



**ЭКОНОМИЧЕСКИЙ
И СОЦИАЛЬНЫЙ СОВЕТ**

Distr.
GENERAL

E/CN.4/2003/86/Add.1
27 November 2002

RUSSIAN
Original: ENGLISH

КОМИССИЯ ПО ПРАВАМ ЧЕЛОВЕКА
Пятьдесят девятая сессия
Пункт 14 с) предварительной повестки дня

КОНКРЕТНЫЕ ГРУППЫ И ЛИЦА:

МАССОВЫЕ ИСХОДЫ И ПЕРЕМЕЩЕННЫЕ ЛИЦА

Доклад Представителя Генерального секретаря по вопросу о лицах, перемещенных
внутри страны, г-на Фрэнсиса Денга, представленный в соответствии
с резолюцией 2002/56 Комиссии по правам человека

Добавление

Виды перемещения: последующие миссии в Судан^{*}

Установочное резюме

На плечи Судана легло тяжелое бремя: он переживает самый острый среди всех стран мира кризис внутреннего перемещения населения, которое затрагивает порядка 4-5 млн. человек. Хотя причины внутреннего перемещения там различны и включают засуху и наводнение, основной причиной этого явления послужил конфликт, который впервые разразился в 1955 году, был прекращен в 1972 году и возобновлен в 1983 году. С тех пор этот конфликт сталкивал сменявшие друг друга правительства Хартума и

* Резюме доклада об этой миссии распространяется на всех официальных языках. Сам доклад содержится в приложении к резюме и распространяется только на языке его представления и на арабском языке.

находящееся на юге страны Народно-освободительное движение Судана и его армию (НОДС/А). Этот конфликт значительно обострил этнико-религиозные противоречия в стране и привел к созданию тактических и стратегических союзов между различными группировками. К сожалению, в результате конфликта более 4 млн. человек покинули свои дома, полмиллиона человек были вынуждены искать убежища в сопредельных странах, на юге страны более 2 млн. человек оказались в положении перемещенных лиц, а 2 млн. - бежали в поисках безопасности на север.

Хотя причины конфликта многообразны и сложны, их общей питательной средой можно признать расовые, этнические, культурные и религиозные различия, обусловленные значительными диспропорциями между арабизированным мусульманским севером, на который приходится треть территории и населения страны, и югом, который является более африканским по расовому, этническому и религиозному признакам и на территории которого проживает современная элита, исповедующая в основном христианство. На перекрестке этого противостояния находятся неарабские мусульманские группы на севере, считающие себя притесненными и маргинальными, и такие же группы на юге, ряд которых примкнули к НОДС/А, и другие группы.

Судан входил в число стран, посещенных Представителем Генерального секретаря в 1992 году сразу после его назначения. Эта миссия включала главным образом поездки по лагерям в предместьях столицы - Хартума и в некоторые районы страны, включая Абьей на границе севера и юга, где коренная народность динка сосуществует с кочевыми арабами-миссирийцами, которые сезонно мигрируют в этот район в поисках воды и пастбищ для скота. Хотя народность нгок входит в совокупность племен динка на юге, они административно управлялись как часть провинции Кордофан и штата Западный Кордофан на севере Судана. Столь странное административное положение народности нгок явилось следствием решения их руководства объединиться с севером для получения защиты центрального правительства. В результате этот район наладил между севером и югом страны связь, которую британская администрация рассматривала в качестве модели межрасового, межрелигиозного и межкультурного сосуществования и сотрудничества, отчасти сопоставимой с той, которую Судан был призван являть собой для арабской Северной Африки и тропической Африки к югу от Сахары.

Более 10 из 17 лет первого конфликта район Абьей оставался мирным, поскольку соответствующие лидеры динка и арабов-миссирийцев - Денг Мажок и Бабо Нимир - служили для своих народов образцом дружбы и сердечности, воспринятым их народами. Однако к 1965 году конфликт между севером и югом охватил и этот район, поскольку молодежь динка примкнула к повстанческому движению юга. Хотя в мирном соглашении, положившем конец первому конфликту, для нгок динка предусматривалось

проведение референдума по вопросу о том, оставаться ли в составе севера или примкнуть к югу, этот референдум так и не состоялся. Ввиду неразрешенного характера ситуации в районе Абьей возмущение и повстанческие действия местного населения непосредственно повлияли на рост напряженности и враждебности, которые в конечном счете привели к возобновлению конфликта между севером и югом, когда нгок динка в массовом порядке примкнули к НОДС/А и заняли ключевые посты в руководстве Движения. Между тем общий конфликт обострился на местах вследствие действий вооруженных групп арабских народностей, которые опустошили район динка и заставили население покинуть его, оставив территорию практически незаселенной. В городе Абьей осталось очень мало представителей народности динка, поскольку большинство населения переместилось на север.

В ходе своей первой поездки в Судан Представитель обнаружил значительный контраст в условиях жизни лиц с юга, переместившихся в район Хартума, и жителей района Абьей, ставшего транзитной зоной для перемещающихся на север южан и для переместившихся на север лиц, возвращающихся на юг. Хотя перемещенным лицам в лагерях близ Хартума была предоставлена гуманитарная помощь, они были принудительно переселены на значительное расстояние от города, в результате чего стали ощущать себя гражданами, отчужденными и отторгнутыми от общества. При этом жители района Абьей, не получавшие существенной помощи из каких-либо источников, тем не менее ощущали свою принадлежность к обществу и сохраняли достоинство в той среде, которая являлась для них естественной.

Сопоставляя эти две ситуации, Представитель рекомендовал три варианта для внутренних перемещенных лиц в этой стране: содействовать им в возвращении в районы, максимально приближенные к их исконной среде, и оказывать им поддержку в реинтеграции в эти общины; обеспечить им как гражданам страны свободу, перемещение в любой район по их выбору на территории страны; или обеспечить им более высокий уровень проживания и услуг в лагерях для перемещенных лиц, если они предпочитают там оставаться.

