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Contacts: Andrea Lari  
and Melanie Teff

## **SOUTH SUDAN: PEACE DIVIDENDS OR PEACE PENALTIES?**

**Three years after the signature of the Comprehensive Peace Agreement (CPA) between the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A), adequate access to basic services and creation of sustainable livelihoods remain elusive for most Sudanese people. Since 2004, an estimated 2 million southern Sudanese, either exiled in neighbouring countries or displaced within Sudan, have returned home, with more than 90% having done so spontaneously.**

Only a fraction has received adequate assistance. Failure to address reintegration and recovery needs generates frustration, has started to ignite communal tensions, and could ultimately jeopardize the success of the peace process itself.

The parties and the international community accompanying the peace process need to address the delays in the implementation of security and political aspects of the CPA, which in late 2007 faced serious threats when members of the SPLM temporarily withdrew from their offices in the Government of National Unity. But greater support for the reintegration of returnees and the recovery of recipient communities must also be a priority. Food insecurity and insufficient seeds and tools remain huge obstacles to restarting life after exile and basic living conditions of southern Sudanese are not improving. The provision of services, such as access to clean water, primary health care, education and the creation of livelihoods have been minimally increased but remain woefully insufficient for the much greater number of beneficiaries. Only 25 percent of people in south Sudan have access to health services.

### **Stop Denying Reality – Respond to Ongoing Emergencies**

The international donor community has started to shift its financial support to southern Sudan out of emergency humanitarian aid and into development aid. For example, for 2008 the US Government redirected more than \$50 million from emergency assistance into development funding. Yet, significant humanitarian needs still persist. For example, since October 2007, humanitarian agencies in Northern Bahr El Ghazal have assisted more than 13,000 people fleeing fighting over a disputed border, endured the closure of the main supply route and looting of UN World Food Program supplies, and assisted thousands of households whose crops were destroyed by flooding. Northern Bahr El Ghazal is just the tip of the iceberg: according to a 2007 inter-agency food security and livelihood report, in 5 of the 10 states in the south (the 5 states with the highest number of returnees), households experience serious food shortages, lack of security, water and shelter.

### **Policy Recommendations**

1. USAID should retain 2007 humanitarian funding levels to provide for ongoing emergency needs in south Sudan. Other donors should apportion sufficient humanitarian funding to address ongoing emergency needs.
2. International donors, including the US Government, should increase funding to UNHCR for its south Sudan return and reintegration operation, including \$2 million to strengthen its protection work.
3. The Government of Southern Sudan should make the reintegration of returnees a policy priority, and increase the proportion of its budget focusing on reintegration activities.
4. The Government of Southern Sudan and the international community should provide support to local women's groups to enable their participation in reintegration and recovery.
5. The Government of Southern Sudan should prepare a recovery strategy and allocate funds for its implementation while international donors should identify an appropriate recovery funding mechanism and fund it without detriment to current emergency and development allocations.

While support for development programming is necessary in other areas, donors must accept that there remain serious emergency needs in much of southern Sudan. In some states maternal and infant mortality levels remain significantly higher in south Sudan than in conflict-torn Darfur. Failure to address emergency needs will make the transition towards sustainable development impossible.

### **Help People Return Home in Safety and Dignity**

Returnees interviewed by Refugees International expressed a clear desire to live again in their areas of origin. But the sheer numbers returning – around ten times the planned numbers – present a challenge to agencies which must ensure that they will return home in safety and dignity.

More than 50,000 Sudanese refugees in Uganda and Kenya have signed up to participate in the return process organized by the United Nations Refugee Agency (UNHCR) for the states of Eastern Equatoria and Jonglei. Simultaneously, the International Organization for Migration (IOM) is helping to resettle internally displaced groups between and within those states. UNHCR, which takes the lead role in coordinating all returns of refugees and internally displaced people (IDPs) in those states, is under a lot of pressure to quickly upgrade its transportation and way station capacity. However, a shortage of funding has undermined its planning for returns, and coordination with other agencies is suffering. Potential problems include conflicts when returning refugees plan to settle in areas now occupied by IDPs, delays in the establishment of reception committees, and a lack of resources to secure partnerships with implementing organizations, particularly in the area of protection. Limited UNHCR staff capacity will make it difficult to monitor returns and respond to recurrent gender based violence issues.

