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特定群体和个人：

人口大规模流亡和流离失所者

国内流离失所者问题秘书长代表弗朗西斯·登先生  
根据人权委员会第 2002/56 号决议提交的报告

增 编 \*

苏丹南部国内流离失所问题讨论会(2002 年 11 月 25 日  
在苏丹共和国举行)的总结报告

\* 本报告的内容提要以所有正式语文分发，本文件附件中所附的访问报告本身则只以原文和阿拉伯文印发。

## 内 容 提 要

国内流离失所者问题秘书长代表、联合国儿童基金会和布鲁金斯学院国内流离失所问题 SAIS 项目联合主办的苏丹南部国内流离失所问题讨论会于 2002 年 11 月 25 日在苏丹的伦拜克举行。人权委员会第 2002/56 号决议欢迎在关于流离失所问题的区域和其他讨论会上散发和使用《关于国内流离失所问题的指导原则》，鼓励秘书长代表与区域组织、政府间和非政府组织及其他有关机构协商，继续发起或支持此类讨论会。按照这项决议，国内流离失所问题秘书长代表将苏丹南部流离失所问题讨论会的总结报告转发给人权委员会。讨论会的目的是：研究世界范围的国内流离失所问题，尤其侧重苏丹南部的局势；讨论《关于国内流离失所问题的指导原则》的内容和适用情况，尤其注意对于非国家行为者的使用；推动进一步制订战略，处理国内流离失所问题，包括返回、重新安置和重新融合问题；巩固民间社会中希望增强本地和国家能力的各个方面的努力。这是秘书长代表和布鲁金斯学院 SAIS 项目在非国家行为者的合作和积极参与下举行的第一次讨论会。

参加讨论会的有，苏丹人民解放运动/解放军和苏丹人民民主阵线的行政和人道主义主管人员、在苏丹南部开展活动的国际机构和非政府组织的代表、当地民间社会以及接收流离失所者社区的代表和国内流离失所者代表。与会者听取了国内流离失所者问题秘书长代表、苏丹救济和复兴署执行主任以及国际组织、国际和当地非政府组织及民间社会的代表的发言。

与会者在讨论中强调，为了在保护、援助和有序返回及重新安置方面作出连贯一致的规划，现在迫切需要关于苏丹特别是苏丹南部国内流离失所者的人数、位置和人口构成的较精确数据。他们还强调，关键是必须使人道主义组织获准立即深入所有地区的国内流离失所者。

与会者还承认，苏丹南部国内流离失所者的安全仍然面临巨大危险，尤其是流离失所的妇女、儿童和残疾人。作为处理这个问题的起步，苏丹救济和复兴署和苏丹南部救济协会的代表、分属于苏丹人民解放运动/解放军和苏丹人民民主阵线的人道主义机关、以及当地民间社会和国际人道主义组织，最近建立起了一个

国内流离失所者保护网，以便推动向流离失所者提供保护。另外，苏丹救济和复兴署执行主任 **Elijah Malok** 宣布，该署的工作人员在联合国人道主义事务协调厅国内流离失所者问题股和秘书长代表办公室的协助下，最近在《指导原则》的基础上，为苏丹人民解放运动/解放军拟订了关于国内流离失所问题的一项政策草案。他计划在目前定于 2003 年 1 月的下一轮和平会谈之前，将这一草案提交苏丹人民解放运动/解放军领导核准。

与会者还说，如果苏丹政府与苏丹人民解放运动/解放军目前正在进行的和平会谈取得成功，国内流离失所者就有可能大规模返回。他们呼吁苏丹人民解放运动/解放军、苏丹政府和民间社会协调返回计划，以便确保任何人员流动属自愿性质，在安全和尊严的条件下实施。从其他国家的经验和苏丹过去内战的经验看，返回进程可能是混乱和困难的，本身充满危险。与会者指出，应当把从这些经验中吸取的教训用于当前的计划。具体而言，应呼吁国际社会和当地及国家有关部门确保在返回社区和整个苏丹南部发展适足的基础设施，以期保证持久和平。国际捐助界必须发挥重要作用。