В ходе второй поездки в эту страну в сентябре 2001 года, т.е. почти 10 лет спустя, Представитель обнаружил, что условия жизни перемещенных лиц на севере существенно улучшились, а варианты, которые он им рекомендовал, сохранили свою актуальность. В частности, многие представители динка изъявляли желание вернуться в свои районы происхождения на юге, особенно в те из них, где была восстановлена безопасность. Такое желание было особенно характерно для нгок динка из района Абьей. С согласия ряда учреждений Организации Объединенных Наций Представитель решил передать полученную им Римскую премию за мир и гуманитарную деятельность на цели

укрепления мира между народностями в районе Абьей и содействия осуществлению программы возвращения динка с обеих сторон границы между севером и югом. Учреждениями Организации Объединенных Наций была создана целевая группа по подготовке проектов и стратегии их осуществления. Реализация программы возвращения была начата в январе 2002 года со строительства трех деревень, в которых были расселены перемещенные лица из города Абьей. В их число входили как динка, так и арабы-миссирийцы. Однако процесс осуществления этой программы протекает крайне медленно, и пожелания динка относительно массового возвращения в их район остаются неудовлетворенными.

Между тем перспективы восстановления мира в стране начали улучшаться, особенно с ростом участия Соединенных Штатов совместно с Италией, Норвегией и Соединенным Королевством Великобритании и Северной Ирландии в содействии посредническими усилиями субрегиональной организации - Межправительственного органа по вопросам развития (МОВР), председателем которого является президент Кении Даниэль Арап Мой. Первым значительным успехом явилось соглашение между правительством и НОДС/А о прекращении огня при наличии международной гарантии в районе Нубийских гор в Западном Кордофана, что облегчило доставку международной помощи и возвращение внутренних перемещенных лиц в этот район.

Кроме того, правительством были предприняты шаги по разработке национальной политики и стратегии в области внутреннего перемещения населения и рассмотрению перспектив для возвращения и по проведению с этой целью национального рабочего совещания. Отдел по проблемам внутренних перемещенных лиц провел два рабочих совещания по Руководящим принципам Организации Объединенных Наций, касающимся перемещения населения внутри страны, - одно в Хартуме и другое на юге, - с тем чтобы оказать помощь в разработке политики и стратегий в связи с перемещением населения и его постконфликтным возвращением. 30 сентября и 1 октября 2002 года в Хартуме было проведено национальное рабочее совещание по активизации деятельности правительства в целях проведения более крупного форума с участием учреждений Организации Объединенных Наций, межправительственных и неправительственных организаций и сообщества доноров. Кроме того, в декабре в Судане планируется провести совещание по разработке региональной политики и стратегий в области внутреннего перемещения населения.

Именно в такой благоприятной обстановке Представитель Генерального секретаря и заместитель директора Агентства Соединенных Штатов по международному развитию (ЮСЭЙД) предприняли совместную миссию в эту страну и посетили Абьей, Кадугли (в Нубийских горах), Румбек и другие районы, подконтрольные НОДС/А. Поскольку

программа возвращения населения пользуется все большей поддержкой со стороны учреждений Организации Объединенных Наций и сообщества, а мирные перспективы продолжают улучшаться, налицо насущная потребность в оказании помощи желающим немедленно вернуться и в подготовке к более массовому постконфликтному возвращению. Так как районы конфликта вдоль границы между севером и югом обезлюдели, а массовые перемещения населения подорвали традиционную систему передвижения и сезонных миграций, одним из важных аспектов мирного процесса и политики и стратегий возвращения явится восстановление обычаев землевладения и землепользования для гармоничного и совместного использования общих ресурсов, особенно между оседлым коренным населением и сезонными кочевниками-мигрантами. Правительству потребуются восстановить доверие на всех уровнях, тесно сотрудничая с международным сообществом. Судан слишком долго подвергался опустошению, и задачи по его восстановлению, строительству и развитию будут настолько масштабны, что значительно превысят возможности правительства и, несомненно, потребуют содействия со стороны международного сообщества.

Annex

**REPORT ON THE FOLLOW-UP MISSION TO THE SUDAN BY THE
REPRESENTATIVE OF THE SECRETARY-GENERAL ON INTERNALLY
DISPLACED PERSONS, MR. FRANCIS M. DENG,
16-26 MAY 2002**

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Introduction

1. The Representative of the Secretary-General on internally displaced persons, Mr. Francis M. Deng, undertook his third mission to the Sudan from 16 to 26 May 2002, with three main objectives: to participate in a United States Agency for International Development (USAID)-sponsored mission to assess the potential for expanding support to return programmes for internally displaced persons (IDPs); to follow up on the September 2001 mission in regard to the development of government IDP policy; and to engage in further discussions with the Government on its involvement and responsibilities in the return of programmes for IDPs.
2. The mission in September 2001 focused on dialoguing with the Government and representatives of the international community in Khartoum with a view to laying the foundations for an enhanced national response to the problems relating to displacement in the Sudan. At that time, the Government agreed that with its concerns over national sovereignty effectively addressed, it would move forward with developing a national policy and strategy on the issues relating to displacement and establish a national institutional framework with focal points to enhance cooperation with the international community. The Government agreed to undertake a comprehensive study to review current government policies and practices and thereafter to develop integrated policies and strategies, building on the Guiding Principles on Internal Displacement, the United Nation's institutional arrangements, and experience gained from other national and regional initiatives, such as seminars on internal displacement.
3. The Government also agreed that the envisaged national policy would be reviewed in collaboration with the international community at a workshop, as had previously been agreed with the Representative of the Secretary-General. This workshop would provide a forum at which the Government, United Nations agencies, international and national non-governmental organizations, donors and internally displaced persons could discuss, in a constructive and cooperative spirit, the national response to internal displacement. This was agreed as a way forward to enhance the response of the Government of the Sudan to IDP issues, with the support and collaboration of the international community.
4. During the September 2001 mission, the Representative of the Secretary-General had encouraged a multi-agency coordinated approach to conflict transformation in the Ngok Dinka area of Abyei in Western Kordofan State at the north-south border. He offered the monetary component of the Rome Peace and Humanitarian Action Prize which he had received to be used as a stimulus to mobilize support for a programme to employ the potential of the Abyei region and its people as a bridge between north and south Sudan, to support the search for peace in the country, and to facilitate the return of the displaced to the area. The United Nations agencies

agreed to form a task force and to develop, using a collaborative approach, an appropriate project design and implementation strategy.