### **Enhance Women's Status**

The 2005 Interim Constitution of South Sudan accords many rights to women, including the promotion of women's participation in public life and a minimum representation quota in government of at least twenty-five percent. This has great potential for advancing women's rights, and some progress has been made in women's participation at the central level, but this has not reached the local level. There are many women's groups showing initiative which could enhance the reintegration and recovery process, but such groups rarely receive the necessary support to enable their participation.

The lack of absorption capacity in return areas is having a disproportionate impact on women, because of their traditional roles as caregivers for families. The frustrations caused by the burdens on limited resources posed by large numbers of returnees hit women hardest, as they are the ones who take responsibility for water-collection, and for feeding and caring for their children. International donors and the Government of Southern Sudan (GoSS) should ensure that all reintegration and recovery projects advance progress towards the levels of women's participation called for in the Interim Constitution.

### **Fund Recovery Needs**

Managing a successful transition from relief to development is a daunting challenge, especially in southern Sudan. As one humanitarian official said, "We keep going back and forth between early recovery and humanitarian scenarios." Although real obstacles to early recovery remain -- including insecurity, recurrent floods and droughts, and immense deficits in basic social services and infrastructure -- these have become somewhat predictable. It is time for the GoSS and the international community to address the policy, structural and funding gaps which are preventing the expansion of social infrastructure and livelihood opportunities.

Governmental authorities must recognize that pursuing legitimate political and security priorities should go hand in hand with social and economic priorities. GoSS urgently needs to prepare a recovery strategy outlining priorities at central and local levels and identify a time-frame and resources for its implementation. Although its current capacity to deliver social services is minimal and international agencies are filling part of this gap, medium term partnerships should be sought and intense capacity building initiatives carried out.

The existing pooled donor funding mechanisms available for Sudan attempt to address emergency relief through the Common Humanitarian Fund (CHF) and development needs through the Multi Donor Trust Fund (MDTF), but they cannot adequately fill the recovery gap. Southern Sudan urgently needs a recovery funding mechanism - either new or expansion of an existing one - which is capable of garnering the approval and resources of major donor governments. It should not divert money that was or would otherwise be provided to the CHF, MDTF or on a bilateral basis. This mechanism must be multi-year, adapted to local conditions and must build the capacity of local and state governments and local civil society. Its focus must be on the establishment and maintenance of basic services in the field and livelihoods creation, without which there will be no incentive for people to remain in the areas to which they have returned, creating further obstacles to reconciliation and rebuilding of southern Sudanese society.

*Andrea Lari and Melanie Teff assessed the situation for returning refugees and IDPs in southern Sudan in January and February 2008.*

# SOUTH SUDAN: KEY FACTS ON ENHANCING WOMEN'S STATUS

Lack of resources in the areas hosting large numbers of returnees has a disproportionate impact on women because of women's traditional role as caregivers for their families. Yet the potential of women to contribute significantly to the reintegration of returnees and to the recovery of their home areas is not being harnessed. There are many currently under-resourced women's groups which could enhance the reintegration and recovery process. But they need access to adult literacy and civic education, to small business and vocational training and to micro-credit. The Government of Southern Sudan (GoSS) and the international community should provide support to local women's groups to enable their participation in reintegration and recovery.

