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Sudan: prospects for peace



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Forced Migration Review

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Readers should be aware that some articles were written 2-3 months prior to publication and may therefore not reflect recent developments in Sudan's fast moving political landscape.

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Front cover photo: The late Dr John Garang, founder of the Sudan People's Liberation Movement (SPLM) and First Vice-President of Sudan, and Sudanese President Omar Hasan Ahmad al-Bashir. Khartoum, 8 July 2005. EMPICS - A Press Association Group Company

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from the editors

Sudan's civil war was like no other. It began even before the British colonialists – blamed by many historians for making it inevitable – had left. One in five people in Sudan, Africa's largest country, has been displaced by 50 years of conflict. Recent efforts by Sudan's leaders, neighbours and the international community to end the fighting and prepare for post-conflict development have been unprecedented in terms of time and energy expended.



Corinne Owen

Many issues dividing Sudan – particularly Darfur – are not addressed by the Comprehensive Peace Agreement (CPA) signed in Nairobi by the two main parties to the conflict. Sudan's new Government of National Unity is not without its critics. There have been significant delays in the agreed timetable for merging the northern and southern armies, establishing the Government of South Sudan and delivering funding pledged by the international community in Oslo in April. Nevertheless, as the articles which follow make clear, many Sudanese are cautiously optimistic. If Sudanese can return home with dignity, if gross inequalities in distribution of wealth and provision of services can be redressed, if Sudanese women are given space to contribute to its recovery and if Sudan can leap up the human development ladder to achieve the Millennium Development Goals, the Sudanese will have much to teach other countries emerging from the shadow of war.

Such is the scale of interest in rebuilding Sudan that this issue of Forced Migration Review is our longest ever. It would not have been possible without input from Dr Francis Deng – a prominent Sudanese scholar and former representative of the UN Secretary-General on Internal Displacement – and Jon Bennett, UN Team Leader for the Joint Assessment Mission (JAM), Sudan. Together, we have gathered 38 articles from key actors in the peace process, from politicians, scholars, UN and World Bank staff, civil society and the diaspora. Although there is a wide diversity of opinion expressed, the authors share a common commitment to a peaceful, democratic and pluralistic Sudan.



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Those of you, particularly in Sudan, reading our magazine for the first time may be interested to know that FMR is published in English, Arabic, Spanish and French by the Refugee Studies Centre of the University of Oxford. It is distributed without charge to 174 countries and is online at www.fmreview.org. If you would like to continue receiving hard copies of FMR please contact us (see box opposite).

FMR 25, to be published in March 2006, will focus on human trafficking. FMR 26, to be published in July 2006, will look at Palestine.

Please note that our postal address has changed. Our new address is given on the left.

We find it increasingly time-consuming to administer FMR's current subscriptions policy whereby FMR is free for almost everybody but not for others. From 2006 there will be no subscription charges at all although we will of course be glad to accept donations to help disseminate FMR around the world.

We dedicate this special issue to the people of Sudan and hope it will help to meet the need identified by the JAM for wide diffusion of the implications of peace agreements and the challenges facing Sudan during the six-year transitional period.

Marion Couldrey & Tim Morris
Editors, Forced Migration Review

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Sudan timeline

- 1881 Muhammad ibn Abdalla proclaims himself the Mahdi, the 'expected one'.
- 1885 Mahdi captures Khartoum. British General Charles George Gordon killed.
- 1889 British-Egyptian condominium declared after military invasion led by Lord Kitchener. North and South administered as separate colonies.
- 1943 British colonial administration begins preparing the North for self-rule, establishes North Sudan Advisory Council.
- 1947 British policy reversal with commitment to unitary state.
- 1955 Southern battalion in Torit rebels against Northern commanders.
- 1956 Sudan declared independent. Arab-led government reneges on pledges to Southerners to create federal system. First civil war begins.
- 1958-1964 Military government after coup d'état.
- 1969 Colonel Gaafar Nimeiri seizes power. Political parties outlawed.
- 1971 Addis Ababa Agreement leads to 10-year hiatus in civil war.
- 1979 Oil discovered by Chevron Corporation.
- 1981 Nimeiri switches from pan-Arabism to support of Islamism.
- 1983 Introduction of shari'a law reignites civil war. John Garang founds Sudan People's Liberation Movement/Army (SPLM/A).
- 1989 General Omar Al-Bashir's National Islamic Front (NIC) takes power in military coup.
- 1993 Intergovernmental Agency on Development (IGAD) initiates Sudan Peace Process, presents the parties with the declaration of principles (DOP).
- 1999 Sudan becomes significant oil exporter.
- Jan 2002 IGAD brokers North-South ceasefire.
- Feb 2003 Sudan Liberation Army and the Justice and Equality Movement begin insurgency in Darfur.
- Jan 2004 North-South agreement on wealth sharing.
- July 2004 Collapse of first round of Darfur peace talks in Abuja, Nigeria.
- Oct 2004 African Union troops deployed in Darfur.
- Jan 2005 Comprehensive Peace Agreement signed in Nairobi.
- April 2005 Oslo Donors' Conference. Joint National Transition Team presents reconstruction plan developed by the Joint Assessment Mission (JAM), Sudan.
- July 2005 Garang sworn in as Sudan's First Vice-President and President of Government of South Sudan. Garang's death in helicopter crash three weeks later sparks rioting.
- Sept 2005 Government of National Unity established.
- Oct 2005 Government of South Sudan established.
- July 2009 CPA deadline for holding local, state, national and presidential elections.
- July 2011 End of six-year Interim Period. Referendum on autonomy/secession for South.



African renaissance: towards a New Sudan

by Francis M Deng

What was the war about? Have its causes been addressed by the Comprehensive Peace Agreement (CPA)? What are the future prospects for the South after the tragic death of John Garang?

Sudan is a nation whose identity has been divisively distorted but which is now striving to rediscover itself, albeit in a tragically violent way. The silver lining is that a more constructive search for an identity framework around which Sudanese could unite may be within reach.

As with most, if not all, African countries, the colonial power brought together into a state framework national groups that had been distinctive, separate and in some cases mutually hostile. The identities that are currently in conflict are the result of a historical legacy characterised by a form of slavery that classified groups into a superior race of masters and inferior enslaveable peoples. The North, two-thirds of the country's land and population, is inhabited by ethnic groups, the more dominant of which intermarried with incoming Arab male migrants and traders and, over centuries, produced a mixed African-Arab racial group that resembles the African peoples south of the Sahara. Indeed, the Arabic phrase, *Bilad al-Sudan* ('land of the blacks') refers to all of those sub-Saharan territories. Arab immigration and settlement in the South were blocked by distance, environmental barriers, the harsh tropical climate and resistance of the warrior Nilotic tribes. Those Arabs who ventured southwards were primarily slave raiders, driven by commerce, not interest in Arabising and Islamising the South.

As the dominant partner in the Anglo-Egyptian Condominium, the British ended slavery and effectively governed the country as two separate colonies. They developed the North as an Arab-Muslim society and forged in the South an identity that was indigenously African, exposed to Western influences through Christian missionaries, but otherwise denied any political, economic, social or

cultural development. Until colonial policy dramatically shifted in 1947, it appeared that the British intended to prepare the South for independence as a separate state.

The independence movement was pioneered and championed by the North, supported by Egypt. The cause was reluctantly supported by the South, which stipulated federalism and guarantees for the region as conditions for endorsing independence. The South opted for independence on the basis of Northern reassurances that their concerns would be given 'serious consideration'. However, the North quickly reneged on promises to Southerners and stepped into the British colonial shoes. As internal colonisers, Northern governments sought to impose Arabisation and Islamisation as the bases of a unified homogeneous Sudan.

Southern opposition to impending Arab domination began in August 1955, six months before independence, when a battalion of southern soldiers in the town of Torit mutinied and fled with their weapons. Their protest escalated into a rebellion which resulted in a civil war that was to rage intermittently for over half a century.

The initial conflict, secessionist in its objective, lasted until 1972 and ended in a compromise – the Addis Ababa Agreement – that granted the South regional autonomy and ushered in a precarious decade of peace. Its subsequent unilateral abrogation by the government led by Gaafar Nimeiri – the military strongman who ironically had made it possible in the first place – led to the resumption of hostilities in 1983. Southerners were incensed by Nimeiri's embracing of Islamism, his redrawing of North-South borders to incorporate southern oilfields and plans to construct

the mammoth Jonglei Canal to divert the waters of the Sudd (the White Nile's vast floodplain) and channel its waters northwards for irrigation.

Garang's vision

In 1983 Dr John Garang de Mabior founded the Southern-based Sudan People's Liberation Movement and Army. The SPLM/A's stated objective was not secession but the creation of a restructured New Sudan, in which there would be no discrimination on the bases of race, ethnicity, culture, religion or gender.

Garang's vision of the New Sudan was initially not understood, far less supported, in the North and the South and even within his movement. For southerners, who overwhelmingly preferred separation, it was incongruent with their aspirations, and in any case was utopian, since the North could never allow it. For the North, it was arrogant and, at best, naïve. The fighting men and women in the South took it as a clever ploy to allay the fears of those opposed to separation within Sudan, the international community and the Organisation of African Unity (later the African Union). Their attitude was reflected in the Dinka saying popular among fighters: "*Ke tharku, angicku*," "What we are fighting for, we know." While Garang was talking the language of a united Sudan, they were fighting for secession.

Central to Garang's philosophy was the conviction that the dichotomy between the Arab-Islamic North and the African South is largely fictional. While the North has been labelled Arab, even those who can trace their genealogy to Arab origins are a hybrid of Arab and African races and even their culture is an Afro-Arab mix. Significant portions of the country in the Nuba and Ingassana or Funj areas bordering the South are as African as any further south in the continent. The Beja in the Eastern part of the country are also indigenously Sudanese. The Fur and several other ethnic groups in Darfur to the far west are black African. And, in

most cases, these non-Arab pockets of the North, though predominantly adherents of Africanised Islam, have been almost as marginalised as the people of the South. The vision of the New Sudan therefore promised to liberate all these people and to create a country of genuine pluralism and equality, with a greater influence for the previously marginalised African groups.

Over time Garang's constructive approach neutralised those opposed to secession in the North, Africa and the world, and rallied support for justice in a reconstructed Sudan. Garang incrementally challenged the whole country with the prospects of a nation enriched, rather than ravished, by its racial, ethnic, religious and cultural diversity. His dream began to appeal to those non-Arab groups that had been subsumed under the Arab-Islamic umbrella and, eventually, even to northern liberals as many began to question their assumed 'Arab' identity. This national identity 'renaissance' began to challenge the dominant Arab-Islamic establishment. The reaction of the establishment throughout the 1990s was to adopt a radical offensive posture that fuelled Islamic fundamentalism and led to a sharp deterioration in Sudan's relations

with the international community. Islam, rather than Arab race or culture, was their only weapon for mobilising the Northern majority.

CPA and Addis Ababa

The Addis Ababa Agreement gave southerners a corner of the country within which to exercise a limited degree of autonomy while major national and international issues were left to be determined by the centre. The agreement did not provide the South with a financial base and southern ministers remained dependent on the goodwill of central government and President Nimeiri for revenues.

However, the agreement was significant in that it gave interim recognition to Sudan's ethnic, cultural and religious diversity while opening channels of interaction and mutual influence that would, over time, allow for the evolution of an integrative national unity. That identity would no longer emphasise the divisive elements but would instead highlight that which, though unrecognised, is in common, as the basis for mutual self-identification as Sudanese. In many ways, the Addis Ababa Agreement was a major achievement but also a phase of a

work in progress. Its main shortcoming was the asymmetrical relationship between the North and the South which would have facilitated gradual assimilation of the South by the North rather than equitable integration that would make diversity a source of enrichment.

On 9 January 2005, the Government of the Sudan (GoS) and the SPLM/A signed the Comprehensive Peace Agreement (CPA). The CPA has brought peace between the North and the South and the neighbouring regions of the Nuba Mountains and Southern Blue Nile. The CPA gives the South the right to secede through a referendum to be exercised after a six-year interim period and stipulates that unity be made an attractive option during the interim period. It also offers the Nuba Mountains and Southern Blue Nile significant regional autonomy. To a significant extent, the CPA ensures a more symmetrical or equitable relation between the North and the South than was available under the Addis Ababa Agreement.

The South now has its own government. The Government of South Sudan (GoSS) is fully independent of northern interference, has its own army, its own resource base, access to oil

SPLM/A Leader John Garang and Sudanese Vice-President Ali Osman Taha during peace talks in Kenya.





revenues and control of its own branch of the National Bank, which, unlike its northern counterpart, will adhere to conventional – rather than Islamic – banking principles. Sudan is to have a national foreign policy which will allow the South to develop bilateral relations with international trade and development partners. In the Government of National Unity announced in September 2005, the SPLM and other southern representatives have ministerial power within an arrangement set out in the CPA which gives the ruling National Congress Party 52% of the places, the SPLM 28%, other northern parties 14% and other southern parties 6%. In order to maintain agreed quotas and reflect Sudan's ethnic and political balance, several ministries will be represented by a minister and a state minister.

This complex framework has been threatened by Garang's sudden death in a helicopter crash on 30 July 2005. He had led the SPLM/A for 22 years and, together with First Vice-President, Ali Osman Mohamed Taha, had been pivotal in the negotiations that led to the CPA. He had been sworn in as First Vice-President and President of Southern Sudan only three weeks previously. His death sent shock waves throughout the Sudan and devastated the millions of southerners who saw him as a redeemer.

The SPLM/A acted promptly by electing Garang's deputy, Salva Kiir Mayardit, to succeed him as Chairman of the SPLM, Commander-in-Chief of the SPLA and President of Southern Sudan. In the spirit of the CPA, President Omar Hassan

Al-Bashir endorsed Salva Kiir as the First Vice-President of the Republic. While leaders in the North and South committed themselves to pursuing Garang's vision of a New Sudan, many fear that Garang's death has left a vacuum. Sudan has been deprived of a man poised to address the country's myriad crises, to bring to the East and Darfur the skills to facilitate peace and reconciliation he had displayed in his native South.

Given the fact that this is a peace accord between opposite poles of an acutely divided country, it remains to be seen whether this much-needed peace will be sustainable. Several other regions of the country – foremost among them Darfur in the West and the Beja region in the East – are still up in arms against the Arab centre. Though Muslim and Arabised in varying degrees, they now see themselves as non-Arab, marginalised and discriminated against on racial grounds. While marginalised groups in Kordofan, including those who have been generally labelled as 'Arab' though reflecting strong African features and cultural characteristics, still identify with the Arab centre, dissident voices are complaining about their marginalisation. Even the Nubians of the North, in recent generations close to Egypt and the Arab world, are reviving their pride in their ancient Nubian civilisation and disavowing the Arab label.

Sudan poised at critical juncture

The forces favouring unity within the Sudan, and in the region and the

international community, hope that unity will be made attractive to the South during the interim period. As the non-Arab peripheries challenge the status quo, the country is called upon to transform itself and start constructing an inclusive framework of national identity in which all Sudanese would find a sense of belonging as equal citizens. The choice for the Arab centre is to play a positive role in the equitable reconstruction of the country. Given the genocidal nature of identity conflicts, the international community will continue to be needed not only to fill the vacuum of national responsibility and to provide humanitarian assistance and protection to the civilian population but also to promote the cause of a just and comprehensive peace, the only credible and viable means of preventing genocide.

The millions of people who acclaimed Garang on his triumphant return to Khartoum to be sworn in as First Vice-President were not only southerners but people from around the country. Garang's vision had captured the imagination of the nation and had become a spectacular success. Even opponents grudgingly went along with the waves of change.

Garang raised the South and the Sudan as a whole to heights previously never conceived. Will those to whom he has passed the baton – northerners and southerners – allow the nation to fall from those heights? Or will they come together and join with those who opposed Garang to pursue this vision that will give all stakeholders their rights, whether their preference be partition or the unity of the nation? In six years time southerners have the right to decide to secede or remain in a united Sudan. The North and Sudan's international friends have been presented with an historic opportunity to make unity attractive to the South.

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Joint Assessment Mission provides road-map for peace

by Jon Bennett

The Joint Assessment Mission (JAM) for Sudan has broken new ground in post-conflict planning by working with key local and international actors to develop a strategic vision for reconstruction and recovery.

“Sudan is at a critical juncture.” This is the opening sentence of the Framework for Sustained Peace, Development and Poverty Eradication, the document presented to donors earlier this year as an outcome of the Joint Assessment Mission. The January 2005 Comprehensive Peace Agreement (CPA)¹ formally ended war between the Khartoum government and the insurgent Sudan People’s Liberation Movement (SPLM).

The CPA was the culmination of a process primarily fostered by the Intergovernmental Authority on Development (IGAD), a seven-country regional development organisation.² IGAD brokered the talks which in July 2002 led to the signing by the Government of Sudan (GoS) and the SPLM of the Machakos Protocol.³

In July 2005, six months after the signing of the CPA, a new Government of National Unity was sworn in, though it took another two months for ministers to be named. The shock of the death some three weeks later of John Garang, Sudan’s first Vice-President and founder and leader of the SPLM, might have created a major setback but this was not the case. The government includes 30% representation from the SPLM. For the first time southern Sudan has its own government the (Government of Southern Sudan – GoSS) and there is agreement on how to share the country’s growing oil wealth. Sudan now not only has to overcome the huge social and economic challenges of a ‘failed state’ but also the political challenge of proving the viability of a unified nation. The alternative, after a six-year Interim Period culminating in a referendum to decide the future of southern Sudan, could be Sudan’s dissolution into two separate states. With stakes this high, the JAM was always going to be more than simply a technical exercise. It was certainly not a traditional needs assessment

but rather an inclusive exercise in strategic ‘vision’ planning for a country with huge potential, yet torn apart by political, social and economic inequality. Consolidating a still-tenuous peace requires a rapid and visible redress of the underlying structural causes of conflict and underdevelopment. Redistribution of wealth must be accompanied by an overhaul of the governance apparatus. Without these issues very firmly on the table, neither the donor community nor the domestic audience was going to take seriously the blueprint presented in the JAM.

The peculiarity of Sudan is that it is now poised – thanks to its newly acquired oil wealth – to become one of Africa’s richest countries while simultaneously having some of the continent’s worst human development indicators.⁴ Thus, the whole thrust of the JAM was not to raise external aid (though this is important in the early post-war years) but rather to redress the imbalances of wealth through a fundamental restructuring of the economy and political landscape of the country. The measure of success would be in placing Sudan firmly on the road to achieving the Millennium Development Goals (MDGs).

As global uncertainties continue to push up oil prices the GoS’s revenues will continue to increase. However, unless the absorptive capacity of the GoSS to handle revenues is quickly increased, and unless accountable and transparent governance is developed, oil revenues could – as has happened in Angola and other post-conflict states – result in corruption and the entrenchment of unaccountable elites.

Immediate needs

The JAM covers the six-year Interim Period, with a focus on the critical ‘first phase’ (2005-07), and on the

poorest, most disadvantaged parts of the country – in particular southern Sudan and the contested states of Southern Kordofan, Blue Nile and Abyei (known as the Transitional or Three Areas). Two thirds of the initial recovery costs presented in the JAM are to be met from domestic (mostly oil) resources, with only one third from international donors.

Key immediate necessities include security, reconciliation and peace building, meeting food security requirements and enabling the sustainable return of displaced persons. This requires the establishment of basic structures and institutions of participatory governance and respect for human rights. Access to land is an immediate issue and, in the medium term, marketing reforms are needed, alongside a reorientation of resources from the military towards investment in productive sectors (traditional agriculture, livestock and the private sector), social services and infrastructure in long-disadvantaged parts of the country. Key to this will be shifting national wealth towards state and local governments while building their capacity to deliver basic services.

Southern Sudan is starting from a much lower level in terms of institutional capacity and socio-economic development. Key education and health indicators, such as child and maternal mortality and primary enrolment, are among the worst in the world. Infrastructure is virtually non-existent, with no paved roads outside the main urban centres. A civil service and structures for service delivery must be created essentially from scratch. The strategy in the South is to promote rural development through emphasis on basic infrastructure to support intraregional, North-South and international trade linkages, agricultural productivity and expanded access to basic social services, especially education. Through the CPA the GoSS will have access to substantial domestically generated revenue but additional resources will be needed, particularly for technical assistance and humanitarian needs.

Any lasting peace depends on a durable solution for the millions of IDPs and refugees who have languished, in some cases for a whole generation, in camps and urban areas. Of the country's estimated six million IDPs, at least four million have been displaced by the war in the South. It is expected that, although most will return, as many as a third of those based in or around Khartoum will remain. So far, some 200,000 IDPs and refugees have returned to southern Sudan and the Three Areas, adding to the more than 500,000 who returned in 2004.

– played a central role in the war between North and South. Situated on the frontline of the civil war, they are at the heart of national and local contests over resources, particularly water, land and oil. The Three Areas have a population of around 3.9 million, of whom 30% live in areas controlled by the SPLM. Due to their geographical position 30% of the population of the region have been displaced – around 75% of the inhabitants of Abyei have fled the area or are displaced within the state. The Three Areas will see a large inflow of returnees and serve as major transit routes for returning populations

Protocols agreed between the Government of Sudan and the SPLM recognise the special status of the Three Areas but leave many questions unresolved. In Abyei there are provisions for a referendum on whether to remain part of the North or join the South. Southern Kordofan and Blue Nile have special autonomy and will make submissions to the Presidency of the Government of National Unity on how to implement the CPA in the region.

Food security in the Three Areas remains fragile and land ownership highly inequitable. Existing tensions between pastoralist and farmers over the use of natural resources have been exacerbated by the spread of large-scale mechanised farming and oil exploration. The return of IDPs and refugees is likely to result in increased conflict over access to ancestral land. The presence or fear of mines continues to be an obstacle to productive use of land in some areas, while other areas suffer from over-usage due to the returning population.

Levels of access to safe drinking water, improved sanitation and health services are low. Maternal mortality ratio (MMR) is estimated at 582 deaths per 100,000 live births, one of the highest in Sudan. Although overall there is more poverty and fewer services in the SPLM areas, there are marginalised groups in all parts of the transitional belt whose needs must be understood. The physical isolation of the SPLM-controlled part of Abyei and of Southern Blue Nile leads to shortages, or extremely high prices, for many goods.

JAM as a process

Sudan's JAM exercise was unprecedented in duration, scope and complexity. Initially planned as an 11-week intensive process, it ended up running for 15 months and turned into a unique post-conflict needs assessment. At the outset national teams were inadequately prepared, particularly in the South where it took six months to develop a viable SPLM team. Time was needed to build consensus among a huge diversity of stakeholders – IGAD, the UN, the World Bank, proto-governmental, civil society, NGOs, bilateral donors and aid agencies. Building trust between and within the national parties involved months of dialogue.

The delay in augmenting the Machakos Protocol with a formal peace agreement was unexpected. However, once it became clear that talks in the Kenyan town of Naivasha had reached an impasse, and the CPA would not be signed in early 2004 as intended, the Core Coordination Group (CCG) of JAM recognised the need for a preparatory phase to build capacity and broaden understanding of the JAM's aims and objectives. The risk of fatigue was outweighed by the opportunity to reflect and possibly influence the peace process by concentrating on a strategic planning process that looked beyond the negotiation difficulties. The level of participation from the parties and from the wider international community was unprecedented in recent post-conflict needs assessments.

Personnel and capacity constraints in the SPLM became evident as individuals assigned to the JAM were also involved in Naivasha. In Khartoum the GoS team struggled to raise enthusiasm for the process. Although much of the technical work of the JAM could be done, protracted security and implementation discussions in Naivasha inevitably led to further delays. Fortunately the signing of protocols in June 2004 lifted the JAM beyond rhetorical promise and provided a political and institutional framework that paved the way for intensive and productive dialogue. It allowed the convening of a joint GoS/SPLM workshop in Nairobi at which for the first time both sides agreed on the conceptual framework of the JAM. The outline of the final report was agreed, along with an understanding that:

Any lasting peace depends on a durable solution for the millions of IDPs and refugees

The UN programme, supported by NGOs and a joint GoS/SPLM Sustainable Returns Team, is based on several key priorities:

- prevent and ameliorate the effects of demolitions and other actions which could lead to coerced movement
- address gaps in coverage according to general vulnerability criteria in order to ensure that IDPs at least have the same living standards as host populations
- ensure that IDPs have access to existing services
- ensure that the displaced can make informed decisions through the provision of information, legal advice and counselling.

The revised 2005 UN Work Plan⁵ includes provisions to: (a) ensure that returnees have minimum humanitarian assistance through dispersal centres for the first phase of return to avoid additional burden on receiving communities; and (b) strengthen basic services in the communities of return, ensuring that current levels of per capita services for residents are maintained. Aid workers are to be properly trained on general protection matters to adequately report and seek redress for protection concerns encountered while implementing assistance. To the extent practicable, host populations will also be included in needs assessment and programme design.

The Three Areas

Abyei, Blue Nile State and Southern Kordofan/Nuba Mountains – known as the Transitional or Three Areas

- needs would be disaggregated into four categories covering the Government of National Unity, South, northern states and the Three Areas.
- JAM interventions would start concurrently with the six-year Interim Period, while other instruments would meet existing and emergency needs.
- missions would be undertaken in the Three Areas with efforts made to instruct local authorities of cross-line movements by JAM teams.

The work of the JAM was organised into nine cluster groups⁶ which provided reference and consultation for visiting missions and were directly consulted over the final reports. They were open to any donor/NGO/UN agency with relevant skills. The arrangement was more effective in the South, perhaps due to a greater cohesion among operational agencies, the personal commitment of the deputy RC/HC and the presence of a greater number of development (as opposed to purely humanitarian) agencies.

The JAM has helped to:

- build capacity in southern Sudan and aid the birth of the new state apparatus
- prepare key stakeholders in the North for relinquishing some responsibilities under the agreed 'one country, two systems'
- re-shape governance structures by emphasising the need for decentralised government and fiscal reallocations within a federal state – thus translating the

- political, and sometimes ambiguous, elements of the Naivasha Protocols into concrete proposals
- develop a set of common objectives as a basis for a Poverty Eradication Strategy
- develop 'urgent needs' programmes, particularly relating to the return of IDPs and refugees
- lay the groundwork for two multi-donor trust funds (one for the North, one for the South) for the receipt of external development funding.

The JAM's CCG has now been replaced by the Joint National Transition Team (JNTT), a Sudanese-led body with international observers (donors, UN, World Bank) invited to attend. At the Oslo Donors Conference on Sudan in April 2005 the JNTT's presentation of the country's development priorities marked the first time that the parties to the CPA presented a unified proposal to the international community. The JNTT is now using the cluster reports as a basis for reshaping the programmatic outline provided by the JAM into firm project proposals for submission to national authorities and the Multi-Donor Trust Funds [see p23].

The realpolitik of needs assessment

In the closing stages of the JAM, some concern was expressed by international observers that human rights were not given sufficient prominence. Concern at atrocities in Darfur and the legacy of the many human rights violations perpetrated by all protagonists during the North/South war led some advocates

to argue for strong conditionality within the JAM appeal. It was necessary to make some compromises over language, removing the more accusatory phrases from cluster reports drafted by internationals. This was particularly so for Cluster 2 (Governance). The GoS argued that it would be difficult to sell the JAM to its own constituency if such language remained. The major sticking point was over the historical analysis of 'marginalisation' of certain ethnic, religious or geographical populations. The SPLM felt that this lay at the very heart of the peace agreement; the GoS wished to confine such an analysis to historical interpretation.

No process is ever perfect, and there are still rumblings of discontent from those allegedly 'excluded' from the JAM dialogue. Certainly, the omission of Darfur and the political expediency of having only the SPLM and GoS as main interlocutors limited the scope of the document. But the JAM was, first and foremost, a declaration of intent and commitment by those forming the new government(s). It contains measurable benchmarks – a check list of indicators for each six months until the end of 2007. This, more than anything, has convinced the international community of its ultimate worth. A great deal of work is needed to put more flesh on the skeleton of Sudan's recovery but the JAM has started the process.

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UN Secretary-General Kofi Annan listens to tribal leaders in Sudan.

1. www.reliefweb.int/rw/rwb.nsf/db900SID/EVTU-6AZBDB?OpenDocument
2. www.igad.org
3. www.usip.org/library/pa/sudan/sudan_machakos07202002_toc.html
4. Sudan is ranked 139th in UNDP's 2004 Human Development Report. At \$1,820 pa, Sudan's per capita GDP is more than double that of most other conflict-affected states in Africa. http://hdr.undp.org/statistics/data/country_fact_sheets/cty_fs_SDN.html
5. <http://ochaonline.un.org/cap2005/webpage.asp?MenuID=6282&Page=1217>
6. Institutional Development and Capacity Building; Governance/Rule of Law; Economic Policy and Management; Productive Sectors; Basic Social Services; Infrastructure; Livelihoods and Social Protection; and Information.



Reflections on making peace

In an interview in Khartoum, Dr Taj es-Sir Mahjoub, co-leader of the Government of Sudan's Core Team during the peace negotiations and former State Minister at the Ministry of Labour and Administrative Reform, spoke about the JAM with Dr Christoph T Jaeger, recruited by UNDP to lead JAM's Cluster 2 (Governance and the Rule of Law).

Christoph Jaeger: *Compared to previous JAM exercises in Liberia or Iraq, the Sudan JAM lasted a long time. Could the process have been shortened?*

Taj es-Sir: We insisted JAM should start before the finalisation of the peace negotiations, because we were sure that we would successfully conclude the peace negotiations and needed time to produce a thorough piece of work to which the international community would respond positively.

Christoph Jaeger: *Cluster 2 was the only one without a World Bank Co-Leader. Much of what would normally be considered as governance subjects – especially decentralisation issues – was instead dealt with by the World Bank-oriented Cluster 1. Was this separation of issues into two quite different Clusters a good idea?*

Taj es-Sir: We considered Cluster 2 as the supporting pillar for all Clusters and a critical cross-cutting issue. That is why we gave it more attention. I was happy with the separation of the two clusters but I hoped for more coordination because you can hardly have good governance without dealing also with issues such as legal and constitutional affairs or decentralised government.

Christoph Jaeger: *For three years you were part of the government negotiation team during the Machakos/Naivasha peace process. Was working with the SPLM in the JAM process different from the previous negotiations?*

Taj es-Sir: The engagement of both parties in the JAM process greatly contributed to the successful conclusion of the peace agreement. In the peace negotiations, emotions were

high, which sometimes adversely affected rational thinking, whereas the JAM engagements were very objective in jointly dealing with common issues. I personally enjoyed the JAM exercise because it provided me with an opportunity to create rapport with the SPLM participants and our international partners. It also provided us with an opportunity to analyse our common denominators, to air our points of difference and manage them effectively and professionally. JAM provided us with opportunities to identify the needs of the whole of Sudan by working together and this is one very important step towards eventually achieving national unity.

Christoph Jaeger: *How has JAM affected the prospects of future collaboration and cohabitation of the two parties within the national government to be formed in mid-July 2005?*

Taj es-Sir: I think the JAM process will have a positive influence on the future collaboration and cohabitation of the two parties because it provides a thorough strategic plan for the six years of the Interim Period. This will make it easier for the two parties to work together in the prospective national government. It started out with the joint presentation of the outcome in Oslo and also in the joint visits to some countries as an indication that we see eye-to-eye on our requirements for recovery and reconstruction.

Christoph Jaeger: *According to the Machakos Protocol, the peace process after the conclusion of the CPA should be inclusive of all political forces and civil society. Do you feel that civil society was sufficiently involved, that all Sudanese have a sense of ownership of the JAM report and that they know the results of the Oslo Conference?*

Taj es-Sir: Civil society was involved. We conducted a number of sessions for civil society organisations and political parties, which did create ownership of the JAM exercise. We even went further by including several civil society representatives in the national teams and in some of the joint workshops. We launched a number of programmes in the form of open fora to disseminate the results of the Oslo conference and to inform the public about it via the media. In addition the conference itself was attended by civil society members and the press people who did publicise the outcome of the Oslo conference. I think one unique aspect of the Sudan JAM, which makes it different from all the other JAMs, is the inclusion of the civil society organisations in all the activities from the preparatory phase up to the conference itself. Two days prior to the Oslo conference two workshops were convened in Oslo, one for civil society organisations and one for women. We definitely need to publicise JAM and Oslo more and are in the process of doing so – including via the pages of FMR.

Christoph Jaeger: *The topics related to Cluster 2 were politically sensitive. Human rights, the functioning of the judiciary and the legal administration, the role of law enforcement agencies and the independence of the press are issues on which the international community has disagreed with the government. The language used by many of the original drafters was often considered unacceptable to the government but a watered down presentation may have failed to provide the impact needed for the Oslo Donors Conference. Are you satisfied with the result and the edited version of the cluster report?*

Taj es-Sir: We do not agree with those observers who thought that Cluster 2 issues were sensitive. The themes in Cluster 2 – the role of the judiciary and law enforcement agencies etc – are topics that we ourselves are concerned with. The language was watered down not because the government considered it unacceptable but in order to make it culturally acceptable – something which people often find difficult to

understand. I think the final report submitted did describe correctly and sufficiently the issues mentioned above. If you look at the monitoring matrix you will see that all these issues are very sufficiently addressed. The peace agreement talks about these same issues and people are now in the process of putting them into the proper Sudanese context.

