88,000) returned to Southern Kordofan (including Abyei) and 23 per cent (59,000) returned to Northern Bahr el Ghazal. 68 per cent returned from Khartoum.

The rate of new displacement within Southern Sudan rose at the same time as the rate of returns. Over 390,000 people were newly displaced in 2009, twice the number newly displaced in 2008; and over 150,000 were newly displaced in the first half of 2010. Insecurity due to inter-tribal clashes is likely to continue to cause large-scale displacement in the lead-up to the referendum.

The main drivers of new displacement are inter- and intra-ethnic conflict, in some cases amplified in the lead-up to the elections, attacks attributed to the Lord's Resistance Army (LRA), and disarmament initiatives, all exacerbated by severe food insecurity with accompanying high rates of infant and maternal mortality.

Inter-ethnic fighting

The level and nature of inter-ethnic fighting changed in 2009. Village communities and in particular women and children are increasingly targets of well-organised attacks, in contrast to past cattle raids. Displacement caused by inter-ethnic fighting usually forces people flee to nearby villages where they seek shelter with relatives or friends for a short period.

Lord's Resistance Army attacks

LRA attacks continue in Western Equatoria. Over the first six months of 2010, LRA carried out about 40 abductions and caused the displacement of more than 24,000 people. Their brutal killings, abductions and maimings have spread fear among affected communities and as a consequence it can take more than a year from the displacement before IDPs feel secure enough to return to their villages.

Disarmament efforts

The uneven application of disarmament initiatives has reportedly caused tensions between different communities as well as between communities and the Sudan People's Liberation Army (SPLA) which is managing the disarmament process. Communities often perceive inequalities in the disarmament of different tribes and feel that is leaves them open to attack. Resistance among the tribes against the disarmament exercise has on occasion escalated into armed clashes with the SPLA, resulting in additional displacement.

Food insecurity and heightened mortality rates

Food insecurity remains severe throughout the south and could lead to massive displacement. The most food-insecure states include Jonglei, Warap, Northern Bahr el Ghazal, and Eastern Equatoria. The World Food Programme (WFP) estimated that 1.5 million people were severely food-insecure and 1.8 million moderately food-insecure by July 2010, amounting to more than one third of Southern Sudan's population. The lowest crop production since 2005 and high levels of violence threaten to further reduce

food security; displaced populations are especially at risk of becoming completely dependent on food aid as they cannot cultivate their land.

Southern Sudan has one of the highest infant mortality rates in the world at 89 deaths per 1,000 live births, and a maternal mortality rate of 2,038 deaths per 100,000 live births, which is more than ten times that of Europe.

Obstacles to durable solutions

Ongoing insecurity in places of origin and lack of services in areas of displacement

For the majority of people displaced by the recent inter-ethnic fighting or LRA attacks, safe, dignified, voluntary and sustainable return is the preferred settlement option. The displaced usually find refuge with relatives, friends or neighbouring communities. The place of refuge is often close to their villages. The main obstacle for return, especially for those displaced by the LRA attacks, is the persisting presence of the LRA in their place of origin or more often the sense of insecurity that can continue beyond the period of real danger. In the meantime, host communities are often unable to meet the needs of IDPs, given the scarcity of food stocks and limits to basic services.

With the nearing referendum and increasingly politicised tensions between different communities, immediate interventions to improve access to conflict areas and thus ensure rapid assistance and physical security are needed. There UN peacekeeping forces would have to be more visible and active in the difficult flashpoint areas if inter-ethnic conflicts and LRA attacks are to be prevented or reduced and a sense of security restored.

Land disputes and ethnic divisions

Following the signing of the CPA, IDPs started to return to the south from the north and from neighbouring states. Although the GoSS response has focused exclusively on return to places of origin, many have chosen other settlement options, for example settling in towns – sometimes in the unoccupied property of people still displaced – rather than returning to rural villages with no basic services, local markets or viable livelihoods options. This growth of the urban population has created a series of land-related problems, such as illegal occupations, evictions and land disputes between returning IDPs and occupants.

