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**Statement of Vincent Cochetel
Representative to the United States and the Caribbean
United Nations High Commissioner for Refugees**

Regarding

Refugees and Internally Displaced Persons in and from Sudan

**Before the
Tom Lantos Human Rights Commission
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Introduction / Overview

Mr. Chairman and members of the Commission, on behalf of the Office of the United Nations High Commissioner for Refugees (UNHCR) I would like to express our appreciation for the opportunity to appear before you today to address UNHCR's concerns about the humanitarian situation in and around Sudan. My name is Vincent Cochetel, and I am UNHCR's Regional Representative for the United States and the Caribbean, based here in Washington, D.C. I have been with UNHCR for nearly 25 years, primarily in a protection capacity in various parts of Europe and elsewhere, including most recently as Deputy Director of the Division of International Protection at our Geneva headquarters. While I have only recently taken up my position in Washington, I am aware of the critical role of the Commission in shedding light on numerous human rights and humanitarian crises. I therefore look forward to the opportunity to continue the excellent working relationship between the Commission and our office.

UNHCR's presence in Sudan spans over four decades, since the late 1960s, and was initially focused on East Sudan with programs for refugees from Eritrea and Ethiopia. Our operations to assist internally displaced persons (IDPs) in Darfur and returnees in South Sudan are more recent (2004 and 2005, respectively). We currently have about 450 staff in 19 offices in Sudan, in all regions with significant numbers of refugees or internal displacement—including the East, Darfur, the South, Blue Nile State, and Khartoum. These offices currently assist more than 1.8 million persons in Sudan. These are in three main categories:

- **Internally Displaced Sudanese** (in Khartoum, Darfur, and the South)—**1.25 million**
- **Refugees from other countries in Sudan**, mostly from Chad, the Democratic Republic of Congo (DRC), Eritrea, and to a lesser extent the Central African Republic (CAR), Ethiopia, Somalia, and elsewhere—**221,000**
- **Refugee Returnees** (in South Sudan and Blue Nile State)—**330,000**

In addition, Sudanese refugees and asylum seekers are present in nearly 50 countries, primarily neighboring countries such as Chad, Egypt, Ethiopia, Kenya, and Uganda.

More detail on these populations is as follows:

- **Internally Displaced Sudanese in South Sudan:** An estimated 600,000 South Sudanese have been internally displaced for varying periods of time during the past 18 months, due primarily to violence by or between armed forces and armed groups. These armed groups include Uganda's rebel group the Lord's Resistance Army (LRA), which has made incursions into Southern Sudan. Inter-tribal clashes in the South are also a source of displacement. The situation is compounded by general underdevelopment and food insecurity.