Christoph Jaeger: *A key issue which must be addressed to make peace sustainable is reintegration and return of IDPs and refugees. Clusters 2 and 7 (Livelihood and Social Protection) primarily addressed this issue. Do you think that the fact that the international teams of the two Clusters had practically no contacts and relations with each other have had a negative impact? Have IDP and refugee issues received sufficient attention?*

Taj es-Sir: The issue of IDPs and refugees has been extensively covered particularly in Cluster 7 and most of the issues concerning the IDPs and the return of the refugees have been

given due consideration. In the infrastructure cluster we emphasised the urgent needs for priority attention to improving rail and river transport to ensure the smooth return of IDPs.

Christoph Jaeger: *In Oslo donors pledged some \$4.5bn. Did this amount surprise you? Do you expect pledges to be honoured? Does Sudan, particularly the South, have the absorptive capacity to utilise these funds in an effective and efficient manner?*

Taj es-Sir: I was not surprised with the result of the pledges because we had done our homework and presented a convincing report. We feel that the international community is genuinely committed to ending the longest running war in Africa. I think we have a reasonably good absorptive capacity. Capacity building was the task of one of the JAM Clusters. We were encouraged by the fact that the World Bank approved support from the LICUS (Low Income Country Under Stress) fund even before the conclusion of the peace agreement

in order to ensure timely building of capacity.

Christoph Jaeger: *The Sudanese people and the international community are expecting reforms, especially in the areas dealt with under Cluster 2, in order to give Sudan a chance to stay united during the forthcoming Interim Period. Will these reforms be implemented?*

Taj es-Sir: I assure you that there is sufficient political will to face the monumental tasks ahead of us. Necessary reforms needed, which are included in the monitoring matrix of the Oslo document, will be implemented because we are interested in achieving sustainable peace and creating the necessary groundwork for the future development of the country. We will convince our international partners that we are up to the challenge.

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The role of the international community

by Gunnar M Sørbø

The Comprehensive Peace Agreement represents a major opportunity for positive change and sustainable peace in Sudan. History shows, however, that the potential for peace breaking down is great. Continued engagement of the international community could prove crucial.

Outbreaks of war and violence have followed the failure of peace agreements in several African countries, leading to high death tolls, enormous human suffering and great destruction. The lack of sustained and coordinated international engagement has been a significant contributory factor in these cases. The importance of the international community's role must not be ignored in Sudan's transition to peace.

Steps towards peace

Firstly, donors must honour the pledges made to support the Sudan peace process. The Oslo donor

conference in April 2005 generated substantial commitments of \$4.5bn but such gatherings have a track record of disbursing smaller sums than promised over a far longer time period than initially expected. Donors have made clear their discomfort at releasing funds while violence persists in Darfur and already there have been problems in securing funds for humanitarian needs in southern Sudan. The rudimentary capabilities of the government in the South will also make it difficult to meet donor requirements for transparency and efficiency in use of funds. This seems likely to lead to a slow take-off for the new post-war era – a dangerous situation given the

far-reaching political challenges to be faced and the high expectations that the government and the SPLM have built up since the CPA was signed.

Secondly, international assistance must be sufficiently coordinated. Coordination is often complicated, however, by the fact that several large agencies tend to be involved in various aspects as well as by the presence of different actors in the UN system and numerous NGOs financed bilaterally through donors. In Afghanistan, donors and aid agencies acknowledged the importance of having a distinct coordination structure that initially was located in the office of the deputy Special Representative of the Secretary-General (SRSG). Without budgetary and staffing power over the agencies, however, the SRSG had little capacity to facilitate coordination – and the international financial institutions were furthermore outside his formal



Jan Pronk, UN Secretary-General's Special Representative for Sudan, with African Union troops in Nyala, Darfur.

authority. As a result, coordination followed the usual voluntary format. In an innovative move, the formal responsibility for coordination was subsequently taken over by the Afghan authorities.

Strategic coordination – as distinct from tactical coordination of programmes – entails the streamlining of the policy interests of external actors. Though emerging consensus among the major actors on what constitutes principles of good governance has improved prospects of coordination, divisions remain. In Rwanda, donors were deeply divided over how far they could morally put pressure on the post-genocide government on any governance issue. In Afghanistan, donors are divided on how far to promote human rights and democracy lest they endanger stability. And in the Balkans, Cambodia and Afghanistan, important external actors have diverging interests and priorities. The 'war on terror' has further divided US and European actors on matters of when and how to introduce governance measures in the only two post-9/11 cases so far – Afghanistan and Iraq. There have also been serious divisions among members of the UN Security Council on how to deal with the crisis in Darfur.

The UN Mission in Sudan (UNMIS)¹, led by SRSG Jan Pronk, is expected to play a key role in peace implementation but there are questions regard-

ing the possible limitations of a unified mission approach under the current UN structure. Still, a coordinated approach will be crucial and, if UNMIS proves insufficient, it may be bolstered by coordination mechanisms whereby actors are required to work within a common operational framework. Experience shows that this is easier to achieve if there is a continuity of key actors (from negotiating stage through implementation stage) and/or if there are groups of 'Friends' to act as a significant source of strategic coordination among bilateral actors and a means by which the SRSG or others may bolster their authority and powers of coordination.

Thirdly, it must be recognised that the reality of peacebuilding and reconstruction in Sudan, as elsewhere, lies in power and politics. Outsiders must be sensitive and not push ahead of the local political dynamics. Even an effective disarmament, demobilisation and reintegration programme requires deep up-to-date knowledge of the political context and its dynamics. Sudan's developmental prospects will depend in large measure on what coalition of interest groups succeeds in dominating the peace and whether this coalition supports progressive economic and social development.

It is generally agreed that the international community has made progress in recent years in its capacity to plan and implement the emergency phase of a peace mission. However, there has been a focus on crisis rather than long-term development and insufficient attention to building capacity. Such weaknesses will need to be minimised or eliminated if peace is to be successfully implemented in Sudan.

In order to develop effective strategies for ending Sudan's various conflicts, one must first understand their complex dynamics and the various interests involved in perpetuating them.

Most importantly, success will primarily depend on the Sudanese themselves assuming major responsibility for the implementation of the CPA, coordination and aid management. The international community must not be seen as interfering too much in policy making and

inappropriate aid can fuel war and erode rather than enhance local capacity

day-to-day activities. Appropriate aid can help build peace but inappropriate aid can fuel war and erode rather than enhance local capacity. Coordination, therefore, is not just for external actors to achieve but also for the host government to manage. Sudan must truly 'own' the process. There must be a progressive transfer of technical and political management of aid. This will take time, particularly in the south, and will require great sensitivity and awareness on the part of all those involved in bringing peace to Sudan, Africa's largest and still divided country.

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1. www.un.org/Depts/dpko/missions/unmis/

Sudan Research Guide

See www.forcedmigration.org/guides/fmo040/ for new Forced Migration Online Research Guide on Sudan.

The Comprehensive Peace Agreement: will it also be dishonoured?

by Luka Biong Deng

The CPA offers a unique opportunity to resolve one of Africa's most complicated and protracted civil wars and provide a new basis for national unity based on the free will of the Sudanese people. Will the CPA be sustained? Can it survive threats from Islamic extremists and the impact of the untimely death of Dr John Garang?

The state of Sudan was arbitrarily created by colonialists without regard to the views of the concerned communities, particularly the people of southern Sudan. The way the northern ruling elite rushed Sudan to independence via a unilateral declaration not based on national consensus explains the fragility of nation building in the Sudan. Since independence in 1956, Sudan has been at war with itself. Major conflicts (1955-1972 and 1982-2005) have led to the deaths of over two million people and massive displacement. Lack of consensus about the root causes of the recurrent internal wars largely explains why many peace agreements have been dishonoured or not sustained. While northern Sudanese, particularly the ruling elite, perceive civil war as a southern problem caused by sinister international interference, most southerners see the causes as rooted in ethnicity and religion.

Urban bias and highly centralised regimes favouring populations living around the capital city and central Sudan are a legacy of colonialism. While the British sought to modernise the economy and build infrastructures in the North, they entrusted Christian missionaries to provide moral guidance in the South, an attribute judged to be needed more than economic development. The socio-economic disparity created by lack of rural development during colonial rule widened after independence. Profound socio-economic disparity generated the sense of frustration and injustice that eventually led people in the South to resort to armed struggle.

Popular perceptions about the CPA are positive. A series of focus group interviews conducted towards the end of 2004 by the National Democratic Institute and the New Sudan Centre for Statistics and Evaluation indicated overwhelming support for the CPA and confidence that the SPLM has negotiated a fair deal.¹ However, those who took part are concerned about the future of the peace as the SPLM has not decisively won the war. All southern Sudanese are aware of how previous peace agreements (Addis Ababa, 1972 and Khartoum, 1992) were unilaterally abrogated by the central government in Khartoum. The precarious state of peace was summarised by a war widow who noted during a discussion that: "This peace of ours is like a sick man in the hospital. You don't want to say for sure that he is going to be coming home because, as long as he is in the hospital and sick, he still might die."

The sustainability of peace will significantly hinge on stability in the transitional areas of Abyei, Nuba Mountains, Blue Nile (the Three Areas), Eastern Sudan and Darfur, areas inhabited by the most marginalised rural Sudanese. Implementation of the protocols for Nuba Mountains and Blue Nile will be a litmus test for the overall implementation of the CPA in the other war-affected areas of the Sudan such as Darfur and Eastern Sudan.

The most likely spoilers of the CPA are extremists frustrated that the CPA limits their agenda to expand Islamic and Arab influence into southern Sudan and beyond. After

the arrival of the SPLM advance team in Khartoum for the first time in mid 2005, a group calling themselves the Legal Association of Muslims Scholars issued a *fatwa* labelling the SPLM and its supporters as infidels and called for *jihad* against their ideology of secularism.

CPA strengths

It took almost ten years to conclude the CPA, making it one of the longest and most meticulously negotiated peace agreements. Unlike previous peace agreements in the Sudan it was signed only after war-weary protagonists were convinced that military victory was not achievable. As such, the parties to the conflict concluded the CPA on a basis of parity, each recognising the political and military strength of the other side. Despite the unpopularity of the National Congress Party it was bold enough - unlike other northern political parties - to take the courageous political decision to accept southern Sudan's right to self-determination. The parity nature of the CPA is one of the inherent mechanisms that will undoubtedly contribute to the CPA's full implementation.

The CPA is also different from previous agreements as it:

- provides for devolution of government functions and powers - and fiscal revenue decentralisation - to allow people at appropriate levels to manage and direct their own affairs
- makes provision for a Bill of Rights, now enshrined in the new Interim National Constitution, which obliges all levels of government to respect, uphold and promote human rights and fundamental freedoms
- gives the people of southern Sudan their first opportunity to exercise the right of self-determination - a framework for ensuring that the unity of the Sudan

is based on the free will of its people

- has detailed implementation modalities (the 'Global Matrix') with measurable and scheduled mechanisms for effective monitoring
- allows for the development of solid constitutional institutions
- contains an agreement to create a new National Armed Forces consisting of the Sudan Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA) as separate, regular and non-partisan armed forces with a mission to defend constitutional order
- has detailed arrangements for revenue transfers, the lack of which was a key reason behind the collapse of the Addis Ababa Peace Agreement. The fact that the Government of Southern Sudan has been allocated 50% of net oil revenues generated from oil-fields in southern Sudan provides the key economic guarantee for effective implementation of the CPA.
- has a large body of institutional and national witnesses and defenders: the Intergovernmental Authority on Development (IGAD), the African Union, the European Union, the League of Arab States, the UN, Kenya, Uganda, Italy, the Netherlands, the UK and the USA have formally committed themselves to playing a part in making peace a reality.
- has provided the international community with a major role within the independent Assess-

ment and Evaluation Commission: the Commission's main function will be to carry out a mid-term evaluation of how the CPA is being implemented.

International commitment to rebuilding Sudan was confirmed by donor generosity during the Oslo conference in April 2005. The \$4.53bn they pledged actually exceeds the external humanitarian, recovery and development needs assessed by the Sudan Joint Assessment Mission - but is slightly less if non-JAM programmes such as Demobilisation, Disarmament and Reintegration (DDR) and UN peace-keeping operations are taken into account. If realised, these pledges will undoubtedly contribute to sustaining peace, development, eradication of extreme poverty and hunger and attainment of the Millennium Development Goals.

Likely repercussions of the death of John Garang

For many rural marginalised Sudanese, Dr John Garang, the SPLM founder and leader, was seen as their saviour and liberator, a beacon of their struggle and aspirations. Descriptions recorded during focus group interviews included: "He is like Jesus Christ"; "We consider Garang to be like Moses, who took his people away from Egypt"; "If John Garang could be cloned 100 times, things would be great." Dr John Garang was undoubtedly the only person who

could articulate and reconcile the overwhelming desire for the South to peacefully secede with his vision of giving unity a chance during the six-year Interim Period. If his tragic death encourages anti-New Sudan elements within the SPLM to speak out in favour of secession, the process of self-determination could be endangered. The new leaders of the SPLM may find it extremely difficult to make the vision of the New Sudan appealing to the people of southern Sudan.

Dr John Garang was seen as their saviour and liberator

The CPA should be acknowledged as a major achievement both for Sudan and for Africa. It offers a mechanism to resolve complex issues of diversity and identity and to set a new basis for consensual national unity based on the free will of the people. Those who worked so hard to achieve the CPA have attempted to meet most expectations and have given the people of rural Sudan a chance to be active participants in public affairs and decision making.

Because of its organic and external mechanisms, the CPA stands a better chance than any other previous peace agreement. Any dishonouring of its provisions would be tantamount to constitutional disorder and might force the people of southern Sudan to unilaterally declare their independence. It is to be hoped that the CPA will survive the untimely death of the SPLM Leader.

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1. www.accessdemocracy.org/library/1781_su_focus_122004.pdf

The Interim Legislative Council of southern Sudan, which brings together many former military and political adversaries, was officially inaugurated on 30 September in Juba, the southern Sudanese capital.



Developmental transformation and peace consolidation in southern Sudan

by Jeni Klugman and Emily Gosse Kallaur

Building the capacity of the Government of Southern Sudan (GoSS) is the latest challenge in the transformation of the Sudan People's Liberation Movement (SPLM) from rebel movement to governing partner.

Recognising the need to establish an administrative arm to govern the territory over which it had gained control, the SPLM set up the Civil Authority for the New Sudan (CANS) as early as 1996. While CANS has performed some typical government functions, the staff have not been paid regular salaries or given formal contracts of employment. Some are funded out of specific donor projects, while others have been supported by NGOs and, in some cases, by communities. Their lack of resources and equipment has meant that provision of public goods has been minimal. To date, much of southern Sudan's limited basic services has been provided by the UN-led Operation Lifeline Sudan, by externally-funded NGOs operating independently of the CANS and by groups of local citizens.

During the conflict, southern Sudan's economy languished under incredibly difficult constraints. In addition to basic insecurity and food shortages, there are no paved roads outside the major towns. Laying of land mines along key transit routes has left communities isolated and unable to market their goods. Bridges have collapsed and traditional trade links with neighbouring countries disrupted. In a region where per capita income is less than \$100, and access to basic social services amongst the lowest in the world, people's expectations for a tangible peace dividend are high. However, there is a need to move to capitalise on the window of opportunity to maximise the achievement of the Comprehensive Peace Agreement (CPA) and put the region on track to achieve the Millennium Development Goals.

The peace requires that the SPLM evolve from a liberation movement into a political organisation capable of leadership in a competitive and democratic context. It has to demonstrate that it can prepare for national elections and form legislative structures. Thus far, reforms necessitated by the CPA are behind schedule due to a range of factors, some related to capacity, others due to differences with the government in the North, with the situation made significantly more challenging with the death of First Vice-President, Dr John Garang de Mabior. Already in July 2005, the International Crisis Group report had challenged the SPLM to make good its promises to empower nascent civil institutions and noted that its lack of inclusiveness and transparent decision making had persisted.¹ ICG called on the GoSS to establish an anti-corruption commission (as planned), develop a code of conduct for officials and stop making deals with oil companies in violation of the spirit of the CPA.

While the SPLM has the political will to implement the CPA it is stymied by chronic lack of institutional capacity and structures, a grave danger at a time when unprecedented resources are poised to flow into its coffers. The SPLM has been operating on a budget of about \$10,000 per month but is expected to soon have a monthly budget in the tens of millions. While resources of this entirely different order of magnitude can be used to jumpstart development, effective utilisation of these resources means that development of a skilled and accountable public administration is a foremost priority. Without a cadre of people equipped to manage resources there are dangers of

cronyism or even return to conflict. In recognition of these risks, the SPLM worked with the Joint Assessment Mission to produce a timeline for step-by-step implementation of reforms and programmes. Development of monitoring and evaluation capacity and structures must be a priority.

Challenges ahead

In the SPLM-controlled South, the average citizen has had a mere year of schooling, in a context where only 7% of teachers have had formal training. The GoSS must rapidly staff its civil service yet many skilled workers are located in 'garrison towns' (those which remained under northern control during the civil war) and the return of skilled southerners from the North and the diaspora is far from assured.

An effective administration requires not only such physical infrastructure as office buildings and IT systems but, even more importantly, systems that put in place basic standards for recruitment of staff, procurement of goods and services, and management and auditing of public resources. Technical assistance to help meet these needs is planned and urgently required.

Decentralisation is a further challenge for a formerly top-down movement. The CPA envisions empowerment of regional and local administrations, many of which currently lack any capacity or resources. The GoSS is faced with difficult choices with respect to the roles and relative size of the centre and local governments and the nature of inter-governmental financial transfers.

Southern Sudan has vast forest and mineral resources, great potential in livestock and forestry and almost 50 million hectares of prime agricultural land but economic activity remains at a subsistence level. It

is estimated that less than 1% of land with agricultural potential is under cultivation, while at the same time food insecurity is chronic and widespread. Not only must the GoSS stimulate the southern economy by providing transport and other infrastructure to develop market towns but it needs to develop policies and regulations to attract private investment locally and from abroad, and to sustainably manage environmental resources.

Formal private sector capacity remains weak, making it likely that in the initial phases of the post-conflict era the GoSS will not have a strong domestic counterpart. International post-conflict experience shows that distortions can arise from a concentration of large numbers of civilian and military personnel who create economic enclaves in terms of

demand for goods and services. However, opportunities do exist, especially in view of the likelihood of a surge in construction and service activity. The GoSS needs to facilitate the growth of an effective and reliable commercial banking sector and to enable Sudanese businesses to access information about new opportunities.

At the local level, economic and service delivery challenges will be compounded by the huge expected influx of IDPs and refugees. Many will return to communities where informal mechanisms for coping with shocks have been exhausted, where access to safe water is limited, and where land has been tilled for years by those who remained behind. This will put pressure on mechanisms to resolve conflicts and heightens the urgency of reviewing customary laws and practices to integrate them into a judicial system that can simultaneously respect international human rights principles (particularly with respect to women) and recognise southern Sudan's rich traditions and diversity.

Fair and predictable legal and judicial structures and professional law enforcement agencies need to be developed. Currently policing is mostly carried out by former soldiers not trained in civilian law enforcement. A related challenge is the transformation of the Sudan People's Liberation Army (SPLA) from a guerrilla liberation army into a professional standing army as a component of Sudan's National Armed Forces.

Starting a new chapter

The successful signing of the CPA has brought Sudan to the cusp of a new chapter of its history, and the critical task for the Government of National Unity and the GoSS will be to lift the country into peace, security and sustainable development.

Accountability and transparency will be key. Southern Sudan's emerging civil society, assisted by the development of a vibrant independent media, will have a role in holding the GoSS to account and promoting reconciliation. The international community also has a responsibility to provide financial support to follow up on its commitments at the Oslo donors' conference and to help monitor the adherence of the GoSS, and the National Government, to its commitments. At the same time, donors must shift from providing crisis-focused humanitarian assistance to a modern partnership that recognises the importance of country ownership and works to reduce the burdens on the GoSS by harmonising reporting requirements, working as far as possible through such mechanisms as the Multi-Donor Trust Fund which pool resources. For the GoSS, creating positive results on the ground will largely depend on mobilising capacity, with the assistance of domestic and international partners, to tackle daunting institutional and economic challenges.

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The views expressed in this article are entirely those of the authors. They do not necessarily represent the view of the World Bank, its Executive Directors or the countries they represent.

1. www.crisisgroup.org/library/documents/af-rica/horn_of_africa/096_the_khartoum_splm_agreement_sudan_uncertain_peace.pdf See also pp25-27.

Sudanese women work to clear mines south of Yei.



Reflections on the Joint Assessment Mission

by Michael Kevane

The Joint Assessment Mission (JAM) Sudan was an open and consultative process – and has generated an impressive archive for students of post-war reconstruction – but has paid insufficient attention to justice and failed to offer a safety net for marginalised households.

The so-called Government of National Unity, the Government of South Sudan and donors are committed, under the budget for development spending presented by the JAM in May 2005, to spending just under \$8bn in the next two and a half years.

The budget is an interesting reflection of contemporary development thinking but also of continuing misplaced priorities. Building schools, health clinics and roads takes up the biggest chunk of the budget. When public expenditures suddenly soar, builders are the first beneficiaries. Land policy in southern Sudan is accorded \$200,000 but, bizarrely, \$48m is allocated to the region's media. So 240 times more will be spent on the media than on developing policies to avert the risk that land disputes will endanger peace. The budget doctors have allocated \$119m to the functioning of Sudan's central bank but a mere \$1.9m for mainstreaming gender into government policy and practice.

Why not give away the \$8bn?

When we consider that reconstruction spending is to target around 20 million marginalised Sudanese (of a total population of around 32

million) then you have spending of about \$160 per person. After subtracting modest bureaucratic, consultancy and other delivery costs, this amounts to an annual payment of \$150 for each poor person in Sudan for the next few years. Most poor people would undoubtedly prefer to receive such a sum as an income supplement rather than as a bundle of services. Why did the JAM authors assume that they could plan more wisely, and government counterparts in the GoS or SPLM could spend more effectively, than poor citizens in Bahr al-Ghazal or the Nuba Mountains or the Red Sea Hills? Why should we not trust Sudanese to make strategic and livelihoods-enhancing choices – a farmer to buy a younger and stronger donkey, parents to send their children to a better school, or a tea-seller to invest in another set of tea glasses?

It is disappointing that no consideration seems to have been given to an income support scheme, at the least for elderly women and families with school-age children. Numerous studies have shown that these programmes can be just as effective as government spending, and they have ripple effects throughout the private sector.

Education and roads are at the core of the JAM budget. One has to ask whether the private sector cannot manage education successfully, especially in the south where Christian missionaries and NGOs are more than willing to subsidise schooling. Everybody likes the

idea of building roads. But the poor, in Sudan and elsewhere, know that their benefits go disproportionately to the rich. No doubt they would rather have bicycles, yet bicycles merit no mention at all in the JAM documents. As Sudan rebuilds, there is a real danger that the smart and the rich will take advantage of public investment, while everyone else stays at the bottom of the well.

Another major, and related, shortcoming of the JAM budget is that it lacks any justice component. Those victimised by the perpetrators of the war are entitled to restitution. The summary report avoids blaming any current power-holders – either in Khartoum or the SPLA – for attacks on civilians, arming of proxy militia and human rights violations. Diplomatic whitewashing leaves a lingering impression that the only leader who bears any responsibility is Jaafar al-Numeiri, the military strongman ousted from power two decades ago. Sudan's civil war is instead presented as an almost inevitable bursting forth of local tensions arising from pressure on a diminishing resource base. The JAM's focus on local-level conflict implies that the poor – the pastoralists and the farmers who could not get along – were responsible for war and now need to be taught how to cooperate. And since they were the cause of the war, and nothing was taken from them, there needs to be no restitution.

Scholars involved with Sudan need to remind policy makers that income guarantee and restitution schemes, rather than state-led development, may be the preference of the poor. Such schemes may be more effective in alleviating poverty, generating growth and restoring justice.

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Women draw water from a borehole in Malualkeon, southern Sudan.



Standing up for the JAM partnerships

by Jeni Klugman and Maude Svensson

Sudan is a nation with enormous potential but where the poverty and living standards of many of the people are among the worst in the world. The level of public services and investment has been eroded over the decades of war and conflict. Neither public nor private investments have reached poor and marginalised areas of the country, fuelling conflict and further impoverishment.

The JAM process resulted in substantial commitments from senior policy makers to invest in human development and poverty eradication, especially in marginalised areas of Sudan. Ambitious but credible targets were set – including access to drinking water, girls in school, credit for small farmers and land mine removal. Successful development in the Sudan will have to be based on partnerships – most importantly, as Michael Kevane points out in the preceding article, those of the Sudanese people themselves – but solidly supported by well-functioning public sectors and by the international community.

The JAM vision rests on the notion of the importance of an efficient, accountable public sector. Mr Kevane may not like it but this is now recognised by development practitioners and such major agencies as the World Bank as critical to sustainable development. It is not misplaced thinking but based on lessons learned from decades of experience of failed development. The role of the state in providing public goods is arguably even more critical in a post-conflict setting – in which needs are many, social capital is eroded and the risk of a return to conflict is high. Robust and flexible institutional solutions are needed as creating ad hoc aid delivery mechanisms leaves the country no better equipped to handle future challenges and perpetuates dependency on international assistance. Public spending is no panacea but neither can private investment solve everything.

Prioritising needs is always a challenge. The UN has an extensive list of immediate needs for which financing is sought on an annual basis. However, the final JAM report focused on the long term and what is needed to meet the aspirations of the Sudanese in terms of rural development, education, health and water by building sustainable structures. Sudan will not be able to emulate the progress that nations like Tanzania or Mozambique are making towards the Millennium Development Goals as long as it lacks effective structures needed for modern development.

Making monetary tradeoffs among a host of competing priorities is, of course, always difficult and arouses controversy. Critics should note that the JAM budgeting process was comprehensive, used a bottom-up approach, employed well-researched costing methods and was based on 15 months of continuous dialogue between Sudanese partners and international experts. To clarify details on how much funding was allocated to a particular activity or sector within the eight Cluster teams and 20 JAM sub-sectors requires analysis of all the three Volumes, including the Result Matrices. Many areas of interest – like gender and conflict prevention – run across the Clusters, sub-sectors and geographical areas.

Those interested in analysing the JAM materials – all of which are online¹ – would find:

- There is a substantial allocation – equivalent to \$20 per person pa directly to local authorities in the South to meet local community needs. The vision of decentralisation enshrined in the CPA and the community-driven recovery approach emphasised in the JAM aim to permanently shift the locus of decision making.
- Restoring and strengthening justice and rule of law are prioritised. Such activities are set

out in Clusters 1, 2, and 7 and entail allocation of about 8-10% of total JAM funds. This indicates the importance attached to them as many of these activities are normally ‘software’ (capacity building, awareness raising, sensitisation etc) and thus considerably cheaper than such ‘hardware’ support as construction of roads and railways.

- There are major programmes to support women and girls throughout the report, including proposals for scholarships for every schoolgirl in southern Sudan. Within the judiciary, special funds are allocated for gender equity.
- The allocation for the Central Bank is primarily to promote the new currency. This is a practical measure to facilitate markets in the South (where the simultaneous circulation of several currencies inhibits trade) and to unify the country in accordance with the wealth sharing protocol, a key element of the CPA.

Consolidating a still-tenuous peace requires a rapid and visible redress of the underlying structural causes of conflict and underdevelopment. Redistribution of wealth must be accompanied by an overhaul of the governance apparatus. Without these issues very firmly on the table, long-term development and poverty reduction will never succeed in Sudan. Handing out cash, while leaving the rules of the game unchanged, does not equal empowerment or promote sustainable poverty reduction.

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1. www.unsudanig.org/JAM

Land and the Sudanese transition to peace

by Domenico Polloni

Land policy issues are not fully addressed in the Comprehensive Peace Agreement. As IDPs return home, and lay claim to land and water use rights, disputes could threaten stability in south Sudan, the Three Areas, Darfur and eastern Sudan.

The wealth-sharing agreement signed between the GoS and the SPLM in January 2004¹ highlights the transitional nature of land tenure arrangements. By focusing on usage rights it explicitly avoids addressing the issue of land ownership. There is a risk that regulation of land rights and use by different levels of government may not be synchronised. The legal status of adjudication bodies, their hierarchy, internal functioning and referral procedures to the Constitutional Court remain unclear. Progress in incorporating customary norms and practices into legislation has been slower than expected.

The main instruments of land use management during the six-year interim period are Land Commissions - a national body, a Southern Sudan Land Commission and state commissions in the conflict-affected

areas of Southern Kordofan and Blue Nile. The commissions are required to coordinate their activities and set guidelines for the resolution of conflicts. Their functions may include - at their discretion - arbitration, consultation on land reform and customary land rights, appraisal of compensations and recording of land use practices.

There are uncertainties concerning the nature of the law upon which arbitration will be based: recognition of customary law; enforceability of awards on land; alternatives for redress in case a commission refuses to consider a claim; and possibilities for appeal. If the national and southern commissions fail to resolve a disagreement, the matter is to be referred to the Constitutional Court but it is unclear whether the Constitutional Court will base its decision upon statutory or custom-

ary legislation or equity principles. None of the commissions have been formed so far.

The international community will be asked to provide funding and expertise. International best practices should be followed in the fields of arbitration, mediation and conciliation and in avoiding conflict between customary and statutory norms. Collation and consolidation of all existing customary norms should be prioritised. Moves towards legal consolidation should be participatory, and legal information - and, if necessary, legal aid - should be made available for illiterate communities and women.

Reform in the North

Many studies have highlighted the need for reform of rural land tenure and administration in northern Sudan. This emerges all the more clearly as the ongoing conflict in Darfur is rooted in, though not limited to, conflict over land resources. While specific solutions may have to be provided for Darfur and eastern Sudan, the key common drawbacks of the current system throughout the country are:

- vulnerability of small farmers to the risk of being ousted from communal land by wealthier investors
- lack of clear policies for environmentally sustainable land use
- failure to consistently enforce nomadic land use rights - a constant source of tensions
- failure to adequately consult with local communities in matters of land use
- poor coordination and ineffective decentralisation of extension and

Arab nomads in North Darfur moving during rainy season, July 2005.



- marketing services
- extensive use of low-quality seeds, with greater exposure to disease and decreasing yields
- lack of statutory recognition of the rights to wild resources
- an agricultural credit structure heavily skewed against traditional small-scale farmers.

As outlined elsewhere in this issue², the status of land in and around Khartoum and some urban centres in the north where IDPs have build temporary housing is a significant source of concern. Forced removals, though in accordance with the law and carried out in the name of 'urban renewal', are inconsistent with international human rights standards. The major challenge is to ensure that local integration in the urban centres of the Nile Valley is a valid option for those war-displaced who may not wish to return to the South, the conflict-affected areas of central Sudan or the West. This implies accelerating urban planning, facilitating legal access to a residential plot, and investing in water and electricity services and possibly in government-subsidised low-cost housing. The need for urban dwellers to have access to peri-urban cropland for self-sufficiency should be factored in, possibly by developing green zones around the cities. The international community needs to start a much more sustained and consistent policy dialogue with the national and state governments concerned if any meaningful guidelines are to emerge.

Land policy in the South

In conformity with the general principle that 'land in the new Sudan belongs to the communities', the SPLM judiciary system relies primarily on customary legislation. This is characterised by absence of formal land registration, predominance of land use (as opposed to ownership) rights, vesting of power to allocate land in tribal chiefs, loss of land rights in the event of protracted non-use, virtual absence of land sales and possible coexistence of overlapping rights on the same territory. Customs need to be accepted as being legitimate legal solutions. It might be worth exploring to what extent customary land rights could be

converted into statutory land rights through appropriate registration. This could protect local communities from undue pressure by returnees or powerful outsiders, neutralise disputes arising from the overlap of different ethnic customs and restrict potential land speculation.

Most customary systems accepted by the SPLM as the basis for settling land disputes involve the arbitration of family disputes by chiefs or sub-chiefs and the remittance of the case to the higher executive chief or regional court when one of the parties does not agree with the outcome. Shortcomings of this system may include lack of clarity on the rules of arbitration, the non-binding nature of the award and the risk that the interested parties, especially if from different tribes, may fail to agree to initiate an arbitration case. Also, customary land law is unevenly documented – more richly in Dinka and Nuer land, much more sparsely in Equatoria. Finally, a common feature of traditional land management systems is their discrimination against women's rights to land.

The development of land-related policies seems to rest on unverified assumptions – that returns will be clear-cut (either to rural or to urban areas), that returnees will be content with what is available and that the process will be phased. They ignore the emerging tendency to form new town centres and the need to re-establish a sustainable balance between rural and urban populations. Rural households, particularly if they are pastoralists, need access to a variety of different soils and natural resources to make a living. Access to land in rural areas is therefore not just a question of having a plot for the construction of shelter, an adjacent garden and a field for crops. Non-farm use of land is as much a challenge in the South as in the North, particularly where insecurity has curtailed pastoralist movements and involved them in protracted disputes.

Land tenure in SPLM-held urban areas is a substantial challenge as it is here that the problems of returns may be felt most acutely. Urban areas are deemed to fall under the direct jurisdiction of the Government

of Southern Sudan but no statutory land legislation has yet been issued due to the protracted military occupation by the Sudan armed forces or by the SPLM. A growing number of transactions are being carried out on a shaky legal basis. As in the North, the need for urban dwellers to have access to peri-urban land for sustaining livelihoods should be factored into new urban planning in an effort to develop green zones around the cities, as is spontaneously happening around Juba. Whether returnees should be allocated in an ad hoc fashion to different neighbourhoods or be settled in new areas is an open question, raising fears of ghettoisation if the latter option is chosen. Other issues relate to unauthorised buildings, past transactions on non-owned land and military denial of access to land. In the former SPLM-controlled South the previous land administration has been utterly destroyed by war. Cases of lost or incomplete documentation, poor or absent surveying and lack of technical facilities are proportionally much more significant than in former GoS-held areas.