5. Since January 2002 the collaborative efforts of the task force, comprising representatives of the United Nations, the Government and NGOs, have seen some significant progress, capitalizing on the opportunities resulting from the grass-roots people-to-people peace agreements. Dinka IDPs in Abyei town moved out into three villages (Awolnom, Today and Noong) which had been evacuated because of violence and insecurity more than a decade ago. With the assistance of the task force, returning IDPs were assisted with food for work for the construction of shelters and people received seeds and tools to cultivate food and cash crops. Missiriya Arab households in the Abyei area also benefited from the food for work programmes, provided they met the criteria for registration set by the World Food Programme (WFP).

6. Under a modality inspired by the United Nations Children's Fund (UNICEF), the Child Friendly Community Initiative, the communities were assisted in developing and managing their water, health and education services, in coordination with the responsible State authorities. These services were still at an initial stage of development during the mission, but capacity-building, training of local committees and recruitment of skilled personnel from the displaced communities in the north were in progress.

7. The basis for the involvement of the international community was support for the conflict-transformation process between the Dinka and Missiriya, particularly related to the Abyei Peace Committee, a locally initiated group of about 15 Dinka and Missiriya leaders.

8. While expectations of the Dinka community in Khartoum and other urban centres in the north regarding substantial support for the return of IDPs to Abyei were high, the priorities of the international community in Khartoum focused on promoting and supporting a strong conflict-transformation base to mitigate competition and frustration between communities that would undermine any return of IDPs to the Abyei rural areas, as had occurred in the past.

9. The IDP Unit at OCHA subsequently organized two successful training workshops on the Guiding Principles in Khartoum (16-18 September 2002) and in an area under the control of the Sudan People's Liberation Movement/Army (SPLM/A) (Rumbek, 25 November 2002). The OCHA IDP Unit, UNICEF and the Office of the Representative also organized a follow-up seminar in Rumbek for SPLM/A, local and international NGOs, civil society and international organizations (22-25 November 2002). In addition, another national workshop on internal displacement was held (30 September-1 October), which, as originally agreed with the authorities, was to be in preparation for a larger workshop at which United Nations agencies, intergovernmental and non-governmental organizations and the donor community would

be invited to participate. The Sudan is also expected to host a subregional meeting in December 2002, co-sponsored by OCHA, the Office of the Representative and the secretariat of the Inter-Governmental Authority for Development (IGAD) in which the members of IGAD - Djibouti, Eritrea, Ethiopia, Kenya, the Sudan and Uganda - are expected to participate. Invitations will also be extended to United Nations agencies, regional and international NGOs and representatives of donor countries.

10. Meanwhile, the peace process in the Sudan, in which the United States has played an increasingly leading role in collaboration with Italy, Norway and the United Kingdom of Great Britain and Northern Ireland and with IGAD mediation under the chairmanship of President Daniel arap Moi of Kenya, began to gain momentum, culminating in the Machakos Protocol signed by the Government and SPLM/A in the summer of 2002. The process suffered a temporary setback when the Government withdrew from the talks in response to capture by SPLM/A of the town of Torit. With Torit back under government control and international pressure for the resumption of the talks, the parties returned to the negotiating table in October 2002. Despite the formidable obstacles to be overcome, there is ground for cautious optimism that peace now appears to be within reach. The time is therefore opportune to begin to prepare for what is certain to be a massive process of return for the internally displaced southern Sudanese in the north of the country.

11. While a full programme of return can be predicated only on the achievement of peace, security and stability, the popular demand for return to some areas that are relatively secure, such as the Ngok Dinka area of Abyei, needs support from the international community in cooperation with the authorities on both sides of the conflict. A certain amount of support has already come from donors, mostly United Nations agencies and USAID, but much more is urgently needed to enable people to return with some guarantees from the warring parties that the area will remain reasonably secure.

I. BACKGROUND TO DISPLACEMENT AND RETURN IN THE SUDAN

12. The Sudan has suffered two civil wars, engendering what appear to be contrasting experiences of displacement, external and internal, repatriation and return. This background may help in predicting what is likely to be the situation following the resolution of the current conflict.

13. During the first civil war (1955-1972), most displaced southern Sudanese crossed international borders into neighbouring countries. Presumably, the flight out of the country was, at least in part, encouraged by the separatist objective of the southern Sudan Liberation Movement and its military wing, the Anyanya. Hundreds of thousands of refugees fled to

the Congo, Uganda, Kenya, Ethiopia and the Central African Republic. Their experiences as refugees have been documented in part by songs of lamentation, some of which were recorded in the mid-1960s and reproduced in several publications¹. For a people who had been widely known for their pride and sense of dignity, the indignities of refugee life brought deep feelings of isolation and indignation.

14. Following the achievement of peace in 1972 through the Addis Ababa Agreement, most southern Sudanese refugees returned. Even those who had gone into exile in the affluent countries of Europe and the Americas, initially as students, for the most part returned. Inside the country, southerners in the north were overwhelmingly in the government service and they too went back to the south to resume responsibility in the post-conflict regional government. A major repatriation programme was undertaken with the assistance of the international community, coordinated by the Office of the United Nations High Commissioner for Refugees (UNHCR).

15. With the resumption of hostilities in 1983, the Sudan People's Liberation Movement and its military wing, the Sudan People's Liberation Army (SPLM/A) declared the creation of a united New Sudan as the objective of the struggle. In contrast to the experience of the first war, most of the displaced southern Sudanese remained within the borders of their country. About half of the estimated 4.5 million internally displaced persons moved to the north, where they spread out, although most of them concentrated around the capital city, Khartoum. Only an estimated half a million people crossed into neighbouring countries as refugees, and scores of thousands went to Egypt, hoping to move on to Australia, Canada and the United States, where considerable numbers of southerners have resettled.

16. It should be noted that internal displacement in the Sudan has more causes than the civil war between the north and the south. The drought of 1983-1985 in western and eastern Sudan and the resulting famine cost many lives and triggered massive dislocations of people in those regions. Although the Government was reluctant to invite international relief operations to assist, diplomatic pressures eventually succeeded in getting it to change its position and an unprecedented international emergency operation arrested the crisis, which enabled most of the displaced from these regions to return to their areas of origin.

