



Tom Lantos Human Rights Commission, U.S. House of Representatives

## **“Protecting People and Responding to Displacement around the Referendum”**

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Chairman McGovern, Chairman Wolf, members of the Commission, thank you for the opportunity to be here this afternoon to discuss the situation for internally displaced people and refugees in Sudan.

Refugees International (RI) is a non-profit, non-governmental organization that advocates for lifesaving assistance and protection for displaced people and refugees in some of the most difficult parts of the world. Based here in Washington, we conduct 20 to 25 field missions per year to places like Sudan, Iraq, Pakistan and Burma. We do not accept government or United Nations funding, which allows our advocacy to be impartial and independent. Refugees International has been traveling to Sudan since 2004 and we continue to call for solutions to the plight of the millions of people who are still displaced due to war, as well as the millions who have since returned home.

RI has conducted three field missions to Sudan so far this year and will undertake a fourth mission in October. We have invested significant time interviewing displaced and returnee communities in places like Upper Nile and Southern Kordofan, as well as aid workers and government officials who assist them. Based on our experience, we are calling for the following actions to support internally displaced people and refugees in Sudan:

- The U.S. and other international partners must help ensure the rights and physical safety of minority communities, such as southern Sudanese living in the north and northerners in the south, when the south votes in the referendum on independence in January, 2011. There must be firm guarantees by both the north and south against expulsion or any other kind of hostile act against these communities.
- A formal agreement on citizenship criteria, post-referendum, must be reached by the governments of the north and south as soon as possible.
- The U.S. and other donor governments must help the humanitarian community to be as prepared as possible to respond to potential outbreaks of violence and any new displacement in the run-up to or aftermath of the referendum. This includes robust contingency planning on possible scenarios and the pre-positioning of supplies, etc.
- The U.S. needs to be prepared to maintain a long-term commitment to the Government of Southern Sudan (GoSS), to help them build their country, deliver basic services to their people and provide security, whether they remain an autonomous region or become independent. The U.S. must be supportive, while emphasizing the importance of democratic governance and respect for human rights.

The U.S. was a key negotiator and guarantor of the 2005 peace agreement and continues to be the largest donor to Sudan, not only in humanitarian assistance but also in terms of its support to two peacekeeping missions. Since 2005, the U.S. has spent \$6 billion in assistance in Sudan according to USAID. The U.S. also has strategic and national security interests in both north and south Sudan and a clear interest in ensuring that it does all it can to support stability and a peaceful resolution of the differences between the two parties.

## Background

Sudan's troubled history includes over two decades of conflict between the north and south, leading to the displacement of four million people and the deaths of two million. Since the Comprehensive Peace Agreement (CPA) was signed in 2005, more than two million Sudanese have returned home to the south and the three transitional areas, most returning to difficult conditions, destroyed livelihoods and little in the way of health care or education for their children. Many of them arrived home and, finding little support, returned to where they had originally fled. Approximately 350,000 Sudanese refugees still live abroad in places like Chad, Kenya and Ethiopia.

The conflict in Darfur that began in 2003 has also inflicted terrible wounds on the country, wounds that have yet to heal. Over 2.6 million Darfuris remain in displacement camps, and violence and lawlessness continue to fester. RI has not been able to visit Darfur since late 2006 due to our inability to obtain the needed government-issued travel permits but, like you, we continue to be concerned about the ongoing violence against civilians and the ability of the displaced people there to return home. Protection of the displaced must be the primary consideration in all discussions around the closure or relocation of IDP camps. The UN Refugee Agency UNHCR plays a unique and critical protection role in Darfur which must be supported.

I am quite sensitive to the situation in Sudan because when I was a health advisor with UNHCR, I took care of some of the Lost Boys that fled south Sudan and found themselves in camps in southern Ethiopia. There I found boys, 17 or 20 years old, dying of diseases that you only read about in books like those describing Captain Cook's expeditions. Boys had vitamin deficiencies so bad that they could not even walk. We had to establish airlifts to get them treatment. I know where those boys came from and I certainly hope that there will not be any risk that they or other refugees would be forced back there.