Conclusion

The challenges from land policy issues in Sudan seem almost insurmountable, yet many examples can be found of satisfactory solutions in a variety of post-conflict countries. After over two decades of civil war it is vital that the international community understand the importance of land issues in the Sudan and remain focused on policy dialogue and institutional support.

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1. www.reliefweb.int/rw/rwb.nsf/db900SID/SZIE-5ZJSKB?OpenDocument

2. See article pp38-39.

Pledges versus commitments

by Toby Lanzer

Some 400 representatives from more than 60 countries and organisations met in Oslo in April 2005 for a donors' conference on Sudan. Six months on, have expectations been met?

The primary aim of the conference hosted by the Norwegian government was to solicit donor support for Sudan up to the end of 2007. Two types of support were sought. Firstly, \$2.6bn was sought as the international community's contribution to the first phase of the Joint National Transition Team's (JNTT) development plan. (This set out the costs of programmes identified during the Joint Assessment Mission and committed Sudan to provide \$5.3bn of the total \$7.9bn required.) The second request was for \$1.5bn for humanitarian and recovery requirements as identified in the UN's 2005 Work Plan, which outlines relief, early recovery and development initiatives. This overall figure of \$4.1bn did not include financial requirements for post-2005 humanitarian action, disarmament, demobilisation and reintegration (DDR) activities, debt relief or the African Union's Darfur mission.

During the conference, delegates made substantial pledges which totalled some \$4.5bn (although some of this was for the African Union). While donors recognised their responsibility in providing financial support for Sudan, they stressed their expectations that the Parties implement – in good faith and on time – the Comprehensive Peace Agreement (CPA) signed three months earlier. Some delegations went a step further, stating that significant improvements had to be seen in Darfur and with respect to human rights throughout the country before pledges would be completely committed. Overall, however, the donors struck a positive tone and it seemed as though the target of \$4.1bn had been met.

Deciphering \$4.5bn pledged by dozens of delegations for various purposes over three years was a challenge. At the conference's close,

the Norwegian Minister for Development, Hilde F Johnson, noted that some \$2bn was for longer-term recovery, \$500m of which was to be channelled through a newly created Multi-Donor Trust Fund (MDTF) managed by the World Bank. This left a gap of some \$600m for the longer-term. Some \$1.1bn was pledged for humanitarian and early recovery programmes, of which only \$306m was clearly pledged specifically for the Work Plan, leaving it heavily underfunded. What has happened since then?

Various UN officials around the world are continuing to work with donors to ensure that pledges materialise. Pledges for humanitarian assistance are tracked globally by the Financial Tracking Service¹ at the UN's Office for the Coordination of Humanitarian Affairs (OCHA) in Geneva. In the case of Sudan this is supplemented by a database run by the UN in Khartoum. Both show the same interesting story. In essence, pledges for humanitarian action and early recovery have been committed. In this sense, pledges made in Oslo have come through. However, given people's acute needs in many parts of the country, the UN has had to increase the Work Plan's requirements from \$1.5 to \$1.9bn, and it remains no more than 50% funded. Additional cash is needed **now** to support Sudanese, in particular in the South where tens of thousands of returnees are counting on relief and recovery programmes to help them re-establish their lives.

Tracking pledges for development aid is the remit of the Development Assistance Committee within the Organisation for Economic Cooperation and Development², and doing so takes considerable time given the longer-term nature of the programmes. Confirming that all pledges made in Oslo have been

committed is therefore premature but it is clear at least that commitments are lagging behind in one particular area. Of the \$500m to be channelled through the Multi-Donor Trust Fund during 2005-07, about \$102m has materialised so far, leaving a shortfall of \$80m for 2005. Six months after Oslo, it is time for donors to turn pledges into commitments. The funding is vital to underpin reconstruction and peace building in Sudan.

The Oslo Conference provided an important forum for the JNTT to outline its plans and for the international community to voice its support. The pledges are turning into commitments, albeit slowly. Only when all pledges – political and financial – are fulfilled can the conference be deemed a complete success.

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1. www.reliefweb.int/fts
2. www.oecd.org/dac/stats

Frustration in Juba

There is mounting frustration in Juba at delays in receiving funding. Salva Kiir, President of South Sudan, has chided donors for delaying the delivery of reconstruction aid. "All of the pledges made in Oslo have not materialised. People were talking about \$4 billion and that money has not yet come. We still look forward to those countries who made those commitments to deliver what they pledged," Kiir said. For their part, donors have argued they can only transfer funds according to the agreed CPA timetable. The fact that the Government of South Sudan was only formally inaugurated on 23 October has delayed disbursement.

Perspectives on the CPA

by Endre Stiansen

Protocols on wealth and power sharing are at the heart of the Comprehensive Peace Agreement and are the key building blocks of the process to build a new Sudan.

The Comprehensive Peace Agreement (CPA) emerged from an immensely complex national crisis. Civil war had erupted even before independence in 1956; war-related mortality figures were reportedly as high as two million; the main protagonists represented two distinct ideologies – Islamism and secularism – that fostered competing visions of Sudan; and both parties – the Government of Sudan and the SPLM/A – knew that they could not win an outright military victory. The CPA¹ is radical in proposing innovative solutions to redress root causes of Sudan's long-running civil war, cautious in that key issues are left unresolved, and conservative since the negotiating parties retain control in their main spheres of interest (northern and southern Sudan respectively). The CPA attempted both to heal a deeply divided country by addressing root causes of the conflict and to resolve fundamental issues that could not be decided by military might.

What did the negotiating parties see as the root causes? The CPA gives quite clear answers. For too long political and economic power had been concentrated in the centre. The 'new Sudan' demanded power sharing and wealth sharing. This in turn required finding ways to secure central representation of all peripheral regions and to transfer an equitable share of the national wealth from the centre to the regions. Negotiations were structured around these themes and the protocols on power sharing and wealth sharing form the core of the CPA.

Security and the Three Areas

This is not to say that the other protocols of the CPA – the security agreement and the agreements on the 'Three Areas' (the contested areas of Abyei, the Nuba Mountains and the Blue Nile) – were less important. On the contrary, for the SPLM the security protocol (which recognises the role of the SPLA as "regular,

professional, and non-partisan armed forces"²) was necessary because only the survival of the SPLA would give sufficient protection for the right to secede if the people of southern Sudan vote in favour of secession at the end of the six-year interim period. The protocols on the Three Areas were also essential because the SPLM had always claimed to represent the interest of these areas and failure to conclude anything less than separate agreements would take away from the legitimacy of the SPLM. Moreover, the Nuba Mountains/Blue Nile agreement became the testing ground for what the principles of power sharing and wealth sharing would mean in northern Sudan. Representatives from both the SPLM and the GoS have suggested that arrangement for the Nuba Mountains and the Blue Nile could serve as a model for other regions in the country, such as Darfur and the Eastern province.

The protocol on Abyei forms a unique part of the CPA in that it is the only body of text for which the parties do not claim authorship.³ This is significant and may indicate a wish – by both parties – to distance themselves from that part of the overall agreement that they will find the most difficult to live with when the six-year interim period draws to a close. There continues to be a great deal of uncertainty as to how the Abyei issue will be solved – whether it will join southern Sudan (and perhaps be part of a new independent country) or remain part of northern Sudan. Already leaders of some of the Arab tribes in the area – important constituencies of the ruling National Congress Party – have signalled that they do not want to become part of southern Sudan. Similarly there are leaders from the African population of the area who insist that Abyei must be transferred back to southern Sudan. The report of the Abyei Border Commission was meant to address some of the most controversial issues but stirred up emotions still further. Failure to

reach a comprehensive compromise that all can live with could turn Abyei into another Kashmir.

Wealth and power sharing

"To make unity attractive" is a key phrase in the CPA. During the course of the negotiations, it became clear that the parties understood this differently. To the GoS, making unity attractive was a joint responsibility and the ultimate aim of the negotiations. The SPLM position was more nuanced. While the SPLM as a political movement promoted a full-scale reform of the political and economic structures of the whole of Sudan, it was well known that most leading cadres of the SPLM, as well as the vast majority of the people of southern Sudan, preferred secession to continued unity. For this reason they felt that the primary responsibility for making unity attractive rested with the incumbent government in Khartoum and future national governments. For example, continuation of a heavily centralised system of government would not make unity attractive. The GoS therefore had to accept a system of governance that pointed in the direction of real empowerment of states and regions. In addition, the predominantly non-Muslim leadership of the SPLM was not prepared to live under Islamic laws so the GoS had to accept that there would only be *shari'a* law in the North.

The GoS negotiators made major concessions to make unity attractive. Principles of decentralisation are at the heart of the agreement, and the powers granted to the Government of Southern Sudan (GoSS) are extensive. The Wealth Sharing protocol gives the GoSS roughly 50% of net revenue from all oil produced in southern Sudan, depriving the central treasury of a very large share of its potential revenue base. High oil prices have to some extent mitigated the impact of this concession but it will still take time to compensate for loss of revenue. Secession of southern Sudan, where most of the oil reserves are assumed to be located, would of course have even greater consequences for the treasury in Khartoum.

The New Sudan

Nobody articulated the SPLM's vision of a transformed Sudan – the 'New Sudan' – with more conviction than the late Dr John Garang. The SPLM's national ambitions are reflected in the Power Sharing protocol. The Chairman of the SPLM is also First Vice-President of the Sudan, and SPLM officials will be appointed to about one third of all ministerial posts when the Government of National Unity is formed. Moreover, the composition of the national civil service will be reformed to make it more reflective of the nation as a whole. The CPA also paves the way for the SPLM to establish itself as a political force to be reckoned with in northern Sudan. Until elections are held after about three years, SPLM members will hold 10% of the seats in state legislatures in the northern states, giving the movement a flying start in establishing itself as a national movement.⁴

The sudden death of Dr Garang has led many observers to wonder if the SPLM will downplay its national aspirations in favour of preparing for full independence in six years. The new Chairman, Salva Kiir, does not have the same history of articulating a national agenda (despite his inaugural speech in which he rebuffed suggestions that he was in favour of independence³) and the new deputy chairman, Riek Machar, came to the fore in 1991 when he sought to oust Garang in part because the latter did not favour secession. The commitment – or not – of the SPLM leadership to a national agenda will have important consequences for the implementation of the power-sharing

arrangements. Another dimension of this question is how the SPLM will relate to the established political parties in northern Sudan. Since there is little reason to believe that the SPLM will lose its predominant position in the political landscape of southern Sudan, it seems a fair guess that any political alliance that the SPLM chooses to enter will become the predominant political force in the country. This explains why so many suitors from the full spectrum of the Sudanese political landscape wooed Dr Garang. Salva Kiir has inherited the role of potential kingmaker but may not want to invest much time in politics at the national level.

Implementing the CPA is also a question of capacity. The difference between North and South is stark. In the North, existing capacity can be enhanced; in the South, systems must be built almost from scratch. The financial sector is a good example. There are banks in most commercial centres in northern Sudan and the banking system is stable. Apart from in the major towns in southern Sudan, there are no banks, which means that money transfers are difficult, the public have to carry cash, and the commercial sector has no access to financial markets offering loans at competitive rates. It will take time for institutional capacity in southern Sudan to develop, even with extensive support from the international community.

Conclusion

Two parties negotiated the CPA. Critics accused the process of being exclusive and other political forces demanded to be included. The par-

ties acknowledged that in the post-conflict phase it would be essential to broaden the political process. The preparation and adoption of the national interim constitution demonstrated both the willingness to include other groups and the willingness of such groups to participate. But that was only one test and probably a relatively simple one at that. The crisis in Darfur and simmering unrest in the eastern part of the country pose other, more substantial challenges. The CPA provides a framework for dealing with these challenges. Success or failure may depend on how far the new political establishment in Khartoum is willing to take the principles of power and wealth sharing.

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1. Full text at www.reliefweb.int/rw/rwb.nsf/db900SID/EVIU-6AZBDB?OpenDocument

2. www.justiceafrica.org/Final_Cease_Fire_agreement.pdf

3. A footnote explains that the protocol "is the full text of the proposal entitled 'Principles of Agreement on Abyei' presented by US Special Envoy Senator John Danforth to HE First Vice President Ali Osman Mohamed Taha and SPLM/A Chairman Dr John Garang ... The Parties hereby declare to adopt these Principles as the basis for the resolution of Abyei Conflict."

4. The CPA also gives the National Congress Party 10% of the seats in the state legislatures in southern Sudan, thus ensuring that it remains a substantial force also in southern Sudan.

5. <http://news.bbc.co.uk/2/hi/africa/4142554.stm>

Could peace unravel?

by Suliman Baldo

If the international community does not confront the hard issues – ending ruling party support for its proxy southern militias, challenging corruption, fostering democracy and broadening participation and transparency (particularly in relation to oil revenues) – Sudan's respite from war may be short-lived.

Like most negotiated agreements, the Comprehensive Peace Agree-

ment (CPA) included something for everyone but left all parties short of their full goals. The deal was predicated on extensive sharing of power, wealth and security arrangements and established an asymmetrical federal system, with the Government of Southern Sudan (GoSS) existing as a buffer between the central government and southern states but no parallel regional government in the North.

Although the CPA is detailed and comprehensive, it reflects the direct interests of only the Sudan's People Liberation Movement/Army (SPLM) and the ruling National Congress Party (NCP). The exclusion of the many other groups on the periphery threatens the long-term viability of the agreement. The NCP and the SPLM – long-time sworn enemies – have become strange bedfellows who must work together on imple-

mentation at the expense of former allies left on the outside.

The peace deal poses a real threat to many groups associated with the NCP regime which signed the CPA under some duress both to deflect international pressure over Darfur and to strengthen its domestic power base by securing a partnership with the SPLM. Most NCP members recognise that the free and fair elections required by the CPA in 2009 would probably remove them from power. Many also fear that the self-determination referendum will produce an independent South, thus costing Khartoum much of its control over oil and other southern natural and mineral resources. There are signs the NCP seeks to undercut implementation through its use of the South Sudan Defence Forces (SSDF) militia, bribery and divide-and-rule tactics. It actively encourages hostility between southern groups, with the hope that intra-south fighting will prove sufficiently destabilising for the referendum to be postponed indefinitely without its being blamed.

These tactics are likely to intensify if pressure over Darfur diminishes and the African Union-sponsored talks in Abuja remain stalled due to divisions between the two main rebel movements. Regime policies towards Darfur have not changed, despite foreign disapproval. The architects of ethnic cleansing retain significant power in the new government of national unity, which thus far remains unwilling to take the military and political steps needed to resolve the conflict: neutralising the Janjaweed militias and establishing genuine power and wealth sharing between Darfur and Khartoum.

In preparation for the SPLM's arrival in Khartoum, NCP leaders prepared multiple incentives. An NCP leader told the International Crisis Group (ICG): "They have new cars and houses set aside to offer. Each strong SPLM figure will be assigned a deputy from the government security services to watch over them." Members of the first SPLM delegation to reach the capital joked that they would be 'subsidised' upon arrival. This is what was done with many southern politicians during the peaceful interlude of 1972-1983 that was ushered in by the Addis Ababa

Agreement and what has been done to weaken other opposition groups since the present leaders took power in 1989. The NCP's intransigence during the negotiations for the establishment of the Government of National Unity and its appointment of known hardliners to key security and economic ministries and as advisors to the president indicated its determination to retain control. Realising the consequences of being outmanoeuvred, the mood among the SPLM and the northern opposition was gloomy as the long-awaited implementation of the CPA got underway.

John Garang survived numerous challenges and splits to hold the SPLM together, only to find a tragic death in a helicopter crash three weeks into the implementation of the CPA. The peace negotiations were conducted by a select group around Garang, creating resentment among those excluded. Salva Kiir, new President of South Sudan, had a high-profile clash with Garang in November to December 2004 over the lack of transparency and consultation in decision making. Remaking the SPLM into an open, transparent body inclusive in its decision making was an important challenge Garang had just begun to deal with; it is more critical than ever now that he is gone. It is now less likely to be able to make a major contribution towards resolving the war and humanitarian catastrophe in Darfur or the simmering problems of eastern Sudan. The odds of southern secession have increased.

If the SPLM is to do its part in preventing an eventual breakdown of the CPA and return to war, it must make fundamental shifts in the way it operates. It has struggled, however, in its transition from a rebel movement to a political party. Its lack of inclusiveness and transparent decision making has mirrored in some ways its long-time foe's approach to governance. It is far behind its timetable for converting its guerrillas into a new army and has made little progress in creating institutional structures of governance and changing overly centralised methods of taking decisions, weaknesses that have been compounded by lack of money. There is growing frustration as early expectations of the peace have not been met.

Increased public and diplomatic support for the peace agreement and particularly the SPLM is needed at this difficult time. The troika partners, the USA, UK and Norway, have a particular responsibility. More must be done to ensure that hard-line elements in Khartoum opposed to the CPA do not exploit Garang's death to back away from its strict implementation. The UN Security Council must react quickly to any violations of the CPA's timetable in order to keep the parties on course

Recent deals signed by the SPLM to develop oil concessions in the South violate the CPA, have generated considerable criticism both from the government and within the SPLM itself, and should be scrapped. Given that Khartoum's approach to oil has long been even more problematic, it is urgent to review all contracts signed in the past year. Worryingly, the CPA has no mechanism for rapidly resolving disputes that have arisen over North-South boundaries in the oil areas, risking further delay in much needed disbursement of oil revenue to the GoSS.

Key recommendations made by the ICG are that:

- The NCP must end all support to SSDF members who have not been integrated into the Sudan Armed Forces.
- IGAD, the US and the UK should establish a commission, similar to the Abyei Boundary Commission, to determine the North-South borders in the oil-producing areas.
- The international community should provide technical expertise to assist the SPLA transition from a guerrilla force to a professional army.
- Churches, women's organisations and other civil society groups need enhanced capacity to promote South-South dialogue.
- UNMIS should provide a peace-keeping force in the South with sufficient rapid response capacity to protect civilians and respond to outbreaks of violence, particularly offensive actions by rogue militias.
- The SPLM should address transparency and accountability in the new GoSS by establishing an anti-corruption commission, creating a post of auditor general, requiring ministers to declare assets

and developing an enforceable code of conduct for civil servants.

- More women must be included in all government bodies and commissions.

Even if implementation moves forward, Sudan is likely to remain

unstable for the foreseeable future given the problems in Darfur and elsewhere that have no easy answers. With the CPA, the people of Sudan have taken a small but important step towards turning the country around but the road ahead is far from certain.

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For further information, see ICG Sudan reports at: www.crisisgroup.org/home/index.cfm?id=1230&l=1

NGO coordination in south Sudan

by Adele Sowinska and Wendy Fenton

The peace agreement and the establishment of a government in south Sudan pose new challenges to established means of NGO coordination.

The NGO Forum was started in 1996 to bring together international NGOs (INGOs) associated with Operation Lifeline Sudan (OLS) – the umbrella operation for UN agencies and NGOs working in southern Sudan established in 1989. The Forum was created to discuss issues around programming, delivery of humanitarian aid and access, and subsequently evolved to include non-OLS members and Sudanese Indigenous NGOs (SINGOs). From the outset the Forum developed terms of reference, met monthly and agreed that representation would be through an elected Steering Committee (SC) of seven to eight NGOs. Representation on the SC was initially divided between European/US and larger/smaller NGOs but it soon became clear some of the smaller NGOs did not have sufficient staff to allocate to SC activities. High-level liaison with donors and the UN were the responsibility of the SC which consulted with the larger forum on matters of common interest and advocacy.

Working under a tripartite agreement between the UN, Government of Sudan (GoS) and the SPLM meant that NGOs, which came under the umbrella of the UN, were unequal partners. With the establishment of the Forum and the SC, NGOs could use their collective voice to greater advantage. Unfortunately, the OLS/non-OLS distinction – which the UN was obliged to maintain rigorously until the peace talks were well underway – created artificial divisions

and rivalries which undermined coordination between NGOs. Lack of international political recognition of the SPLM's de facto government complicated attracting funding. Lacking a viable tax base, and in the absence of effective governance and regulation, the local authorities resorted to taxing NGOs directly and indirectly – behaviour which was tolerated, and even encouraged, by some donors.

The NGO Forum provided an entry point for NGOs to engage with and influence the process and outcomes of the Joint Assessment Mission (JAM). The Forum appointed NGOs to serve as JAM cluster focal points, enabling the JAM teams to get NGO perspectives without having to consult individually all of the members. Forum engagement through the SC and focal points has helped to establish NGO credibility with new and important actors such as the World Bank and UNDP.

Although it will never be possible for the Forum to represent adequately the views of all 80+ NGOs working in south Sudan, attempts are always made to consult as widely as possible and to integrate differing viewpoints. Some NGOs are particularly good at keeping abreast of the complex political context of Sudan while others are more focused on programme implementation. The broad range of mandates, structures and capacities of INGOs and NGOs – and the fact that some have overt political allegiances – makes it dif-

icult to reach consensus and could make it difficult to agree on self-regulation mechanisms. Even larger NGOs are already overstretched and senior staff often find it hard to contribute to the Forum.

Individual SINGOs and small INGOs do not always have the capacity to participate actively in the Forum, particularly on the SC. There is a danger – real or perceived – that their perspectives are not adequately represented or that they feel excluded altogether. Some Sudanese NGOs who are members of SINGO networks, such as New Sudan Indigenous NGOs (NESI)¹ and the Federation of Sudanese Civil Society Organizations (FOSCO), have tried to address this issue by allowing the networks – to represent them.

New realities

To date, all NGO Forum meetings have been held in Nairobi. In future, the NGO Forum hopes to hold most meetings in south Sudan. Many NGOs have already established bases or liaison offices in Rumbek, the former capital of south Sudan, or are focusing on improving infrastructure and management presence at bases and offices in other parts of Sudan.

Prior to the peace process it was possible for NGOs to bypass the SPLM and the Sudan Relief and Rehabilitation Commission (SRRC), its humanitarian wing. The policies of many donors and the UN discouraged or even prohibited direct engagement with the SPLM. Now that the Government of South Sudan (GoSS) has been formed, the establishment of a clear and workable NGO regulatory framework is essential to provide an

environment conducive to recovery and development. Recognising this, the SRRC/SPLM and NGOs have made huge efforts to work together to develop an inclusive and open process for the design of this framework. At meetings in Rumbek the SRRC/SPLM ensured that SINGOs and INGOs were represented equally. Discussions were frank and all participants were able to express their diverse views in an open and unthreatening environment. The meeting benefited from the presence of Dr Riek Machar, 2nd Vice-Chairman of the SPLM, and Dr Bellario Ahoy Ngong, the Director of the SRRC. The SPLM confirmed their intention to provide an enabling environment for both NGOs and the private sector. They also indicated that, while the role of NGOs may not change dramatically, NGOs will need to recognise the central role of GoSS in recovery and development policies and planning and to formally register with a newly formed NGO Board comprised of NGOs, GoSS and SRRC representatives.

Coordination around IDP and refugee return and reintegration should benefit from establishment of a clear NGO regulatory framework. In 2001 Francis Deng (the then Special Representative of the Secretary General) chaired a conference in Rumbek to address IDP issues and assist the SRRC to plan for their eventual return. While important issues like protection were discussed at the meeting, and the IDP Framework drafted and later endorsed by both the SPLM and GoS, there has been no structured follow up. NGOs can and should play a role in holding the GoS, GoSS and UN to account for ensuring that the IDP Framework and the UN Guiding Principles on Internal Displacement are upheld, that forced returns do not take place and that returnees and potential returnees are not manipulated by political actors.

For more than a year the GoSS/UN-led Sustainable Returns Team (SRT) has been responsible for planning for returns to all areas of the South. However, the SRT's ability to carry out its responsibilities has been constrained. Meetings only take place in Rumbek and not in other areas of southern Sudan. They involve only a handful of NGOs who happen to be present in Rumbek, are not usually attended by decision makers and information presented is at times inaccurate. In addition, there is no

discussion on the resources available to implement some of the recommendations. The meetings, therefore, focus on information sharing, rather than decision making.

Challenges ahead

Although initial meetings and discussions around the future NGO regulatory framework have been positive, there remain many challenges to effective NGO coordination in south Sudan:

- There is ongoing lack of clarity regarding the relationship between the CPA and the proposed local governance framework.
- The timetable for establishing the political structures and wider legal framework within which the NGO regulatory framework will be situated remains unclear.
- There are tensions between centralists and decentralists in the SPLM regarding the regulatory roles of the SRRC and various ministries, commissions or departments: NGOs have received mixed messages as to which authorities they should interact with.
- There are difficulties recruiting international and national staff willing to be based in south Sudan: GoSS, the UN, donor missions and NGOs are all competing for the same limited pool of qualified and experienced Sudanese staff.
- It is unclear at what level of the emerging administrative structure NGOs will coordinate.
- SPLM bodies still require substantial support from the UN and NGOs in order to carry out coordination functions effectively.
- Many mid- and high-level SPLM/GoSS government personnel not only have duties associated with their membership in the SPLM Leadership Council and in CPA-related bodies but now have even less time to devote to coordination as they attend the plethora of post-peace agreement capacity-building events.
- There is an increasing tendency for GoSS and donors alike to view NGOs merely as contractors and implementors, ignoring their role as advocates and contributors to policy debates.

NGOs, local government authorities and communities who are used

to operating primarily in relief and emergency modes will find it difficult to adapt to a context which requires a range of relief, recovery and development responses within an agreed government framework. The continuing lack of emerging government capacity has led to unrealistic and unreasonable expectations regarding the role NGOs will play in service delivery. The SPLM will need to articulate a vision of peacebuilding which embodies principles of justice that can be integrated into the existing policies, structures and systems of the new government. Dealing with the latent conflicts expected to surface in the wake of the CPA and ensuring peace will require a coordinated response by the GoSS, NGOs, civil society groups and churches. NGOs should not be confined to a service provision role but be allowed to continue to provide valuable input into policy and strategy debates and, when necessary, to act as watchdogs and advocates.

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1. www.nesinetwork.org

Guiding Principles available in Dinka and Nuer

Dinka: www.brookings.edu/fp/projects/idp/resources/GPsDinka_20051018.pdf

Nuer: www.brookings.edu/fp/projects/idp/resources/GPsNuer_20051018.pdf

The Brookings-Bern Project on Internal Displacement has had the Guiding Principles translated into Dinka and Nuer, the languages of the two major tribes of southern Sudan most affected by internal displacement. The Dinka and Nuer translations will be widely disseminated among civil society groups in Sudan as well as to the Dinka and Nuer diasporas. They will also be made available to government offices, UN agencies and NGOs. For copies, visit our webpage or contact Molly Browning at mbrowning@brookings.edu.

Promoting the rule of law in post-conflict Sudan

by Yasmine Sherif

The main protagonists in Sudan's conflicts have committed to peace but the obstacles to building good governance are enormous.

The Comprehensive Peace Agreement (CPA) signed between the Government of the Republic of the Sudan (GoS) and the Sudan People's Liberation Movement/Sudan People's Liberation Army (SPLM/SPLA) on 9 January 2005 represents a major opportunity for restoring the social contract between Sudanese authorities and the citizens of Sudan.

However, in order to maximise the impact of the renewed commitment to building a just and peaceful Sudan, it is essential also to acknowledge the fragile state in which Sudan and her people are currently held captive. For, as Sudan emerges from a protracted war and moves forward towards a political settlement, the country remains stifled by conflict and by weak governance and rule of law institutions.

Against these realities, the promotion of rule of law in Sudan is a long-term objective, which will require an incremental approach towards a larger vision. While the CPA represents a formal commitment by the GoS and the largest southern rebel group to standards conducive to democracy, justice and peace, the peace-building process will need to advance and expand these aspirations through immediate and medium-term interventions that can serve as building blocks for long-term development and, perhaps, even a peace dividend.

The peace-building process must seek to empower national stakeholders to actively engage in preventing and bringing an end to violations of international and national laws and standards and restore confidence in informal and formal law-enforcement and judiciary institutions. Time is needed to build a culture of justice that is responsive to long-term

capacity building and sustainable human development.

The challenge

Decades of war have militarised Sudan. Legislative, judiciary and law enforcement institutions suffer from capacity deficits and a lack of adequate training.

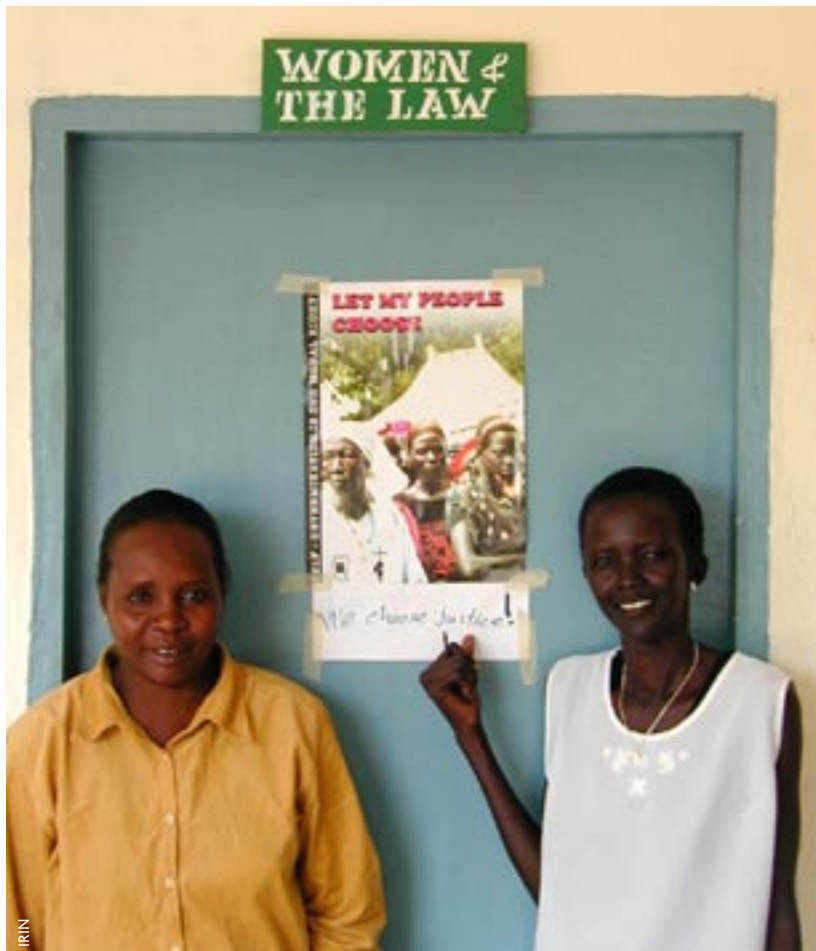
The institutional and operational gaps in the rule of law sector are compounded by a massive circulation of small arms, continued low-intensity conflict in some parts of the country and a lack of public confidence in an impartial justice system. Military and security forces are the principal agents of 'law and order', often at the cost of basic human rights. The authority bestowed on military and security actors constitutes the greatest threat to justice, peace and sustainable development taking root in Sudan. Decades of over-centralised government, absence of rule of law practices, huge development disparities between the centre and the regions and weak or non-existent administrative capacities make matters worse. It is anticipated that violence will continue to plague certain areas in spite of the CPA. In the current environment, and imbued with a strong sense of a right to own arms, communities view their arms as the only means of protection in the absence of the rule of law. As people return to places of origin disputes over land and other property are certain to intensify.

While Sudanese society at large has suffered the consequences of armed conflict, the brunt of the war has been borne mainly by the South, where there is an extreme absence of the most basic physical, human and institutional capacities. There is a chronic shortage of competent and independent judiciary and enforce-

ment agents. The fact that only 22 of the 750 trained judges envisaged under the CPA are in place highlights the need for establishing a paralegal training centre to fill the gap in the number of qualified professionals during the Interim Period. The physical infrastructure of the court system in southern Sudan is practically absent. Traditional justice is still administered under a tree, while even higher courts in towns lack windows. The judiciary has virtually no means of transportation, communication or other essential resources necessary to administer justice, such as libraries, law books or even the text of the few laws promulgated by the SPLM. There is a need to strengthen traditional conflict resolution mechanisms in the South (along with the establishment of viable statutory, conventional rule-of-law institutions) and to ensure that policemen – almost all of whom are demobilised SPLM soldiers – receive training in community-based policing.

Customary law has in the past been integral to peaceful conflict resolution which means that the establishment of statutory structures cannot be done without due regard to traditional mechanisms. However, it will be necessary to review customary laws and practices against international human rights standards. Women and children are particularly vulnerable within the customary system as practised in southern Sudan. Often not considered legal subjects, women cannot own property, while juvenile justice appears non-existent.