17. Although the first great wave of displaced persons arrived in Khartoum from the western regions of Kordofan and Darfur in 1984 as a result of the drought, by the late 1980s the greatest number were members of southern pastoral ethnic groups - Dinka, Shilluk, Nuer - from the Provinces of Bahr el-Ghazal and Upper Nile who were fleeing the brutal war in the south. Their influx coincided with a deliberate government policy of heavily arming Arab tribes in the border regions to help fight the war against SPLA. Africa Watch reported that tribal militia, in a thinly

disguised counter-insurgency campaign promoted by the “democratically elected” Government of the time, had by the late 1980s massacred hundreds of civilians². This campaign, in combination with a famine of unprecedented severity, devastated the south.

18. During his 1992 mission to the Sudan, the Representative visited two camps for the displaced near Khartoum - Dar-es-Salaam, west of Omdurman, and Jebel Awlia, south of Khartoum - and other centres in Kordofan, including Abyei, where people fleeing from the war in the south and those returning from the north converged. He was welcomed enthusiastically by the displaced people in the camps, not only as a Sudanese national, but also as a symbol of the international concern for their plight. The Representative was shown the services provided for the displaced by the Government and by non-governmental organizations, including Christian and Islamic relief agencies. The aid covered maternity care, early child care, immunization, meals for small children, general medical care, education and food distribution. Considering that the Sudan is a poor country in which such services are not easily available to many communities under normal conditions, what was being done seemed impressive. However, the displaced had been relocated away from the city to desolate desert areas, where there were no employment opportunities or social services other than essential minimum humanitarian assistance. The dwellings, which were built by the displaced themselves from local materials, did not differ from those often found in the shantytowns in which they had lived in Khartoum, although they were more spread out. The officials defended the relocation policy by pointing to the contrast between the conditions under which the displaced now lived and what they described as the dehumanizing conditions in the squalid areas of the industrial periphery of Khartoum-North, under which they had lived.

19. People at the camps, however, far away from home and evicted from the city, demonstrated an unmistakable resentment at the inherently degrading conditions of their displacement. Their faces reflected a sense of rejection, uprootedness, alienation, and anxiety, a suspension between hope and despair, all of which they communicated by various means.

20. In Abyei, on the north-south border, where the people were either indigenous or were close to their original homes further south, conditions contrasted sharply with those in the camps around Khartoum. Although relief supplies had not arrived because Abyei is isolated from the rest of the country during the rainy season, the local population had managed to survive by cultivating land (within the territorial restrictions imposed by their security concerns) or by gathering seeds from the roots of water lilies and other wild food. They were unequivocal in their welcome, in expressing their appreciation to the Representative of the Secretary-General for the concern demonstrated by the international community, and in their gratitude to the Government for facilitating the Representative’s visit.

21. Abyei has had a long history of being a link between the north and the south - often a bridge for peaceful interaction, sometimes a point of confrontation. The area had been among those hardest hit by tribal militias and the mass starvation of the late 1980s. Relations had, however, improved significantly between the neighbouring Dinka and Arab tribes. The military regime had also adopted policies that were restoring confidence in traditional leaders, who were assuming a greater role in preserving security. Under their respective traditional leaderships, the Dinka and the Arabs of Western Kordofan once again saw mutual advantage in resorting to their tribal diplomacy and the long-tested principles of good neighbourliness. The contrast with the camps was not that the people in Abyei were better provided for, but that in comparison they enjoyed at least some dignity and autonomy.

22. Several conclusions emerged from the contrast between the displacement camps around Khartoum and the situation in Abyei, which were presented to the Government for considerations and which were, on the whole, well received. First, whatever services were being rendered, the location of the displaced just outside Khartoum, where they were neither part of the urban community nor in their own natural setting, was inherently degrading, especially since it was popularly believed that they had been removed to cleanse the city of undesirable non-Muslim elements. Second, the fact that their shanty dwellings in the camp were not better than those they had lived in before, except for more open barren space, did not adequately compensate for their removal from the city.

23. In his report on the mission (see E/CN.4/1993/35), the Representative of the Secretary-General recommended that as much as possible people should be given the choice and assisted to go back to their areas of origin or to settlements close to them. They should also be accorded the protection and assistance necessary to resume normal, self-sustaining rural life. Those who chose not to go back should be assisted to move freely anywhere in the country, including into urban centres, and given the necessary assistance to become ordinary integrated citizens. Those who chose to remain in the camps should not only be given the services of the kind described to the Representative, but should be assisted with materials to build more comfortable and healthier accommodations to help compensate for their isolation. Organizations that rendered services to the displaced had erected for themselves facilities that were attractive, even though they were inexpensively built from local materials. Extending such expertise to the displaced and helping them help themselves would seem a feasible and inexpensive way to achieve a humanitarian objective.

24. In September 2001, the Representative of the Secretary-General paid a follow-up visit that was initially intended to be combined with a workshop on displacement in the country in general and the application of the Guiding Principles in particular. The workshop was to be attended by United Nations agencies, donor representatives and non-governmental organizations. Its purpose

was to foster international cooperation in responding to the challenge of internal displacement in the country. For various reasons, the Government decided not to hold the workshop at that time but invited the Representative to visit the country to discuss the situation. That visit turned out to involve more than discussions with the authorities and took the form of a fully fledged follow-up mission. The Representative was able to visit displacement camps around Khartoum and in other regions, including Abyei.

25. While the situation of the displaced had improved, especially in view of the fact that significant numbers of displaced persons around Khartoum had been allocated land to resettle and those in the rural north had also been granted agricultural land to farm, the challenges of displacement for the most part remained as they had been almost a decade earlier and the options the Representative had recommended were still valid.

26. Attention was particularly focused on a proposed project for return to the Abyei area. As outlined by the Office of the Resident/Humanitarian Coordinator of the United Nations system in the Sudan in the document entitled “Programme Advancing Conflict Transformation in Abyei” of 1 June 2002, the project was based on a multi-agency coordinated approach to support return of the Dinka IDPs to the Abyei area, as a bridge between north and south Sudan, to support the search for peace for the Sudanese people. Accordingly, the return programme was to be implemented in a framework of humanitarian cooperation with social and developmental activities that would include the neighbouring Missiriya Arabs to the north and the Twich Dinka to the south. The United Nations agencies formed a task force to work in a collaborative approach to develop an appropriate project design and implementation strategy. The focus of the project was to support conflict transformation in the region, building on a local peace agreement that had recently been concluded between the Arabs and the Dinka, both the Ngok and the Twich, which would facilitate the return of the Dinka IDPs to their villages and the resumption of sustainable livelihoods.

