

Durable Solutions to Internal Displacement in South Sudan: A Roundtable Discussion

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Two years after becoming independent, internal displacement in South Sudan remains a significant and complex phenomenon. Many refugees returned from Ethiopia, Kenya, and other refugee-hosting countries between 2006 and 2008. Returnees from Sudan arrived in large numbers in South Sudan in the lead-up to independence. Many – particularly the most vulnerable among these groups – have never been fully reintegrated. Meanwhile more people continue to be internally displaced by armed conflict, human rights violations, cattle-raiding, and natural disasters. In 2013, at least 189,000 persons have been newly displaced in South Sudan.¹ “Development and peace can hardly be achieved when thousands of South Sudanese remain uprooted,” the United Nations Special Rapporteur on the human rights of internally displaced persons (IDPs), Dr. Chaloka Beyani, said at the end of his mission to South Sudan in November 2013. The implications of continuing displacement for South Sudan’s stability and development highlight the importance of ensuring durable solutions for the country’s IDPs and returnees.

To examine the current situation and prospects for durable solutions in South Sudan, the Brookings-LSE Project on Internal Displacement and the International Rescue Committee convened a roundtable discussion under Chatham House rule. Comments from the roundtable presented in this report are therefore not attributed to individual participants. A summary of the discussion is provided below.

Current displacement trends in South Sudan

The discussion opened with an overview of the situation facing returnees in South Sudan as well as the efforts by international humanitarian organizations and the government to address internal displacement and returnees. Patterns of displacement in South Sudan are constantly changing; many IDPs have been repeatedly displaced due to a variety of compounding causes such as inter-communal violence, security concerns, and natural disasters. One participant noted there isn’t a good, comprehensive picture of the conditions around displacement and human rights abuses owing to a lack of baseline data and monitoring of the 2.5 million returnees. This lack of data is linked to the complex and overlapping drivers of displacement in South Sudan; the geographic inaccessibility of many displaced populations; a lack of government capacity and sometimes will to address the issues; and challenges surrounding humanitarian access in some areas. These factors also contribute to the difficulty of achieving durable solutions for many IDPs and returnees.

¹ Internal Displacement Monitoring Centre, “Global Statistics,” www.internal-displacement.org/statistics

Promoting Durable Solutions to Displacement

Participants discussed various challenges facing international organizations in their work on durable solutions, as well as specific measures taken by them and other key stakeholders that could help to overcome these obstacles. Several key concerns are outlined below.

- *Accurately defining, counting and profiling IDPs and returnees*

One participant noted the lack of an “overarching strategy” aimed at defining different types of displacement. One of the principal challenges facing all actors in addressing displacement in South Sudan is resolving the question “who is displaced?” One of the participants commented that the “complexity [of displacement patterns in South Sudan] makes determining who is displaced a difficult task.” Identifying the displaced is also made difficult by lack of documentation—an issue that also hinders IDPs and other populations in accessing government services and employment as well as being able to claim their rights. In order to move forward toward achieving durable solutions, it is important to better conceptualize the links between different layers of human movement (e.g. flight from natural disasters, movement for increased economic opportunity, movement as a self-protective mechanism) and the connections between various “categories” of refugees, returnees and IDPs.

Further clouding efforts to understand and respond to displacement in South Sudan is the lack of an adequate system for counting and profiling displaced populations. This means that both humanitarian and development actors, at local and international levels, struggle to effectively develop programs and target assistance to populations in need. Particularly if it includes questions attuned to the challenges of displacement, the undertaking of a new national census in South Sudan could facilitate efforts to promote durable solutions for the displaced by providing an important foundation of data. Humanitarian, development and state actors in South Sudan could benefit from training and profiling efforts undertaken by the Joint IDP Profiling Service (JIPS). JIPS is an inter-agency service that assists in developing systems for monitoring, measuring and profiling IDP populations around the world.

- *Maintaining consistent funding to support protection and durable solutions for returnees and IDPs*

Sudden cuts in funding for protection programs in South Sudan risk IDPs’ present wellbeing, as well as the pursuit of durable solutions. Recent cuts have resulted in the immediate cancelation of returnee monitoring efforts as well as a reduction services such as information, counseling and referral services. Such cuts are particularly troubling given the high rate of returns; 2.5 million people have returned to all ten states of South Sudan since independence. At the same time, thousands of people have languished for years in ‘transit’ centers. Although return has been slowing down as of late, there were still 86,000 new arrivals in 2013 and at least another 50,000 are expected in 2014, including a caseload of some 18,000 currently facing deplorable conditions in the ‘open spaces’ of Khartoum. Authorities in Juba passed in December 2010 the “Procedures on Return, Reinsertion and Early Reintegration” to assist return. These procedures were positive in theory but have yet to yield concrete results due to problems in implementation.

- *Promoting attention to durable solutions, including through the New Deal*

The Inter-Agency Standing Committee (IASC) Framework on Durable Solutions for Internally Displaced Persons was endorsed by the IASC in 2010. The Framework clarifies the process of pursuing durable solutions from a human rights-based perspective, and identifies criteria that may help determine when durable solutions have been achieved. However, challenges arise in the context of efforts to operationalize the Framework. As one participant commented, “in practice, how do you actually use it? What are the benchmarks? How do you make it operational and how might its operationalization be supported?” Efforts to address the operationalization of the Framework in a highly complex environment such as South Sudan would be invaluable in developing a context-appropriate roadmap that could then be used for guidance in other complex, similar settings containing mass returns and displacement.