In the North, judiciary structures are more developed but the independence of the judiciary seems to have been compromised – as evidenced by the arbitrary dismissal of qualified judges, attorneys-general and law officers. Existing legislation fails to guarantee the full spectrum of human rights and fundamental freedoms, while military decrees and emergency laws undermine those rights currently protected by statutory law. Although physical infra-



When southern Sudanese women attempt to get a divorce, they are sometimes sent to prison. The Bahr-al-Ghazal Women's Legal Centre works to prevent this and to uphold the rights of those imprisoned.

structure does exist in major towns, large areas in the North remain grossly underdeveloped, with one police officer per 1,000 inhabitants. In terms of gender equity and equality, particular concerns have been raised regarding the (in-)ability of women to seek justice and appeal decisions. Judges need to be offered refresher courses in all matters of modern jurisprudence, including gender justice.

Women prisoners are vulnerable. Estimated at about 2% of the prison population, their main crimes are brewing alcohol, prostitution and petty theft. Most are displaced from the South and are the family's sole breadwinner. Most women do not understand court procedures and lack both the language skills and legal counselling necessary to defend their case. A number of women bring their children with them to the prison, which, in turn, lacks any budget to provide for the children's needs. Many imprisoned children appear to be street children displaced by the war. Vagrant children are criminalised and staff of penitentiary and correction institutions are generally

not qualified to handle juveniles. The problem of street children and their detention is a serious one that will require investment in education and social services, as well as measures to upgrade the juvenile justice system and encourage respect for the rights of the child.

The prison system is in an extremely bad state. There are some 55 prisons but many are not operational, or only partially functioning. Conditions are dire and inconsistent with international human rights standards. Prisoners lack food, health services, water and electricity. Often they are let out on day release to search for food to survive. As with the police service, many wardens are former military officers and, due to their background, conduct duties as soldiers rather than in a manner consistent with international standards. None of the wardens has received any training.

While the IGAD-led peace process has contributed to building confidence and political reconciliation between GoS and the SPLM, the lack of information and communication

has created barriers between southerners and northerners and amongst southerners themselves. There is an urgent need to invest in a national dialogue, as well as in the South-South dialogue that has already begun. Similarly, there is a need for a new institutional culture based on citizenship, a sense of service, professional honesty and integrity. Government officials, as well as the general public, desperately need knowledge of international human rights standards.

The peace-building process

In establishing an environment that is conducive to the rule of law, it is fundamental to replace a military culture with a constitutional and legal framework, competent law enforcement and an independent judiciary. Without these basic components in place, little progress can be made. These can only be realised through a multi-sectoral approach. Interventions to address the rule of law must be reinforced by parallel efforts to demobilise armed actors in line with the CPA, combat corruption and ensure accountability and transparency in all of the structures of governance. A comprehensive and integrated approach to rule of law will require a broader framework that addresses:

- law enforcement, the judiciary and legal reform
- demobilisation, disarmament and reintegration (DDR) and security sector reform
- decentralisation, public administration and elections
- establishing electoral laws, monitoring compliance and creating a political and security environment that is conducive to free and fair elections
- bringing legal processes closer to communities

The need for institutional capacity building in all these sectors is enormous. While in the North, existing structures will need rehabilitation and reform, the South will need massive support to establish institutions from scratch. Professionals in the North will be in need of upgraded training and refresher courses while the South must acquire a whole new workforce of professionals. The Joint Assessment Mission (JAM) outlines

in detail the institutional capacity-building needs across all sectors, not the least in the Rule of Law Sector. Adopting an incremental approach, the JAM has identified the following immediate and medium-term objectives:

- to strengthen the immediate competence and capacity of governance and rule of law institutions to provide human security and access to justice, with particular respect to gender, while protecting human rights
- to improve human resource capacity, backed up by an adequate legal framework and institutional, operational capacity
- to ensure that confidence building and reconciliation are given due attention in the design and implementation of the rule of law programmes, so as to promote lasting transformation of a conflict-prone society
- to contribute to creating an environment that is conducive to the implementation of the CPA, including the return and reintegration of displaced persons, other returnees, including reintegration of former combatants; and, eventually, long-term capacity building in the rule of law sector, free and fair elections and good governance.

In the final analysis, peace can only be built and sustained where capac-

ity building addresses both institutional and attitudinal reform. As in any other post-conflict situation where societies are shattered and deeply affected by a protracted civil war, confidence building must be a cross-cutting priority that underpins humanitarian, developmental and political action. Without an attitudinal change towards justice and equality all other efforts will be undermined; ultimately, the social contract between the state and its citizens is restored and sustained by the human component of that society.

While a formal peace agreement can kick-start the process of peace building, the effects of armed conflict often require a long process of behavioural adjustment. New and progressive ways of advocacy and training will be required. Field-based experiences prove that legal and structural reform alone is not sufficient in promoting respect for human rights in post-conflict situations. Rather, efforts must also be made to assist national stakeholders to acquire a deeper comprehension of universal human rights and the ethical standards inherent in Sudanese culture. Programmes must be aimed at cultivating positive attitudes and healthy belief systems, which can replace negative attitudes that reinforce a violent culture. National stakeholders must be supported and given the tools to unearth

their own powers to have a positive impact on their environment. Only then can we truly build the capacity of national stakeholders to integrate human rights and core values of justice in their own sphere of power, day-to-day life and responsibilities.

Finally, progress indicators must be redefined. The overriding objective of the rule of law is to restore a viable social contract between the citizens and the state – a contract that protects the full spectrum of human rights, be they civil and political, or economic, social and cultural. Against this objective, the impact of an effective rule of law programme must, ultimately, be measured not by the number of policemen or lawyers trained but rather by the degree of safety, justice and empowerment experienced by the citizens of Sudan.

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This article is written in a personal capacity and does not necessarily represent the views of the UN.

1. www.db.idpproject.org/Sites/IdpProjectDb/idpSurvey.nsf/wViewCountries/

Sustainable return depends on collaborative approach

by Sajjad Malik

The Livelihoods and Social Protection cluster of the Joint Assessment Mission (JAM) forms the basis of the plan for the return and reintegration of some 6.7 million people by 2011. Success will depend on commitment to the Comprehensive Peace Process and sustained international support.

The UN estimates that conflict and drought have left 6.7 million² Sudanese displaced, including some 550,000 refugees in neighbouring countries. Much attention has rightly been placed on

the largest displaced population in the world but community recovery will also target those populations who were not able to flee violence or drought as well as those who have borne the burden of hosting

displaced populations. Many of the displaced will be returning to communities and areas that have suffered severely from a variety of factors including war and drought and are currently with extremely limited access to basic social services. For this reason, the Cluster report highlighted the importance of:

- improved access to basic social services for all vulnerable Sudanese
- increasing the participation and protection of rights of

- vulnerable, disabled, elderly, women and children
- increased local economic activity in war-affected and marginalised communities
- effective national protection mechanisms
- supporting local development initiatives for Sudan's most vulnerable communities
- working towards self reliance of returnees and eventual phase out of humanitarian assistance.

Efforts to ensure durable solutions to displacement and to strengthen livelihoods must take account of the reality that those communities to which many will return have themselves suffered extreme destruction and deprivation. The process of return is further complicated by the long-term nature of displacement and the fact that significant portions of the displaced population have been displaced for more than 15 years, reside outside camps and have developed sophisticated coping and livelihoods strategies quite different from those they knew in their areas of origin. Many returnees do not necessarily speak the language of their people and a significant number have been educated via the medium of Arabic.

Progress in the peace negotiations between the Government of Sudan and SPLM brought increased security in 2004 and in 2005, ensuring greater access for humanitarian agencies to populations in need. These developments encouraged significant spontaneous return (i.e. without external assistance) to southern and transitional areas of Sudan with limited or no resources. However, groups undertaking to return or resettle are facing extreme conditions en route. Many are illegally taxed, sometimes harassed or attacked resulting in loss of assets - and occasionally lives. Lack of access to timely or accurate information regarding the return process precludes informed choice and obscures potential risk factors for returning populations. Some IDPs in Khartoum are being forcibly moved from existing areas of displacement as part of urban renewal efforts.³ Lack of adequate access to protection and services in areas of return/resettlement has led to some secondary migration. These movements have skewed the demographic

balance. In many villages of return there are disproportionate numbers of elderly and women as able-bodied males search for work elsewhere and youth seek education opportunities in towns.

Over the years, women, children and the elderly have traditionally been excluded from participatory mechanisms. Some refugee women in camps fear that freedoms won in exile will be lost on return. Unless humanitarian, recovery and development activities address these issues from the outset and involve marginalised groups in community decision making, there is a risk that these inequalities will be perpetuated.

In Sudan's politically fragile environment, returnees and their communities must not be left in deprived conditions for extended periods without protection, basic services and livelihoods. The return process itself may trigger flare-ups of localised tensions between returnees and host communities as the delicate local ecology and economy may be destabilised. Without commitment and external support, there is a real risk of back-flows to countries of asylum or renewed internal displacement. Ongoing conflict analysis and monitoring, therefore, should be undertaken with a view to preventing nascent differences or low-key conflicts from spilling over into violent confrontation, either between vulnerable groups themselves or between vulnerable groups and host communities during transit and after resettlement.

JAM research suggests that around 70% of IDPs will have returned or resettled by the end of the first phase of the Interim Period in 2007 and that 22% will be remaining where they currently reside at the end of the Interim Period in 2011. UNHCR estimates that 90% of refugees will return to Sudan during the Interim Period. The desired situation in 2011 is to have met the sustainable reintegration needs of displaced populations (and ex-combatants) and the communities to which they return, resettle or in which they choose to integrate throughout Sudan. Measurable goals by 2011 are:

- sustainable return, integration in places of displacement, reintegration and resettlement inside Sudan of 6.7 million displaced

persons

- improved access to basic social services including HIV/AIDS prevention and treatment
- increase in the participation and protection of rights of vulnerable groups (including disabled, elderly, women and children) in relation to service provision
- increased local economic activity in war-affected communities
- improved effectiveness of national protection mechanisms
- improved effectiveness of local development initiatives
- self-reliance of returnees enhanced, and needed humanitarian aid minimised/phased out.

Collaborative efforts and integrating humanitarian, recovery and development activities

Signing of the Comprehensive Peace Agreement (CPA) in January and formation of the Governments of National Unity and South Sudan in July 2005 have provided an opportunity for millions of displaced to return home. The challenges, however, are enormous. The return and reintegration of millions of displaced refugees and IDPs is simply not a business-as-usual situation. Capacity and resource constraints are evident at all levels and in all sectors. This will require concerted and sustained efforts of all actors, national and international, and communities at large.

The first two years of the plan prepared by JAM will be crucial. The focus must be on immediate and short-term interventions creating grounds for the return and reintegration of displaced populations. Initial assistance must have an immediate and visible impact and focus on meeting basic needs, building confidence and promoting conflict resolution and reconciliation among the population in areas of return. A successful initial phase will also ensure that the reintegration is sustainable and will avert the recurrence of displacement, or exodus from the rural to urban areas. The subsequent process of reintegration to recovery and development must start at the same time.

For the return and reintegration of displaced population, the principle of the '4Rs' has been adapted in



IRIN/Derk Segaar

Sudan to include 'resettlement' of displaced within Sudan. The 5Rs programming approach with area-based planning will ensure linkages between return and reintegration of displaced populations with recovery and development activities.

JAM research suggests that social protection interventions must be focused on points of transition (en route from areas of displacement and immediately upon arrival in a new area) when shocks to the generally vulnerable may exceed their capacity to cope and where the arrival of returnees could make life harder for residents already lacking resources. Food and physical security must be guaranteed and adequate transportation provided. Monitoring is required to reduce the risk of illegal taxation or physical attack, to verify the voluntary nature of return and to help facilitate local integration and resettlement opportunities. HIV/AIDS-related information and establishment of structures assisting people living with the disease must be established. Attention must also be paid to the protection needs of child soldiers, women associated with fighting forces, disabled combatants and chronically ill combatants. Farming input baskets must be given to those with an agricultural background to prepare for self-reliance. Rapid impact community-based reintegration projects should assist communities with basic social

services and provide opportunities to those without farming experience to restore or acquire a means of earning their living, avoiding total dependence on food aid. The UN Work Plan for 2005 builds on some of these interventions aiming to provide support to the displaced in their areas of displacement, en route and in areas of return.

There is a natural impatience on the part of many stakeholders – the Sudanese population, especially the displaced and war-affected, politicians and international actors – to attend to the urgent and immediate needs and to see 'quick wins'. These are most often infrastructure projects. However, experience from other post-conflict settings suggests that this should be balanced with equally strong support for the 'software' of transition and recovery – capacity strengthening and rebuilding social capital. JAM research suggests that the process of community-based livelihood recovery interventions, which will consist of support to basic services, support to environmentally safe and sustainable subsistence agriculture practices and other agro-pastoral activities, and support to on- and off-farm income generating activities, should include protection and security, peace building and reconciliation, social welfare, and capacity strengthening of authorities and communities.

For the return of displaced populations, which remains a priority of the government, the following actions will be conducive to promoting the dignity and rights of displaced and returnees in Sudan and are based on international instruments for the protection of IDPs and refugees:

- increased presence of international monitors as well as programme/protection staff in the field and in IDP camps to strengthen monitoring, intervention and programming
- monitoring of the push-and-pull factors that may impact the return process
- assessing options for local integration in the North
- information campaign to promote free and informed choice and voluntary return
- provision of transport during the phase of spontaneous return to specially vulnerable individuals
- ensuring safe passage along return routes through deployment of UN military observers, UN agencies and international and national NGOs
- establishing a legal framework for the return of the displaced
- monitoring the establishment and management of way stations
- dissemination of information on the CPA
- advocacy of international humanitarian law to all armed actors
- ensuring that a general amnesty law is in place prior to organised return.

A 26-seater bus carrying 94 returnees to Kosfi, en route to southern Sudan, September 2005.

Challenges facing UNHCR

UNHCR has been an active partner in these collaborative efforts in the Sudan including in the process of drawing up the operational framework for the return and reintegration of displaced set out in the UN Work Plan for 2005. This approach has resulted in the harmonisation of standards for the protection, return and reintegration of IDPs on levels comparable to those for returning refugees.

UNHCR is scaling up its operational and logistical capacity for the repatriation of refugees from neighbouring countries. Recent missions to the Democratic Republic of Congo and the Central African Republic have confirmed that the overwhelming majority of Sudanese refugees wish

to return home. The first organised repatriations will take place during the last quarter of 2005. Plans are being finalised for the return of refugees from Kenya, Ethiopia and elsewhere. UNHCR is assuming the leadership role of coordinating UN activities for the return and reintegration of IDPs in greater Equatoria (West Equatoria, East Equatoria and Bahr el Jebel) and Blue Nile states, which are also areas of refugee return, to ensure that return is sustainable and takes place in safety and dignity.

On a recent mission to the region, High Commissioner António Guterres reassured representatives of the 66,000 Sudanese refugees in Kenya's Kakuma refugee camp that return would be completely voluntary. Urging them to work with the new south Sudanese authorities to consolidate peace, he outlined the measures being undertaken by UNHCR to prepare for their return. These include building schools, de-mining roads, rebuilding health facilities, restoring water services, building the capacity of local institutions and training the judiciary, police and other civil servants in human rights, refugee law and the

Guiding Principles on Internal Displacement. To date, there are over 100 community-based reintegration projects being implemented by UNHCR in partnership with communities, NGOs, UN agencies and the Government of South Sudan and many more are planned, at a total cost of some \$28 million.

UNHCR activities and resources are limited, however, and challenges are enormous. Speaking to villagers in south Sudan, the High Commissioner promised to "tell the chiefs of the rich people" in the world that they must do more but he also warned that "we do not have the money to help with everything you need." He drew a clear link between development aid, economic growth and peace. "If we want Ugandans to be in Uganda, Sudanese in Sudan and Portuguese in Portugal," the former Portuguese Prime Minister said, "we must stop war. But it is very difficult to have peace if everybody is poor, if people don't have enough to eat, if children don't have schools."

The successful conclusion of the JAM, adoption of its report in Oslo and generous funding pledges have generated much hope and optimism

among the people of the Sudan, especially the displaced. The JAM process has laid the basis for long-term reintegration and development. The revised 2005 UN Work Plan⁴ sets out immediate and urgent support required by displaced and receiving communities in areas of displacement, en route and in areas of return. However, large-scale recovery and development and humanitarian interventions remain a priority. Any delay in implementing the actions recommended in the JAM report may have implications if people do not see concrete peace dividends, and the displaced are unable to return home. This would be a setback for both development and peace.

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1. pp211-246 of the report available at www.unsudanig.org/JAM/drafts/final/JAM-report-volume-III.pdf
2. See Cluster-7 report, pp 219, para 25
3. See Cluster-7 report, pp 220, para 28
4. <http://ochaonline.un.org/cap2005/webpage.asp?MenuID=6357&Page=1217>

The reality of return: IDPs in Darfur

Despite continuing insecurity, IDPs in Darfur are starting to return home. UNHCR and other agencies involved in their assistance and protection must ensure that the principles of voluntariness, safety and dignity are adhered to.

On 5 July 2005, a Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur was signed in Abuja by the Sudanese government, the Sudan Liberation Movement and the smaller Justice and Equality Movement.¹ Although this is unquestionably the most concrete step towards peace so far, doubts remain as to how this commitment in principle will be translated into reality. IDPs in Darfur continue to suffer violence and rape, forced recruitment and abuse of children, banditry and tension over scarce resources. The presence of

African Union civilian police appears to have contributed to a relative improvement in security but the situation remains unpredictable and volatile. The Secretary-General's report on Darfur of 18 July² states that "Darfur may be a less active war zone than it was a year ago, but violations of human rights continue to occur frequently, and active combat has been replaced by a suffocating environment of intimidation and fear, perpetuated by ever-present militias." Even if the commitment to peace of the parties involved is genuine and fighting subsides, reconcili-

by Mathijs Le Rutte

ation and reconstruction will be a lengthy process.

Nevertheless, a small number of people are returning home to their villages, often in precarious circumstances, hoping to rebuild their lives. Some of these return movements are of a local nature, from village centre to outlying settlements, while others are over longer distances, within and between the three Darfur regions.³ Some movements have also taken place from the Chadian border area. As far as UNHCR has been able to monitor, most of these returns are proving successful.

Those who return are in dire need of humanitarian assistance. UNHCR's decision to assist those returning initially provoked criticism as it was feared that this would create false

expectations among IDPs about the feasibility of return. This concern is not wholly unjustified and it is consequently all the more important that UNHCR strictly applies the principles of voluntariness, safety and dignity, maintaining a strict division between facilitation and promotion and insisting on complete transparency.

UNHCR has extensive experience with respect to voluntary repatriation and has developed a basic framework of standards for all repatriation operations.⁴ Adhering to these standards has been a challenge, not because of the principles themselves – which are clear and firmly rooted in human rights law – but because repatriation movements are inevitably influenced by political forces. Repatriation is seen as evidence of political stability of the areas of origin. It lessens the burden on the hosting areas and may simply be a cheaper option than continuing to provide assistance at the place of refuge. Repatriation is therefore likely to be seen as the best possible solution by both countries of origin and asylum, as well as donor countries.

The Guiding Principles on Internal Displacement, if properly applied, will protect individuals against hasty, badly organised or even forced repatriation. Principle 28 reiterates key standards used in refugee repatriation: voluntariness of return, and in conditions of safety and dignity. A major challenge is to make these standards operational.

The Principles in operation

In refugee protection, ‘voluntariness’ is widely regarded as the fundamental basis of repatriation and the best assurance against *refoulement*. Far from being merely the opposite of ‘forced’, voluntariness represents the individual’s ability to decide that the conditions that made him/her leave no longer exist, or at least not to the extent that warrants protection elsewhere. It is also a pragmatic requirement, as voluntary return is far more likely to be sustainable.

Access to the internally displaced is a primary requirement for ensuring voluntariness. Although decisions to flee can be taken in response to a mass movement, and return can also be decided as a group, it is important to consider the individual when

assessing voluntariness. The individual’s initial reason for flight needs to be understood in order to verify to what extent the reasons have ceased to exist or at least have evolved sufficiently to warrant return. For the condition of voluntariness to be met, the deciding factor for return needs to be the positive pull factor of the place of origin, rather than pressure from the area of refuge. This would usually entail an improvement in conditions in the area of origin, although there may be other reasons why an individual wants to return, such as family reunion. UNHCR considers the core of voluntary repatriation to be return – with dignity – in and to conditions of physical, legal and material safety.

Where hostilities are ongoing or a general breakdown in law and order persists, return would normally not be facilitated. Physical safety would require some form of assurances from the authorities, supported by the international community where necessary. Legal safety involves the removal of legal and administrative barriers to return. This could include the declaration of amnesties and assistance in the restoration of housing, land and property rights. Material safety implies availability of the means of survival and basic services, such as potable water, health and education.

In order to be able to make a free choice, IDPs must have access to accurate, objective and up-to-date information on the situation in areas of return. Ideally, return monitoring will be established as soon as returns commence in order to collect information for potential returnees and to assess the needs and protect the rights of returnees. Factors pushing – rather than pulling – IDPs to return may involve intimidation, incentives to encourage departure or other undue pressure. Among the most important elements in the verification of voluntariness are the status and condition of the person in the area of refuge. If the person has found no protection, if his/her rights are not respected, the person may decide to return but it will not be a free choice. Furthermore, the level of pressure that collective intent may place on an individual should be considered.

The concept of ‘dignity’ in return has not been clearly defined. The

concept will vary between different cultures and assumptions should not be made. An approach that ensures the effective participation of the internally displaced will go a long way towards meeting the requirement of dignity.

Stages of repatriation

UNHCR makes a distinction between different phases of return: spontaneous, facilitated and promoted. It is important that UNHCR – and any other humanitarian actors involved in return – determine explicitly under what conditions they will be involved in the different stages of return and what activities will constitute such involvement. For each stage there needs to be a list of benchmarks to be met before supporting return. Such benchmarks need to be guided by the degree to which conditions conducive for return – i.e. physical, legal and material safety – have been met. Where IDPs return spontaneously, UNHCR can assist in the areas of return, if access exists. Facilitation can occur upon the specific and fully informed request of IDPs, even if UNHCR does not consider that, objectively, it is safe for most to return. Promotion of return will only occur if and when conditions are considered conducive for return in safety and dignity.

Decisions by the international community to facilitate or promote return must not only be taken with due consideration of all relevant factors but must also be clearly explained and communicated to all actors, including IDPs themselves. Failure to do so may create false impressions about the conditions for return, which in turn risks jeopardising its voluntary nature.

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Assisting the return of displaced Dinka Bor

by Paul Murphy

The issues involved in supporting the return of internally displaced Dinka Bor communities highlight the complex, and often ignored, challenges of addressing the consequences of South-South conflict.

Sudan's civil war drove hundreds of thousands of people from their homes to encroach on others' resources, often sparking conflicts within and between southern communities. At the same time, traditional methods of governance and arbitration, that once kept inter-ethnic and communal disputes in check, have been severely weakened. The story of the Dinka Bor in Equatoria highlights the challenges associated with the return of southern displaced communities.

The 1991 leadership contest within the SPLM had political and military consequences that reverberated down ethnic fault lines. It triggered the flight of over a quarter of a million people, mostly from the Dinka Bor – the same ethnic group as many senior SPLM leaders – in Upper Nile. Thousands were reported to have been massacred and over a million cattle killed.

The Dinka, southern Sudan's largest tribe, are predominantly pastoralists, yet many of the displaced sought refuge in Equatoria region, an area dominated by agriculturalists. Consequently, tension followed their arrival, aggravated by the fact that IDPs came under a separate administrative structure from that of their hosts and maintained their own customary norms with little consideration for local traditions. Further complications arose as the Dinka-Bor IDPs occupied farmlands and grazing areas of Equatorian ethnic groups who felt that the IDPs were acting with impunity due to the political protection they were thought to receive.

After over a decade in Equatoria, the Dinka Bor are now thought to have vast herds of cattle – 1.2 million in 62 camps in the Mundri and Maridi areas and far more elsewhere in Equatoria. The Moro in western

Equatoria accuse the Bor camp communities of damaging their forests, croplands and water points and of lack of respect for local traditions and authorities. Since 1999 numerous attempts have been made to facilitate IDP return – rallies, peace meetings, needs assessments, flying IDPs back to Bor, providing trucks for transportation and improving some services in Bor – but without success. Equatoria offered good grazing and other economic opportunities for IDPs, safe passage was not provided and inadequate services in Bor provided little incentive to return.

In 2004, the situation worsened in western Equatoria, and law and order broke down in the Mundri and Maridi areas as conflict between hosts and IDPs spiralled out of control. The SPLM leadership took action, though without all the practical implications necessarily considered. All IDPs and cattle in Mundri and Maridi were ordered to return immediately to Bor County. Pact, an international organisation with a track record in peace building in Sudan, was asked to assist. The intervention was to be a pilot to generate approaches and lessons for the SPLM leadership and the many other Bor IDPs scattered throughout Equatoria, to ensure a broader and successful return process.

The return of the Dinka to their home areas was not a simple logistics exercise but required a multi-faceted approach and extensive dialogue between the ethnic groups, the authorities and Pact. The framework devised to guide the return process focused on:

- safe passage through hostile territories
 - addressing reintegration challenges such as ownership of livestock, access to grazing and governance
 - providing opportunities for Moro and Dinka to meet, exchange views and address the authorities
 - establishing a guidance team to facilitate community dialogue
 - ensuring inclusion of community-based institutions, peace committees, chiefs and civil society groups.
- Central to the response strategy was the establishment of a Joint Integration Return and Rehabilitation Support Team (JIRRST) made up of Dinka Bor, Moro and later Mundari representatives. JIRRST was tasked with facilitating and monitoring return movements, anticipating new concerns, disseminating information, helping to avert conflict and ensuring communication and coordination with the relevant political and military authorities and other actors. Numerous meetings with stakeholders led JIRRST to conclude that preparations for return could not be rushed. In May 2004, however, during a Moro community meeting, a senior SPLM official ordered the displaced people and cattle to begin to return the following day.
- All 62 cattle camps reluctantly started to move but only to an area in eastern Mundri County as the rains had already started. IDP leaders were concerned about keeping the most vulnerable IDPs (women with young children, elderly and the handicapped) with the cattle camps during weeks of slow travel. Many of the Dinka Bor felt pushed and feared for their security. The JIRRST continued dialogue and mediation, established local peace committees along the planned return routes and mobilised NGOs and the UN to provide humanitarian assistance.
- In June 2005 chaos ensued after a Mundari military officer and some civilians were shot dead. Two advance cattle camps were robbed of livestock and personal posses-
- the causes and legacy of the breakdown in relationships, and its future political ramifications; thus the need for healing and reconciliation



Rebecca Hamilton & Kristin Harris

sions and another 32 camps quickly retraced their steps back towards western Equatoria. The JIRRST was faced yet again with having to contain rapidly deteriorating relationships between hosts and displaced. Eight camps have crossed the river to Bor County in Upper Nile and the rest are expected to stay until the approach of the next rainy season.

Conclusion

This case – though still a ‘work in progress’ – raises many issues relating to appropriate practice in supporting population movement in unstable situations. Progress has been a case of two steps forward,

one step back, yet investments made through the JIRRST have been substantial and largely effective. The overall trend is positive, if slow, and the approach has managed to raise levels of awareness and sensitivity and to draw in appropriate actors around a common framework of action. A greater commitment by the wider aid community is still needed.

Pact’s experience in conflict reduction leads us to advocate a multi-faceted and multi-actor approach, requiring facilitation that encompasses the involvement of grassroots stakeholders, support for local government officials and chiefs, and engagement with the national

leadership and the international community. The approach focuses on the aggrieved host communities, the intricacies around the safety of passage, and protection around the IDPs in their host communities, during migration and in their areas of return. It is vital to:

- understand and acknowledge the complex political environment in which return will take place
- analyse key issues affecting stability and conflict and share the analysis with all stakeholders
- facilitate collaborative efforts around agreed strategies and objectives
- encourage and enable local institutions to play active roles in mediation and advocacy.

Despite many at the grassroots fearing that the conditions for peace are being brokered by elites and that the process will be protracted, the signing of the Comprehensive Peace Agreement brings new hope for a peaceful return of the Dinka Bor and others displaced in southern Sudan. The challenges ahead are monumental but must be addressed (systematically and holistically) to bring about the conditions for a lasting peace in Sudan.

Paul Murphy has worked in Sudan since 1989 and is the Director for the NGO Pact (www.pactworld.org) in Sudan. For elaboration of the approach outlined above, and other information on Pact’s Sudan programme, please visit www.pact-sudan.org.

Epic trek of Mabilia IDPs

by William Lorenz

The intensive support given by the international community to assist the spontaneous return of IDPs from the camp at Mabilia highlights the enormity of the task of providing similar humanitarian assistance to the hundreds of thousands also on the move home.

The International Organization for Migration (IOM) – with support from the World Food Programme, OCHA, UNICEF, World Vision, MSF Spain and the Camboni missionaries – assisted some 5,000 IDPs from 10 different tribes on a 350-km return route through the

forests and rough terrain of western Equatoria to their homes in western Bahr el Ghazal. The initiative to return began with the IDPs and international assistance was provided only after the start of their journey. The returnees, who had fled their homes four years earlier, began their

journey from their camp at Mabilia, south of the town of Tambura. The group followed a route along the border with the Central African Republic in a bid to cross the Busseri River before the onset of the rainy season.

It was mentally and physically draining for the returnees (many from female-headed households), the SPLM soldiers who provided security and the IOM team who accompanied them. Soon after their departure the group found they had to hack their own road through the forest.

They had to contend with mines, mosquitoes, guinea worms, tsetse flies, swamps and swollen rivers, negotiate with rebel militias not engaged in the peace process and forage for food when planned food drops were delayed. For much of the route, food, plastic sheeting, mosquito nets and medical kits could only be delivered by air. Fuel shortages and mechanical breakdowns meant that only the most vulnerable could be transported by truck, forcing most to move on foot. Diarrhoea, dysentery, malaria, acute respiratory infections and injuries took their inevitable toll. Planned medical evacuations could not take place. As the rain came down, trucks became stranded and access to air transport was complicated by the emergency which followed the death of Dr John Garang.

On 7 August the group finally arrived at an interim camp in Bile, near the town of Deim Zubeir, where they were welcomed by officials from the Sudan Relief and Rehabilitation Commission and the Government of Sudan garrison commander. Many returned with their heads held high, wearing new clothes and shoes they had put on after laboriously carrying them wrapped up during their ordeal.



Despite considerable international commitment, a journey planned to last 30 days had taken three and a half months. While 43 had died en route (before the IOM team arrived, 23 IDPs were crushed to death when a truck turned over on a makeshift bridge), 34 children had been born. The IDPs will stay at Bile for a couple of months before finally returning to their former homes across the districts of Raga and Wau. During their stay in Bile, they will receive food

and reintegration assistance such as seeds and agricultural tools.

William Lorenz led the IOM team accompanying the IDPs. Email: wlorenz@iom.int. See his BBC online diary at: <http://news.bbc.co.uk/2/hi/africa/4134230.stm> and photo gallery at: http://news.bbc.co.uk/1/shared/spl/hi/picture_gallery/05/africa_sudan_trek_revisited/html/1.stm

This article is written in a personal capacity and does not necessarily reflect the views of IOM.

IDPs and urban planning in Khartoum

Urban planning policies – which have led to demolition of IDP housing in and around Khartoum – highlight the need for Sudan to adopt specific IDP legislation and to find durable solutions for those displaced southerners who do not want to leave Khartoum.

Tragic recent events have drawn attention to the neglected issue of IDP settlements in the Khartoum metropolis, now home to five million people. In May 2005 Sudanese security forces arrived in the squatter area of Soba-Aradi, 30km south of Khartoum. Their attempts to demolish IDPs' shelters and load people onto trucks led to clashes which resulted in the deaths of 15 policemen and an unknown number of IDPs, including children.

An estimated 325,000 IDPs live in four official IDP camps, established in 1991, with an additional population of at least 1.5 million IDPs scattered in unauthorised squatter settlements. Mobility between settlements, whether as a result of forcible relocation by the government or voluntary movement, is high. Most IDPs were primarily displaced by conflict in the south and the Nuba Mountains or by drought in the mid 1980s. They are discriminated against and have

by Agnès de Geoffroy

unequal access to jobs, education and basic services.

The official IDP camps were established outside urban boundaries but the pace of urban growth is so great that the camps are now integrated into the outskirts of the city. Providing water and electricity is an enormous challenge which the state has not addressed. In squatter areas and in IDP camps only a handful of residents have electricity, provided by privately-owned generators. Water is generally obtained from wells drilled by NGOs and managed by community-based organisations. Water is a major household expense, especially for those living far from wells.

During the 1990s international NGOs were active in the camps, providing

water, sanitation, health and food. However, due to an improvement of the situation in camps, acute needs in other parts of the country and restrictions on access by NGOs, most agencies withdrew from Greater Khartoum, generally handing over projects to national or community-based agencies. Most of the international NGOs still working in camps and in squatter areas run projects through local agencies. Local NGOs often have limited capacities and resources and struggle to meet needs in areas where the government shows little commitment to providing assistance.

For decades urban planning in Greater Khartoum has been associated with violations of human rights. Demolitions and relocations have driven the poorest to the furthest peripheries of the city. In the case of IDP camps, residents have been given a temporary usufructuary (usage) access to land while in the squatter areas land has usually been squatted and illegally subdivided. Although some resist, IDPs mostly submit to urban planning decisions in the hope of eventually getting land ownership in subsequent plot allocations. Most know little about plot prices and official criteria of plot allocation. Rumours abound and some families move into the IDP camps before the demolitions and establish a *racuba* - a shelter made of branches, plastic sheets and cardboard - in the hope of getting access to legal title. Their hopes are often dashed in an untransparent and corrupt system which privileges wealthier people.