27. By January 2002, the first step in implementation of this project had been taken. Dinka IDPs in Abyei town were moved to three “peace” villages at a time when the Missiyira nomads were on their “summer season” migration into the Abyei area. Some of the nomads were invited into the villages to create mixed communities that shared the resettlement services, in particular the food for work resources provided by WFP for building the villages, as well as the water, health and education services that the task force planned to provide. That was the context in which the Representative undertook his third mission to the country.

II. THE THIRD MISSION AND ITS OUTCOME

28. The Representative of the Secretary-General paid his third visit to the Sudan on a joint mission with the Deputy Administrator of USAID, Roger Winter. They were accompanied by a representative of the United Nations Development Programme in the Sudan. The programme began with a visit to Abyei, including the villages which were being resettled by the displaced in Abyei town, and a Missiyira cattle camp. This mission coincided with a visit to Abyei by the Ambassador of the United Kingdom to the Sudan, the State Governor of West Kordofan and leading ministers from the state capital, El Fula.

29. In each of the newly resettled villages, representatives of the community presented their perspectives on the opportunities and constraints which had characterized the recent return process. Concerns were expressed regarding the slowness of ensuring adequate access to basic services, and it was clear that people had expected much more than had been delivered. The level of services available to the three villages also varied substantially. Only one, Todayj, had a functioning borehole and water delivery system, while the other two relied on water from the adjacent river and streams. In Todayj, a market had begun and a school had started on the initiative of the community. Regular transport was available to take residents back and forth to Abyei as needed. These services were not yet present in Noong and Awolnom.

30. Community development committees had been established in the three villages, which included representatives of both Dinka and Missiyira. Management of the basic services was intended to be under an inter-tribal joint mechanism, in order to reduce competition and to include both tribes in the responsibility of sustaining these services to their populations. These initiatives were of a pilot nature and were at a very early stage at the time of the mission.

31. Nevertheless, there was a sincere expression of gratitude by the returning internally displaced persons for the opportunity that had been made available to them. During years of residence in a camp-like setting in Abyei, access to areas outside the perimeter of the town had been limited, and such activities as cutting grass for building shelters and collecting of firewood had been restricted by the security forces. A feeling of confidence in the process of peace-building and resettlement was affirmed by representatives of the Dinka and Missiriya tribes, and by government authorities in the area.

32. It was also noted that the Abyei Peace Committee had demonstrated its ability to facilitate the resolution of local conflicts between members of the two groups. However, concern was expressed at periodic harassment from the military and control over the movement of civilians, which periodically prevented people, especially youth, from moving across the borders to Bahr al Ghazal in the south or even between the surrounding villages and Abyei town. This was a

particular concern in Awolnom, the village sited near the north bank of the Bahr al Arab (Kiir) River.

33. The Representative of the Secretary-General also met with a number of senior leaders of the Missiriya (Awlad Kamel) in Thigey (pronounced Shigey by the Arabs), a cattle camp where the tribal elders spend the dry season while the majority of the men and youth go further south to SPLM-controlled areas of northern Bahr al Ghazal with the livestock, in search of better grazing land and sources of water. There was a strong expression of commitment to the local peace process by these senior tribal leaders, including a statement that as this was the place where the war between Dinka and Missiriya had started, it would also be the place where peace would begin. Thigey (Shigey) was one of the main centres where the murahaleen Arab militia recruitment had occurred during the past decade, and there was a strong commitment by the leadership also to stop the Missiyira being involved in the future activities of the militias. The militia activity was widely recognized to be responsible for the abduction of Dinka women and children, burning of villages, and widespread looting of cattle and other assets along the Babanusa - Wau railway line, in support of government military movements.

34. The government of West Kordofan had organized coincidentally a town hall meeting where the Governor of the State, a number of ministers, the Provincial Commissioner, Dinka and Missiyira tribal leaders, and judicial and other authorities were represented. Strong support was expressed for the work of the Representative in the interest of the area and its potential positive impact on the search for peace in the Sudan. The long-term cooperation between the tribes in the region, represented by the deceased but still highly respected leaders, Babo Nimir and Deng Majok, was emphasized as a model to be emulated. Government authorities reiterated their support for the peace process which had begun to help stabilize the Abyei region. They reaffirmed their commitment to the provision of services, including television and telephone, the former promised within the following 20 days. The Representative of the Secretary-General reminded the gathering that it was in both his official and his personal capacity that he was devoting his efforts to the enhancement of peace in Abyei and in the country as a whole. The achievement of peace, he explained, would take more than verbal commitments from the people and the Government. He called upon the local, state and national authorities to support fully the agreements concluded by the representatives of the tribes and to discourage the deployment of tribal militias. He also emphasized that for peace to be achievable and sustainable it must be based on justice and mutual respect. The objective of international mediators was therefore to promote peace and reconciliation based on justice.

35. The mission had a brief overnight stop in Rumbek in the SPLM/A-held area, where the Representative met with representatives of the Movement, reviewed the objectives of his mission with them, and heard their perspective on the Abyei peace process, the promotion of conflict

transformation and the incremental return of IDPs to their areas of origin. While they strongly supported the local peace process and the return programmes, representatives of SPLM/A expressed serious concern about resettling the Missiyira Arab nomads in the land of the Dinka. Although the nomads were free to enter the area in their traditional seasonal migration in search of water and pastures for their livestock, and while individual Arabs who had settled among the Dinka were welcome, the representatives maintained that any large-scale resettlement of Arabs in the land of the Dinka would be a major impediment to peace and stability in the area. Indeed, the essence of ownership and use of tribal land is a volatile issue which, if not well managed, will continue to be a source of conflict in the area.