- **Internally Displaced Sudanese in Khartoum:** This population is mainly from South Sudan and is dispersed among the urban population in Khartoum. Those who are living in four formal sites recognized by the authorities are estimated to be around 400,000, but the majority of the 1.9 million IDP/former IDP population is scattered across a large number of sites. UNHCR recently received US funding for an IDP survey in Khartoum through which we hope to get updated information about durable solutions intentions and other concerns of this group. While IDPs in Khartoum were previously regarded primarily as part of the urban poverty problem, the Southerners in this population have recently been more rightly viewed through a protection lens as implementation of the Comprehensive Peace Agreement (CPA) comes to fruition.
- **Internally Displaced Darfurians:** This population of between 2.2 and 2.7 million (not all of whom are assisted by UNHCR) faces continued insecurity and protection problems despite the fact that the nature of the violence has changed considerably since the end of the 2004 crisis (mostly due to the fragmenting of rebel groups and militias). There is a continued absence of a comprehensive peace agreement, and the current state of the Doha talks is not encouraging. In the meantime, there is limited humanitarian space for humanitarian actors—and thus limited access to the persons in need—due to the ongoing security situation. Solutions for this population are urgently needed.
- **Refugees from other countries in the East of Sudan:** These are mainly Eritreans and Ethiopians in twelve camps and represent a longstanding protracted refugee situation. This population currently totals some 60,000, with a steady stream of new arrivals (about 1,800/month, of which the majority moves on to other locations). For those who have been there for a longer time, UNHCR pursues a solutions strategy with a heavy emphasis on self-reliance.
- **Refugees from other countries in Khartoum:** This population consists of an estimated 40,000 refugees from CAR, DRC, Eritrea, Ethiopia, Somalia, and elsewhere. Thus far, the Government of Sudan does not have a policy with respect to these urban refugees (as opposed to the situation of camps in the East), which leaves this population vulnerable to round-ups, detention, and forced return. An urban refugee policy is urgently needed.
- **Refugees from other countries in Darfur:** These refugees, totaling some 41,000 persons, are mainly from Chad but also from CAR. The majority of these refugees live in border communities where they generally have ethnic/kinship ties, although some are in two camps at Um Shalaya and Mukjar. These refugee groups continue to require protection and assistance. In addition, the possibility of new arrivals is not excluded. For now, there are no indications that returns are imminent.
- **Refugees from other countries in South Sudan:** This population, totaling approximately 25,000 is primarily from DRC, CAR, and Ethiopia. The continued influx from the DRC is due to LRA violence, which is likely to continue.
- **Returned Sudanese Refugees in South Sudan:** More than 350,000 Sudanese refugees have returned from other countries since 2005. In most cases, they return to areas where decades of conflict have destroyed even the most basic infrastructure, affecting the

returnees and the local communities alike. Another 60,000 refugees from South Sudan remain in countries of asylum and may choose to return after the referendum, making it even more urgent that they have something to return to.

- **Sudanese Refugees in Other Countries:** The largest group of Sudanese refugees in another country is the 260,000 refugees from Darfur in Chad. In addition, some 60,000 Southern Sudanese remain in countries of first asylum, with smaller groups of Sudanese refugees and asylum seekers in Egypt, the Middle East, and elsewhere.

The situation of internally displaced Sudanese, as that of refugees in and from Sudan, is obviously quite complex. I would therefore like to focus my comments today on three issues, which relate to the upcoming independence referendum in South Sudan. Those issues are: (1) the potential for large-scale return of internally displaced South Sudanese from the North, (2) the risk of forced displacement, and (3) the potential for lack of effective nationality following the referendum.

Large Scale Return from the North

A few weeks ago, the return of 1.5 million South Sudanese from the North prior to the referendum (through what is known as the "Come home and Choose" program) was proposed by the Government of South Sudan (GoSS). Following comments by the humanitarian community, the GoSS has now revised the figure downward and speaks about a longer period for the return plan, de-linking it from the referendum voting. The new plan, called ARERI (Accelerated Returns and Reintegration Initiative), only foresees the return of half a million people prior to the referendum. With respect to the potential for such return, UNHCR agrees with the need to de-link the referendum and the return movement. We also believe that any movements should occur within a climate of respect for the principles of freedom of choice and of movement, and that secondary displacement must be prevented. To this end, it is important to ascertain the wishes of the IDP population; many of them may wish to adopt a "wait and see" attitude and will only make decisions regarding durable solutions after the referendum when options are clearer.

One underlying concern is that the potential for large scale returns would lead to the creation of temporary sites in Southern Sudan. These sites could eventually turn into protracted camps due to a lack of alternative services in the returnees' places of origin. These IDPs have been urbanized for years and will likely prefer to settle in and around urban areas. Returnees should be able to settle in the place of their choice in Southern Sudan. To make this possible, reintegration assistance—by the GoSS and the humanitarian community—should focus on areas of destination, as opposed to transit camps, and should consist of peri-urban services to avoid the congestion of major towns.

Risk of Forced Displacement

The humanitarian community is concerned by some statements made in Sudanese media suggesting that Southerners living in the North could lose their citizenship or some basic human rights, should the outcome of the referendum lead to a declaration of independence. While many Southerners living in the North or in other countries may wish to remain where they currently live after two decades of displacement, they are afraid that their situation could become untenable in the aftermath of the referendum. The same concern may apply to some Northern

traders or mixed families living in the South. It is therefore important that the negotiation process quickly address all key outstanding issues, such as the clarification of the North/South borders and the protection of the rights of the people in the post-CPA era, in particular minority rights primarily for groups that straddle the border including semi-nomadic and pastoralist tribes.