Evictions have intensified in recent years - at the same time as the

government and SPLM have worked towards peace. Of the estimated 665,000 IDPs who have had their homes demolished and been forcibly relocated since 1989, more than half have been moved since 2004. There is a clear strategy to relocate people to north-western Khartoum where soils are less fertile and the water table deeper. Investor interest in Soba-Aradi has pushed up plot prices. There are rumours that demolitions in Shikane are designed to assist the plans of Saudi Arabian investors.

The Global IDP Project has noted that when IDPs are moved, schools, health clinics and latrines have been destroyed. No alternative shelter is provided for IDPs who may be given notice of demolition or may simply be awoken by the arrival of trucks come to remove them. Many evicted IDPs have been excluded from accessing a plot, especially those who have lost identification documents, female-headed households, those who arrived in Khartoum after 1996 and those who could not afford to pay for a new plot. The government has no policy to address the needs of IDPs whose houses have been demolished and who are not eligible for a new plot.¹

Advocacy

International and national agencies have attempted to change the practices of the Khartoum State government. A Khartoum State Interagency Coalition - led by Fellowship for African Relief (FAR) following an initiative started by Enfants du Monde, Droits de l'Homme and supported by the UN - has denounced government methods and petitioned the Ministry of Planning.

The Coalition and human rights agencies are calling for:

- a clearer timeframe of when particular areas are to be re-zoned and when health, water, electricity and other services are to be provided
- greater transparency and equity in allocating plots
- guarantees that repatriation and return of IDPs will be of a totally voluntary nature
- rejection of the definition of IDP used by the government: agencies are concerned by a statement from the Ministry of Planning and Public Utilities that "the terminology of 'displaced people' is no longer appropriate to identify those people who are presently living in the camps".

Tensions are high between the Khartoum State government and INGOs. International concerns in the aftermath of the incidents in Soba-Aradi were dismissed as unfounded. Although government intentions to provide services to resettled people may be well-intentioned, often the only result is neatly demarcated streets and nothing more. There is a clear economic incentive for the government to sell land occupied by IDPs. Nevertheless, in these times of transition, the government may be interested in controlling the southern population by keeping large numbers of them in Khartoum. For their part, the SPLM is keenly interested in having people resettle in the South in order to increase its political base in the build-up to the referendum on whether the South should become independent. Managing the issue of displaced people who wish to stay in Khartoum will be a complex challenge and must become an integral part of national reconciliation processes.

Racubas in IDP camp, Omdurman.

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Information, counselling and legal assistance for returning IDPs

by Sonia Di Mezza

With the signing of the Comprehensive Peace Agreement many IDPs are opting to return to their homes or relocate to other areas. They urgently need accurate, reliable information before doing so.

Some IDPs send male family members ahead to assess conditions but the journey can be hazardous and the information gained scanty. Information provided by the authorities is not always reliable either, often reflecting political objectives. The Norwegian Refugee Council (NRC) has established an Information, Counselling and Legal Assistance (ICLA) project in Sudan, drawing on NRC's experience of providing similar assistance in countries such as Colombia, Former Yugoslavia, Pakistan, Afghanistan, Georgia and Uganda.¹

Information and counselling on return is based on the experience that refugees and IDPs contemplating – but as yet uncertain about – return are best prepared when they themselves have carefully considered what the process of voluntary return and reintegration actually entails. IDPs need accurate and reliable information regarding their areas of displacement and origin, return routes, security, employment, health and education facilities and other return-related issues. NRC's work on information and counselling provision is founded on the importance of having credible and extensive local knowledge of experiences of those already returned, conditions in various potential return areas and what legal or other obstacles returnees may face.

In addition to NRC's own experiences, other sources of information are always sought and used. External sources need to be assessed, however, for credibility, lack of bias and how information has been accumulated and documented. NRC has developed a specially designed database for cross-border processing of large quantities of information on return areas and legal issues.

Common questions and issues of concern include:

- How to prepare for return?
- What are the security facts and considerations?
- What are the economic prerequisites or considerations, such as repossession of land and property, employment opportunities or pension rights?
- What particular issues affect vulnerable groups such as ethnic minorities, female-headed households and separated children?
- Have others returned to the home area, and what are their experiences?
- Are there particular formal procedures and documents required to return?

Refugees and IDPs themselves usually have no return experience. The process of decision making can be facilitated by skilled staff at counselling centres and through mobile teams visiting other locations.

Legal requirements or problems frequently constitute obstacles to durable return or reintegration. NRC will, if necessary, approach relevant administrative bodies for repossession of property or land tenure rights, for obtaining necessary documents required for citizenship or identity documentation or for obtaining benefits such as employment or pension rights. If cases are not solved because of neglect, deliberate obstruction of procedures or justice or simply unlawful action, NRC will pursue other available options, such as in-court representation, including possible appeals to domestic higher courts. On issues of systematic legal denial of basic returnee rights, cases may be further pursued to international courts such as the European Court of Human Rights in Strasbourg or to international treaty bodies such as the UN Commission on Human Rights in Geneva. In other, non-legal contexts, solutions may be pursued through other customary channels or through requests for assistance by relevant local, national or international agencies. Such measures will always be considered to avoid

counter-productivity in the form of unwanted repercussions for the individual or group involved.

ICLA in Sudan

In Sudan, NRC has so far established ICLA offices in three Khartoum camps. There is also a mobile unit that visits IDPs in other places of displacement. A key task of the ICLA project is to assist IDPs in acquiring identity documents and applying for plots of property from the government. ICLA has implemented workshops for IDPs and also assists Sudanese lawyers in providing legal counselling for IDPs.

NRC intends to expand these activities in Sudan, in order to provide information, protection and counselling services to returnees as well as to IDPs. Assistance capacity will be increased by using a network of partners, including protection officers already stationed in various places of return and along return routes, host communities, community leaders and other humanitarian organisations. NRC plans to work to prepare communities in areas of return to address potential conflicts that may arise from influxes of returnees, as well as provide training on principles of protection, human rights and non-discrimination to enable and empower communities to recognise, report and resolve violations of rights. NRC will also work with other humanitarian agencies to empower the Government of South Sudan to remedy and redress issues stemming from return.

With the expansion of humanitarian activities in Sudan, it is hoped that return conditions and integration options will be communicated to even more IDPs, ultimately resulting in greater protection of IDPs, returnees and residents of host communities.

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1. www.nrc.no/NRC/core/Legal.pdf

Time to strengthen protection of IDPs

by Walter Kälin

Lack of resources and infrastructure, the volatile security situation and the absence of state structures pose serious threats to the human rights of returnees and IDPs.

In October 2005 I undertook a mission to study the situation of IDPs and returnees to the South. I realised that the Sudanese authorities, the international community and donors need to do much more to ensure the protection of the rights of the four million people displaced by conflict.

As stated in the Guiding Principles on Internal Displacement, the right of IDPs to choose freely whether to return, locally integrate or resettle elsewhere must be respected. However, it became clear from talking to IDPs in camps in and around Khartoum that many were badly or not at all informed about conditions in their places of origin. Most have unrealistic expectations of intact infrastructure, functioning basic services and opportunities to maintain a livelihood. Many lack information about how to obtain relevant documents.

The authorities in Khartoum State are implementing an urban planning programme which aims to give residents of irregular settlements a plot of land in the desert outskirts of the city. In principle, IDPs - like other Sudanese citizens - are eligible to benefit from a land allocation programme which has potential to provide a durable solution to their plight. However, I learned that there are great difficulties with its implementation. Many IDPs are not eligible and methods by which settlements are relocated give rise to human rights concerns. IDPs and NGOs reported that persons are forcibly removed from their previous settlements with inadequate or no prior consultation. During the removal, housing, personal belongings and infrastructure such as schools are destroyed. Fearing for their survival many IDPs relocated to inhospitable urban margins see return to the South as their only option, despite the fact they often lack the means to travel.

In order to provide returnees en route with limited and short-term assistance and protection, the humanitarian community has been planning to erect way stations. Unfortunately, these plans have not yet materialised, and most returnees lack any material support during their journeys. Some reported having been attacked, illegally taxed and looted on the road. As returns are already under way and expected to increase during the coming dry season, there is an urgent need for the international community to implement existing plans.

Despite the peace agreement, returnees fear for their safety due to militia activities, land mines and the widespread presence of armed civilians within communities. Upon arrival, many remain without shelter, sufficient food, clean drinking water and access to medical services. Parents whose children attended schools during their displacement in the North are fearful they will not be enrolled in already over-subscribed schools. The elderly and women, especially female-headed households, remain particularly vulnerable.

Information is scanty due to lack of monitoring outside the main towns and settlements. Protection activities of international agencies and NGOs are hampered by lack of funds and restriction of access. Rushed returns may create serious humanitarian problems and should not be promoted. The current capacities in the South to receive and quickly integrate large numbers of returnees are limited. In areas of mass arrivals, the humanitarian problems of IDP camps and irregular settlements in the North may simply be transferred to the South. As a result, tensions may arise within overstretched local communities due to competition over scarce resources and services. There is a danger that the international community may be forced to

spend funds on emergency humanitarian assistance which should be invested in recovery and development projects.

Although return movements are still limited there is already evidence of cases where returnees see their expectations frustrated upon arrival and opt to return to Khartoum.

Creating an environment in which returns can be sustainable requires:

- removing militias from areas of return, disarming civilians and demining of access roads and agricultural land
- action to address the major obstacles to return reported by IDPs - absence of clean drinking water, primary education, health service and household building material
- UN agencies and NGOs to be resourced to undertake fast recovery programmes and provide such non-food items as seeds, tools, fishing nets and basic building materials
- establishment of mechanisms for speedy resolution of land disputes
- ensuring that returnees receive, with little or no charge, documents to enable them to access basic services.

Instead of aiming at perfection and getting lost in long-term planning, flexible and creative community-based solutions for providing basic infrastructure and health and education services should be found in order to bridge the period until full services can be set up.

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Challenges facing returnees in Sudan

by Judy McCallum and Gizenga Yemba Willow

Fellowship for African Relief (FAR)¹ is working to address the needs of IDPs at key points along the returnee route.

Provision of services along the whole returnee route is critical to the return process: at points of displacement (such as Khartoum and Kosti IDP camps and squatter areas), at key transition points which IDPs will pass through to return home (Kosti ferry embarkation) and at destination points (such as Northern Upper Nile and the Nuba mountains).

Most of the IDPs have been displaced for 20 years. Many who have grown up in Khartoum can no longer speak their native language – potentially problematic for reintegration in their home areas. In addition, through isolation from their communities and interaction with other ethnic groups and cultures, they have lost knowledge of traditional customs and have adopted new traditions and customs. One prime example of this is food. Many IDPs returning from the North may not have had access to foods grown in the South and no longer know how to prepare them. To remedy this, one of FAR's activities is organising cooking demonstrations – especially for young girls who have grown up and married in the North – focusing on foods grown in southern Sudan.

Transition points

At the Kosti riverfront, where returnees gather to await the barges going south to Malakal and Juba, FAR is working with other INGOs and NGOs to provide essential services and health education. The departure times of the barges can be erratic and returnees can wait for up to a month for a barge, when they may have been anticipating a wait of just a day or two. Road transportation has not yet been possible due to the presence of landmines.

The unpredictable nature of the return process and the erratic barge schedule pose considerable obsta-

cles, with numbers of those requiring assistance varying widely – up to 1,000 families at a time – and putting a huge strain on shelter, sanitation and washing facilities. In addition, the barge trips can also vary in length of time depending upon variables such as water level and security. At the Kosti wharves FAR and ADRA (Adventist Development and Relief Agency International) are providing shelters, latrines, washing areas, food, basic health services and health education. On the barges themselves, FAR provides further health and nutrition education training sessions (including cooking), as well as shelter.

In the areas around Kosti FAR is working with NGOs and community-based organisations to help provide much needed services – including those with a peace-building component. Peace-building activities have included holding inter-community festivals, assisting the communities to set up local arbitration for minor disputes and training civil society organisations to provide leadership in their communities.

Support for returnees

In Northern Upper Nile State, FAR – as part of a five-organisation consortium – is currently focusing on providing immediate emergency support to returnees as well as household food security services.

The emergency support activities, funded by ECHO, include providing 'returnee kits' to households arriving in the area and – in collaboration with Medair – emergency health in case of disease outbreaks. The returnee kits contain basic household items: two saucepans, one tray, two water cups, two water jerry cans, mosquito nets and one blanket. FAR also plans to distribute farming implements in the planting season. In addition, with support of the

Food and Agriculture Organisation, FAR is implementing a pilot poultry project in Renk town, with plans to replicate this activity in rural areas should the market prove sufficient. Our future plans include providing much needed agricultural training, agriculture extension services, assistance with setting up community 'seed fairs', distribution of seeds and tools, livestock restocking, introduction of animal traction for improved agricultural production and micro-credit services for income-generating activities.

Some of the key obstacles to FAR's work in this area include the distance between the communities served and the difficulty accessing some of them during the rainy season. In addition, the communities in these areas have received hardly any humanitarian assistance for over 20 years and lack representative institutions. It therefore takes much longer to get the communities organised around longer-term goals, as they are currently focused on day-to-day survival needs. FAR and its partners need to strike a careful balance between providing much needed emergency and relief support while building communities' capacity and initiative to address their own priorities and development needs.

As the international community seeks to support the Sudanese community in rebuilding their country and establishing a lasting and sustainable peace, it is vital that we work to help strengthen civil society and provide an environment where local community initiatives can flourish.

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1. www.farsudan.org

Towards a culture of human rights in Darfur

by Joseph Aguettant

The International Rescue Committee and UNDP have embarked on an ambitious training programme to raise awareness of human rights amongst law-enforcement, judiciary and security officials and restore trust between citizens and statutory and customary authorities in Darfur.

The IRC/UNDP Human Rights and Rule of Law training programme was launched in September 2004 with the support of tribal leaders in Darfur and the endorsement of state and federal authorities. Human rights training courses and workshops have been attended by some 7,000 people. Participants have included military officers, local police officers, lawyers, judges, law students, leaders of women's organisations and youth groups, IDP camp leaders, municipal officials, prison administrators and the native administration.

Trainees indicated a high level of satisfaction with the training courses and a strong desire to work towards translating theory into practice. Participants stressed that prompt action on incidents reported by IDPs will help to restore trust in law enforcement officials. The programme has succeeded in providing a neutral space dedicated to the discussion of human rights standards and current realities. The value of this neutrality cannot be overemphasised as most participants have never had an opportunity for such exchanges. The provocative style of the trainers has encouraged debate, but at the same time promoted tolerance and respect. In several training sessions high-ranking participants freely debated the use of torture with a level of openness that is rare in Darfur. The sense of relief and excitement at such free expression was palpable.

Human rights education must be designed so that everyone involved has a motive for learning. Trainers attempted to understand and explore the constraints of target groups and the ways in which they themselves may experience a lack of respect for human rights. Instead of taking

an accusatory or lecturing style, condemning police officers for human rights violations, trainers have first discussed situations in which the rights of police officers may be violated. This then allowed them to explore ways to improve the human rights of others. Similarly, trainers have used domestic law, primarily the Interim National Constitution as a starting point for discussions on human rights. Only after local notions of human rights have been discussed, do facilitators introduce such international human rights law instruments as the UN Guiding Principles on Internal Displacement and the Declaration on the Protection of Women and Children in Armed Conflict.

Human rights training is not an end in itself. While awareness raising sessions are often the most inspiring feature of this programme, they must be complemented and reinforced by parallel efforts to ensure protection and build the capacity of local rights groups. Darfur has rightly been dubbed a protection crisis and displaced Darfurians remain in dire need of protection. Both inside and outside IDP camps, people continue to be victims of armed attacks, sexual assaults and theft of livestock and other property. Many victims have well-founded fears of the authorities and are unable to report crimes. The task of restoring trust in the authorities has only just begun.

After participants have left training courses it is important to provide ongoing mentoring and monitoring of all stakeholders, in particular potential perpetrators of human rights abuses. The IRC in partnership with UNDP and local partners has followed up awareness raising sessions by identifying key allies within mem-

bers of the community, establishing Justice and Confidence Centres and building the capacity of paralegals and human rights defenders.

Experience has taught the IRC that targeting specific categories of individuals does not produce sustainable effects and can increase tensions or cause harm. The programme has had to tread a careful line in terms of selection of participants. We felt that it was equally important for displaced persons, host communities and conflict affected populations to be aware of their rights as it is for local authorities, traditional leaders and other duty-bearers to be conscious of their responsibilities.

This successful first phase has demonstrated that it is never too early to address longer-term issues, notably the imperative for a return of the rule of law and respect for human rights. It is possible to do so while meeting survival needs such as food, health, water and sanitation. We hope that this project will positively contribute to the debate on timely integration of protection and human rights within humanitarian assistance.

In light of obstacles in the field and the fact that some authorities are occasionally challenging the need for human rights and protection activities, it would be useful for the UN and the Government of Sudan to reiterate their joint commitment to human rights training. To all it should be clear that humanitarian assistance and human rights come as a package.

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This article is written in a personal capacity and does not necessarily represent the views of the IRC.

SUDANESE WOMEN WAGING PEACE

by Rogaia Abusharaf

Sudanese women are urging the international community and Sudan's male leaders to do more to promote the inclusion of women in peace building and reconciliation.

Although UN Security Council Resolution 1325 (2000) specifically mandates women's participation in peace processes, Sudanese women have been consistently sidelined by North-South and Darfur peace processes. Although many women's organisations were registered observers with the Inter-governmental Authority on Development (IGAD) and presented technical papers to negotiators in the Machakos talks, they were not formally involved. When the Government of Sudan prevented women from boarding a plane to take them to the Naivasha talks in Kenya, women from the South joined northern women to formally protest their exclusion from the peace process. At Naivasha, women's organisations were forced to present their papers with recommendations to the parties by pushing them under the closed doors of the negotiation room. Sudanese women have played hardly any role in the African Union-sponsored Darfur peace talks in the Nigerian capital, Abuja.

Women comprise the majority of Sudanese IDPs and refugees. Even when housed in refugee and IDP camps, women are not safe from gender-based violence. Reports abound of women being abducted and/or raped while collecting firewood near camps while little or nothing is done to bring perpetrators to justice. During resettlement, women face specific challenges including increased burdens as female heads of household, little access to healthcare and education, and few economic opportunities.

The Comprehensive Peace Agreement between Khartoum and the SPLM does not speak to the full complexity of the ongoing conflict in Sudan as it fails to address the intermittent conflicts throughout the country with additional parties, related human rights abuses and the

deep ethnic and religious rifts which make reconciliation and transition to peace difficult.

Nowhere is this more so than in Darfur where the Janjaweed militia have used sexual violence as a strategy to dehumanise women and girls and humiliate and control entire communities. Abductions, sexual slavery, rape, torture and forced displacement have been so pervasive as to call into question the ability of communities ever to re-establish themselves. Louise Arbour, the UN High Commissioner for Human Rights, has noted the absence of structures in Darfur to promote justice and healing and bring perpetrators to justice.

Addressing the root causes of conflict in Sudan must include promotion of women's economic empowerment. Women make up the majority of Sudan's population and in some conflict-affected areas three quarters of the surviving inhabitants are women. Women head households, yet they do not have legal access to land or resources due to discrimination in Sudanese statutory and customary law. Sudan - like most Arab states - is not among the 180 nations which have signed the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

Challenging tradition

Sudanese women are challenging their traditional status. In Sudan and in the diaspora we have established organisations and networks to raise awareness about the human costs of the conflict and to call for an inclusive approach to the implementation of the peace agreement. As breadwinners and decision makers, women are starting income generation projects, some in fields as untraditional as carpentry. Women from the North and South have

organised to respond to the needs of orphans, street children and others in dire economic straits.

Support for women's efforts must be seen as a vital component of peace and reconstruction. Sudan urgently requires a broad, nation-wide, awareness-raising campaign about women's rights that speaks to men and women as well as young people. Women's land tenure, title and ownership rights must be clarified and an enforceable legal framework set in place that reconciles competing claims on land and enables women and women-headed households to hold and defend ownership. It is essential to educate the population about the diversity of customary and traditional laws with an eye towards codification and revisiting of customs that discriminate against or disadvantage women, such as female genital mutilation.

Plans for the voluntary return, resettlement and rehabilitation of refugees and IDPs cannot succeed without more being done to involve women. Income-generation activities must be created for women in refugee and IDP camps and at transit and entry points for returnees. The international community needs to facilitate links and communication among women leaders and the grassroots, women returnees in urban and rural areas and women returnees across the country and across conflict lines. Women need to be given access to credit and information about local and national markets so that they can set up small businesses.

Other key demands being made by Sudanese women's organisations include:

- increasing to 50% the target for women's participation at all levels in all governing and deliberative bodies in Sudan, including land commissions, oil commissions, party lists and elected and appointed bodies in national, local and regional governments, both transitional and permanent

- removing legal impediments to the registration and operation of civil society organisations and repealing restrictive laws that inhibit the freedom of movement so that women's NGOs throughout Sudan can work together
- building capacity of women's organisations, particularly skills in proposal writing, project planning, management and evaluation, accounting and money management
- monitoring to ensure women are at least half of the beneficiaries of all assistance efforts in all sectors
- establishing mechanisms to clarify and strengthen the roles and relationships among NGOs, civil society and government entities dedicated to assisting women
- convening periodic national women's consultations at which female representatives of the grassroots, government and non-governmental organisations throughout Sudan, representing all ethnic and faith-based groups, can discuss shared priorities and concerns
- raising the marriage age to 18
- ratification and observance of CEDAW and the UN Convention on the Rights of the Child
- establishing a ministry and presidential advisor for Women's Affairs to ensure gender mainstreaming
- including foreign and Sudanese women in all missions, negotiating sessions and needs assessment teams sent by foreign governments and international organisations to assist Sudanese peace building
- including women in UN and African Union peace-keeping units
- ensuring that disarmament, demobilisation and reintegration (DDR) efforts include ex-women soldiers
- training and involving women in the security sector (women police officers, military officers, security officers)
- designing a protocol on accountability and transitional justice mechanisms, especially with regard to gender-based violence
- establishing an internationally-sponsored commission of inquiry and commission for truth and reconciliation
- ensuring women's access to reproductive healthcare
- supporting gender training for political parties using national and international experts and national women's organisations.

Sudanese women are articulating the need for change:

Agnes Nyoka, Coordinator, Sudanese Women's Empowerment for Peace (SuWEP):

"Dialogue is very important to resolve and prevent conflict in Sudan. As women, decisions are being made for us. The GoS and SPLM are using arms, and we carry UNSC 1325 as our arms to promote inclusion."

Keziah Layinwa Nicodemus, Head, SPLM Women and Gender Commission:

"We are speaking in one voice today. We are women from all over Sudan and we are a voice for peace. We speak in one language regardless of our divisions ... we have been given 25% seats in southern Sudan's constitution. But we have to push to make this a reality. Sudan is a country of men and we have to work hard

with the support of the international community to train our women to be leaders."

Muna Khugali, postgraduate student: *"At the local level, we need crimes against humanity to be documented and captured. With this information, we can start to create more accountability and prevent history from repeating itself."*

Amel Gorani, Director, Sudan Future Care:

"The absence of violence will not create a peaceful Sudan. There should be a truth and reconciliation process because so many people in Sudan have been traumatised."

Eiman Seifeld, founder of the Darfur Women's Relief and Rehabilitation Agency:

"It is women who are caring for the family, who remain at home, who know the situation on the ground. Women will be the ones who are left, who must implement the policies of the peace talks - if they are not included, they will surely fail. Women are ready for peace and a better future for their children."

Afaf Ahmed Abdel-Rahman, Woman Center for Peace and Development:

"This war was created by poverty. Poverty perpetuates the cycle of violence and one strategy to eradicate poverty and violence is to build the capacity of women through training."

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This article draws on the report of a November 2004 event which brought 16 Sudanese women peacebuilders for meetings, presentations and events in Washington DC and New York. It was organised by Inclusive Security: Women Waging Peace (www.womenwagingpeace.net) whose founder Ambassador Swanee Hunt facilitated the entry of the women into US and UN decision-making circles. The author wishes to thank her compatriots for their tireless work in formulating the recommendations included in this article.



From Afghanistan to Sudan: how peace risks marginalising women

by Lina Abirafeh

In Sudan, as in Afghanistan, the international community is hoping to tie aid to an agenda of gender equality. But have lessons from working with women and gender programmes been learned?

The ink on the Sudanese peace agreement is hardly dry. Afghanistan is far from reconstructed. And yet the aid community prepares for its move from Afghanistan and other conflict zones to set up camp in Sudan. Sudan is currently at the forefront of the international community's conflict/post-conflict agendas. As donors determine what type of aid – and how much – Sudan will receive, they need to heed suggestions before launching yet more ill-conceived gender-focused post-conflict interventions.

Extensive scholarship has shown that women are disproportionately affected by conflict. In 2000 UN Resolution 1325 (on Women, Peace and Security) called for the full inclusion of women in all aspects of international peace and security.¹ Conflict creates space for women by bringing new roles but also produces new vulnerabilities. Gender roles are in flux during conflict and the aftermath. Post-conflict situations are circuitous and often entail a relapse into violence.

Conflicts in both Afghanistan and Sudan have had a disproportionately negative impact on women. Long-running conflicts have led to an increase in the number of female-headed households and widows. Afghan and Sudanese women comprise the majority of refugees and the displaced. They suffer painfully high maternal mortality rates and illiteracy rates. It is estimated that 85% of Afghan women are illiterate. Four fifths of Sudanese women are illiterate, with higher rates among IDPs who have lost the social capital provided by family, kinship and community networks. In both countries women have borne the brunt of the violence and remain subjected to traditions and cultural practices

that reflect gender biases. Gender programmes are struggling to take gender into account. Both Afghan and Sudanese women are fighting to reverse perceptions that they have no agency, that they are victims. And both countries are experiencing increased levels of violence against women.

Transformation and social change

Conflict and its aftermath create opportunities for gender transformation. Gender identities are in flux, offering space for women to access new resources and claim new roles. In the aftermath, gender-focused international aid can play a role in helping women achieve such gains. Aid interventions themselves do not by themselves transform but can support or hinder women's potential in achieving transformation through their policies and programmes.

Sudanese women in Sudan (and those displaced to neighbouring countries) are playing a significant role in strengthening civil society and in building local and community capacity. Building upon this energy and action is crucial if the agenda is to foster social change. The Sudanese People's Liberation Movement (SPLM) has been openly advocating gender equality. While this is a welcome sign, it could also be construed as a strategy to lure women into the national struggle. Only the aftermath of the peace process will reveal the true intent behind the rhetoric.

Development, particularly in the aftermath of conflict, is often conflated with radical social change. Visions of Afghan women throwing off their burqas in the name of freedom helped fuel the Bush administration's case for war against

Afghanistan. Despite all the rhetoric used to justify intervention, women in Afghanistan have been neither 'liberated' nor 'empowered'. Social change and transformation are long-term processes, working at a deep structural level to address gender inequalities. These are more than just outcomes; these are non-linear processes to be put in place entailing consciousness raising and women's agency. Social change and transformation are not simply introduced by development interventions. These must be negotiated at every level and on women's own terms – both in Afghanistan and Sudan. Such processes are contextual and local, raising doubts as to whether an international aid-imposed social change agenda is really the right approach.

In order to raise the probability of social change and to foster transformation for women, an integrated gender analysis needs to be applied to all aspects of the post-conflict aid intervention. This must take into account the roles and needs of both women and men in the aftermath of conflict. In Afghanistan women emphasised the neglect of men in development programming as an area of concern. Transforming the gender order entails a focus on both women and men. Local gender ideologies are already on unstable ground in the aftermath of conflict – gender interventions notwithstanding. Gender interventions can further exacerbate this instability, presenting a challenge to entrenched forms of patriarchy. Social change for women can benefit from lessons learned in Afghanistan. A genuine gender analysis has the potential to provide the foundation for sustainable social change because it takes into account the need to understand both women and men in their social roles.

The importance of a contextual analysis cannot be overstated. Absent from interventions in Afghanistan was the necessary research on local definitions of gender. This entails not only an understanding of the social construction of gender roles

but also an historical understanding of how these roles have fluctuated. A contextual analysis recognises that things happened before the international community arrived and that people exist in certain contexts that change over time. Understanding these crucial details contributes to better-formed interventions by knowing what is important to the communities supported and what they want to see changed. A contextual analysis reveals that women in both Afghanistan and Sudan do have agency – a long history of acting on their behalf and achieving gains. An understanding of women's agency entails letting the women take the lead – and believing that they can do it. Allowing people to participate in development interventions is not sufficient. They must own the process – and the outcome.

Unintended outcomes can emerge from gender-focused interventions when they fail to address gender issues, focusing only on women and stoking men's resentment. They also occur when development agendas advocate social change and transformation but fail to meet women's expectations or give them an active role in their own transformation. The perception that change is externally imposed can result in a backlash against women. Throughout modern Afghan history there have been periods where women's rights have been highly contested as they have been thought to be part of Western modernisation agendas.

In both Afghanistan and Sudan, women's victimisation has been publicised and nearly fetishised. The international media focuses on so-called 'cultural' forms of violence against women – such as rape as a weapon of war, stoning and other abuses. When these forms of violence appear to have subsided, the media is less interested in women and in documenting and reporting on their realities, whether violent or not.

As in Afghanistan US policy in Sudan is driven by determination to combat alleged terrorist links and Islamic fundamentalism. US sanctions are still in place and the US is only reluctantly engaged. There is nevertheless a risk that the arrival of international peacekeepers will impel the US, as it has done in Afghanistan, to recruit warlords – many of whom have

perpetrated acts of gender-based violence.

An engendered agenda for Sudan

In both of these vast ethnically diverse countries, building a sustainable peace must be broad-based and inclusive. Whatever 'peace' is sought must be locally owned, not internationally imposed. If the goal is to improve women's lives, women must be the ones to decide how this improvement is to take place and what kind of international support might be needed to bring it to fruition. Local women's organisations should take the lead in articulating women's needs and interests. For the international community, they would do well to talk less and listen more. In so doing, there is a chance to foster genuine dialogue and for all parties involved to talk with instead of talk to.

Genuine dialogue entails not only that with the international community but also dialogue between Sudanese women and men. This dialogue should start with women's genuine participation in the peace process. Afghanistan's own peace process demonstrates that quotas for women are not enough to achieve veritable participation. Quotas serve only to please donors by quantifying what remains beyond figures – engaging women in a meaningful way in the processes that determine their lives. Sudan can boast many champion women whose voices are being heard, and whose voices still need to be heard. To listen to these voices, the international community must look beyond the usual suspects to those who are not in the limelight.

The Government of Norway, the Norwegian Institute of International Affairs (NUPI) and the United Nations Development Fund for Women (UNIFEM) led a consultative process which led to Sudanese women expressing their priorities and recommendations to delegates to the Oslo Donors' Conference on Sudan in April 2005.² Sudanese women are calling on the Sudanese authorities, the UN, IGAD and the donor community to:

- emphasise that violence against women will not be condoned and that its prevention is a priority
- build the capacity of local and

- national women's organisations
- ensure that women constitute at least 30% of all those holding positions in all transitional institutions established under the Comprehensive Peace Agreement
- establish a Ministry of Women and Gender Equality
- establish a Women's Fund within the Multi-Donor Trust Fund (MDTF) for women-specific programmes
- guarantee women's property rights
- provide vocational training opportunities for adult learners, targeting women in particular
- set up confidential reporting mechanisms and legislation that is enforced in order to bring perpetrators of gender-based violence to justice
- provide more psychosocial support for both women and men
- collect data on the impact of gender-based violence on women and girls, including as a result of armed conflict
- host an inclusive Sudanese Women's Conference to define a coherent, long-term agenda and strategy for accelerating women's empowerment and gender equality/equity.

Donors need to back up their rhetoric and demonstrate commitment to Sudanese women by increasing women's capacities and promoting gender equality and equity. Otherwise, the Sudanese reconstruction process runs the risk of further marginalising women. Not unlike Afghanistan.

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SUDAN

Sudanese women's role in peacemaking

by Nyaradzai Gumbonzvanda and Grace Okonji

As news of the signing of the Comprehensive Peace Agreement (CPA) reached Sudan, women's ululations filled the air in celebration as war-weary communities breathed in the sweet scent of peace and renewed hope. However, much needs to be done to ensure women are the heart of the post-conflict reconstruction agenda.

For years Sudanese women have been involved in community peace building and advocacy for inclusion in the formal peace negotiations. Yet despite Sudan's commitment to the Beijing Platform for Action, policy recommendations of the Intergovernmental Authority on Development (IGAD) and the clause in the SPLM's constitution promoting affirmative action, women were not admitted to the main peace negotiating table.

The Joint Assessment Mission for Sudan (JAM) offered the opportunity for greater participation. Consultations took place with Sudanese women, policy makers, NGOs and donors to bring the voices of women to planning and resource allocation processes. The JAM consultations sought to identify those structures, policies and practices which help perpetuate patterns of disadvantages and inequalities for women and men. UNIFEM provided the lead in mainstreaming gender issues into the JAM process. Gender analysis, as a methodology for the JAM, began at the level of the household by considering the ways in which women and men participate differently in the household economy and society. It also sought to identify structures (institutional, political and social), policies and practices which act to perpetuate patterns of women's and men's disadvantages and inequalities.