There will be a referendum early next year to decide whether south Sudan remains part of the north or becomes an independent country, and a referendum will also be held on the future of Abyei. Any country that divides experiences problems and we have seen this for instance in the Balkans. We saw it on the Indian subcontinent over half a century ago. Any such separation generates tension and our concern is whether political leaders on either side of the divide are willing to say: the history of Sudan has been dramatic, here is our chance to put our differences aside and show that we can do something for the people.

There is a risk that some people, for political reasons, may want to throw fuel on the fire. The possibility of ethnic tensions is very high—certainly along the north-south border. Whichever way the referendum goes, independence or unity, some people will be displeased with the results. And they may take the opportunity to create instability. We must all pay close attention to specific flash points, for example areas on the north-south border where demarcation is not quite clear. A number of southern Sudanese have lived in the north for the past twenty or forty years, having fled there during the war. South Sudan is a distant memory for them. But they're southerners, they look like southerners, they have a different ethnicity. If the south becomes independent, what will be the attitude towards them in the north?

## Culmination of the CPA Process

Preparations for the referendum, called for in the CPA and currently planned for January 9, 2011, are far behind schedule. Voter registration has not even begun. Key issues have not been agreed, such as how to share the oil wealth, 80% of which lies in the south but all of which is pumped out through the north. Relations between the north and south are characterized by a complete lack of trust and confidence and each side blames the other as the preparations for the referendum lag further and further behind schedule. The sheer logistical challenge of mounting a referendum in the south, a territory larger than the size of Texas with only 50 km of paved road, cannot be underestimated.

In the three transitional areas of Abyei, Southern Kordofan state and Blue Nile state, the lack of progress on implementing the provisions of the peace agreement also risk sparking conflict. Oil-rich Abyei territory was promised its own referendum to decide whether to join the south or remain in the north, and these preparations lag even further behind those in the south. The borders have not been demarcated and the Abyei Referendum Commission has not been established. The northern and southern Sudanese armies have clashed in this area in the past, and it is seen as a likely flashpoint in the months to come. The “popular consultations” promised for citizens of Southern Kordofan and Blue Nile have not happened and their timeline is unclear, threatening to increase the sense of marginalization many communities in these states, like the Nuba for example, already feel.

In looking at the potential fallout from the referendum, there are many potential scenarios. In RI’s view, the most risky scenario is if the referendum is not held, or if it is held in such a manner that the results are contested by either party. If conflict is sparked over the results of the referendum, it could very quickly spiral out of control, with ordinary Sudanese people paying the heaviest price in terms of new displacement and disruption to their lives. A unilateral declaration of independence by the south, outside the terms of the CPA, would also be very destabilizing for Sudan and the wider region, and would create confusion and division among Sudan’s international partners. We were disappointed to learn recently that the UN peacekeeping mission UNMIS will not be playing a monitoring role in the referendum as had been initially hoped. This is extremely unfortunate given that they are in the process of extending their presence to the county level throughout the south and could truly be the eyes and ears of the international community on the ground.

## Security in the South

RI is equally concerned about the potential for deterioration in the security situation within south Sudan after the referendum. Already we have seen tensions between different groups in the south result in armed clashes and new population displacements. After the April elections, the Carter Center found numerous instances of voter intimidation and interference in the campaigns of opposition candidates by the Sudan People’s Liberation Army (SPLA). The implications of this for southern stability, post-independence, are not very promising unless the GoSS fully commits itself to democratic governance, tolerance for the political opposition and the creation of a professional security apparatus. So, while the international community must do all it can to support both parties to complete the final provisions of the CPA in a peaceful manner, we must not close our eyes to the gravity of the situation.

These extraordinary political events are taking place against a backdrop of an ongoing humanitarian emergency. As a country, Sudan already ranks 150th on the global human development index. Early this year, the UN World Food Programme estimated that more than 4 million people in south Sudan would be moderately to severely food insecure – in U.S. terms, imagine if the entire state of Kentucky did not have enough to eat. According to a July UN report, 700 people have been killed and 150,000 displaced in the south alone so far this year.