36. The mission travelled to Wunrok and Turalei in Bahr al Ghazal, where discussions were held with the local commissioners and traditional leaders in an open meeting. NGOs active in the area were also represented at these meetings. Also present were a number of traders from the north who had remained with the Dinka communities and had forged working agreements with SPLM to safeguard their presence. These agreements included a commitment to respect the SPLM administration, including regulations governing control of firearms and regarding grazing routes for cattle. Some key issues raised which concerned the Bahr al Ghazal leaders related to security as the main constraint to any confidence-building/conflict-transformation processes. There was a call for a ceasefire similar to the Nuba Mountains Ceasefire Agreement (CFA). To emphasize the yearning for peace, it was asserted that the populations would choose peace and security over food deliveries and relief assistance. The communities were struggling to support those IDPs who had returned to the SPLM-controlled areas and needed additional services, in particular the provision of clean water and health care. Education was seen also as a high priority and the proposed solution was boarding schools, to remove children and youth from the war fronts. Various participants indicated that a number of Dinka wanted to return to the Abyei area, as the land of Ngok was more fertile, but they remained concerned about the security situation in the area. It was requested that the movement from the Abyei area southward, now regulated and limited, should be free and unregulated to demonstrate the commitment of both sides to the peace process in the area. It was also claimed that the abduction issue had not been dealt with, and that there was a need for effective measures to end the practice definitively.

37. The mission continued to Kadugli, where a number of meetings had been arranged in order to have a broad overview of the initial international involvement in support of CFA. This included briefings by General Wilhelmson, Commanding Officer of the Joint Military Commission (tasked with enforcing the CFA), United Nations Mine Action Service (UNMAS), the United Nations agencies and NGOs active in the Nuba Mountains, and the International Fund for Agricultural Development (IFAD) South Kordofan Project Management. A courtesy meeting with the acting Governor of South Kordofan State preceded an on-site visit to Um Sirdiba, a demilitarized location where a specialized mine clearance operation was going on.

38. A number of issues were discussed, including the capacity of the area to absorb large numbers of the displaced who might be interested in returning to the area. Varying opinions on the number of IDPs currently in the Nuba Mountains and IDPs who were presumed to want to return immediately were offered which highlighted the priority need to focus on a broad-based information collection and dissemination network. It was also clear that there were a number of key issues that would need to be addressed in order to create an enabling environment for the return of the internally displaced. This would include issues of land tenure, rule of law, land mine action, and freedom of access and movement of civilians as well as staff of NGOs and United Nations agencies. The “temporary” nature of the ceasefire (six months renewable) and the absence of distinct linkages to the peace process also limited the overall influence of CFA on return.

39. The mission of the Representative then continued in Khartoum separately from USAID. Meetings undertaken by the Representative focused on two main areas of discussion: reviewing commitments of the Government made during the previous mission concerning the development of a national policy on internal displacement; and reviewing the progress on inter-agency and intergovernmental support for voluntary return and resettlement of the displaced.

40. The Minister for Foreign Affairs was briefed by the Representative, with a particular emphasis on the positive aspects of the situation in Abyei that supported return of the displaced to their traditional homelands and livelihoods. The Representative recalled the historical and still relevant role of the Ngok Dinka of Abyei in supporting peace-building between Arabs and Dinka, and highlighted the peace-building process at the local level which he urged needed support from all levels of Government. The Representative also shared with the Minister the concerns of the Dinka about the sensitive issues of land and the resettlement of Arabs in the traditional land of the Dinka. The Minister expressed appreciation for the commitment of the Representative to the interests of the people of Abyei and to peace and stability in the area. He expressed the support of the Government for the local peace-building in Abyei. He noted further that it was important that the Representative promote return to the area without being perceived as taking sides in the divisive political issues at the local level. While the Representative agreed with the Minister, this should be without prejudice to the principles of fairness and justice on these issues. Indeed, addressing the issue of tribal land ownership and cooperative use is essential to the achievement of a just and durable peace in the area.

41. In his dialogue with members of international NGOs and United Nations agencies, the Representative reviewed his mandate and the activities in which he had been engaged, particularly the development of a legal framework for protecting and assisting internally displaced persons which had culminated in the Guiding Principles on Internal Displacement, the

development of institutional arrangements within the United Nations system for responding to the needs of the displaced, and his ongoing dialogue with Governments and other pertinent actors on behalf of internally displaced populations. The Representative explained that in his own work and that of OCHA and its IDP Unit, which coordinate the collaborative approach of the United Nations system to the needs of IDPs, the Guiding Principles had become recognized as the appropriate framework to promote prevention, protection, assistance and solutions for internal displacement. He noted that the Guiding Principles, which had been well received, were adaptable to situations in the countries dealing with a displacement crisis. Questions were raised by the participants concerning ongoing deliberations on the definition of an IDP, and when people would cease to be categorized as displaced. It was observed in particular that the status of many southern IDPs in the northern Sudan posed a challenge, owing to donor fatigue regarding relief assistance to those populations, coupled with the lack of opportunities for any substantial non-exploitative integration into the economy in the north. The participants also reminded the Representative of opportunities for cooperation across the conflict borders that could support sustainable IDP return and the need for the international community to support more effectively the creation and maintenance of safe corridors to facilitate freer movements of the IDPs. The potential for returning IDPs, some with new skills and exposure to modern ideas, could also be utilized as engines for development in a post-conflict environment.

42. The Representative gave a public lecture on “The prospects for peace in the Sudan” that was well attended by an enthusiastic audience. It was clear that there was an increasing openness towards dialogue and discussion concerning the future of the Sudan and the prospects for a peace settlement, within a framework that would ensure a sense of belonging and participation on an equal footing for all Sudanese, irrespective of ethnicity, culture, or gender.

43. Discussions with the donor community and the United Nations leadership included a number of issues: the challenge of supporting initiatives, such as the Abyei return programme, which would reinforce the commitment of communities and leaders in the key transition zone to peace; the relationship between the OCHA IDP Unit and the Office of the Representative of the Secretary-General on IDPs; the position of the Government of the Sudan on the Guiding Principles; and the need to support responses to displacement due to natural disasters on a par with conflict-generated displacement.

44. Meetings with senior government officials, the Governor of Khartoum State, the Minister of Information and Communication, the Minister of International Cooperation, the Humanitarian Assistance Coordinator, the Secretary-General of International People’s Friendship Council, the Peace Adviser and the Second and First Vice-Presidents resulted in continued expressions of support for the work of the Representative and for promoting the development of an integrated policy framework for dealing with the national crisis of internal displacement.