与会者最后呼吁所有有关组织和机构改进相互的协调，发展真正的伙伴关系，进一步交换信息，以便更好地援助和保护国内流离失所者。

## Annex

**SUMMARY REPORT OF THE SEMINAR ON INTERNAL DISPLACEMENT  
IN SOUTHERN SUDAN (RUMBEK, SUDAN, 25 NOVEMBER 2002)**

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## Introduction

1. The Seminar on Internal Displacement in Southern Sudan, held in Rumbek, Sudan, on 25 November 2002, was co-sponsored by the Representative of the United Nations Secretary-General on internally displaced persons, the United Nations Children's Fund (UNICEF), and the Brookings Institution-SAIS Project on Internal Displacement (copies of the agenda and list of attendance are available at OHCHR).
2. The purposes of the seminar were: to examine the worldwide problem of internal displacement with particular reference to Southern Sudan; to discuss the content and application of the Guiding Principles on Internal Displacement with particular attention to their application to non-State actors; to stimulate the further development of strategies for addressing issues of internal displacement, including issues of return, resettlement and reintegration; and to reinforce the efforts of those in civil society interested in strengthening local and national capacities.
3. The meeting was chaired by Mr. Francis M. Deng, Representative of the Secretary-General on internally displaced persons and co-director of the Brookings-SAIS project. The 39 participants represented executive and humanitarian authorities of the Sudan People's Liberation Movement/Army (SPLM/A) and the Sudan People's Democratic Front (SPDF), international organizations and non-governmental organizations (NGOs) with operations in Southern Sudan, local civil society, as well as host communities and internally displaced persons.

## I. OPENING REMARKS

4. The seminar opened with a prayer led by Bishop Caesar Mazzolari of the Diocese of Rumbek. Bishop Mazzolari drew the participants' attention to the story of Exodus and to the Bible's admonition that persons driven from their homes be sheltered and aided in their distress.
5. Elijah Malok, executive director of the Sudan Relief and Rehabilitation Association (SRRA), the humanitarian arm of the SPLM/A, then offered an opening statement welcoming the participants on behalf of the SPLM/A leadership. Mr. Malok stated that both the Sudanese and the international community had realized that the time had come to address the issue of internal displacement in Sudan. In this connection, he noted several areas of inquiry which he believed most urgently needed to be addressed, in particular how to (a) gather and centralize basic data on internally displaced persons in Southern Sudan, such as their number, locations, and demographic makeup; (b) improve coordination among the SPLM/A, international and national authorities; and (c) ensure that the human rights of internally displaced persons are respected.
6. UNICEF project officer Julianna Lindsey welcomed the participants on behalf of both UNICEF and Bernt Aason, deputy humanitarian affairs officer of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) Sudan. The Representative of the Secretary-General, Francis M. Deng, also extended his welcome to the participants, noting that the seminar was occurring at a hopeful time of negotiations for peace.

## II. GLOBAL OVERVIEW OF INTERNAL DISPLACEMENT AND THE NORMATIVE FRAMEWORK

7. Mr. Deng proceeded to discuss the global context of internal displacement and the history of the international response to the problem. He shared his view that response to internal displacement worldwide, frequently resulting from civil war, is often constrained by a ruptured sense of national solidarity and identity, which can lead States to withhold their protection from their own nationals. The international community is then needed to step in and fill the vacuum. Such involvement, however, confronts the challenges of sovereignty. While the concept of national sovereignty has traditionally been interposed as a barrier to international intervention in the plight of persons displaced within their own borders, the 1990s saw an increasing recognition that sovereignty carries with it the responsibility to ensure that basic human rights are observed. During the same period, however, the number of internally displaced persons continued to rise to a current estimate of 25 million persons, of which 10-11.5 million are in Africa, and 4.5 million are in Sudan.

8. In 1992, Mr. Deng was appointed as the Representative of the Secretary-General on internally displaced persons, with a mandate to explore the normative framework for internally displaced persons, to address the institutional response to their needs, conduct country missions, and foster research on the issue. At the request of the Commission on Human Rights and the General Assembly, the Representative convened a group of legal experts who drafted the Guiding Principles on Internal Displacement ("the Guiding Principles"), an instrument designed to restate and interpret existing human rights and humanitarian norms relevant to internally displaced persons in one coherent document. Since they were formally presented to the Commission in 1998, the Guiding Principles have been widely accepted as an authoritative and useful tool for formulating policy at the international, regional and national levels. Through his 25 country missions (including three to Sudan), frequent regional and national conferences, and advocacy at the international level, the Representative has promoted these principles and encouraged the relevant actors to develop policies that better serve the internally displaced.