- ❑ It is women who have to stand in line at boreholes to collect water for their families. Conflicts at water-points are common -- because women from host communities are frustrated by large numbers of returnees placing a burden on limited water resources, they frequently target returnee women. In many communities in southern Sudan it is women who play the main role in agriculture, and the lack of adequate and timely provision of seeds and tools affects the lives of these women and their families. Reintegration processes often focus on reducing potential conflicts between men in the returnee and host communities, ignoring the women.
- ❑ During the transitional period in the lead-up to the anticipated referendum in 2011 the advancement of women's rights should be a policy priority for the GoSS. It has been estimated that 65% of the population of southern Sudan is female. The dangers of continually postponing decisions on issues that particularly affect women must be avoided.
- ❑ The women who are taking up their government posts in the capital of south Sudan are potential role models, and they need to have more contact with local-level women's organizations. The GoSS should build on the landmark rights for women set out in the Interim Constitution of Southern Sudan. The 25% minimum quota for women's representation has great potential for advancing women's rights, and some progress has been made in women's participation at the central government level, but this has not yet reached the local level.
- ❑ The international community should increase the resources available to the UN Refugee Agency (UNHCR) to enhance its protection capacity. The current inadequate protection capacity of UNHCR in south Sudan particularly affects women, as it reduces its ability to address gender-based violence issues, and its ability to ensure that accurate information about their home areas reaches potential returnees so that they can make informed decisions about return. Men currently have much more freedom of movement than women in southern Sudan, and therefore more ability to obtain such information themselves.
- ❑ GoSS and the international community should prioritize the engagement of traditional leaders in discussions about, and ultimately respect of, the provisions of the Interim Constitution relating to the rights of women. Very few women currently get access to justice in southern Sudan. Even when women could access the court system, the costs involved are prohibitive. GoSS is passing new laws for southern Sudan, but many issues which particularly affect women, such as land law reform, are still pending. In the absence of statutory laws, customary laws are applied by traditional leaders, a situation which does not favor women's land rights. Women's right to own property, which is enshrined in the Interim Constitution, is frequently ignored by traditional leaders who are deciding disputes.

# SOUTH SUDAN: KEY FACTS ON FUNDING RECOVERY NEEDS

Successfully helping southern Sudan recover from decades of war depends on the existence of efficient funding mechanisms that can translate into concrete social services and economic opportunities for the Sudanese people. Ultimately, a significant increase in donor funding is necessary to fill the recovery gap. The Government of Southern Sudan should prepare a recovery strategy and allocate funds for its implementation, while international donors should identify an appropriate recovery funding mechanism and fund it without decreasing current emergency and development allocations.

- ❑ **The new pooled fund recovery mechanism must be:**
  - **Multi-year** to enable planning of longer-term activities and building of partnerships with state and local governments and local civil society;
  - **Directly-accessible to international and national NGOs** without the requirement that they apply through a UN agency;
  - **Appropriate to local conditions and seasonal factors**, considering the limitations posed by the rainy season to the work schedule;
  - **Administered by an agency which has demonstrated sufficient managerial capacity** and which does not take personnel away from the management of already existing funds;
  - **Transparent in its management**, with public financial breakdowns of overhead costs, an oversight committee that includes local/state governments and NGOs, and regular monitoring and evaluation of its impact;
  - **Capable of building capacity of local and state governments and local NGOs;**
  - **Focused on the expansion of basic services, maintenance of the existing services and creation of livelihood opportunities in both urban and rural areas.**
- ❑ **The principal existing pooled funding mechanisms are not appropriate for recovery funding.** While the Common Humanitarian Fund (CHF) has a one year funding limit and is focused on emergency needs, the Multi-Donor Trust Fund (MDTF) only provides long-term development funding. To date, the MDTF is more successful in addressing macro-infrastructures and building capacity of central government than in service delivery.
- ❑ **Some smaller pooled funding mechanisms** have provided limited resources for recovery with some success, such as the Basic Services Fund (BSF) and the Recovery and Rehabilitation Program (RRP). These funds were set up to cover the recovery gap between the CHF and the MDTF at a time when it was anticipated that the MDTF would soon be able to provide the necessary recovery funding. It is now clear that the MDTF will not be able to provide speedy recovery funding.
- ❑ **Bilateral funding remains critical.** The Joint Donor Team South Sudan – whose aim is to better coordinate and harmonize donors' interventions and partnership with the GoSS and the MDTF – also focuses its work on supporting provision of basic social services through complementary contributions with bilateral funding.
- ❑ **The money currently available for recovery funding is totally inadequate in relation to the needs.** For example, the BSF has provided £20 million. The RRP has provided €54 million, with a further €50 million committed for a second phase from 2009. In southern Sudan costs are much higher than in other post-conflict country contexts due to the huge geographical distances and the lack of existing infrastructure. For example, in Northern Bahr El Ghazal the cost of one borehole is US\$15-16,000 (five times the average cost in Afghanistan) and the cost of building four schools is US\$770,000 (three times the average cost in Afghanistan).
- ❑ **A pooled recovery funding mechanism, either new or expansion of an existing one, will only be successful if it is capable of garnering the approval of major donor governments.** Such a mechanism must be urgently identified. It should not divert money that was or would otherwise be provided to the CHF, MDTF or on a bilateral basis.