Citizenship arrangements in the context of the referendum

This issue is of concern to UNHCR not only due to our mandate for prevention of statelessness and protection of stateless persons, but also because of our lead agency role in IDP protection. While there are possibilities for statelessness to result following the referendum, more likely is the potential for a lack of effective citizenship that guarantees the full rights of nationality including freedom of movement, property rights, family reunion, and employment.

Populations at risk of statelessness include an estimated 2 million Southerners internally displaced in the North, migrants in the North, and/or migrants and refugees in other neighboring countries. Many of them are the second generation born in the North or in neighboring countries. Some nomadic groups in the South, persons in the Transitional Areas, and mixed marriage families may also be at risk of losing their citizenship. This potential will be impacted by the pre-referendum discussions regarding citizenship.

At present, three months before the referendum, the post-referendum status of “Southerners in the North” and vice-versa is unclear. There is very little information available at this stage on voter registration procedures. For example, will nationality/citizenship for the purpose of voting depend solely on ethnicity, or will other factors (e.g., period of residence) be considered? How will displaced persons be able to overcome the hurdles to prove the length of their residence? Failure to address these questions promptly could lead to statelessness and even some new displacement. Thus, it is essential that the issue of citizenship be placed high on the political agenda and that respective populations be made aware of their options. Negotiations on citizenship must not be treated as a last minute bargaining chip. Rather, agreement on citizenship rights must be reached soon, in order to allow individuals to make informed decisions related to voting, movements to and from the South, and voluntary durable solutions. Arrangements should ensure that statelessness is prevented and that arbitrary deprivation of nationality is avoided.

If agreements cannot be reached prior to the referendum, reassurances should be provided to the affected populations in order to avoid the panic of deadlines and to help calm the situation in a context of rising tensions. There should be transitional arrangements and, if necessary, a moratorium on government actions related to citizenship rights and preservation of the status quo until a detailed agreement has been reached.

The resulting citizenship arrangements should provide respect for individual rights, particularly regarding acquired rights relating to property, family unity, residence, freedom of movement and employment.

Protection in South Sudan

The implementation of the 2005 CPA—which ended Africa’s longest running civil war—is coming to completion, with attention now focused on the January 2011 referendum on self-determination of the South. The return of Southern Sudanese that has happened thus far has created significant “peace dividends” but also demonstrates the limited capacity of public services in the South. At the same time, ongoing armed violence continues to generate new internal displacements.

UNHCR’s main protection concerns related to South Sudan are therefore as follows:

- Whether the rights of Northerners in the South (e.g., Darfur IDPs, Northern traders) will be respected in the context of the referendum;
- Continued insecurity in DRC, CAR, and South Sudan due to LRA activities, which may lead to increased displacement that may worsen in the lead-up to the referendum;
- Radical shift in the nature of violence of inter-tribal clashes, which historically revolved largely around cattle raids, toward a clear targeting of women and children using modern firearms;
- High incidents of gender based violence—probably much higher than reported levels, as it is generally dangerous to collect prevalence information and survivors are often fearful of seeking treatment.
- Limited availability of implementing partners (a long-standing issue in all parts of Sudan for a variety of reasons);
- Logistical challenges in reaching remote areas (although USAID support to road rehabilitation is making a considerable difference, including in facilitating access by humanitarian actors).

Protection in Darfur

The conflict in Darfur is moving into its eighth year. Although the nature of violence and the conflict dynamics have changed from that of the early years, the absence of a peace agreement and ongoing clashes mean continued insecurity for the people of Darfur. The rapprochement between Chad and Sudan in early 2010 has reduced cross-border tensions but also intensified the conflict within Darfur. May 2010 was the deadliest month in Darfur (per UNAMID statistics) since 2008, with over 600 casualties. There are some limited IDP returns, though mostly seasonal. A large percentage of the displaced population has become urbanized and may not choose to return to their places of origin.