45. It was generally agreed that the return projects would allow IDPs to find opportunities for self-reliance and reduce the burden on Khartoum and other urban centres that were currently hosting IDPs. The Governor of Khartoum State voiced his support for the development of a policy framework for IDPs in Khartoum State, as there were a number of common interests between them and the State, among them local markets, basic services, roads and education. The Governor reviewed the programme of support for IDPs that was being undertaken in Khartoum State, which had been extended beyond the original plans as he became aware of the immensity of the challenge of delivering services to the outlying areas of the capital, where most of the IDPs lived. The financial resources available to the State were derived from the State's share of the value added tax (VAT), whereby Khartoum received 21 per cent of the total VAT collected, but no other resources from the federal budget. The Governor wanted his Government to take on a substantial role in the planning and implementation of IDP-related programmes.

46. The discussion between government officials and the Representative of the Secretary-General reviewed the potential for the rural development programming to address some of the main causes of the conflict, to halt the trend of urban migration and to support the agricultural potential in the rural areas. Positive relationships with regional neighbours would also enhance the capacity of the Sudan to deal with issues relating to the movements of people owing to displacement, war and drought. A strong case was made for addressing these issues on a regional basis, especially as Sudan currently held the IGAD Chair.

47. The potential for the transition zone to advance peace and coexistence or to promote conflict and competition over resources and ideologies was also reviewed. The prospects for a "buffer zone of peace" across the middle of the Sudan - Abyei, Nuba, Darfur, Ingessena Hills - which would reduce tensions and promote or help establish a framework of unity in diversity was discussed as a useful way of reinforcing the peace process. The normative principles involved would be built on the positive legacy of peaceful coexistence to address genuine grievances and forge a mutually beneficial commitment to peace and cooperation. This strategy would need substantial support from the Government and the international community to provide needed services and sufficient opportunities for improving the economic condition of the people. The Minister of International Cooperation referred to a planned programme in Darfur, in cooperation with UNDP, which had parallels to the Abyei project. The objective was to promote integrated rural development to bring peace and stability to the Jebel Marra region, where tribes of different races and ethnicities interact.

48. The Minister of International Cooperation also brought the Representative up to date on the progress made in the preparations for the national policy on IDPs. Under the direction of a High Committee and the Peace Unit of the Humanitarian Aid Commission (HAC), papers had

been produced that needed to be reviewed by the Peace Adviser, Social Planning and other government bodies, and then discussed by State actors and IDP leadership.

49. In the meeting with the First Vice-President, the Representative reiterated his concern over the sensitive issues of national sovereignty in the Government's dealings with United Nations agencies and the international community. He expressed his support however, for the development of a national IDP policy in preparation for a workshop to be organized in cooperation with the Minister of International Cooperation and HAC. He also supported the plans for an IGAD regional seminar to be hosted by the Sudan under the auspices of the Minister for Foreign Affairs.

50. The Humanitarian Aid Commissioner, in separate discussions, reaffirmed that the preparatory work had already begun for the national IDP workshop. He explained the policy of the Government for ensuring freedom of movement for the IDPs, engendering choices which would lead to an enhanced quality of life. It was noted that HAC foresaw a massive post-conflict demand for return to areas of origin which would need support from the international community and the redistribution of development assistance. It was anticipated that oil revenues would make an important contribution to this process.

51. The Representative again explained to the Commissioner that his mandate was founded on respect for national sovereignty, which the Representative views positively as a concept of State responsibility to protect and assist its citizens, in cooperation with the international community.

52. The Commissioner voiced his Commission's strong support for the Abyei return project and the underlying people-to-people peace process, which he emphasized enjoyed the support of the Government as a whole. However, in his view, the prospects for return would best be pursued within a framework of a comprehensive ceasefire, which he hoped would be achieved through the intercession of the international community. Although the Peace Adviser was not involved in the development of the IDP policy, he was very supportive of the people-to-people peace process and the return programme in Abyei and expressed an interest in contributing towards extending and expanding the process to other areas of the Sudan. He acknowledged, however, that the authorities would face major challenges in providing sufficient support through development and rehabilitation of the infrastructure, as long as there was no comprehensive ceasefire.

53. Dialogue with ethnic communities, especially the Missiyira and Dinka, also figured prominently during the mission. The Representative was seen in various contexts as a representative of the United Nations, as an African, as a Sudanese, as a son of Abyei, and as a member of a family that has offered pioneering leadership in the area for generations. This

enhanced his ability to foster open communication among many concerned groups in the country and across the conflict zones under both the Government and the SPLM/A. Both Dinka and Missiriya leadership committed themselves to preserve the peace that had been established in Abyei and to enhance the potential for peace-building to exert a stronger influence on the political processes that were ongoing in the search for peace. All in all, the mission was very successful, at least in terms of the constructive dialogue it generated, the commitments made by all sides to support the local peace processes and return programmes, and the momentum it created among the various actors in the region as well as the potential for international support.

54. Since the mission, the Government has held the internal meeting for developing a national policy and has organized, in cooperation with the IDP Unit, a training seminar on the Guiding Principles on Internal Displacement and their use in developing a national policy. The training is reported to have been very successful. An equally successful training seminar on the Guiding Principles and the development of an appropriate policy was also organized by the IDP Unit at Rumbek in the SPLM/A-held area. Plans are still under way for the national workshop and a high-level subregional IGAD meeting, both to be held in Khartoum and to which United Nations agencies, regional and national NGOs and donor representatives will be invited.

III. CONCLUSIONS AND RECOMMENDATIONS

55. Whether people have been forced to seek refuge across international borders or have been displaced internally by conflict, once the conflict ends or subsides, serious problems relating to return arise. It is particularly important that people are not forced to return to areas that are not safe or to conditions where basic services are lacking and their essential needs not met. For that reason, return must be voluntary³.

56. The Guiding Principles on Internal Displacement, which restate existing norms of human rights law, humanitarian law and analogous refugee law, stipulate the voluntariness of return. This means ensuring the right of the displaced to decide freely whether or not they wish to return to their areas of origin, remain where they have moved, or be resettled in alternative areas. It also means providing the people with adequate information on the conditions to which they would return so that they can make an informed decision on the matter. Even when people choose to return, unless their physical and psychological security and their survival needs are adequately met, as long as they enjoy freedom of movement such return cannot be viable and the people are likely to move from the area again.