# CASE STUDY: NORTHERN BAHR EL GHAZAL

The state of Northern Bahr El Ghazal epitomizes how difficult it is for returnees to reintegrate when early recovery intentions get frustrated by a sequence of emergencies. Located along the old front line, the state was disproportionately affected by the civil war and much of its population sought refuge in Khartoum and in South Darfur. Since 2004 it is estimated that more than 400,000 people have returned, making up one third of the state's population and placing a huge burden on the social services accessed by the resident communities. While agencies planned for 8,000 returnees in 2007, more than 80,000 arrived.

## Increasing Deficit of Basic Services

During Refugees International visits to Wedweil and Malualbai villages, access to clean water was the number one priority for communities. The greater number of beneficiaries has overwhelmed the existing services. There is a distinct lack of water boreholes, medication, qualified medical personnel, schools and qualified teachers. Lack of sanitation facilities represents a threat to public health and creates a risk of disease outbreak. Aweil Town, the state capital, has no drainage system. In Maluakon, only 3 percent of the population has access to a latrine. Throughout the region, schools are particularly underserved: a school of 1,386 students in the village of Madhol has no latrines and the water handpump is broken.

## Lack of Security

In October 2007, conflict broke out between the Sudan People's Liberation Army (SPLA) and Sudan Armed Forces at the disputed north/south Sudan border and nearly 900 households were forced from their homes. An aid agency in the region witnessed these newly-displaced people living without access to food or water. Additionally the main road connecting the state to Khartoum was closed. This causes huge problems since 95% of fuel and provisions come through this supply route. In December, shortage of fuel led the cost of fuel to rise to US\$750 per barrel. More fighting occurred in late December 2007 and January 2008 between the SPLA and pastoralist groups from north Sudan, allegedly of the Misseriya

tribe, leading to further displacement. In this tense situation humanitarian agencies were impeded from assessing the needs of the newly displaced, while in another instance, a World Food Program (WFP) warehouse was looted by armed individuals.

## Floods

Many households returned too late in the rainy season and did not manage to plant their crops or receive the necessary agricultural implements, like seeds and tools. Others were hard hit by floods. When Refugees International (RI) visited the area in June of 2007, returnees had received their three months food ration from WFP and were planting for the upcoming harvest at the end of the rainy season. In the period between August and October, heavy rains and floods wiped out people's crops. Now many households are progressively becoming food insecure. A lack of food and, in some instances, limited simultaneous availability of tools and seeds are likely to lead to higher rates of malnutrition. A humanitarian agency confirmed to RI that it had already spotted some cases of acute malnutrition and expressed concern that the many moderate malnutrition cases could become severe. Finally, returnees had to endure serious difficulties with shelter after their provisional huts were washed away, and grass and plastic for roofing have become more difficult to find.

## Inadequate Response Capacity

In this environment, humanitarian agencies are finding it difficult to operate. Their number and efforts

appear totally insufficient to meet the basic needs of returnees and host communities alike. Funding for their activities is inadequate, and when available, delays in disbursement are jeopardizing operations. WFP was overwhelmed by returnees in 2007; it ran out of food half way through the year and had to divert existing stock from Food for Recovery programs to respond to general food aid distribution needs. Disbursement of US\$4 million from the Common Humanitarian Fund in 2007 represents a drop in the bucket in relation to the real humanitarian needs in the state. And slow disbursement of Multi-Donor Trust Fund resources is

affecting the capacity of UNICEF and UNDP to carry out their programs. The lack of capacity is manifested by the fact that two of the five counties in the state -- Aweil Central and Aweil South -- had almost no agencies operating there, and that local government institutions are not capable or willing to undertake basic service provision once international agencies hand services over to them. This has led to schools and medical facilities being closed in the area because salaries of personnel were not paid or adequate numbers of personnel were not recruited.