General insecurity in the countryside remains a huge concern to the IDP population. During years of low rainfall--such as the 2009/10 cultivation season--the migration routes constrict and pastoralists graze their animals closer and closer to farms, increasing conflict and violence between sedentary and nomadic groups. Farmers routinely cite significant crop destruction by

livestock as among their key security concerns. Rural insecurity remains a key obstacle to IDP returns.

In addition, the humanitarian situation in Darfur continues to be affected by a lack of access and limited humanitarian space. For example, UNHCR has not had access to Eastern Jebel Marra, and access in South Darfur is severely limited. As a result of government restrictions, UNHCR's role in IDP protection is significantly compromised.

The Government of Sudan recently released a "Strategy for Achieving Comprehensive Peace, Security and Development in Darfur." While the strategy's general tone of partnership is welcome, there are some elements that must be followed closely, including the relocation of a number of camps (such as Kalma in South Darfur and two camps in the Zalingei area). The UN urges that humanitarian principles be respected in the relocation process (i.e. return must be voluntary and conducted in conditions of safety and dignity, and IDPs must be informed of their options and be able to exercise a free choice in their decisions). In addition, any significant engagement in early recovery and reconstruction must not be undertaken without basic security conditions and progress on major issues such as land tenure, land occupation, and impunity. The strategy currently lacks the support of the rebel movements and civil society within Darfur, and it makes little mention of addressing the underlying causes of flight. To achieve the critical buy-in of national stakeholders and civil society in Darfur, the Government of Sudan should enlarge the debate to reflect the multiplicity of interests and grievances.

Our main protection concerns related to Darfur are as follows:

- Insecurity due to clashes between fragmented rebel groups, tribal feuds, and criminal activities fed by general lawlessness throughout the region, which poses serious obstacles to access by the humanitarian community and the voluntary return of IDPs;
- The fact that IDPs who have adopted new lifestyles after nearly eight years of residing in peri-urban camps are unlikely to return permanently to their places of origin. UNHCR is concerned that the Government of Sudan's strategy focuses solely on return, rather than the range of durable solutions that IDPs might choose following prolonged periods of displacement in predominantly urban areas.
- Lack of acceptance by some government entities of UNHCR's protection role with IDPs, which is leading to increasing difficulties in the performance of the protection cluster lead role and the protection activities of UNHCR as an operational agency.

Protection in East Sudan

Despite being rich in natural resources, much of the population in the East continues to endure chronic poverty and underdevelopment, which constitutes a major gap in the implementation of the Eastern Sudan Peace Agreement (ESPA). Refugees in East Sudan have been dependent on camp-based assistance for the past 40 years, and there has been limited success in resolving this protracted refugee situation. There are continued new arrivals from Eritrea (fleeing forced conscription) of largely young males with an urban background, most of whom do not remain in the camps but move on towards Europe.

Our main protection concerns with respect to East Sudan are as follows:

- The need to promote local integration, including new impetus to advance self-reliance and support the conversion of camps into self-sufficient local villages. However, momentum needs to be maintained and efforts must be integrated into larger area-based interventions by development actors. Legal aspects of local integration (e.g. freedom of movement, legal access to the labor market, access to naturalization) also need to be highlighted. Access to naturalization is provided for under the Nationality Act and reaffirmed in the draft Asylum Bill, but freedom of movement and legal access to the labor market are pending issues.
- The need to pursue resettlement as an important corollary to integration efforts, while not detracting from the self reliance initiative. UNHCR welcomes the resumption of resettlement operations by the United States and is planning for group resettlement in 2011.
- The need to promote large scale development of the East, for which donor support is crucial. The level of basic services in East Sudan is sub-standard (not only for refugees). The level of poverty among communities in rural areas is high and many live on less than \$1 per day. Surveys suggest that malnutrition levels and crude mortality rates in the East are significantly higher than in Darfur.
- The vulnerability of new arrivals—many of whom are seeking to move on beyond Sudan—to trafficking and to abuses involved in the smuggling process. This group includes unaccompanied minors and women at risk.