57. Applying these principles to the situation in the Sudan and the changing dynamics of displacement and the prospects for return, it should be reiterated that the two phases of the conflict in the Sudan reflect two contrasting patterns. The first war (1955-1972) generated

massive refugee flows into neighbouring African countries. And when the war ended, the refugees returned overwhelmingly to the south. Even the few who had migrated as students to Europe and North America returned home after completing their studies. The ongoing conflict, which erupted in 1983, appears to be generating mostly internal displacement, relatively smaller numbers of refugees and migration for resettlement elsewhere, mostly in Australia, North America, and the United Kingdom. Whether those displaced internally or resettled abroad would want to return home is a matter of conjecture, but it would almost certainly depend on the outcome of the war, in particular whether the country will remain united or be partitioned.

58. Many in the north tend to see the move by southerners to the north as a vote of confidence in the system and for the unity of the country. The fact is that it is a search for security. On the other hand, although the displaced populations yearn to return and may even favour a separatist agenda for the south, it is not easy to tell whether they would live up to the rhetoric of return, should the situation permit. The prospect of return therefore raises a number of critical questions: Do the displaced populations seriously want to return? And if so, would they rather wait for peace to be achieved or would they want to return even before the war ends? And assuming they do return, whether during the conflict or when peace is achieved, are the existing socio-economic conditions likely to sustain their remaining in their areas of origin, or will they once again move northwards in search of better opportunities? And what would be the mid- to long-term implications of this interconnectedness with the north? Assuming that the large numbers of southerners who now reside in and around the capital city become integrated there, what would be the demographic implications for the state and province, not only in terms of the social and cultural dynamics, but also in terms of the local government? What if the south were to exercise the right of self-determination in favour of full independence: Would the southerners now living in the north choose or be forced to return?

59. During the Representative's last two missions to the Sudan, the Ngok Dinka passion for return was overwhelming. In the area itself, the mission held public meetings with the Dinka and Arab residents, all of whom were enthusiastic about the local peace agreements that had been concluded and the prospects for support from the international community. They called for applying to their area the Nuba Mountains Agreement between the Government and SPLM/A which had led to the disengagement of forces, the delivery of international humanitarian relief assistance, the return of the displaced population, and new programmes of socio-economic integration and development in the region. Among the areas they highlighted as requiring support were potable water, health services, education and local infrastructure. Both in response to the local demands and to meet identifiable needs, the task force programme planned humanitarian and development assistance in the areas of human rights and peace-building, health and nutrition, education, agriculture and food security, water and environmental sanitation, and livelihood rehabilitation.

60. Discussions with the displaced Dinka in the north, specifically in Khartoum and during a brief stop at El Obeid, revealed a striking yearning for return. Many of them were prepared to return even under uncertain security conditions. While that might be an expression of nostalgia for home or frustration with the situation of alienation away from the home area, there was also a significant element of seriousness in their desire. To the extent that this yearning represents frustration with alienation, a lost sense of identity and a desire to re-establish it within their ancestral land, it merits support from both the Government and the international community.

61. An issue which will continue to pose a serious challenge for the peace and stability of the area is the problem of land and who is to return or be resettled where. Traditionally, the Arab nomads moved into the area during the dry season in search of grazing and sources of water. During the rainy season, southern Dinkas and Nuer also moved into the area to avoid floods. The movements of both the nomadic Arabs and the southern tribes were well regulated through convention and cooperation between their respective leaders. Certain routes, grazing areas, water sources and camping sites were designated for the respective groups. Over the last two decades, the Dinka have been forced off their land. The Arabs, too, have not been entirely secure in their use of the land as the Dinka have endeavoured to arm themselves and strike back. In the discussions with the Arabs in the area, they were remarkably frank in admitting that they had been responsible for the attacks against the Dinka, but that they also had been devastated by the war and had decided to turn their back on violence and commit themselves to peaceful coexistence with their Dinka neighbours. The history of amicable ties between the Ngok Dinka and the Missiriya Arabs under their respective leaders Babo Nimir and Deng Majok was repeatedly invoked as a model to go back to and build upon.

62. The joint resettlement of the Arabs and Dinka in the traditional Dinka villages was viewed with mixed feelings by many. On the one hand, it symbolized the two groups coming together in the context of peace agreements. It was also seen as a pragmatic way of giving the resident Arabs access to the humanitarian assistance which was being provided by the international community to the Dinka in the area. On the other hand, it appeared to the Dinka as representing Arab encroachment into their land, a first step which, it was feared, might encourage their occupation of Dinka land. To mitigate Dinka fears, it was explained that the number of Arabs involved in the resettlement was relatively small and represented only those who were already resident in Abyei town, and that the pattern would not be repeated in the traditional homes of the Dinka to which the preponderant number of IDPs would return. It is important in this context that the traditional sharing of resources between the settled Dinka and the nomadic Arabs and the cordial relations that had existed between them be reaffirmed and supported. Whatever the outcome of the north-south peace process, these people will continue to live as neighbours and

the nature of their relationship will continue to impact positively or negatively on north-south relations.

63. Although the Nuba Mountains Agreement might not be replicable, it is quite obvious that a viable return programme will require the cooperation of both the state and federal Governments and understanding between the Government and the SPLM/A. The involvement of the international community would provide both the guarantees and the resources needed to ensure the success of the programme, but the political will must be, first and foremost, national. This is why such an arrangement should not be seen in isolation, but as part of a comprehensive approach to peace.

Notes

¹ See for example Francis Mading Deng, *The Dinka of the Sudan*, first published by Holt, Rinehart and Winston, 1972, reproduced by the Waveland Press, 1984, p. 139; and Francis Mading Deng, *The Dinka and Their Songs*, Oxford, The Clarendon Press, 1973, pp. 157-158.

² Africa Watch, *Denying "the Honour of Living": Sudan, a Human Rights Disaster* (Washington: Human Rights Watch, 1990).

³ Roberta Cohen and Francis Deng, *Masses in Flight: The Global Crisis of Internal Displacement*, Washington, DC, The Brookings Institution, 1998, pp. 285-289.