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# CASE STUDY: EASTERN EQUATORIA

The plans to return large numbers of refugees from Uganda and Kenya to Eastern Equatoria State and to move large numbers of Internally Displaced Persons (IDPs) from this state to Jonglei State in early 2008 exemplify the complexity of the returns operations still taking place in southern Sudan. In 2008 it is estimated that almost half a million Sudanese will return to the south. Of those, international agencies are planning to assist the returns of some 164,500. The reintegration of these people must be a policy priority for the Government of Southern Sudan and for the international community.

Generalized insecurity in the state of Eastern Equatoria had deterred Sudanese people from returning home to this area until recently. While fewer than 10,000 people returned in 2007, this year the prospect is very different. Improved security and anticipated greater food production are expected to attract higher numbers of returnees. Current organized movements led by the UN Refugee Agency (UNHCR), the International Organization for Migration (IOM) and the South Sudan Relief and Rehabilitation Commission (SSRRC) are complex undertakings that have already met with serious challenges, including the pressure that spontaneous returns will place upon them. Greater financial resources, clear leadership and enhanced coordination among the agencies must be attained to accompany Sudanese people back home in safety and dignity.

## **Shortage of Capacity and Resources Hamper Return Operations**

UNHCR has started to bring Sudanese living in Kenya and Uganda home to Eastern Equatoria and Jonglei states and is trying to scale up its capacity to accommodate the high numbers of people who have signed up to return: some 48,000 from Uganda and 8,000 from Kenya. The agency, which is planning to transport some 1,000 people per week, is struggling. It cannot put together a sufficient number of trucks, as those available are of poor quality. It is expanding way stations from 400 to 800 person capacity. And it continues to have problems accessing the chosen

return routes due to poor road conditions and, in some areas, suspected presence of landmines. Pressure to use nearly all of its limited resources on the operational costs of taking people home has impeded UNHCR from completing agreements with non-governmental implementing partners. It has also limited their ability to identify the existing levels of service provision and to assess the security situation in areas of return.

## **Improve Coordination**

In this eastern portion of south Sudan, UNHCR leads all UN coordination of refugee and IDP returns, and it has to make sure that all responsibilities are covered by involved actors. Yet, despite UNHCR assurances to Refugees International that planning and coordination mechanisms are in place, there remain issues of concern. In the south of Eastern Equatoria State, returning refugees are supposed to settle in locations where thousands of IDPs, originally from Jonglei, have been living for years and have not indicated any desire to move. There seems to be no contingency planning should conflict between groups arise and responsibility to deal with potential tensions has been handed over to local authorities. The process of creating host community reception committees, which welcome returnees and provide them with land upon arrival at areas of destination, has encountered delays. Lack of reception committees; absence of mapping which services are provided in which areas; delays in producing a reintegration strategy; weak

engagement in the returns and reintegration process by government officials in the health, education and rural development sectors; and instances of insecurity in rural areas will lead to returnees congesting urban centers. It is not clear how those situations will be dealt with by local authorities, raising questions about the sustainability of all of the return process.

#### **Address Protection and Reintegration Gaps**

Shortage of funding is particularly limiting the UNHCR capacity to protect returnees, an area of work which often gets sidelined by more pressing operational priorities. The current levels of personnel -- one protection officer, one field assistant and one support staff for each of the two huge states -- are insufficient to perform returnee monitoring and interventions with local authorities to deal with protection concerns.

Reported issues of ethnic discrimination, recurrent acts of gender based violence, including instances of forced marriages and domestic violence, and conflicts arising around competition for scarce resources and services warrant serious commitment from UNHCR. Insufficient funding has resulted in UNHCR reducing its number of NGO implementing partners working on returnee monitoring from five in 2006 to three in 2007 down to zero in 2008. The intention to provide protection training for implementing partners already busy with operational matters associated to the return process is insufficient and dedicated partners need to be identified and supported. Resources are also critical to support the reintegration of returnees in sectors such as water and sanitation, shelter, education and basic livelihood creation.