## Protecting Minority Communities

I have outlined a number of different factors which could have a seriously destabilizing impact on Sudan and the wider region. Now, speaking as a humanitarian organization, the issue with potentially the greatest humanitarian impact, particularly in terms of new population displacement, is citizenship. In a recent field report, RI highlighted the vulnerability of southerners in the north and northerners in the south to harassment or forced expulsion, in the event that the south secedes and there is no clarity as to their legal status.

RI traveled to Sudan in June to meet with internally displaced southerners in Khartoum to hear their views on this issue. Currently an estimated 1.5 to 2 million southerners still live in the north, mostly in the Khartoum area. Many of these people still consider themselves displaced, living in camps or settlement areas with few amenities. Others have become integrated into northern communities and have built new lives and families there. A number of southerners have children born and raised in the north, often without any real ties to the south.

Although access to the displaced communities is extremely difficult, RI's team interviewed a number of IDP community leaders, women and non-IDPs who work with them. A special permit from the Khartoum state government is needed to visit any of the formally recognized displaced camps. RI managed to meet with people in the informal IDP areas, basically shanty towns and squatter settlements, on the outer peripheries of Khartoum city. People there suffered from an acute lack of basic services like health care, compared to other areas, and international assistance is at a bare minimum. Some of the displaced told us that local authorities had forcibly relocated their camps in the past to make way for other developments, really magnifying the sense that these communities live on the margins of society. International interest in and funding for these communities seems to have waned, through a combination of frustrating access problems and confusion over whether these people should still be considered displaced, many of them having arrived several decades ago.

When RI spoke to these southern IDPs in June, we asked whether they wanted to return home to the south or to stay in the north. We discovered that the reality is extremely complicated and that it is impossible to make any blanket statements about what southerners want. One IDP community chief estimated to us that 60% of his community of 35,000 had settled and wanted to stay in Khartoum; 40% wanted to go back to the south. One SPLM official said she had been approached by a group of southern university students studying in Khartoum. They were very worried that if the south voted for secession, they might be forced to return home without having completed their degrees. It is not hard to imagine what a huge waste of time and money this would be for these young people, not to mention that they might lose their best chance of lifting themselves out of poverty.

While both the north and south have recognized the need for clarity on citizenship criteria as one of the key components of the referendum negotiations, no progress has been made. Whatever citizenship agreement is reached should be in line with international best practices on nationality in relation to the succession of states. The will of individuals must be respected, there should be no discrimination on ethnic, religious or political grounds in accessing citizenship and both parties should commit themselves to protecting people from statelessness.

Beyond coming to an agreement on citizenship, it is critical for both parties to protect minority communities on both sides of the border against potential harassment or forced expulsion. RI heard from a number of southerners who worried about a backlash against them after the referendum, either from local authorities or from people angry at the south's decision to separate. Groups of southern IDPs told RI they wanted to leave Khartoum immediately but simply lacked the means to transport themselves, their families and their household possessions. Some displaced southerners told RI they did not think they would be able to vote without interference in Khartoum during the referendum. Others cited increases in hate speech in statements they said National Congress Party (NCP) officials had made, or newspaper articles saying that if the south seceded, there would be no need for southerners to remain in the north.

Possible forced expulsion or even statelessness is not a theoretical scenario, it is potentially very real. This is also true for northerners living in the south, and for populations who seasonally migrate across the north-south border. In light of this, we need public commitments now from both governments that guarantee security and protection of all people within their respective borders, so as to prevent expulsion or any other kind of hostile act against minority communities, until such time that a citizenship agreement is agreed and implemented. This will also help reduce ambiguity and minimize the chance that people will flee or be forced out based on fear, or rumors and speculation about who is a citizen and who is not. We were pleased to hear GoSS President Salva Kiir make statements at the United States Institute of Peace in Washington last week guaranteeing the protection of all Sudanese in the south, including northerners, around the referendum. We sincerely hope that this is upheld and we would also urge the NCP to make similar public guarantees.