Recommendations

With respect to the three main issues that I have addressed today, regarding potential large scale displacement and/or statelessness, UNHCR would like to make five priority recommendations to the U.S. Government and the international community:

1. To emphasize in contacts with Sudanese officials, especially the GoSS, the continued need to de-link the referendum and the return movement and to stress that any movements must occur in a climate of respect for the principles of freedom of choice and of movement, and that secondary displacement must be avoided.
2. To support diplomatic efforts to address outstanding issues under the CPA and ensure that the referendum is conducted freely, fairly, and on time. Any delay could be conducive to violence. Of key importance is access to voter registration and actual voting for the Southern population in the North and in designated third countries.
3. To support planning efforts by humanitarian agencies on the ground to prepare for the possibility of significant population movements within Sudan in the period leading up to and following the referendum. Provide immediate funding support to humanitarian agencies should mass return occur, as agencies currently do not have the resources to adequately cover returns of this scale.

4. To encourage the Parties to prioritize negotiations on citizenship and facilitate an agreement on citizenship rights and to provide support for UNHCR's role as an institutional expert to the National Congress Party (NCP)/Sudan People's Liberation Movement (SPLM) Working Group on Citizenship, in order to assist the parties in achieving workable and transparent citizenship arrangement.
5. Should large scale violence be directed at Southerners in the North or Northerners in the South after the referendum, to immediately intervene in the international arena and to provide funding support for immediate safety measures such as airlifting or safe corridors if appropriate and feasible.

Other recommendations, related to the ongoing humanitarian situation for IDPs and refugees in Sudan, are as follows:

South Sudan

- Support more robust implementation of the United Nations Mission in Sudan's (UNMIS) Protection of Civilian mandate. This may include the following:
 - Possible establishment of safe North-South and South-North corridors in the event of voluntary or forced return. There is some discussion of the creation of safe havens, particularly if groups in need of protection are not immediately accessible by humanitarian agencies.
 - Negotiations to ensure that borders remain open in the event of violence resulting in population exodus.
 - Information campaigns (with GoS and UNMIS support) to ensure that persons of concern are aware of their options for durable solutions.
 - Child protection considerations—including worst cases, family separations and/or forced recruitment of children.
 - Work to involve UNPOL in physical protection issues in and around Khartoum, where UNMIS forces have no mandate.
- Invest in basic governance infrastructure to assist the GoSS in providing services.
- Support capacity building of the new state in the event of secession (e.g. legal frameworks, institution building).

Darfur

- Promote acceptance by the Government of Sudan for UNHCR's protection role with IDPs. Lack of such support is leading to increasing difficulties in the performance of the protection cluster lead role as well as protection activities of UNHCR as an operational agency.
- Help facilitate the continued involvement of refugees and IDPs in the Doha peace process.

- Provide support for protection agencies working under difficult conditions, including support for UNHCR's role as protection lead under the IASC cluster approach.

East Sudan

- Continue the momentum for solutions by pursuing a comprehensive strategy. In this vein, the strategic use of resettlement could leverage other solutions.
- Support and advocate for broad area development in East Sudan.

Khartoum

- Support measures to ensure security and protection of IDPs and other communities of Southerners in the context of the referendum.
- Support the development of an urban refugee policy, including advocacy for the Government of Sudan to reconsider its reservation on freedom of movement of refugees under the 1951 Convention relating to the Status of Refugees.

Conclusion

Mr. Chairman and members of the Commission, I have only briefly addressed the many protection and assistance needs of Sudanese refugees and IDPs, as well as those of refugees from other countries in Sudan. However, UNHCR has available much more detail that my office would be happy to share with you. I thank you again for the opportunity to speak at this important briefing and for your ongoing interest in the human rights and humanitarian situation in Sudan and the region. I would be happy to answer any questions that you might have.