Concerns were raised about the need for a long-term approach to durable solutions. For example, in some cases the attitude has been that once returnees re-enter the country, “they are returned and [that is the] end of discussion.” In order to ensure that returning refugees do not simply become IDPs, a more sustainable and comprehensive strategy is needed to support durable solutions for all displaced groups. To this end, efforts are needed to encourage the government of South Sudan to adopt a stronger and more focused approach to durable solutions for displaced populations. This is particularly important in the context of the transition of basic service provision – presently being undertaken by service delivery-oriented organizations – to government agencies. The international community also needs to focus on these issues and support the government in its efforts. There will certainly be challenges as this transition continues and the unique needs of displaced populations should be prioritized throughout.

Linking the concept of durable solutions to the New Deal for Engagement in Fragile States could be particularly useful in giving traction to efforts to resolve displacement and to connect durable solutions to long-term planning for South Sudan’s development. The New Deal is being piloted in South Sudan, and several other countries with significant internal displacement situations (e.g. Central African Republic, the Democratic Republic of Congo and Afghanistan). While it does not explicitly address displacement, it does recognize that “constructive state-society relations, and the empowerment of women, youth and marginalized groups, as key actors for peace, are at the heart of successful peacebuilding and statebuilding.” IDPs and returnees should be acknowledged as an essential stakeholder group in the implementation of the New Deal, particularly as the Peacebuilding and Statebuilding Goals (PSGs) at the core of the New Deal are directly relevant to durable solutions. These include:

- Legitimate politics – Foster inclusive political settlements and conflict resolution;
- Security – Establish and strengthen people’s security;
- Justice – Address injustices and increase people’s access to justice;
- Economic foundations – Generate employment and improve livelihoods; and
- Revenues and services – Manage revenue and build capacity for accountable and fair service delivery.

The PSGs are to “guide the identification of peacebuilding and statebuilding priorities at the country level”; this is where the integration of durable solutions should be ensured, including through the inclusion of displacement and durable solutions concerns in the assessments and indicators developed to guide the implementation and review of the New Deal. The review of the New Deal piloting process should examine the extent to which it supported the achievement of durable solutions in countries such as South Sudan. Opportunities could usefully be explored to compare the experiences of promoting durable solutions in displacement-affected “New Deal” countries, and to connect the New Deal process with the implementation of a related initiative, the UN Secretary-General’s Policy Committee Decision on Durable Solutions in the Aftermath of Conflict.

- *Ensuring sustained US government focus on long-term challenges*

While participants appreciated the US government’s rapid response to the crisis in Jonglei state during the summer of 2013, this attention was short-lived and reflects a pattern of intermittent engagement in response to headlines, or the ‘bright, shiny, object syndrome,’ as one participant called it. Sustained US government attention and action is needed regarding the “slow burning issues that [typically] remain under the radar,” including the pursuit of durable solutions for IDPs.

- *Advocating for the ratification of the Kampala Convention and ensuring national responsibility for internal displacement*

The government of South Sudan has said it is prioritizing the ratification of the Kampala Convention. Once ratified, the Kampala Convention can only have real enforcement in South Sudan through the development and implementation of national laws and policies, which require human and financial capacities and resources. Participants noted the importance of ensuring the effective implementation of the Convention, so that it will be more than “window dressing.”

Regarding national responsibility to support durable solutions, another participant asked “Where in government is the IDP issue writ large, and where does the Kampala Convention fit under the new government?” Concerns were raised over the recent dissolving of the Ministry of Humanitarian Affairs and the emergence of an extremely restrictive “NGO Bill” that would limit a range of activities across all partners, including potentially human rights advocacy, protection of civilians and more. The government intends to pass the bill as soon as possible. Together, these measures have created an unclear situation in terms of mandates and access for humanitarian actors on the ground in their attempts to support durable solutions for IDPs.

Conclusions and Next Steps

The roundtable concluded with a discussion of the significant challenge of addressing land issues as well as the government’s role in the provision of basic services. The current, draft land policy is very strong, and participants urged its approval. While it is important that the government is taking incremental steps to assume responsibility for the provision of basic services, NGOs are still providing the overwhelming majority of services across the country and concerns were expressed that if the process of transfer of responsibilities from NGOs to the government is

rushed, the pursuit of durable solutions may be undermined, with returnees and IDPs receiving worse services and protection than they used to.

Moving forward, joint engagement was discussed on the following issues, in support of durable solutions in South Sudan:

1. Convening discussions on linking durable solutions with the New Deal;
2. Using the recommendations that emerge from the Special Rapporteur's South Sudan mission as a basis for advocacy, including at the upcoming UN High Commissioner for Refugee's Protection Dialogue, which will focus on IDPs.
3. Exploring the information gaps and needs in South Sudan and how addressing these might be useful in determining benchmarks for measuring progress toward durable solutions for displaced populations in South Sudan.