"The ability of women from all segments of society in the Sudan to access systems of justice is central."

Sarah Nugdalla, UMMA party

"The development of gender-aware police forces, with the involvement of women in the forces, is a critical

aspect of establishing law and order and ensuring adequate protection of women in the country. Violence against women and other forms of abuse must be recognised as matters for public policy and judicial systems. Training of police on how to address these issues sensitively is paramount."

Amal Kunna Khairy, Gender Centre for Research and Studies

Gender equality in funding

Sudanese women have voiced the need for opportunities, empowerment, participation and inclusion of women in the establishment of legislative and constitutional systems

The gender symposium held on the eve of the Oslo Donors Conference in April 2005 brought together some 50 Sudanese women from North, South and Darfur to evolve a common set of priorities and recommendations for peace, reconstruction and healing.¹ Following meetings with international donors, the Sudanese women made a number of specific recommendations aimed at mainstreaming gender equality principles in all funding and programme mechanisms. The Sudanese women set a new global threshold, with criteria for gender-responsive budgeting to ensure an 80% accountability to women, young people and poor war-affected and marginalised communities. The best way to measure commitment to women is to follow the money and to make sure that the money works. Gender-responsive budgeting can be put in place to guide Sudan's reconstruction.

In Oslo Sudanese women also called for:

- a minimum representation of 30% for women in decision-making positions at all levels, including transitional institutions, review processes and commissions established under the Comprehensive Peace Agreement (CPA)
- establishing a Ministry of Women and Gender Equality – as provided for in the CPA – and gender divisions in all other ministries
- establishing a women's fund within the Multi-Donor Trust Fund for women-specific programmes and ensuring a formal role for women's organisations in the management and disbursement of funds
- setting up women's resource centres for refugees, internally displaced women and returnees at state, provincial and district levels
- formulating pro-poor economic policies and poverty eradication and wealth creation strategies that adequately address the needs and rights of women and girls
- reducing gender disparities in education enrolment and drop-out rates for primary, secondary, tertiary and post-graduate levels, with priority given to war-affected and marginalised areas
- recognising the importance of HIV/AIDS in relation to human security and the need for adequate education and awareness raising, prevention and treatment
- enforcement and/or enactment of laws to eradicate all harmful traditional practices that have an impact on the health of women and girls
- provision of free comprehensive reproductive health services.

Gender training and capacity building are of vital importance. Gender-responsive and pro-poor budgeting principles and approaches must be integrated in both principle and practice. Training and skills building programmes must have a conscious focus on women's inclusion as well as integration of gender content. This must be supplemented by a strong investment in supporting

community and women's groups, networks and associations.

The tragic death of John Garang de Mabior must not darken Sudan's march towards a gender-equitable peace. As his widow, Rebecca, told mourners: *"Dr John wanted you to be united. I will not miss my husband as long as you, the people of Sudan, are the watchdogs of the CPA. ... The legacy of Dr Garang was to fight for the rights of women and the children. If they are mistreated, I will be a lioness."*

Women know the cost of war and destruction. Many women and their families are displaced, living in extreme poverty without access to clean water, energy, sanitation, a means of livelihood and education. After 40 years of suffering, peace brings new hope. But this peace is fragile. It has to be carefully nurtured and invested in. A new Sudan, a Sudan without war, needs women as leaders and as full and equal citizens. Women are central to the enormous tasks ahead and can accelerate the building of peace, security and prosperity. It is through women's leadership and gender equality promotion that progress towards achieving the Millennium

commitments will become a reality in communities.

Only five of the 74 members of the Government of National Unity announced in September 2005 are women. The odds remain stacked against them but Sudanese women continue to organise, to advocate and to initiate action. They demand our continued technical and financial support. They need our solidarity and our commitment to making progress towards achieving the Millennium Development Goals for all sectors of Sudanese society. Their courage and persistence deserve our support, just as Sudan deserves its peace.

"This has been a culmination of many years of challenges for us, in mobilising for peace, many years of our voices rising, pushing to be heard. We are getting there, my sisters. Let us organise ourselves even more now and pull together." Rebecca Okwachi, Sudan Radio journalist

"The Oslo priorities and recommendations are for all women of Sudan. ... We shall continue to disseminate them to all the women of Sudan to know our reconstruction priorities."

Abuk Payiti, Director, Gender Peace Desk, SPLM

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1. www.sudansupport.no/genderconf_05_oslo/doc_index.html

Participants at the Sudanese Women and the Peace Process conference, Oslo, January 2005, including representatives of Bahr al Ghazal, Equatoria, Nuba Mountains and Upper Nile; NGO representatives; the SPLM/A Commissioner of the Women, Gender and Child Welfare secretariat; and the Director of the SPLM/A Gender Peace Desk.



Endangering peace by ignoring women

by Nada Mustafa M Ali

“We want our New Sudan women to be well informed about politics. They are the majority of the population ... but because of ignorance, they are trodden upon, kept in the kitchen and made to procreate.... But time has come for us to equally dance with our men in the political arena. No man is born a politician and no woman is born a cook!”

Pamphlet, New Sudan Women's Association, March 1999

“A major problem with this peace agreement is that it is an agreement negotiated without the participation of other political parties or civil-society organisations in which more women are represented.”

Sonia Aziz Malik, lecturer, Ahfad University for Women, Omdurman

Unresolved conflicts and exclusions seriously undermine the implementation of the Comprehensive Peace Agreement (CPA) signed in January 2005. The CPA testifies to the struggle of the people of southern Sudan and the Nuba Mountains. It may have largely settled the contradictions between the political North and the South but injustice in other parts of the country, particularly Darfur, has instigated fierce violence. Government-sponsored militias have used rape as a tool to subjugate whole communities. Conflict could also escalate in the East, where women are most affected by decades of socio-economic, political and cultural marginalisation. The process leading to the CPA and formation of the ‘Government of National Unity’ in September 2005 has been dominated by the SPLM and the ruling National Congress Party and has excluded most other political forces as well as civil society organisations, including women's groups.

It is important to remember not only that women's bodies have been used as tools of ethnic cleansing – in the South, Nuba Mountains and Darfur – but also that women have been actively engaged in peace promotion. Women have been responsible for running whole communities in the

absence of men and basic services: in the war-affected areas, in the displaced camps in Khartoum, in refugee camps in Kenya and other neighbouring countries, and in exile in Europe, Australia and North America. They have also played key roles in inter-tribal reconciliation efforts across southern Sudan.

Women in the SPLM and Nairobi-based women's organisations

Women started to take an active part in the SPLM/A in 1984 when a ‘girls’ battalion’ was established. In 1985 the New Sudan Women's Federation (NSWF) was established. From initial focus on organising women to assist the wounded and feed the army, NSWF moved on to provide humanitarian assistance to women and children in refugee camps and commenced literacy classes for women. In 1986 the first women joined the SPLM's ‘political school’ and in 1989 the movement established the position of director of Women's Affairs. Women participated in the process of preparation for the SPLM/A's first convention in 1994, where 23 women were appointed to the movement's National Liberation Council.

Throughout the 1990s southern Sudanese women's organisations built a movement that worked in collaboration with UN agencies, donors and local communities in Nairobi as well as in non-government-held areas. Members were continuously trying to create a space for women within various political institutions. To better coordinate their activities they worked with community organisations to set up the New Sudan Indigenous Organisations (NESI) network. Groups engaged in advocacy and service delivery in the non-government-held areas in southern Sudan. NSWF established centres that provided legal advice to women affected by domestic violence. The Sudanese Women's Voice for Peace (SWVP) ran training courses on conflict resolution, peace monitoring and leadership skills in collaboration

with international and UN agencies. Women's participation in the peace negotiations started in 1997 when two women joined the SPLM negotiating team. Throughout the Machakos and Naivasha meetings, southern women such as Jemma Kumba, Anne Itto, Awut Deng, Agnes Lasuba, Christine Lino, Abuk Payiti, Susan Jambo, Lona Lowilla and Cecilia Oba formulated a clear plan to tackle obstacles preventing proper integration of women's specific needs into the peace process. The activism of the Nairobi-based organisations developed around a very strong and critical discourse, which demanded representation in the peace talks. However, in the end, although civil society organisations associated with the SPLM/A attended briefings and consultations, they – including women's organisations – were excluded from the formal peace negotiations.

In accordance with the resolutions of the Oslo women's conference, held in April 2005, at least 30% of seats in all political institutions should be allocated to women. Resolutions of the conference covered women's roles and their access to power, resources and services in different spheres. However, focus on women's representation without attention to the gender component of the CPA and of other political processes might result in male-gendered and untransformed patriarchal politics, albeit with token female participation. It is important to ensure that the whole CPA and the constitution are engendered, which means that issues of redistribution of power and wealth are also considered in relation to the position of women and men in society, including women's land ownership and women's active participation in decision making. We must not forget that the CPA has been negotiated with a regime whose rigid ideology actively discriminates against women. Given that the CPA allows for implementation of *shari'a* law in the North, state-led discrimination seems set to continue at least in the North. A sensitive gender approach can be a tool for bringing about genuine transformation through

challenging this ideology. It is also time to rethink the role of women as bearers of culture and markers of ethnic boundaries, expressed, for example, in the restrictions posed on intermarriage between various communities in Sudan.

Only five of the 74 positions in Sudan's new government are held by women. The new minister of health, Tabita Shokai – a nurse and long-time Nuba activist formerly based in the UK – welcomes the fact that there are 60 women in the 274-member National Assembly but

argues that this is not enough. "We still need more representation in all aspects of decision making and there is need to build the capacity of women leaders."¹

Apart from the Joint Assessment Mission's report, which started by formulating a gender strategy, mainstream peace and peace related processes have failed to look at the specific way in which conflict, peace building and post-conflict reconstruction have affected women and men in a gender-specific way. They have not given due consideration to

the role of women as peace builders and active participants in post-conflict reconstruction. If left unaddressed, this risks endangering, and not engendering, Sudan's recovery and reconstruction.

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1. www.nationmedia.com/EastAfrican/Current/Magazine/Magazine031020053.htm

Stemming the spread of HIV/AIDS in Sudan

by Shannon Egan

International and Sudanese organisations working to prevent the spread of HIV/AIDS fear an increase in infection rates as a result of large return movements of refugees and IDPs.

With 1.5 million IDPs expected to return home by the end of 2006 and the imminent return of refugees from neighbouring countries whose rates of HIV/AIDS prevalence greatly exceed Sudan's estimated 2.6%, the impact of the pandemic could spread. Abu Bakr A Waziri, HIV/AIDS project manager of UNFPA, warns that "...the situation will be very grim if the necessary measures are not taken from now, as the returnees coming from these infected areas will intermingle with the people in their new area."

The head of UNHCR's HIV/AIDS programme, Paul Spiegel, acknowledges the potential risks of an increase in HIV infections but urges people not to jump to conclusions with regard to HIV prevalence among returnees. "While it is true that conflict-affected populations and refugees are at greater risk of HIV infection – because of sexual violence and disruption of health services – this doesn't necessarily translate into higher infection rates," Spiegel said. "Actual infection rates are highly context specific." Key factors include the HIV prevalence in the area of origin, infection rates of the population surrounding refugee camps and

the time refugees have spent in the camp. In addition, the increased risk of HIV infection in a time of conflict could be offset by a decreased risk as refugees' mobility is reduced and their level of HIV/AIDS awareness raised through educational programmes in refugee camps.¹

Rather than perceiving the return of Sudanese refugees as a potential risk for increased HIV infections in southern Sudan, Spiegel prefers to see the return of refugees as an opportunity. Those who have been educated in camps about HIV/AIDS and who have been trained as health workers or nurses can in turn educate and assist the communities with which and to which they will return.

Response

Government institutions have become increasingly aware of the situation and have initiated HIV/AIDS prevention programmes throughout the country. Education authorities have introduced teaching about the risks of unprotected sex in both primary and secondary school curricula. The Ministry of Religion is encouraging Muslim and Christian communities to discuss preventive measures.

Military authorities are instructing soldiers in the use of condoms.

In 2003 President Omar al-Bashir shook hands with HIV/AIDS-infected people in front of an audience of over 1,000 Sudanese citizens in order to spread the message that those living with HIV/AIDS would be supported by the nation. During this assembly, the president also made a commitment to support and fund projects dedicated to eradicating the spread of HIV/AIDS.

UNAIDS, UNFPA and UNHCR have made a commitment to support, fund and collaborate with one another's HIV/AIDS-related projects. These focus on motivating community leaders to speak out in public about HIV/AIDS issues, enabling more people to access treatment, educating displaced people in camps and rural areas so that they can in turn educate their communities once they return home, and involving Sudanese people living with HIV/AIDS in informing, educating and counselling others.

HIV/AIDS-infected people join the fight

The Sudanese People Living with HIV/AIDS Care Association (SPLWHACA) was established in 2003 in Khartoum by local HIV/AIDS-infected persons to provide support to the more than 600,000 people with HIV/AIDS in

Sudan. The organisation provides counselling to help people to live a normal life and to play a key role in educating their communities about methods of HIV/AIDS contraction and prevention as well as in fighting the stigma surrounding the disease. According to Joseph Jenoro Ochilla, SPLWHACA's head, "The purpose of the counselling is, yes, to provide support but also to instil confidence in the HIV/AIDS-infected person so that they can go out into the community and make people aware of the issue by saying, 'I am HIV positive and that is okay.'"

The 250 members of the SPLWHACA work around the clock on a voluntary basis to provide support and to educate communities in seven of Sudan's 18 states. Their work is beset by obstacles. Due to lack of funding, they have no office. When they try to educate Sudanese about HIV/AIDS, they are often ridiculed, even thrown out by communities, largely due to the correlation of HIV/

AIDS transmission with sexual intercourse outside of marriage, an act condemned by the country's Islamic *shari'a* law. As Ochilla explains, "The people in Sudan want to keep those who are positive in a fenced area so as not to disturb the community. But they don't understand that those of us who are aware that we are positive are less dangerous than those who are positive but do not know they are positive."

Asha Ebrahim, SPLWHACA information counsellor, became involved with the network when she learnt that she was HIV positive as a result of a blood transfusion. The most difficult thing about living with HIV/AIDS in Sudan, she says, is the harsh treatment by her peers due to the stigma surrounding the disease. "As soon as the man who owns the house I am renting learns that I am positive, I am kicked out. Teachers in the school tell my children that there is no place for them." Despite these difficulties, Asha is dedicated to

informing and educating the people of Sudan about HIV/AIDS. She has appeared on numerous television programmes and has become a key speaker in many HIV/AIDS-related workshops throughout Sudan.

For Ochilla, the reward of working with SPLWHACA is in seeing those infected with HIV/AIDS begin to believe in a happier future and in watching communities gradually open up to the messages spread by SPLWHACA members. "In the end it is not easy but we are dedicated to the work because we believe that it is important and that in time we can make a difference in the spread of HIV/AIDS in Sudan."

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1. See Paul Spiegel and Alia Nankoe, 'UNHCR's work with refugees and HIV/AIDS: lessons learned', FMR17, www.fmreview.org/FMRpdfs/FMR19/FMR1909.pdf

Separated children in south Sudan

by Una McCauley

Huge numbers of young people in south Sudan are growing up away from their parents. Research findings suggest many would rather live outside unsupportive family structures and that they are increasingly more dependent on each other for support and comfort than on adults.

War has skewed the demographic balance in south Sudan where children make up 53% of the population. Due to the large number of men who have either been killed or forced to migrate in search of work, females comprise 55% of the population. Women have had to take on a wide range of responsibilities that they did not have before the war, challenging family dynamics in a hierarchical male-dominated society.

As child-focused agencies in south Sudan have moved towards viewing the protection of vulnerable children more holistically it has become clear that there are significant cyclical

linkages between family separation, voluntary or involuntary, and vulnerability to recruitment, abduction, sexual exploitation and other horrors which characterise the lives of many young people in southern Sudan. Children who are separated from their original primary carers are more likely to leave subsequent carers due to ill-treatment and perceived lack of love and support. Concerns about the encroaching impact that HIV/AIDS will have on household structures have led to an increased interest in separated children and children without primary care givers. The potential movement of large numbers of IDPs and refugees from the North and from

neighbouring countries raises concern about children who may be left behind, or become separated prior to departure or while returning, as well as the impact that high numbers of returnees may have on family coping mechanisms.

There is a pressing need to better understand separation: who are they, how or why do they become separated, what are their choices, what coping mechanisms do children, their families, carers and communities employ and how do they perceive separation. UNICEF, Save the Children UK and Save the Children Sweden sought to answer these questions by talking to a small sample of children and adults in southern Sudan affected directly or indirectly by family separation.

How children get separated

There are many reasons why and how so many southern children have become separated from their families. Sometimes they are forced

to leave their homes due to fighting; at other times it is an informed decision on the part of the child and/or the family. There is anecdotal evidence that large numbers of children have become separated from their families due to attacks and other acts of war, military recruitment and labour migration but little in the way of documentation of family separation. The International Committee of the Red Cross has done some limited registration of war-separated children – mostly of those who fled in panic from aerial bombardments – but there has never been a systematic family tracing and reunification programme in south Sudan. This is in part due to cultural understanding and definitions of family separation and to whom children belong and the extent to which separated children are seen as economic assets to be absorbed into new families. Many communities do not consider that a child living within the extended family support system can be ‘separated’ as customary care practices allow a wide range of family and clan members to have responsibility for the child.

Military recruitment has been a significant cause of separation as all protagonists have used children in combat and support roles. Children reported that their decision to enlist was often voluntary – that they decided to escape difficult and abusive domestic situations or to seek revenge for the killing of loved ones. The SPLM used to recruit children and separate them from their families but also claims that their army

provided a safe and secure place for separated children with no-one else to care for them. Of some 16,000 children who were formally demobilised from the SPLA between 2001 and the end of 2003, more than two thirds were living away from their families. While their return has been relatively easy, this is not the case with other armed forces in the South, particularly GoS-backed militia who recruited children by force or promises of cash rewards.

Another high-profile group are children abducted, along with women and livestock, during raids by northerners or, less frequently, in the course of South-South inter-tribal raiding between the Dinka and Nuer and the Merle and the Nuer. Because much tribal raiding takes place in inaccessible areas there is no real understanding of the extent of the problem.

Labour migration has also caused significant separation. Within southern communities there is a reluctance to acknowledge movement to Khartoum or other areas controlled by the GoS. However, most families have relatives who have gone ‘North’ and the relationship between the ‘North’ and ‘South’ is a lot more fluid than most people in the south care to admit. The children who took part in the study who had been left behind when parents migrated were cared for in the extended family or clan.

Separation is also often the result of the traditional belief among Nilotic

tribes that early male separation from the family is part of the process of growing up. Neither the adult nor the child respondents in the research found the actual process of boys leaving home alarming. Young males have left home to look for a better education or life in the cash economy or refugee camps in neighbouring countries, voluntarily separating themselves from their families at a relatively early age. A UNICEF study of street children in Khartoum found that most were young male southerners, many of whom had opted to leave their families in the south in the hope of bettering themselves.

Among the different tribal groups of south Sudan, responsibility for caring for orphaned children or those who have lost their primary carers usually falls within the extended family, often to maternal relatives. However, after such protracted conflict and damage to livelihoods, families and communities are unable to cope with the increasing numbers of orphaned and separated children. Most adult respondents indicated that caring for separated children is an unwelcome burden, the weight of which falls almost entirely on women.

What young people say

The overall situation for children is bleak and the fact that so many children are becoming separated due to adverse conditions in their households and communities raises concerns about ‘quick-fix’ solutions to family separation. While many of the causes of separation are the same for children who become separated for the first time, the inadequate treatment of separated children in many instances leads to re-separation (or children leaving home to seek a better existence).

Voluntary separation is seen as an attractive option by very many young people. Children in all research communities highlighted the fact that separated children living within family units (be they extended family or foster families) are subject to abuse, discrimination and neglect by their carers, the community and other children. The majority of separated children interviewed said that they did not want to be re-unified with their families and argued that they had left home because their lives had



been worse. Unless improvements could be made at the household level they could see no reason to return.

Girls face worse conditions, especially in Northern Bahr El Ghazal and Western Upper Nile, where the option to leave is denied them and they are trapped in exploitative and abusive situations. Many report being sexually abused by members of their extended families and lacking anybody to turn to. Early marriage is not uncommon in many parts of southern Sudan but separated girls face the danger of being forced into marriage at an even younger age as this is a way for carer families to access the dowry and relieve themselves of the burden of caring for the child.

Being denied food is a major issue for separated children. Child interviewees gave details as to how separated children's carers would regularly deny them food and give preferential treatment to biological children. One chief in Western Upper Nile told of how people caring for separated children would often pretend that the child had "just eaten" when the child had not been fed for days.

All children expressed a strong belief that education was the only way that they could improve their situation. Many feel that adults put up barriers to their educational achievement. More boys leave home to look for education than girls. Having left home they often arrive at their destination only to be barred from attending classes because they cannot pay the fees. Girls are less likely to leave to seek education as it is not considered a priority by them or by their carers. And they are rarely given the opportunity to attend school anyway, even if a school is available.

All those interviewed mentioned domestic violence, gender-based violence and sexual harassment as causes of separation. Women reported that men disempowered by the war had lost status, had become brutalised by military life and returned to bully and harass their wives. Children said fathers were often so violent that their mothers left the home, leaving them alone with their fathers who would not take care of them and so they in turn would also be anxious to leave. In the aftermath of sexual violence out-

side the home, some women are no longer able to take care of their own children and end up leaving home.

Children are concerned about alcohol. The issue of parental alcohol abuse was mentioned by children in all communities as a major factor contributing to domestic abuse and neglect. "Alcoholism leads to mistreatment of children, especially girls sexually, which frustrates children and forces them to flee their homes," reported an adolescent girl in Western Equatoria. Separated children living in market towns or as child soldiers turn to alcohol for solace. Adults and children have noted an increase in the use of marijuana among boys and girls.

A child in Northern Bahr el Ghazal reported that "separated children are abused and overworked. They are left to look for their own food even when the father is still alive." Affection traditionally comes from mothers and not from fathers. While a child who still has a father may not be defined as a separated child it seems that many of them share the same feeling of being uncared for. Adult and child respondents stressed that a child whose mother had died was as badly off as a child with both parents dead. Widowed fathers have very little to do with a child's upbringing. In many cases, fathers meet their own food needs by going to a neighbour or relative's house but often do not provide cooked food for their own children and this is considered acceptable behaviour by adults.

Separated children often form small child-headed households. Children living in market towns in Northern Bahr El Ghazal described how they rely on each other for emotional and physical support. "Children help each other by sharing food, older boys protecting younger boys and girls from other boys who might harm them. They help each other with work like pounding sorghum, washing clothes and taking care of cattle."

Young people have a clear idea about what is good for them and they are able to make intelligent decisions about their lives. The decision of many separated children not to return to their homes unless there are significant improvements has to be recognised.

There is a clear sense of grievance among many children about the way they have been treated at home: denied education, used for work and, importantly, denied love and care. The children seemed to have a very clear idea of what they wanted from their parents and they consistently asserted in interviews that it was their right to receive love and emotional care from their parents as well as having their physical needs taken care of. If these rights were not being addressed then it was a good enough reason to leave home.

Researchers were surprised by the strength of opinion expressed by the children when interviewed about the impact an unhappy home has on their lives. Many children attribute separation to how badly children are treated in the family and how little love and affection they feel they receive. Girls described a 'good home' as one in which

- there is love
- there is food, in which each child gets an equal share
- no one insults you
- you look forward to being there at the end of the day
- people do things together
- there is no discrimination between children
- nobody talks about who is an orphan and who is not
- you are allowed to go to school.

Refocusing child protection

In recent years much of the attention of international agencies working in child protection has centred on activities with high-profile groups of children – for example, the demobilisation of children associated with the fighting forces and the return of abducted children and women from Government of Sudan (GoS) areas. The child protection sector in southern Sudan is small and under-resourced and more must be done to address the protection needs of the most vulnerable children, wherever and wherever they are.

It is important to:

- abandon romantic notions of the ever elastic and welcoming nature of extended families and host communities
- recognise the legitimacy of children's anger at the way they have been treated at home, denied

- education, used for work and denied love and care
- prioritise support to girls
- realise that a tradition of leaving home may be normal and not try to impose family norms and standards which are unacceptable to male teenagers
- establish community-based family tracing activities and stan-

- dardised models of follow up and community monitoring to assess how well protected separated and reunified children are and address their immediate protection concerns
- support community-based social work to find mechanisms to listen to what children and young people are saying and to help

adults recognise the dangers of inter-generational conflict and resentment.

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Gender, education and peace in southern Sudan

by Jackie Kirk

Expanding access to education for boys and girls is a critical Millennium Development Goal and peace-building challenge. In southern Sudan, as in other post-conflict societies, many girls remain excluded from schooling opportunities which could help develop the knowledge, skills and attitudes to build a peaceful society.

The SPLM's Secretariat of Education (SoE) has explicitly linked gender, education and peace within the Directorate of Gender Equity and Social Change. This forward-looking move recognises the potential of education to enhance a gender-just peace. The SoE now has the challenge of addressing very high expectations for education in ways which are regionally, ethnically and gender equitable. Regional disparities are significant: girls in Bahr El Ghazal, Upper Nile, Nuba Mountains and Southern Blue Nile face considerable and practical challenges in accessing education as there are so few schools in these areas.

The Gender Equity Support Programme (GESP) of the SoE/Sudan Basic Education Programme (SBEP)¹ provides scholarship support to over 2,000 girls and women in secondary schools and teacher training institutions. Designed to address barriers to girls' education, it provides funds to secondary schools and teacher training institutions based on the number of girls and women enrolled. This includes a fixed fee subsidy for girls. Decisions about how to use the rest of the money are made by the schools through a participatory process involving male and female students as well as teachers and school board of governor representatives. In addition, each girl receives a

'comfort kit' including sanitary pads, underwear and soap.

An initial assessment indicates that the GESP is contributing to increased enrolment, reduced drop-out rates, lower absenteeism and improvements in the conditions in which the girls study and live. Comfort kits are enabling girls to spend longer in the classroom and to no longer absent themselves during menstruation. Their distribution has opened up discussion of a previously un-addressed subject and raised awareness among male teachers of girls' specific needs.

Peace building in southern Sudan requires a shift from authoritarianism and patriarchy towards more democratic and participatory approaches. Schools are a critical site for this transformation, not only because the students in the schools today are potential future leaders but also because schools are key institutions in communities with the potential to model new ways of working. The GESP has potential to make the experience of schooling for boys and girls more gender-responsive, participatory and student-centred.

However, the institutional capacity to understand and implement new and complex concepts such as student participation and gender-responsive teaching is limited. Male teachers,

despite becoming more aware of girls' needs and perspectives, lack information and tools to transform their teaching practices accordingly. Schools and training institutions are requesting more input and support, including teacher training and capacity building, to facilitate, for example, more gender-responsive and democratic teaching methods in the classroom and increased status for women teachers.

Curriculum and learning materials are important forces for gender equality. They should enable both boys and girls to succeed in school, to assert their rights and to enable them to actively participate in development and reconstruction processes. In the absence of a common curriculum, secondary schools use Ugandan or Kenyan curricula, teaching and learning materials or a combination of both. The development of a new curriculum and examinations system for a new state is a critical opportunity to rethink what children learn in schools and to reorient the content and processes of schooling to promote equity and peace.

To do so requires rethinking not only primary and secondary school curricula but also what – and how – trainee teachers learn. With support from the SBEP, a unified teacher education curriculum is being developed with an emphasis on student-centred methodologies and democratic approaches in the classroom. There is a new focus on teachers' roles as 'agents of change' in schools, communities and the nation. Teachers need to be actively engaged in creating and sustaining gender-responsive – and especially girl-friendly – schools and classrooms.

Educational reconstruction and transformation in post-conflict contexts require input from both men and women. However, in southern Sudan there are few women teachers and even fewer women in education management roles. Increased numbers of women teachers in schools could improve educational opportunities and experiences for girls. Increased girls' enrolment and retention may then lead to a larger pool of women ready and interested in teacher education and, ultimately to larger numbers of women teachers.

As more women come into teaching, attention must be given to ensuring that women teachers are considered full members of the school team with the same status and expectations as male teachers, and not only associated with helping girls cope with menstruation and avoiding early pregnancy. Attention to these issues should include training for all teachers, as well as communications materials such as posters and radio announcements to recruit and retain women in teaching.

As a recent USAID report has highlighted², gender-based violence (GBV) is a very real issue for women

in southern Sudan. Gender-based violence – or the fear of it – can limit girls'/women's participation in education. Parents may keep daughters away from school for fear of attack on the way to and from school. Women in fear of beatings from their husbands are unlikely to become teachers and community agents of change. Teacher training and student workshops are important venues to address GBV. Teachers can also be an important part of the necessary reporting and response mechanisms through which those affected by GBV may access help – but should follow a very clear code of conduct and violation response procedures. Setting such reporting mechanisms in place is a challenge when there is so little of the educational infrastructure in place.

Recommendations

Education for gender equity and peace in southern Sudan will require:

- establishment of transparent and democratic systems of education management and administration
- new strategies to recruit more women teachers
- grounding teacher training con-

tent in women's as well as men's experiences and perspectives

- designing training specific to the needs of women teachers: these should not be considered as 'remedial' but as opportunities for women to share experiences, discuss gender issues and develop capacity for leadership and peace building
- assisting female teachers to take up positions in educational management and administration
- empowering women and men teachers to be agents of protection against GBV.

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1. www.ineesite.org/standards/sbep1.asp; www.careusa.org/careswork/projects/SDN093.asp
2. www.womenwarpeace.org/sudan/docs/usaid-gbv.doc

*Sudanese
returnee teenage
pupils at Yei Girls
secondary school.
UNHCR plans
to replace it with
a boarding school
outside Yei.*



Education crisis in south Sudan

by Tim Brown

Education flourished in refugee camps but young people repatriating to south Sudan are frustrated by a serious shortage of educational opportunities, particularly in secondary education.

John Garang spoke of his ambition to ensure universal primary education in south Sudan within six years. However, the legacy of 21 years of conflict and underfunding is daunting. Fewer than 200 of the 1,600 schools in southern Sudan have permanent buildings.¹ Most classrooms have only a board and chalk. According to UNICEF just one in five children of primary school age is enrolled,² dropout rates are high – especially for girls – and only one schoolchild in eight continues past grade four. Half of the region's teachers have received no professional training and most have themselves completed only about four years of primary education. According to the USAID-funded Sudan Basic Education Programme,³ a mere 2,500 children – in a region larger than most countries in the world and with a population estimated to be 7.5 million – complete primary school each year. Only 1% of girls complete primary education and only one schoolchild in four is a girl. The lack of female teachers – just 6% of the teaching force – reinforces this gender imbalance. Ninety per cent of women are estimated to be illiterate.

Since the signing of the Comprehensive Peace Agreement, the town of Juba – former and new capital of the south – has become a magnet for returning students at both primary and secondary levels. Students coming back from asylum countries and from SPLM-controlled areas of Sudan are desperate to receive free education in a government school.

The vast majority of returnee students are English-speaking. Before the war most secondary schools in Juba used English as the medium of instruction but now there is only one 'English pattern' government secondary school in the whole of the south – Juba Day school. As all returnee secondary students are sent to enrol there, Juba Day has doubled in student numbers and is at saturation point. The school operates in

two shifts. The teachers – who have not been paid for two months – have taken on an extra afternoon shift without extra pay and in late July went on strike for adequate compensation. As the authorities have stopped further enrolment there is a growing mass of frustrated returnee students. There are similar problems at the only English-pattern government primary school in Juba, Buluk 'A' Basic, where some classes now have 180 pupils.

Despite the desperate situation, there are seeds of hope. Students are moving freely between SPLM areas and former Khartoum-controlled areas in search of better education. Returning students and teachers can bring much needed skills, attitudes and positive female role models. Returning refugees have generally received a better education than those who stayed behind. Returnee students are said to be better behaved and both returnee teachers and students speak better English, while the stayees speak better Arabic. They have much to learn from each other.

The education system in south Sudan needs enormous help. It is recommended that:

- 'returnee' schools be given immediate assistance, according to the priorities set by school managements and education authorities
- agencies support schools outside Juba to relieve the congestion in Juba town and provide boarding facilities to attract female students
- agencies work with education authorities to establish policies to address quality and huge gender gaps in enrolment and attainment
- assistance be given to provide south Sudan with much needed teachers and teacher training
- support be provided to develop and procure English-language textbooks and provide intensive language training
- non-formal education programmes be developed to

address issues such as HIV/AIDS awareness, life skills and peace education, particularly for out-of-school youth

- donors support the re-establishment of the university in Juba, to attract diaspora southern Sudanese and help develop a skilled workforce
- literacy programmes be targeted at adults who missed out on education to make them aware of its value and why they should send their children, including girls, to school
- girls and women be given priority for further education and teaching opportunities.

Secondary education (including technical and vocational education) is of paramount importance. It enhances protection, provides opportunities for girls, discourages early marriage, keeps youth out of trouble and produces skilled workers. Donors must not neglect secondary and other forms of post-primary education in this critical transitional period.

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1. The south Sudan statistics quoted in this paragraph do not cover the garrison towns formerly controlled by Khartoum.