In addition to public guarantees, we need a mechanism for the physical protection of vulnerable minority populations from potential violence by either side, in case the stated guarantees are not upheld. This is perhaps our biggest challenge. UNMIS has a civilian protection mandate but lacks the capability to enforce it robustly even though it has almost 10,000 troops on the ground. To be clear, UNMIS should still do all it can in terms of identifying conflict hotspots and redeploying its troop strength accordingly. The mission must conduct regular threat assessments and implement concrete civilian protection planning in places like Abyei. But we must also have realistic expectations about the limitations of UN peacekeeping in general, where missions only deploy with the permission of the host governments. It is extremely unlikely that UNMIS will interject itself into a shooting match between the northern and southern armies, should it come to that. For this reason, it is equally unlikely, in our view, that UNMIS will physically intervene to protect civilians against aggression committed by either the northern or southern governments.

### **Work for the Best, Prepare for the Worst: Humanitarian Contingency Planning**

Should the referendum lead to the new displacement of 1.5 to 2 million people, contingency plans must be in place to respond. In the run-up to the referendum, one thing we have been doing is trying to ensure that the humanitarian community in Sudan is as prepared as possible to respond to new outbreaks of conflict and displacement that may occur in the run-up to or aftermath of the 2011 referendum, including by pushing for robust contingency planning. This is one of the few times in history where we could have foreseen months or even years in advance that conflict is likely. As such, we can make no claim that we were “caught by surprise” if conflict breaks out, or if we need to scramble to respond to large movements of people fleeing violence. With advance planning, we could minimize the chaos and coordination problems that tend to characterize the humanitarian response to sudden, unforeseen emergencies like the Haiti earthquake. Needless to say, advance planning is far less costly than mounting a last minute response.

The UN in Sudan has launched a contingency planning process, which includes pre-positioning supplies and the reinforcement of the UN’s Office for the Coordination of Humanitarian Affairs (OCHA) in the south, in an effort to be more prepared to deal with any deterioration of the humanitarian situation. We welcome this effort and would urge you and others to support it. Initially, there was some resistance from parts of the humanitarian community to spending time and resources planning for something that may never happen, when existing humanitarian needs are still not fully met. UN agencies and humanitarian organizations appealed for \$1.8 billion this year for Sudan, a request which is just over half funded. If humanitarian actors on the ground are to succeed in responding quickly and flexibly to new crises, they must at the very least be fully staffed and funded for carrying out their current work.

Contingency planning must specifically include concrete provisions for responding to new movements of population between north and south. The GoSS recently announced an accelerated return and reintegration program

to assist southerners in the north to return home. RI supports the right of southerners to return home if they wish, and this could be part of a wider protection strategy for those who feel they are at risk. However, returns must be 100% voluntary, without undue pressure to move to coincide with the referendum or other political timelines. Ultimately returns must be conducted in an organized manner, with international support and involvement, and should not be rushed at the expense of the safety and dignity of returnee families.

Given the difficult living conditions in the south, it is critical that the U.S. and other donors provide support for reception and reintegration of these people into communities once they arrive. Most of the 2.2 million southerners who returned to the south after the signing of the CPA did so spontaneously, without much international support. In the south, most returnees found living conditions to be extremely difficult. People arrived to find a critical lack of healthcare and education facilities, jobs and sometimes even a lack of sufficient water. As a result, a number of returnees left again. Programs that help these people rebuild their lives and reintegrate into their communities have been chronically underfunded by donors. The UN appeal for funding for the returns and early reintegration cluster was about \$75 million this year. Only about \$15 million of that has been funded, or 20%. Donor governments must see reintegration support as a critical long-term commitment.

### **Long-term support to the Government of Southern Sudan**

In the longer-term, if the south does become an independent state, it is going to need our committed and extensive support. Capacity-building of the southern government to enable it to deliver basic services to the population will be critical. The U.S. already supports the GoSS in this area, for example through our funding of the \$100 million Building Responsibility for the Delivery of Government Services (BRIDGE) program, which develops state and local government capacity to deliver services, like water and education, to communities. But significantly more support is likely to be needed. It is crucial that local level grievances over the lack of basic services do not fuel a chronic cycle of destabilization throughout the south. At the same time, increased support should come with certain conditions. The U.S. should not grant a blank check to the new southern government, but rather it should play the role of critical friend. Support must be used to further democratic governance, accountability, transparency and a strong commitment to international human rights standards, particularly on the part of the southern Sudanese army, and the U.S. should be prepared to withdraw its support if these are not forthcoming.