IDPs and refugees who returned to their places of origin after the CPA often found their houses and plots occupied by individuals or GoSS staff. The process of restituting land and property rights is slow and has sometimes led to violence between returnees and occupants who are often IDPs themselves.

IDPs who have chosen to resettle in a new location are particularly vulnerable. After settling in towns, they often become marginalised, as they cannot afford to buy land there. Outside urban areas, land is owned by communities who are generally reluctant to allow non-local communities to settle permanently. This leads to illegal occupation of land by the IDPs, their subsequent eviction, and secondary displacement within or on the outskirts of towns, as they are rarely allocated alternative plots or accommodated in any other sustainable way.

The failure to resolve land-related conflicts lies in the conflict between the parallel customary and statutory legal systems, and the fact that there is currently no land policy and no regulations to reconcile the two systems. Traditional leaders are often the only

authorities respected by all communities, but local chiefs that mediate and rule in conflicts between communities are often not trained in statutory law, and are seen as custodians of tradition. Customary law particularly undermines women's rights, as women generally do not have the right to own land or inherit it.

Land conflicts are also fuelling the tense inter-ethnic relations in Southern Sudan. The willingness of communities to accept and accommodate IDPs is often conditional on their ethnicity. Managing land and resolving land disputes between ethnic communities will be key to the future stability of Southern Sudan. There is a need for strengthened long-term support for interventions dealing with land conflicts, including support for national policy making and implementation.

Weak institutional structures and capacity at the local level

The GoSS has been criticised for its lack of success in efforts to decentralise resources and responsibilities. The local governance and local institutional structures that might address land issues and facilitate reconciliation between displaced and non-displaced communities are weak or non-existent. Traditional authorities are thus often the single existing institutions which are mutually respected by all communities. Local chiefs that mediate and rule in conflicts between communities are often not trained in statutory law, and are seen as custodians of tradition.

Support to decentralisation is imperative to ensure that local institutions in urban and rural areas are strong enough to assume their roles of service delivery, land dispute resolution and implementation of statutory court decisions. The more accessible local administration is to communities, the higher the level of participation and the better the chance for local and internally displaced communities to reconcile.

International response

The rapidly growing numbers of IDPs, the absence of food security and the current extreme mortality rates highlight the need for a strengthened humanitarian response. As of July 2010, the work plan for Southern Sudan was only 42 per cent funded, allowing for only two out of six essential life-saving elements of the humanitarian operation, namely food and non-food items, to be funded before the rainy season. Other basic life-saving elements like nutrition, emergency medical kits, seeds and tool, and water supplies remain underfunded.

Aggravating the situation, the access to affected communities is severely limited by logistical constraints and insecurity. There are no tarmac roads outside of Juba and airstrips are often inaccessible due to heavy rains and poorly resourced maintenance regimes. The roads from Juba to Malakal, Pibor, and Warrab, for instance, are not passable during the rainy season because of flooding. Humanitarian access remains severely restricted due to insecurity in areas such as Khorfulus County in Jonglei State. This situation raises serious protection and food insecurity concerns for some 18,000 civilians in the county.

There is a need for strengthened protection of civilians. However, humanitarian protection activities and coordination should be clearly separated from physical protection activities particularly if conflict intensifies. The inter-agency protection cluster was activated in July 2010; especially in the months before the referendum the cluster will have a key role in ensuring contingency and rapid response planning, for which funding is needed now.

Cluster agencies need \$1.6 million to complete the roll-out of the clusters in Juba and at state level during 2010. Meanwhile, humanitarian agencies are closing down operations in some areas considered relatively secure; there are concerns that this is premature and unmatched by an increase in early recovery and development programmes. Donors and agencies should be encouraged to continue a more coordinated response in all areas of Southern Sudan, and strengthen longer-term programmes to develop local institutions. Continued donor attention is also needed to ensure the aid architecture is sufficiently transformed to be more responsive in the evolving operational context in 2011.