2. www.womenwarpeace.org/sudan/docs/base-line.pdf

3. www.careusa.org/careswork/projects/SDN093.asp



Tim Brown

A local approach to peace in Torit, south Sudan

by Jeannie Annan and Christine Pagen

While the Comprehensive Peace Agreement is the foundation on which Sudan can grow as a peaceful nation, there is an urgent need to complement institutional reforms with sustainable bottom-up approaches to peace. A school in eastern Equatoria is showing the way.

Although education for peace is now integrated into post-emergency programming¹, some initiatives have been criticised for being superficial, Western-based and failing to engage with the participants' specific environment. Education is more likely to help develop attitudes and skills that make a lasting contribution to a culture of peace when the impetus comes from local initiatives.

St Kizito Primary School, a boarding school run by the Catholic Diocese of Torit, is an anomaly in southern Sudan. Not only does the school seek to educate all children in the surrounding area but it also has a vision beyond mere literacy and numeracy. As Sister Paskwina, a Sudanese Catholic nun who founded the school in 2000, explains:

"We wanted to start a school where children came from different areas, different ethnic groups. We have had problems in this region with fighting among ourselves and we wanted children to come together and learn how to live together in peace. We started with nothing. Now we have 1,500 children."

why we stay together when we are enemies. People can only change their minds about this through education."

Sister Paskwina describes how one ethnic group was planning to raid the cattle of another but aborted the attack on realising that both they and their intended victims had recently started sending their children to live together at St Kizito. Despite this success, however, mistrust of northern Sudanese and other ethnic groups, cattle raiding and violence are still endemic. Tackling the region's chronic insecurity will take time and will require law enforcement and economic growth.

Despite increased media awareness of Sudan's needs, donor support for schools in southern Sudan has diminished recently. Concerned about sustainability, many will not fund salaries or training. St Kizito and other schools have to work tirelessly to raise external support for basic operating costs. This year teachers have gone six months without salaries. Lack of food threatened to prematurely end the school term. The school charges a mere \$15 per year

for tuition, room and board but only a third of the families can afford this fee. Many of the students are orphans or unaccompanied minors.

St Kizito school does not necessarily provide a formula to be replicated but is showing how a group of determined people can work together to provide education for their children and work for slow but meaningful change in the community. The challenges they face show that this and other grassroots initiatives in southern Sudan require sustained international assistance in order to forge supportive partnerships for peace. In the words of a student: "We study in the middle of war and still do as well as those who study in peace. Tell people we need their support. We would really like to go to university after all this struggle."

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1. See: 'Peace education: why and how?' by Pamela Baxter and Vick Ikobwa, FMR22 www.fmreview.org/FMRpdfs/FMR22/FMR2213.pdf

2. www.avsi-usa.org

Bullet holes riddle the façade of this school in south Sudan.

St Kizito and the other diocese schools do not have a specific peace curriculum or run conflict resolution clubs. Their intuitive approach is based on the principle, familiar to social psychologists, that trust can be built among groups who collaborate and work together and that stereotypes can be changed by prolonged contact with members from another group.

"There are 24 different ethnic groups in the school and we get along together. We go home with each other for holidays. We dance each other's traditional dances. People ask us



The Sudanese peace process and the media

by David Campbell and Kate Lloyd Morgan

Enabling the media to give Sudanese citizens a voice and help them access information required for sustainable livelihoods will require a regulatory paradigm shift and investment in infrastructure and human capacity.

Sudan has a state-owned broadcaster which owns all transmission networks and a censored press. Nearly all media originates from the North with only a small amount of local radio content available in the South. Fear of persecution under emergency laws has led to significant self-censorship. Private transmission networks are not permitted and new independent licensed radio services are obliged to use the state network. Sudan's only news agency, the Sudan Media Corporation, is controlled by the security authorities. Newspaper companies are barred from owning their own distribution networks.

Khartoum's 13 daily newspapers have a combined circulation of only 168,000. They are required to pay an initial and annual license fee and demonstrate that a requisite number of experienced journalists are employed. Individual journalists also have to be licensed, to be university graduates and to prove fluency in Arabic. In the South enormous physical difficulties impede distribution of newspapers. The only regularly distributed publication, the Sudan Mirror, is printed in Nairobi and circulated in main towns with support from NGOs.

The Media Cluster of the Joint Assessment Mission (JAM) recommended the creation of independent media regulators for the North and South and public broadcast boards. Regulators will be responsible for frequency planning, awarding licences and guaranteeing press freedoms. The boards will be responsible for promoting the concepts and principles of public service broadcasting. The government can use and be part of the individual management boards, along with other stakeholders. The transmission network should be free

of direct state control and provide access to the transmission infrastructure (masts and aerials) on fair, reasonable and non-discriminatory terms. Funds received for use of the infrastructure could be used to fund the public services. It should be possible for any commercial body to build their own transmitters.

It is essential that all Sudanese understand the peace process, its impact on their lives, and the pledges made by the authorities. They need reliable information about their rights and obligations from sources which they can trust. JAM recommends that national and local radio should:

- cover and support the peace process and return of IDPs and refugees
- ensure that IDPs in and around Khartoum are provided with accurate information to inform their decisions whether to stay or to return to the South
- help the public understand governance issues
- respond to demand for programmes in local languages
- provide information on development successes and challenges
- promote literacy and adult education
- encourage wider understanding of Sudan's history
- provide support to primary education
- work closely with civil society
- publicise Sudan's poverty reduction strategy and encourage transparency and public participation in its preparation and monitoring
- provide marketing and other livelihoods-related information
- promote preventative health and knowledge of malaria, AIDS,

bilharzia and mother and child health issues.

Strategies to foster a vibrant independent media will need to be tailored to the different situations in North and South. While northerners enjoy better access to radio, television and satellite broadcasts there is a need to invest in updated facilities and improve programming quality. University journalism courses need to start, including journalistic ethics and standards. The South requires massive investment in physical infrastructure and human resources. JAM recommends:

- establishing a regional media training facility: it is particularly important to train female journalists in order to ensure that issues of concern to women are included
- setting up a number of FM radio stations and providing training in production, radio journalism and financial management
- expanding capacity to print school books and other materials: the Government of South Sudan should not set up its own printing facility – there are hardly any examples in the world where this has worked – but work to encourage commercial printers to set up and deliver materials for government, commercial and civil society clients
- developing a satellite-based ICT system to support local government, enhance security and disseminate information to facilitate the return of IDPs.

all Sudanese ... need reliable information about their rights and obligations from sources which they can trust

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Critical juncture for peace, democracy and the environment

by Peter Bosshard and Nick Hildyard

In Sudan, large projects, pipelines and agricultural schemes have created social and ethnic tensions and fuelled conflicts contributing to humanitarian disasters. As the peace process triggers expectations of new infrastructure investment, will human rights and the environment be considered?

In a country of some 40 million people only 700,000 are electricity users and 70% of electricity is used in the Khartoum area. The Joint Assessment Mission's cluster on infrastructure called for massive investment to dramatically increase Sudan's generation capacity. The JAM's electrification master plan centres on four major hydropower projects in south Sudan. Of the \$506m investment, JAM proposes that only 5% be allocated to mini and micro hydropower plants and solar installations to provide power for water pumps, health posts, schools and other community facilities. According to the JAM, a framework will be put in place to "ensure the effective application of the World Bank's safeguard policies" but JAM is silent on which institution will prepare the framework and how civil society can participate.

The manner in which the Merowe/Hamadab Dam Project in northern Sudan - the largest hydropower project under development in Africa - is now being implemented casts doubts on the commitment of the authorities or international investors to international norms. As noted in FMR21¹, the dam is likely to rapidly fill with sediment washed down river by erosion in Ethiopia, to become infested with water hyacinths, to cause significant daily fluctuations of downstream water levels (with major impacts on small farmers) and to spread waterborne diseases. More than 50,000 people living along the Nile will be displaced. The 174-kilometre-long reservoir will inundate an area rich in history and antiquities dating back 5,000 years to the ancient Nubian civilisation.

The total cost of the Merowe Project is currently estimated at \$1.2bn. In addition to the Sudanese government, the main funders of the dam include China, the Arab Fund for Economic and Social Development and the governments of Saudi Arabia, Kuwait, Abu Dhabi and Oman. Since many problems of the project have not yet been resolved, it is impossible to gauge the project's final cost. China's export credit agency, the China Exim Bank, has a record of funding socially and environmentally destructive projects. The environmental impacts of the project have never been properly assessed, and an environmental impact assessment has yet to be approved by the Ministry of the Environment - a clear violation of Sudanese law.

Resettlement for the dam project has only just started but already the poverty rate in the affected communities is soaring. Those forced to relocate to the bleak resettlement site at El Multaga were promised free water, electricity and fertilisers for a two-year transition period but free access to most of these services has not been provided. Soils are too thin to enable re-settlers to grow produce for the market, thus weakening the financial independence of women cultivators. Their health is suffering as they are no longer able to grow vegetables. Farmers are left in a bind, many relying on remittances from family members or spending the compensation money that they have received to make ends meet. The project authorities are trying to minimise the number of affected people who are entitled to receive compensation and rehabilitation support. Date palms remain productive for a century, but those who have lost

them are only being given compensation equivalent to the value of four years' production.

Tensions are high. At the end of May 2005 Sudan's energy minister said he would support the release of democratically-elected community members held in detention following a peaceful December 2004 protest if they accepted the project's terms of resettlement. This indicates that the detainees are innocent, and were being kept hostage to put pressure on those they represent. On 30 June, on the 16th anniversary of the coup that brought the current government to power, the detainees were released.

The Merowe/Hamadab Dam remains a litmus test of whether the basic rights of affected people and the environment will be safeguarded in future infrastructure projects. The international community's support for Sudan's reconstruction is welcome but donors must ensure that social and environmental standards are respected. Instead of the JAM priorities much more should be invested in off-grid rural electrification schemes. Decentralised infrastructure development would not only reduce poverty but also help keep peace. Large centralised electricity, petroleum and irrigation schemes are controlled by the government and have massive negative social and environmental impacts. Deciding on Sudan's development priorities should not be left to the government and Western donors. Sudan's civil society must be allowed to play a role.

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1. www.fmreview.org/FMRpdfs/FMR21/FMR2123.pdf

Sudan: world's greatest humanitarian transport challenge

by Rob McConnell

The Fleet Forum, a group of more than 40 aid agencies, is working to slash by 25% the annual \$800 million cost of running some 60,000 vehicles. Darfur has shown the need to work together to achieve more cost-efficient and safe humanitarian transport.

The UN Office for the Coordination of Humanitarian Affairs (OCHA) reports that there are currently 1,100 vehicles used by the 81 agencies meeting the needs of over two million displaced people in Darfur. Are the vehicles the right type to do the job as safely and reliably as possible? How should they be maintained in a place where there are no garages or mechanics trained to service imported high-tech trucks? Do drivers understand how to use their vehicles in the very insecure environment along roads – if they exist at all – that are among the worst in the world? If more attention were paid to the procurement, management and maintenance of vehicle fleets, could agencies use fewer vehicles and ensure they are not worn out after two years – the estimated life-span of trucks used in the rigorous Darfur conditions?

After staff salaries, transport is the largest budget item for humanitarian agencies. Much of the money is wasted through inconsistent procurement policies, shoddy maintenance, negligence, road accidents and bureaucratic headaches. Few aid organisations utilise a computerised fleet management system. Few, if any, consistently implement driver training programmes. Road safety issues are generally not considered as

an integral component of relief and development operations. Procurement of vehicles is conducted in an ad hoc manner with only limited regard to the standardisation of specifications and opportunities to leverage reduced pricing and services from suppliers.

The Fleet Forum is an initiative launched by the International Federation of the Red Cross, the World Food Programme, World Vision International and TNT, an international transport/logistics company. It is working with partners to develop humanitarian transport standards that will improve capabilities through the professionalisation of vehicle fleet management. The Fleet Forum Meeting is now an annual event and a permanent Secretariat in Geneva provides support and information to an increasing number of participant organisations, commercial partners and other interested parties.

At the start of the Darfur response, Sudanese bureaucracy put many obstacles in the way of NGO importation of vehicles. The few vehicles available on the rental market were expensive, unreliable and lacking in basic communications equipment. To help overcome this problem, OCHA used European Union funding to procure and import 75 light

vehicles which were donated to 37 NGOs operating in remote locations. The Fleet Forum has initiated a project to capture the lessons learnt in Sudan and

to advocate replication of this collaborative method of vehicle provision in the future. The Fleet Forum is the first attempt to globally address the issue of humanitarian transport in order to foster a more professional approach to humanitarian fleet management. We are working:

- to develop common benchmarks for procurement and operating costs in order to quantify potential savings
- with TNT to identify key elements of vehicle operating costs and best practices in fleet management
- with Volvo road safety experts to analyse data provided by a number of organisations on the circumstances and consequences of vehicle crashes in order to identify ways to minimise risk
- to give individual aid agencies more muscle when dealing with governments: Oxfam GB faced massive customs duties when it shipped 25 Indian-made four-wheel drive vehicles to Sri Lanka after the Asian tsunami, due to failing to win exemption from the Sri Lanka's 324% vehicle import duty
- to raise awareness of safety and security of transport staff
- to increase the use of environmentally-friendly vehicles.

While Darfur continues to be one of the worst humanitarian disasters ever, development work in south Sudan is just getting started. In a region where the few roads are blocked by seasonal rains, transport access to assist the millions planning to go home is a monumental challenge. Roads must be built and repaired and facilities for vehicle servicing and repair built almost from scratch. The Fleet Forum hopes to work with humanitarian agencies to make significant savings and avoid the number of deaths and injuries which have happened in Darfur.

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Beja sidelined by peace process

by Suliman Salih Dirar

Like the people of Darfur, the Beja are non-Arab Muslims. Like Darfurians, they have been systematically marginalised, their grazing lands taken by outsiders and their plight ignored by the international community.

The Beja, the Cushitic original inhabitants of eastern Sudan, are a traditionally nomadic group with some three million members living in southern Egypt, northeastern Sudan and northern Eritrea. Believed to be the first to domesticate the camel, the Beja live in a harsh and arid semi-desert, their survival dependent on unpredictable annual rainfall. Beja ethnic identity is on the rise as the urban population has grown as a result of conflict, marginalisation and drought.

Although a significant proportion of Sudan's population, the Beja have few representatives in the central government. They have been impoverished by State policies. Exclusion from power dates from Turkish and British colonialism and has been significantly worsened by the in-movement of riverain Sudanese, employed by post-independence governments as civil servants, soldiers and police. Loans from state banks have allowed riverain Sudanese to take over Beja land. Beja pastoralists have lost the goats and camels upon which they depend.

A Beja man in the rebel-controlled area of eastern Sudan, by the border with Eritrea.

On all aspects of human development the Beja suffer more than the South, yet their needs are ignored by the UN and Western governments. The region has the highest rate of infant mortality in Sudan. Fewer than 10% of Beja children attend school. Malnutrition is chronic. Tuberculosis is widespread and left untreated.

Conditions are dire for the 160,000 people living in the area near the Eritrean border controlled by the Beja Congress in the late 1990s. In an attempt to starve the area into submission Khartoum has blocked medical supplies and food. People cure whooping cough by crow soup or donkey urine in the third millennium! Anaemic women die during pregnancy. There is a chronic shortage of food and medicines, doctors, nurses, schools and hospitals. People live in misery, illiteracy and disease in a land full of landmines. The International Rescue Committee is one of only two NGOs able to access the area. "It is the most under-served, most remote area that I have ever worked in, with huge humanitarian needs," says Fergus Thomas, IRC programme coordinator for north-east Sudan.

The Beja region has been devastated by spillover effects from the North-South conflict and the presence of refugees from Eritrea and Ethiopia. Over a quarter of a million southerners moved into the area to escape fighting, cutting down trees and over-exploiting water resources. When the SPLM opened a second front against the Khartoum regime in eastern Sudan, over 300,000 Beja were displaced as fighting flared and now live in urban shanties in Port Sudan and Kassala.

In January 2005 Beja demonstrators in Port Sudan presented the governor of Red Sea State with a list of demands for an equal share of power, wealth and

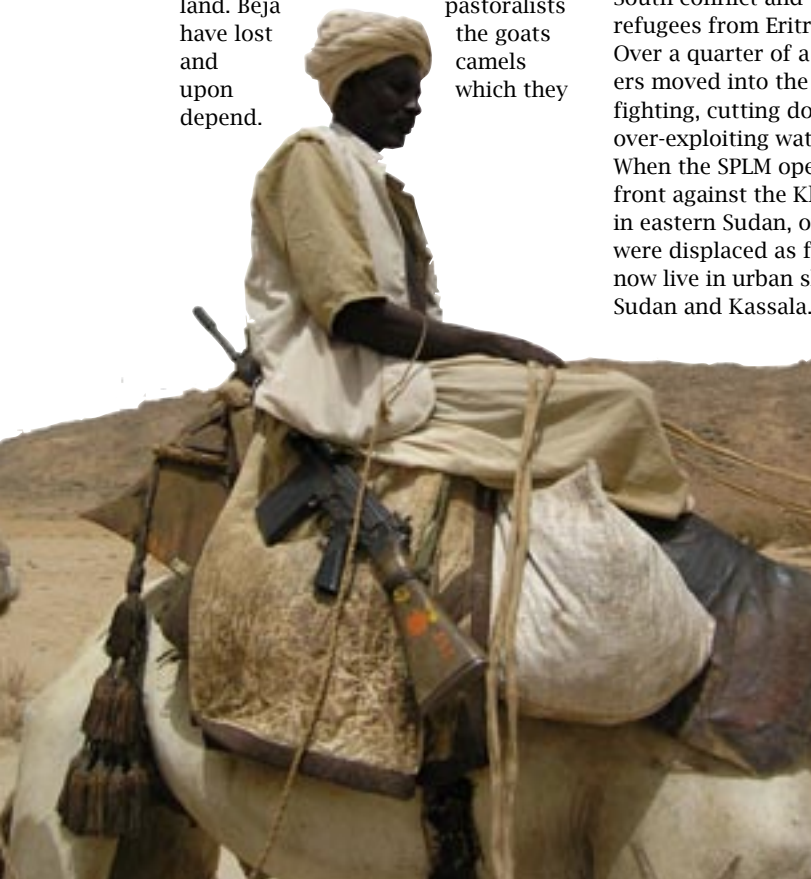
resources. Their protest was met with brutal force and 40 demonstrators were killed. The Sudanese government justified the killings by falsely claiming that the Beja were threatening oil exports. Amnesty International's calls for the government to set up an independent commission of inquiry and to release Beja Congress representatives have gone unheeded. While the UN investigates atrocities in Darfur and the death of Lebanon's president, they do nothing to bring perpetrators of anti-Beja violence to justice.

The Beja have suffered from the simplistic depiction of Sudan's problem as one of northern Arab Muslims versus southern Christians and pagans, and were denied a role in the peace talks in Kenya. At the Oslo Donors Conference nobody mentioned the half a million Beja displaced by conflict. The UN has provided facilities to Eritrean and Ethiopian refugees in our region but ignored our plight. We need urgent medical assistance, mobile schools and veterinary services. Our culture is threatened with extinction and we require help to preserve and develop our language.

The Beja have been the victims of decades of racist and discriminatory policies. Ongoing human rights violations by the Sudanese authorities in eastern Sudan are fuelling tensions and discontent. If the parties to the so-called Comprehensive Peace Agreement really want to build a nation in which indigenous groups are not marginalised then the Beja Congress must be recognised as a peace partner and our grievances addressed. It is time that we shared in decision making, instead of just having to put up with the consequences of bad decisions made about us.

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For further information, see www.sudan-margins.org/plight_of_the_beja_people_in_eas.htm



Encounter with a fighter

by Ellen Lammers

Amidst the routine of life back in Amsterdam, I remember Jacob and our last meeting as he wheeled himself through the jam-packed ward of a Kampala hospital. It had been four years since we last saw each other.

We talk about Sudan and the peace deal signed two weeks ago. Jacob is excited, yet – like most Sudanese I talk to – sceptical. “Those big people brokering the peace received six hundred US dollars per day in attendance fees but our people continue to suffer.” He shares the fear of many that the Equatorians and Dinkas will soon start fighting each other: “We may have peace with our enemies but do we have peace among ourselves?” And he doubts whether John Garang will manage to satisfy his hundreds of commanders. They will all want to get something out of this deal: money, land, and positions of authority in the interim government. They need to feed their wives, educate their children. What will the movement do for them? It has no reputation for taking care of its fighters. Jacob is left dying in hospital – no-one has come to inquire after him. Yet before his imprisonment (following a fall-out with a senior commander) and his eventual flight to Kampala, Jacob had served long years in Garang’s headquarters. He remains indignant about the SPLA’s human rights abuses but will not extricate himself from the movement’s cause. He spent half his life engaged with Africa’s longest-running war.

Jacob used to be twice my size, his upper arms muscular and massive. Now his fingers are lean, his legs the

size of my wrists, and a fuzzy down covers his head. But he has the same captivating smile and his voice is unaltered. In his reduced face I see the traces of a young boy. I suddenly recall what he spoke of years ago: the things he did as a youthful recruit, emboldened by his newly acquired power – the AK47 he was instructed was “his father, his mother, his food, his everything”. At the time he had only vaguely understood what he was fighting for and why. They were things he later regretted.

Statistics of HIV/AIDS in Africa are shocking but do not have the same impact as seeing a person one knows affected by the disease. Jacob’s wife Rose visits every day. If she has something to eat she brings it. If not, she takes part of his daily ration of *posho* and beans provided by the hospital back home to the children. She cleans Jacob’s cubicle, empties the plastic container under his bed. On days that I’m there before her, I sit on the bed so as not to have to look under it. I feel silly and pathetic but cannot bear to see that reddish, turbid liquid. Rose appears strong but looks down when I tell her so and says, “I just worry about the children.” Jacob tells me he prays God will give him a few more years: “Just so that the boys are a bit bigger, and able to distinguish between what is right and wrong.” He says Rose had a tough time in Sudan. The

village women at the public water tap would move away when she approached, saying, “That one, let her go first, or her husband will come and disturb us!” Both fear their children will be ostracised or become the objects of revenge once they are not longer alive to protect them.

I look at Jacob and Rose and wonder: how many people in their home country are affected by this disease? HIV/AIDS has rarely been talked about in the Sudanese context; the focus has always been on the war. With no health facilities in southern Sudan to speak of, the likely answer is that nobody knows.

UNHCR pays Jacob’s hospital bills but has stopped providing for his family. His wife and the children live in one room, without electricity or windows and with only one mattress. When Rose complains, the social worker suggests the family move to one of Uganda’s rural refugee settlements. A nonsensical idea because, even if his TB and anaemia improve, both Jacob and she need monthly check-ups to determine when they should start taking antiretrovirals, if they are lucky enough to have access to them.

“I’m no longer with the military, no longer with politics, but I will stand for my people. You know, Ellen, I haven’t given up hope. If I’m still here in, say, October, I will go back to Sudan and help my community. We are only four from our community who are educated. But you know what the problem is? There are so many guns in southern Sudan.” Jacob smiles and jokes, “There, you don’t need to go looking for guns. They come and look for you.”

I gave Jacob a dictaphone into which he recorded his thoughts in a quiet corner he discovered in the overcrowded hospital. On my last visit he handed me two tapes and made me promise to keep them well. “So many children in Sudan don’t know anything about their parents. Sometimes I wish I could send my sons back into the womb of their mother but I can’t. I want them to at least remember my voice.”

Ellen Lammers, a researcher at the University of Amsterdam, is preparing a thesis based on three years’ research among young men in Kampala who fled conflict in Sudan and other war-torn states. Email: lammersellen@gmail.com



The Mexico Plan of Action: protecting refugees through international solidarity

by William Spindler

Although challenges remain, the Mexico Plan of Action has made significant progress in addressing refugee and IDP protection needs in Latin America.

In the 1980s, Central America was one of the main battlegrounds of the Cold War. What began essentially as social conflicts over the lack of land for poor peasants, unequal distribution of wealth and restricted enjoyment of civil and political rights became proxy wars over ideology and geopolitics as the United States and the Soviet Union supported opposite sides in Nicaragua, El Salvador and Guatemala. As a result of these wars, over 2 million people were forced to abandon their homes and became refugees or displaced within their own countries.

Faced with this pressing humanitarian crisis, UNHCR and a number of government experts and eminent jurists from Latin America came up with an innovative and creative response which drew upon the generous Latin American tradition of asylum: the Cartagena Declaration.¹

The Declaration took its name from the historic city of Cartagena de Indias in Colombia, where it was adopted in November 1984. The Cartagena Declaration is best known for widening the definition of refugees to include those who have fled their countries because their lives, safety or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order.

Twenty years after the Cartagena Declaration, another conflict is now threatening the region's stability. The 40-year old conflict in Colombia has resulted in the forced displacement in and outside the country's borders of over three million men, women and children.

Set against this grim background and building upon the earlier Cartagena Declaration, the endorsement in November 2004 by 20 Latin American countries of the Mexico Declaration and Plan of Action² was a genuine milestone.

Action-oriented plan

More than a simple declaration of good intentions, the Mexico Plan of Action set out concrete steps to address the main challenges to the protection of refugees and internally displaced people (IDPs) in Latin America. In particular, the action-oriented plan aims to further the development of asylum systems and protection capacity of governments and NGOs.

"The Mexico Plan of Action focuses on solidarity and on partnership," explains Philippe Lavanchy, Director of UNHCR's Bureau for the Americas. "Only by working together can we hope to better protect refugees and displaced people while looking for solutions to their plight."

The Plan of Action proposes concrete actions that include working to achieve self-sufficiency and local integration in the cities (the 'Cities of solidarity' programme), stimulating social and economic development in border areas to benefit refugees and the local population (the 'Borders of solidarity' programme) and establishing a programme of resettlement in Latin America as a way to ease pressure on those countries receiving large numbers of refugees (the 'Resettlement in solidarity' programme).

The Plan, which is also designed to address the humanitarian needs of people fleeing violence in Colombia, includes a comprehensive programme to assess the needs of refugees and of local host communities, especially in border areas of neighbouring countries, allowing for complementary humanitarian and development-oriented activities.

"The spirit of solidarity between neighbours is the best guarantee for refugees," UN High Commissioner for Refugees António Guterres told a group of ambassadors and government delegates meeting in Geneva in October 2005 to review the Plan's progress. "The plan makes a crucial

Working with traumatised IDP children, Carepa, Uraba, Colombia



link between internally displaced people and refugees – protection and durable solutions for one group must include the other – and elaborates practical methods to assist the internally displaced. This must happen within the UN collaborative approach and will require commitment, clear thinking, and additional funding.”

Achievements and challenges

Since November 2004, when the Plan of Action was adopted in Mexico City, there has been considerable progress in some areas such as legislation, refugee status determination, resettlement, capacity building and protection in border areas. Equally encouraging are the recent examples of regional cooperation to strengthen national eligibility practices.

However, important challenges remain. The implementation of some programmes has been uneven as a result of the practical difficulties to provide effective protection in some situations, notably in the context of the Colombian conflict, and insufficient resources available.

Among the specific achievements of the Plan of Action are the adoption of new asylum legislation in Argen-

tina and the expansion of refugee protection learning programmes for border authorities in various countries. Discussions continue on the contents of new draft legislation on asylum and on refugee status determination procedures with the authorities of Chile, Costa Rica, Ecuador, El Salvador, Mexico, Panama and Uruguay.

At the same time, there has been significant progress in the implementation of the resettlement component of the Mexico Plan. Argentina has now joined Brazil and Chile as emerging resettlement countries for refugees facing very serious security risks in their country of first asylum and constructive discussions are ongoing with Uruguay and Mexico. Although the numbers of refugees benefitting from resettlement are still relatively small, it is important to support these emerging resettlement countries in providing regional solutions for mostly Colombian refugees.

The Plan's durable solutions component also foresees the enhancement of local integration and the promotion of refugee self-reliance in both urban centres and border areas affected by the Colombian conflict.

In Costa Rica, micro-credit and job placement initiatives have produced measurable results. In Ecuador, UNHCR is promoting development support for refugee-hosting areas. In Brazil, UNHCR signed an agreement with a financial institution specialised in the provision of credit to the poorest segments of the population to ensure access to credit for production, housing and meeting urgent needs for both refugees and the local population in areas where there are many refugees. In Colombia, UNHCR continues to work closely with authorities in urban areas to guarantee IDPs' access to housing, education, health care and income-generation projects and to ensure their property rights are protected.

If the Mexico Plan of Action is to live up to its ambitious goals, however, a greater commitment from the international community will be needed. Solidarity, after all, is not just a regional but a universal principle.

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1. www.acnur.org/index.php?id_pag=2302
2. full text at www.acnur.org/biblioteca/pdf/3016.pdf

Statelessness: a forgotten human rights crisis

by Bill Frelick and Maureen Lynch

Stateless persons do not register on the international community's radar screen. Recent research suggests that 11 million people lack citizenship or effective nationality. This is a gross violation of Article 15 of the Universal Declaration of Human Rights, which holds that every person "has a right to a nationality".

Citizenship or nationality is the essential link between an individual and the State. Establishing and preserving an individual's right to nationality is a necessary prerequisite for the expansion and enforcement of all other human rights. Stateless persons have an equal right to protection before the law, not to be arbitrarily arrested, subjected to inhumane treatment or torture, denied due pro-

cess, subjected to forced labour or returned to a place where they would be persecuted. International human rights instruments accord to stateless persons equal rights to marriage, freedom of belief, expression, religion and most other economic, social and cultural rights.

Nevertheless, in practice, statelessness is often accompanied by the deprivation of a host of basic rights

and discriminatory treatment, particularly with respect to labour rights, freedom of movement and property rights. According to the former UN Special Rapporteur on the Rights of Non-citizens:

There is a large gap between the rights that international human rights laws guarantee to non-citizens and the realities they must face. In many countries there are institutional and endemic problems confronting non-citizens. The situation, however, has worsened as several countries have detained or otherwise violated the rights of non-citizens in response to fears of terrorism. Continued discriminatory treatment of non-citizens demonstrates the need for clear, comprehensive standards governing the rights of non-citizens,

their implementation by States, and more effective monitoring of compliance.¹

An indication of how little attention the international community accords to non-citizens generally, or stateless persons in particular, is that the mandate of the UN Special Rapporteur on Non-citizens was not renewed when it expired in April 2004, largely because the Special Rapporteur had completed his study and renewal of his mandate would have meant creating a more active, monitoring role.

States are often reluctant to acknowledge the presence of stateless persons on their territories. They are rarely counted in official government statistics as a resident category. More often, they are counted as undifferentiated "aliens", if their presence is recognised at all. While the exact number of stateless people is not known, research by Refugees International (RI) found:

- In Bangladesh, more than 250,000 Biharis (also called 'stranded Pakistanis') live in 66 squalid camps established more than 33 years ago: both Pakistan and Bangladesh refuse to offer them citizenship.
- More than 140,000 of the Russian-speaking minority residents left behind when Estonia entered the European Union are finding it hard to obtain citizenship due to difficulties passing stringent language requirements.
- In Thailand around two million people, half the population of the so-called 'hill tribes', lack Thai citizenship and are denied the right to vote, buy land, seek legal employment or travel freely - despite having been born in Thailand.
- Millions of Palestinians are not only refugees but also stateless.
- In Kuwait, Bahrain, Saudi Arabia and the United Arab Emirates large numbers of *bidoon* - primarily Arabs from neighbouring countries or belonging to tribes in dispute with ruling elites but also non-Arabs whose families settled in the Gulf generations ago - are trapped in a system that allows them no protection.

The list goes on. Stateless persons are also found among the Bhutanese

in Nepal; Muslim minorities in Burma and Sri Lanka; European Roma who fled conflict in the Balkans; ethnic minorities such as the Batwa 'Pygmy' and Banyarwanda of the Great Lakes Region of Africa; Rohingya in Bangladesh; Kurdish populations; persons of Haitian ancestry in the Bahamas and elsewhere in the Caribbean Basin; some Meskhetian Turks and Zimbabweans of Indian descent or with links to Malawi and Mozambique.

The 1954 Convention Relating to the Status of Stateless Persons² identifies a stateless person as someone who does not have the legal bond of nationality with any state. Unlike refugees and internally displaced people, stateless individuals generally do not benefit from the protection and assistance of governments, aid agencies and the UN, despite its mandate over stateless persons. They are essentially international orphans. At present, only two staff people at the headquarters of UNHCR are employed to focus on this large and growing population.

Statelessness is not an unsolvable problem. Amnesty International USA and Refugees International recommend that:

- governments respect the basic human right of all individuals to have a nationality, adhere to international standards to protect stateless people, reduce statelessness by facilitating acquisition of nationality, allow non-citizens equal access to rights and entitlements within their borders and ensure every child is registered at birth
- the UN and NGOs define agency mandates and outline concrete operational objectives, provide relief for immediate needs of stateless persons and organise a global survey to better identify stateless populations

- the international community strengthen UNHCR as the lead agency on statelessness issues and advocate for the establishment of a dedicated department within the agency
- the Human Rights Commission appoint a Special Rapporteur on Statelessness
- donors require and evaluate protection of stateless populations and provide new funding to support UN and NGO work on behalf of stateless people.

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1. David Weissbrodt, 'Final report on the rights of non-citizens', UN Doc. E/CN.4/Sub.2/2003/23 (2003), www1.umn.edu/humanrts/demo/noncitizensrts2003-add3.html

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Stateless woman in Bangladesh.