Similarly, in the event of independence, UNMIS is likely to be asked to remain in south Sudan in order to help maintain stability and support rule of law and security sector reform initiatives with the GoSS. The structuring of this new UN mission must take into consideration the need for civilian protection from the outset. The U.S. should also be willing to help support with essential equipment like helicopters. We understand a number of current UNMIS helicopters are being withdrawn by the country contributing them, leaving a critical gap. UN support for security sector reform must also be conditioned on the southern government and army's adherence to basic international human rights standards. This will be difficult, but it is absolutely critical if the new peacekeeping mission is to have any legitimacy in the eyes of the Sudanese population. At the same time, the increased focus on support for an independent south must not fail to recognize post-referendum dynamics in the north and the risk that human rights space there could narrow even further. The conflict in Darfur is far from resolved and U.S. must not become distracted, or to allow support for a negotiated solution to flag.

### **Conclusion: What Can Be Done**

What can be done about all of this? Clearly time is very short before the referendum in January and much remains to be done. The Administration needs to continue its efforts to engage both parties to push the CPA process forward to its completion, including the holding of peaceful and credible referenda in both the south and Abyei. The appointment of Ambassador Princeton Lyman to support the post-referendum negotiations and the reinforcement

of the State Department presence in Juba are both very welcome. The Administration's September 14 statement outlining some of the incentives the U.S. would be prepared to offer in response to concrete achievements on the ground is also a step in the right direction. The support of Congress, both in terms of funding, and holding the Administration accountable, will be critically important. Your efforts to continue to raise the profile of Sudan and the challenges it faces, such as through this forum today, are greatly appreciated.

Progress needs to be made on the issue of citizenship, in order to avoid potentially massive new displacement. If the estimated 1.5 to 2 million southerners suddenly pick up and move south en masse, forced to abandon their household possessions along the way, it would be a humanitarian catastrophe, to which the international community would be hard pressed to respond. Therefore, all efforts should be made to reach an agreement on citizenship criteria as soon as possible. In the event that such an agreement is not reached before the referendum in January, at the very least both parties need to publicly commit to the security and protection of ALL citizens within their boundaries, regardless of religion or ethnicity. They should also commit to the continued freedom of movement, residence and employment of all Sudanese until such time that a formal citizenship agreement is reached.

If violence does break out in the months to come, resulting in large scale displacement or refugee flows, humanitarian agencies on the ground are going to need all the support they can get. Should they need to activate their contingency plans, they will need quick and flexible funding. Aid staff on the ground should be given leeway to direct funds to where they are needed most, with minimal bureaucracy. The emergency response will also be greatly assisted to the extent that things like early warning systems and rapid response mechanisms are funded and set up in advance.

The U.S. must continue to see its support for the GoSS as a long-term commitment that will take years, as opposed to a quick fix, to recover from the immediate aftermath of January's vote. Eventually the excitement around the referendum will die down and the tough reality of governing a new state will set in, probably largely outside the glare of the media. We must not take this to mean all problems are resolved. We must continue to support south Sudan until we are no longer needed.

Members of the Commission, these are exceptionally challenging times. Much of what I have outlined here is extremely worrisome, but it also represents a unique opportunity. The U.S. has so much invested and so many lives are at stake. We must take this moment to become even more committed over the long-term to supporting a peaceful resolution of the issues between north and south Sudan, and not just over the next few months until the referendum is held. One of the most striking things Refugees International has heard repeatedly on trips to Sudan was the commonly-held view, especially among southerners, that the U.S. would be there, at their side, standing with them if conflict did break out. It is never easy to explain in such situations that the U.S. has many priorities and Sudan is not always at the top of the list. But over the course of the next year, not only is the stability of Sudan at stake, but that of its neighbors, the wider region and the sum total of decades of U.S. investment in humanitarian response, peacekeeping and development activities. If, at the 11th hour we fail to do all we can, it will be the Sudanese people themselves who suffer the most, and after more than two decades of war, they have already suffered enough.