Addressing sexual and gender-based violence

by Bill van Esveld and Kirsten Young

UNHCR is working to prevent domestic, sexual, physical and emotional violence affecting women in refugee camps along the border between Thailand and Burma.

Sixty thousand Burmese women are living in nine refugee camps in Thailand.¹ Many are survivors of rape and other forms of sexual abuse in war-torn Burma and continue to face sexual and gender-based violence even after fleeing to Thailand. Perpetrators include Thai soldiers, officials and villagers but most are fellow refugees. Girls are frequent targets as perpetrators feel that girls can be scared into silence, but patriarchal social structures that 'punish the victim' make it difficult for women of any age to report sexual violence. In many cases, women are not able to divorce violent husbands. Rape victims are sometimes subjected to forced marriage to save their 'honour'. Women who muster the courage to report violence find there is often nowhere for them to go. In some camps, refugee women's organisations have set up 'safe' houses, but in a closed camp environment where nothing is secret, these shelters are far from safe.

Male refugee leaders are often indifferent to the problem. When action is taken, refugee justice procedures are arbitrary. If the perpetrator is influential he may escape punishment or, at most, have to make a token compensation payment to the survivor's family. By contrast, members of ethnic or political minorities can face excessively harsh punishments, including summary executions.

Survivors of sexual and gender-based violence must surmount enormous hurdles to pursue their right to a Thai legal remedy. Refugee leaders generally only allow cases to be referred to the Thai judicial system when the perpetrator is a Thai national. Thai authorities are equally content to leave the administration of justice in the camps to the refugee leadership. Thai camp commanders may ignore cases, hand them to the refugee-run camp committees or fashion their own remedies. Until recently, most investigations by Thai

police and prosecutors have taken place only after persistent prodding by UNHCR and NGOs.

Since 2002 formal programmes to address sexual and gender-based violence have been a major feature of UNHCR refugee protection in Thailand. In collaboration with refugee leaders, camp commanders, police, prosecutors, UNICEF, NGOs and refugee women's groups, UNHCR is developing response mechanisms in accordance with international standards. Awareness raising with refugees and with Thai authorities has led to better reporting and more referrals to the Thai legal system. Committees have been established in the camps to monitor and report incidents, and persistent advocacy with the Thai authorities has led to increased levels of investigation and prosecution.

UNHCR recognises that preventing sexual and gender-based violence involves changing social attitudes and justice systems and requires long-term commitment. Success depends on refugee 'ownership' of the issue. Committees comprised of refugee men and women are now responsible for awareness-raising and for designating refugee focal persons, who refer survivors to medical and support services and report incidents to UNHCR. The need for such independent reporting and referral mechanisms is clear: refugee leaders often oppose the new committees and continue to ignore the suffering caused by sexual and gender-based violence.

Because the prevention of gender-based violence is closely related to increasing the leadership roles of refugee women, UNHCR is working to increase women's representation on camp committees by training women in leadership and public speaking. We are also funding and coordinating a film project that allows refugee women to relate their

experiences of violence. The film will be used as a teaching tool in the camps.

It is vital to establish clear and simple reporting and referral mechanisms. UNHCR – which is not allowed to maintain a permanent presence in the camps – works with numerous stakeholders in responding to incidents of sexual and gender-based violence. Standard operating procedures are being developed in each camp to better coordinate responses. Key elements include:

- assuring the survivor's right to security, confidentiality and respect
- outlining a 'road map' of steps a survivor can take and ensuring she is informed of her options
- defining the responsibilities of each stakeholder for responding to incidents of violence
- availability of psychosocial support
- provision, when required, of UNHCR-funded legal counsel.

UNHCR's efforts have improved the situation for survivors of sexual violence, but they have also shown the daunting scale of the problem. Greater combined efforts of civil society, refugees, the Thai authorities and UNHCR are needed to meet the protection needs of refugee women.

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1. UNHCR is denied access to a further 200,000 ethnic Shan in northern Thailand, who should be considered refugees from Burma. Well over one million Myanmar nationals are in Thailand as economic migrants; many could have valid refugee claims but have not been screened or recognized. The Thai government has not signed the 1951 Refugee Convention or its Protocols, does not use the terms 'refugee' or 'refugee camps' and has no refugee-specific legislation.

North-east India's forgotten IDPs

by Monirul Hussain

Misguided policies have displaced millions in the seven states of north-east India. The needs of environmental, development and conflict-induced IDPs have been ignored. India lacks a national IDP policy and the government systematically refers to internally displaced persons as 'migrants'.

Although the north-east is rich in natural resources it has remained under-developed, isolated and perpetually vulnerable to violent ethnic conflicts. Over 30 rebel groups are active in a region which is home to 200 of India's tribal groups. As a result of continuous environmental degradation, floods, riverbank erosion and landslides have become endemic, leading to huge loss of life and population displacement. It is estimated that at least three million peasants have been displaced in recent years by erosion of prime agricultural land by the River Brahmaputra.

Dams have displaced massive numbers. The Dumber Hydroelectric Project in Tripura forced the relocation of about 200,000 tribal people. The Pagladiya Dam Project in Assam, if implemented, will displace about 105,000 people. Indian government plans to construct 145 more dams in an ecologically fragile region highly vulnerable to earthquakes are being strongly contested by affected communities. If we combine all the categories of development-induced displacement with the displacees of urbanisation, it is likely to involve a further three million people. As in the rest of India, most development-induced IDPs are tribal people.

Agendas for resolution of the region's conflicts do not consider IDPs and focus only on measures to provide incentives for insurgents and criminal elements to stop fighting. It is difficult to ascertain the exact number of IDPs in the region as the state does not keep proper data. For the state to acknowledge the existence of IDPs would be to admit 'state failure'. Due to the inaccessibility of conflict zones and security regulations it is extremely difficult, if

not impossible, for scholars or journalists to investigate the situation. Most of north-east India continues to remain off-limits to foreigners.

Some conflict-induced IDPs have been living in camps for more than a decade. Most IDPs receive little medical care and their children have access neither to formal education nor to health services. Though some receive food aid, it often arrives sporadically and is insufficient in quantity and nutrition. Within the IDP communities it is women and children who suffer most. IDPs lead dehumanised lives in camps in which no intergovernmental or international organisations are present. No effort is made to provide land for those unable to return home.

If we look at the IDP issue from the Impoverishment Risks and Reconstruction model developed by Micheal M Cernea,¹ we find that all the IDPs in the region suffer from landlessness, joblessness, homelessness, marginalisation, food insecurity, increased morbidity and mortality, loss of access to common property rights, social disarticulation and disintegration.

Lack of action to redress environmental degradation, building of more dams and sharpening of exclusivist ethnicity and its resultant violence are likely to increase displacement. Indian civil society and the authorities need to look afresh at the whole gamut of environmental, developmental and political issues driving displacement in the north-east. The national authorities need to conduct surveys in conflict-affected areas to document the number of internally displaced and their needs. India urgently requires a clear-cut IDP regime based on the UN Guiding Principles

on Internal Displacement.

Professor Monirul Hussain teaches at the Political Science Department of Gauhati University, Assam. He recently completed a SSRC-sponsored study of development-induced displacement of population in north-east India and is the editor of Coming out of violence: essays on ethnicity, conflict resolution and peace process in north-east India, Regency Publications, New Delhi, 2005. Email: monirulhussain@hotmail.com

See the Global IDP Project's India Country Report: www.db.idpproject.org/Sites/IdpProjectDb/idpSurvey.nsf/wCountriesb/India

1. www.forcedmigration.org/guides/fmo022/fmo022-4.htm

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The Zambia Initiative

by Masaki Watabe

In rural Zambia refugees and host communities are working together to move from relief dependence to self reliance. Could UNHCR's Zambia Initiative (ZI) be a model for other countries struggling to cope with the protracted presence of refugees?

Zambia currently provides refuge for around 175,000 refugees from Angola, the Democratic Republic of Congo and elsewhere. Despite its poverty, Zambia has been a generous host and has not put pressure on those Angolans who do not wish to repatriate. In cooperation with UNHCR and a range of donors, the government launched the ZI development programme in 2002. ZI is based on recognition that the living conditions of some of the host communities in western Zambia are poorer than of those they are sheltering and that it is vital to promote harmonious co-existence between them.

Addressing the multifaceted aspects of poverty in the Western Province, Zambia's poorest region, ZI has boosted crop production and improved access to health, education and veterinary facilities. Some 400,000 refugees and residents have seen positive benefits. Rural health posts, basic schools, communal grain bins, hand-dug wells, nurseries and feeder roads have been built through local procurement of materials and labour contributions. A credit scheme has expanded access to seeds, fertilisers and agricultural tools. Crop productivity has increased from 1.5 mt per ha to 3.5 mt per ha as a result of ZI inputs and improved agricultural extension services. A total of 120,000 refugees and locals benefited from credit loans in 2003-04. Over 500 tons of maize has been sold to the World Food Programme and the proceeds reinvested into expanded maize production, turning the area's refugees and locals from recipients of food aid into suppliers of food.

ZI is in accordance with UNHCR's Agenda for Protection which calls for a more comprehensive search for

durable solutions and equitable sharing of the burden of hosting refugees. ZI is at the heart of emerging good practice and conceptual innovations such as Development Assistance for Refugees (DAR) and Development through Local Integration (DLI) - part of UNHCR's Convention Plus initiatives. While DAR emphasises that the nature of assistance should be developmental - rather than relief-focused, DLI is more proactive in showing how refugees can and should play positive roles in the broader context of local development. ZI is an example of how UNHCR is seeking to move beyond purely humanitarian funding in refugee-populated areas and to sensitise donors to the need to provide development funding.

ZI has the support of the Zambian government and the politicians and traditional leaders who previously gave voice to the resentment of local people who perceived that refugees received a disproportional share of international assistance. Evidence that Zambians in refugee-affected areas are now receiving additional development aid has transformed attitudes towards refugees. Local communities have been empowered to participate in decision making by ZI's community-based implementation mechanism. Co-existence with refugees has been incorporated into national and regional policy discourse.

Challenges ahead

In 2005, ZI was expanded into North-Western Province. In Western Province, a technical assistance programme with the Japan International Cooperation Agency (JICA) was initiated to strengthen the management of local development committees through participatory

village planning. The future growth of ZI will depend on:

- incorporating ZI into Zambia's national development plan
- improving the government's implementation capacity: expenditure controls imposed by Zambia's Poverty Reduction Strategy have led to cuts in staffing and transport budgets which have made it hard to supervise and monitor sub-projects
- better coordination between programmes, particularly to ensure that refugee children are able to remain in school when their sponsorship is cut
- greater focus on the special needs of women and children, the elderly and those affected by HIV/AIDS
- tackling the legal restraints on refugees' freedom of movement and access to the formal labour market
- recognition that DAR/DLI programmes, unlike the short-term relief or quick impact projects with which humanitarians are familiar, require systematic planning, long-term commitment and development of performance and impact indicators

it is the attitudes of the humanitarian community... which most need to change

- joint UNHCR-host government advocacy with donors to ensure stable and predictable long-term financial contributions.

ZI has demonstrated that it is the attitudes of the humanitarian community, rather than those of refugees and their hosts, which most need to change. We owe it to refugees and underprivileged hosting communities to make burden sharing a reality.

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IRIN marks its first decade

by Joanne Clark

IRIN 1995 - 2005 10 ans au service de la communauté humanitaire

The Integrated Regional Information Networks (IRIN) has come a long way from its initial coverage of three countries. A decade later, IRIN is a multimedia news service producing daily and analytical reports, news footage and radio broadcasts spanning Africa, Asia and the Middle East.

Many are surprised to learn that IRIN is a UN service. Housed within the Office for the Coordination of Humanitarian Affairs (OCHA), IRIN offers editorially independent coverage of humanitarian situations. Ten years ago the creation of IRIN marked the start of an information revolution that has transformed the humanitarian community's ability to respond to crises, improved access to information by crisis-affected communities and assisted international media in their reporting. "Few people back then could envisage how IRIN would evolve into the humanitarian news service it is today," said IRIN coordinator and founder Pat Banks.

Humanitarian agencies regularly indicate increased interest in their work as a direct result of IRIN coverage and in crisis affected-countries IRIN reporting

also helps bring urgent needs to the attention of those who can intervene. The Iraqi Red Crescent Society in Kirkuk said it started receiving donations from other NGOs following an IRIN story that highlighted critical medical needs. Four companies contacted the Baghdad AIDS Research Centre and offered assistance, following an IRIN story about drug shortages. There

are many other examples. IRIN also receives regular requests for its photos, news footage and documentaries. The footage is utilised by news services like BBC, CNN, CBC, TV2 and numerous others. One IRIN documentary, *Our bodies ... their battle ground*, is now part of standard staff training packages for numerous NGOs and is also used to sensitise local military and peacekeeping personnel.

While the initial service was aimed at informing the humanitarian community, over the years IRIN has also tried to reach affected populations and more recently audiences in donor countries through their respective medias. Increased awareness and use of IRIN services among local and international media services and the general public will be a key focus in IRIN's next decade.

Reaching local populations

The media offers the most effective vehicle in crisis-affected countries for reaching thousand of vulnerable people. However, as thousands of Americans stranded by Hurricane Katrina - in a country endowed with the most advanced technology and resources - can attest, the people most in need of information during a crisis are the least likely to be able to see, hear or read about it. In developing nations the impact of crises is often worse.

In many countries served by IRIN, there is little access to newspapers, television or the internet. Conflict also interrupts media services and repressive press laws - or the threat of imprisonment - can result in superficial, censored or biased reporting. IRIN is committed to assisting local media and sustaining their capacity to provide quality reporting to their populations during these critical times. The provision of IRIN news feeds offers them access to reports and photos they could not afford or access elsewhere. IRIN hires local journalists to provide daily reporting and, consequently, employment when local media revenues

IRIN journalist
in Burundi.





IRIN listeners in Burundi.

are at their most scarce. Moreover, IRIN's international status enables it to report openly and factually where articles attributed to local reporters would result in retaliatory action.

Furthermore, an IRIN Radio service supports local partner stations in Afghanistan and in a number of countries in Africa. In Côte d'Ivoire, for example, IRIN Radio works with local stations to enable information exchange between radio stations in both government and rebel-held zones, thereby building understanding between communities.

Reaching international media

International media services have a finite budget. Over the last decade, diminishing returns and the high cost of reporting on Afghanistan, the Iraq war and the Indian Ocean tsunami have led to bureau closures and cutbacks in international media coverage. As a result, some wire



PlusNews:
www.plusnews.org/

IRIN also operates PlusNews, the largest HIV/AIDS news service in sub-Saharan Africa. PlusNews provides a one-stop information service on the struggle against HIV/AIDS. Its stories are helping local papers and radio stations inform their communities. PlusNews articles are regularly carried by local radio and print services from Gabon to Uganda and are included in media training manuals and university curricula. In addition, each week in 'Hayden's Diary', PlusNews journalist Hayden Horner writes about his experiences as a young HIV-positive South African. The aim is to contribute to the de-stigmatisation of HIV/AIDS by providing it with a human face. Testifying to its success, the diary is appearing across the web, in newspapers and even in school newsletters.

services and TV networks have dramatically cut their coverage of Africa and Central Asia. More and more journalists and editors are turning to IRIN reports from which they extract stories to share with their readerships. News services such as the BBC, *Le Monde* and the *New York Times* have all used IRIN as source material.

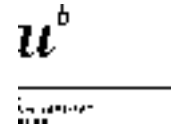
Joanne Clark is IRIN Senior Information and Liaison Officer. Visit the IRIN website and/or subscribe to the free email service at www.IRIN-news.org. IRIN's refugee/IDP section is at: www.irinnews.org/frontpage.asp?SelectTheme=Refugees_IDPs

Editors can contact Joanne@irinnews.org to find out more about services to media.

IRIN



Brookings Institution-University of Bern Project on Internal Displacement



IDPs in the Balkans - the challenges of sustainable return

In June, Walter Kälin, the Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons, visited Croatia, Bosnia-Herzegovina and Serbia and Montenegro including Kosovo. Throughout the region he found that, several years after the armed conflicts of the 1990s, much has been achieved in addressing the needs and problems of the displaced population. The number of IDPs has been significantly reduced as many displaced persons have been able to return to their original places of residence. A large number of property disputes have been resolved and houses and apartments have been repossessed by, or at least re-allocated to, their previous owners.

However, the Representative also concluded that more efforts are needed to remove remaining obstacles to the IDPs' full enjoyment of their rights.

Of particular concern were the abysmal living conditions of the thousands of IDPs in collective centres or irregular settlements, which often lack sanitation facilities, water or electricity. The majority of these IDPs belong to particularly vulnerable groups, such as the elderly, the disabled, female-headed households and severely traumatised individuals. There is an urgent need to find durable solutions for these people who will not be able to return or locally integrate on their own. The international community should provide the necessary assistance to the national and local authorities concerned. In Kosovo's Northern Mitrovica, Roma families have been living for years in a camp adjacent to a former mine and their health has been gravely affected by lead poisoning. The Representative appealed for their

immediate evacuation and for the international community and donors to make funds available to allow these people to live with dignity.

A major challenge throughout the region is the sustainability of return, in particular of minorities, who face discrimination, harassment and severe poverty. Even when returnees have been able to repossess their houses, funding for repairs and reconstruction are often unavailable. In some cases, reconnection to water and electricity has been unjustifiably delayed. In many communities, police have been unwilling to investigate incidents of looting and harassment and the judiciary is weak, overburdened and incapable of processing cases speedily. Continuing impunity for war crimes and crimes against humanity forces returnees to live side by side with perpetrators of the most serious human rights violations.

Minority returnees are also discriminated against in their access to employment as well as to education in their own language. In some localities, the authorities' provocative use of national and religious symbols makes returnees feel at risk, unwelcome and discriminated against. All of these factors constitute obstacles to IDPs from minority groups returning to their homes and have caused many returnees to leave again.

The Representative urged the responsible authorities to remedy the above problems as a matter of priority. The removal of some of these obstacles requires hardly any additional resources. For example, removing cumbersome administrative procedures and complex requirements on documentation and registration would enable IDPs to

regain access to health care, pension entitlements, social security benefits, education and the labour market.

The Representative took note of the concerns expressed to him by many interlocutors that the massive return of former refugees or rejected asylum seekers from certain Western European countries would add to the burden caused by internal displacement in the different parts of the region, particularly if they were not able to return to their homes. He appealed to the governments concerned to implement such returns cautiously and urged them to refrain from returning members of particularly vulnerable persons to situations where they would risk remaining in internal displacement and be left without the necessary assistance and protection of their rights.

Finally, whatever the outcomes of forthcoming political decisions for the region, including the future status of Kosovo and the continuation of the State Union of Serbia and Montenegro, these arrangements must not be allowed to negatively affect the rights of IDPs or create new IDPs or stateless persons. Moreover, negotiations on the accession to the European Union of Croatia and of Bosnia-Herzegovina provide an opportunity to press for durable solutions for returnees and IDPs.

Walter Kälin is Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons and also Co-Director of the Brookings-Bern Project. His full country mission reports will be presented to the UN Commission on Human Rights in spring 2006, available at www.ohchr.org/english/bodies/chr/sessions/62/documents.



Training on the Guiding Principles in Aceh

by Christophe Beau

The Global IDP Project recently took the exceptional decision to extend its training support – usually for people displaced by conflict and violence – to actors involved in the post-tsunami recovery process in Aceh, Indonesia, where some 500,000 people are reported still to be living in temporary settlements or with host families.

Three main reasons were behind the Project's decision to hold the two workshops on the Guiding Principles on Internal Displacement which took place in Banda Aceh and Meulaboh in September 2005.

First, the sudden and large-scale international operation in response to the tsunami in Aceh created a unique opportunity to disseminate international human rights and humanitarian standards in an area that, plagued by violent conflict between the Indonesian army and the separatist GAM rebel group, had been largely closed to international organisations. The opportunity had to be seized without delay, as it was feared that the authorities would drastically limit international presence in the area. The police decision initially not to authorise the workshops in March 2005 [see FMR tsunami issue, p28] showed how fragile access for protection-oriented activities was.

In order to ensure longer-term impact of the training workshops, participants were primarily from among those permanently based in Aceh with protection mandate and capacity, including civilian authorities, inter-governmental agencies and international and local NGOs. The 65 participants demonstrated strong interest in protection of IDPs and the Guiding Principles and many left the workshop with plans to continue the promotion of the Guiding Principles in their area of activity.

Second, the Guiding Principles on Internal Displacement, on which the

Project's training is based, also apply to the protection of people displaced by natural disasters. Indeed, the discussion of the Guiding Principles during the workshop highlighted numerous protection problems facing communities displaced by the tsunami. Leaders of displaced communities called for a more rapid response to their deteriorating housing conditions with the rainy season approaching. Many continue to live in tents or makeshift huts while uncertainty prevails concerning the recovery of lost properties. Access to sources of income and support for self-reliance were also articulated as pressing needs among displaced communities. The discussion also revealed other, often more hidden, concerns, such as the lack of security in camps, the limitations to the freedom of movement and the lack of access to public services. Displaced communities are rarely kept informed about follow-up to the numerous assessments visits to their settlements. The particular vulnerability of displaced women was also stressed with regard to information and participation, security and livelihood.

The third motivation for an extension of the Project's training to the tsunami crisis was its overlap with the displacement crisis caused by the conflict. Numerous IDPs have been displaced first by the conflict, which forced them to move down from the mountainous areas to the coast, and then by the tsunami, which forced them to relocate again away from the sea. In addition, many IDP settlements are located in conflict zones, or in communities already hosting people displaced by the conflict. At the local level, it is the same actors, in particular local NGOs, who work for the protection of both groups. In these circumstances, it was considered that training on the Guiding Principles would, even indirectly, contribute to the protection of the

population displaced by conflict in the province.

Participants highlighted the fact that tsunami IDPs in conflict areas were neglected and have little access to humanitarian and rehabilitation programmes. Many of the security problems in IDP settlements were also considered to be linked to the large presence of military forces in the province, including in the vicinity of IDP settlements. The lack of attention to the needs of those displaced by the conflict was also highlighted, a concern which took on particular significance as a peace agreement signed in August 2005 entered into force on 15 September. Support for the rehabilitation of conflict areas will be critical to the consolidation of the peace process and the international community should work actively to extend its operations beyond the tsunami disaster.

For the workshops' report, including the final recommendations adopted by the participants (in English and Bahasa), see www.idp-project.org/training/reports/2005/Aceh_report_Sept05.pdf

For more information on Global IDP Project training, please contact Christophe Beau at christophe.beau@nrc.ch

The Global IDP Project is part of the Norwegian Refugee Council and is an international non-profit organisation that monitors internal displacement caused by conflicts. The IDP Database provides public information about internal displacement in 50 countries.

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Another talkshop or seeds of an effective southern African IDP policy?

by Graeme Rodgers

A seminar on internal displacement in the Southern African Development Community (SADC) region was held in Gaborone, Botswana, 24-26 August 2005. Sponsored by UNHCR and the Brookings-Bern Project on Internal Displacement, it brought together a wide range of actors, including representatives of southern African governments, sub-regional, regional and international organisations, civil society organisations, donors and academic researchers. It yielded a challenging and thought-provoking discussion, which was, understandably, occasionally heated, given such diversity of perspective and points of departure. But the discussion also showed promising signs of a cross-fertilisation of ideas, and the beginnings of a potentially important debate on the specific regional dynamics of internal displacement in southern Africa.

Amongst other themes, the meeting explored problems related to the identification of the internally displaced, challenges in generating reliable information on the scale and nature of internal displacement and the development of effective mechanisms, at various levels, which might address current crises and prevent future ones. Predictably, countries deeply affected by conflict, such as the Democratic Republic of Congo, Angola and Mozambique, received considerable attention. Presentations also highlighted those displaced internally through food insecurity and urban renewal programmes. However, academics and advocates also urged participants to think of the problem of internal displacement more broadly and to recognise the unresolved massive 'backlog' of those who have been internally displaced through apartheid, colonial dispossession, disastrous post-colonial experiments in social engineering and privatised forms of large-scale development that cur-

rently impact the developing world so profoundly.

In general, participants endorsed the repeated suggestion that the plight of IDPs can only be addressed through a tightly coordinated national, sub-regional, regional and international response. Participants also emphasised the need for the international community to support states and for states to grant humanitarian access to their IDP populations. National governments were recognised as the necessary lynchpin around which an effective response should be organised and the support of donors, regional and international bodies was acknowledged as crucial. The Guidelines on Internal Displacement enjoyed widespread acceptance and repeated endorsement.

But despite an overall enthusiastic commitment to alleviating the plight of IDPs, occasional references to specific cases revealed significant cracks in this apparent consensus. State representatives were quick to underscore their sovereign right to govern the settlement of their populations, when confronted with suggestions that specific state-sanctioned initiatives had degenerated (or threatened to degenerate) into situations of internal displacement. They justified this defensive stance with reference to international campaigns to discredit their governments or inhibit their development, pursued either by foreign governments or international NGOs. Their responses exposed an important, though unspoken, tension over the politics of recognising forcibly resettled populations as 'internally displaced' or not. The stakes behind such diplomatic silences are high. For example, despite the government of Zimbabwe's refusal to recognise those affected by Operation Murambatsvina as 'internally displaced', a number of critical African voices echoed Walter Kälin, the Secretary-General's Representative

on the Human Rights of Internally Displaced Persons, in describing Zimbabwe as a "situation of massive internal displacement."¹

I wonder to what extent the generally positive sentiment of the seminar would impact the lives of the masses of landless and socially marginalised post-colonial and post-apartheid southern Africans. Is it realistic to expect southern African states to take the bold political step of acknowledging their ongoing (and, perhaps, historically inevitable) complicity in displacing (as opposed to 'resettling') the most vulnerable sections of their constituencies? Is some degree of 'internal displacement' an inevitable cost of development in a region like southern Africa, given the institutional weakness of states, constant struggles over political legitimacy and entanglement in the strings that will always be attached to international support?

From the regional perspective, the seminar has sown the seeds for a vibrant and potentially productive debate on the very nature of internal displacement. The extent to which these will germinate into an effective set of responses will, however, depend on the ability of those involved, particularly governments, to acknowledge and confront the politics of internal displacement head-on.

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This is written in a personal capacity and does not reflect the perspectives of the seminar's organisers or sponsors. The seminar report will shortly be published by the Brookings-Bern Project on Internal Displacement at www.brook.edu/fp/projects/idp/conferences/contents.htm.

1. www.reliefweb.int/rw/RWB.NSF/db900SID/MIRA-6EU96Y?OpenDocument

publications

Darfur – Livelihoods under Siege

Feinstein International Famine Center, Tufts University. June 2005. 212pp. English-Arabic publication. Online at: http://nutrition.tufts.edu/pdf/research/famine/darfur_livelihoods_under_seige.pdf



Investigates the effects of the current conflict and humanitarian crisis on the livelihoods of selected communities in Darfur.

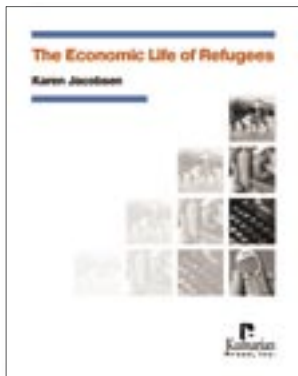
Catching Fire: Containing Forced Migration in a Volatile World

(eds) Nicholas Van Hear & Christopher McDowell. Dec 2005. 240pp. ISBN 0-7391-1244-9. \$29.95.

Presents the findings of a three-year, multi-disciplinary, international collaborative research project on the causes of displacement, patterns of flight and settlement, and the consequences of conflict resolution and humanitarian assistance. Case studies include Burundi, Georgia, Colombia, Timor Leste, Afghanistan and Sri Lanka. Published by Lexington Books: www.lexingtonbooks.com.

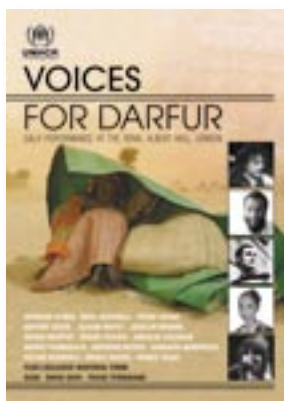
The Economic Life of Refugees

by Karen Jacobsen, Tufts University. June 2005. 176pp. ISBN 1-56549-204-8. \$22.95.



Explores the economic life of refugees in protracted situations in a variety of settings: camps, urban areas and third countries in the West. Examines how some of the innovative ideas influencing migration theory can be applied to the study of refugees, and how humanitarian programmes can support refugees' efforts to pursue their livelihoods. Published by Kumarian Press: www.kpbooks.com.

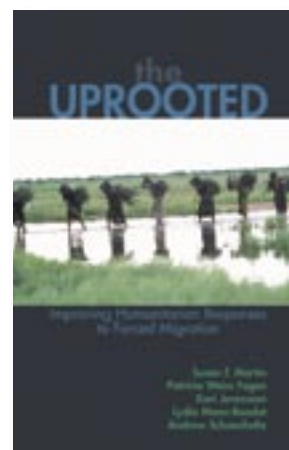
Voices for Darfur DVD & CD



In December 2004, some of the music industry's most illustrious artists joined the Royal Philharmonic Concert Orchestra at London's Royal Albert Hall for a special concert to raise funds for the victims of the conflict in Darfur. Proceeds of sales of the newly released DVD and CD of the concert will support UNHCR's work in Darfur and Chad. See www.unhcr.org/voicesdarfur for full details.

The Uprooted: Improving Humanitarian Responses to Forced Migration

Institute of the Study of International Migration (ISIM) at Georgetown University. July 2005. 304pp. ISBN 0-7391-1083-7. \$26.95.



Examines the progress and shortcomings of the current humanitarian regime. Includes policy-based recommendations to improve international, regional, national and local responses in areas including organisation, security, funding and durability of response. Published by Lexington Books: www.lexingtonbooks.com

Useful Sudan websites

Al-Bab

www.al-bab.com/arab/countries/sudan.htm

Gurtong Peace Project

www.gurtong.com

Humanitarian Information Centre Darfur

www.humanitarianinfo.org/darfur

SPLM New Sudan

<http://splmtoday.com>

Sudan Embassy (US)

www.sudanembassy.org

Sudan Mirror

www.sudanmirror.com

Sudan Tribune

www.sudantribune.com

United Nations Mission in Sudan (UNMIS)


www.un.org/Depts/dpko/missions/unmis

UNDP Sudan

www.sd.undp.org

UN Sudan Information Gateway

www.unsudanig.org



A musician plays a traditional trumpet during the inauguration ceremony of the late Dr Garang, 9 July 2005.

New ways of promoting peace in south Sudan

House of Nationalities www.houseofnationalities.org

South Sudan has around 60 ethnic communities and a legacy of violent conflicts along ethnic lines. Both modern and traditional institutions have been severely weakened by the civil war. Many southern Sudanese remain ignorant of the culture of their neighbours. To redress these problems a group of intellectuals came together in 2000 to establish the Sudan House of Nationalities. It is dedicated to uniting southern Sudanese while maintaining, and celebrating, their ethnic, cultural, religious and linguistic diversity. It regards culture as a precious but vulnerable asset needing respect and protection. The initiative seeks to rescue whatever

is left of traditional legitimate institutions, and to rehabilitate and adapt them to the new political environment.

Drawing on its own federalist traditions, the Government of Switzerland supports the House of Nationalities and establishment of a forum to enable representatives of all ethnic communities to meet and consult each other on a regular basis. Rehabilitation of traditional authorities is not in conflict with modernisation. In fact, through a number of workshops, women and youth have emerged as the most active supporters of the House of Nationalities since it gives them a plat-

form for an open and public dialogue with traditional leaders.

In the absence of institutional protection, cultural diversity will remain vulnerable to manipulation by political actors. When neglected or met with contempt, cultures tend to turn defensive, aggressive and reactionary. In creating awareness of cultural diversity, the House of Nationalities is paving the way for a culture of change.

To learn more, email: info@sudanhouseofnationalities.org or jacob.akol@ntlworld.com

Gurtong Peace Project www.gurtong.org

The Gurtong Peace Project is an Internet-based attempt to establish a south Sudanese diaspora coalition for the promotion of peace and stability among southern Sudanese abroad as well as in Sudan itself. The website provides a wealth of information on cultural, social, political, humanitarian and development issues and aims to link members of the diaspora in a spirit of reconciliation and love for their homeland. It contains a comprehensive database of NGOs and community groups, forum for exchange of divergent opinion, latest news, weblinks and maps. Gurtong also receives Swiss government assistance.

'Gurtong' is derived from two words: a verb 'gur' and a noun 'tong'. 'Gur' means 'to grind' or 'to blunt' and 'tong' means 'spear'. 'Gurtong' therefore means 'to blunt the spear' by grinding the sharp edges of the spear against something hard until it is blunt. The words and the phrase have their origins in most Nilotic languages: Acholi, Jieng, Nath, Chollo, Pari and Anyuak. However, its symbolic meaning associated with peacemaking is commonly used by the Anyuak in settling serious disputes among members of the ethnic community and between themselves and others. 'Gur-tong' to them means to perform a ritual in which a spear is unsharpened by

moving its sharp edges against a stone until blunt.

For more information, contact Napoleon Adok Gai, Coordinator, Gurtong Diaspora Project, Longonot Place, Hurry Thuku Road, PO Box 11756-00100, GPO, Nairobi, Kenya. Email: nadok@gurtong.com

GURTONG

... bringing the Southern Sudanese Diaspora together
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