9. Because no single agency within the United Nations has been designated to have the primary responsibility for the internally displaced, emphasis has been placed on enhancing collaboration among the many agencies and NGOs that play a role with the internally displaced. To achieve better coordination, the Secretary-General designated the Emergency Relief Coordinator (ERC) as United Nations focal point on internally displaced persons. The ERC chairs the Inter-Agency Standing Committee, composed of the heads of the major humanitarian and development organizations and NGO umbrella groups. It now meets regularly to discuss issues pertinent to internal displacement. At the national level, "resident coordinators" and "humanitarian coordinators" have been designated to serve as focal points for the response to internal displacement in a number of affected countries. The system represents a considerable improvement over previous years, but it remains far from ideal, especially in situations like Southern Sudan. There is no resident coordinator or humanitarian coordinator specifically for Southern Sudan, notwithstanding the administrative divisions between Operation Lifeline Sudan of the North and the South and the tremendously different working environment in the two areas of the country. As the Southern Sudan model shows, therefore, more work needs to be done to render cooperation between international humanitarian agencies and organizations working on the ground.

10. Mr. Deng noted that he had undertaken three missions to Sudan and continued to be engaged in the country because Sudan remains the hardest-hit country in the world with respect to internal displacement, with more than 4 million displaced persons. He had been encouraged by the Government of Sudan's recent participation in a seminar on the Guiding Principles convened by the OCHA IDP Unit and by the Government's organization of its own policy seminar on internal displacement in 2002. He was also encouraged by the efforts currently being undertaken by the humanitarian wings of the SPLM/A and SPDF to incorporate the Guiding Principles into their policies and activities. In this regard, he noted the participation of these organizations in two training sessions on the Guiding Principles conducted by the OCHA IDP Unit, in September and November 2002, and their participation in the current seminar. Mr. Deng commended them for their recognition that non-State actors also have responsibilities for safeguarding the rights and well-being of internally displaced persons and called upon them to continue to make good on their commitments.

11. David Fisher, researcher for the Representative of the Secretary-General on internally displaced persons, provided an overview of the development and content of the Guiding Principles and the extent of their penetration into law and policy at the national level. He noted that the Guiding Principles sprang from the United Nations request to the Representative to develop a normative framework for internally displaced persons. After initially considering the option of a legally binding instrument for the internally displaced, the Representative and his team of experts decided instead to compile, restate and elucidate existing international norms, which they believed to provide adequate coverage for the internally displaced, but which were dispersed in a wide variety of instruments too diffuse to focus on internal displacement and therefore had been frequently overlooked in situations of mass displacement.

12. The Guiding Principles, Mr. Fisher continued, were based on human rights law, humanitarian law, and refugee law applied by analogy. They were divided into four major sections dealing with (a) protection from arbitrary displacement, (b) protection during displacement, (c) access to humanitarian assistance, and (d) return, resettlement and reintegration. By their terms, the Guiding Principles applied to State and non-State actors and called upon those with authority over displaced persons not only to refrain from persecuting them but also to act affirmatively to ensure that their security is ensured and that their humanitarian needs are met.

13. As noted above, the Guiding Principles have made important inroads at the international and regional levels, with various bodies expressing their support. They have also begun to make an important impression in policy-making at the national level. In Angola, the Government had enacted legislation on resettlement expressly based on the Guiding Principles. Uganda was considering similar legislation. In other countries, such as Burundi and Colombia, Governments had expressly based their policies on the Guiding Principles. The Guiding Principles were also increasingly being used as a monitoring tool by inter-governmental agencies and NGOs.

14. Should the SPLM/A adopt its draft policy based on the Guiding Principles, as is currently being contemplated, it would be the first non-State actor to make such a commitment. If the policy were then fully implemented, it would make an important difference in the lives of the internally displaced in Southern Sudan.

### III. INTERNAL DISPLACEMENT IN SOUTHERN SUDAN

15. Jeff Drumtra, senior Africa policy analyst at the United States Committee for Refugees, an NGO, gave a presentation on the situation of internal displacement in Southern Sudan. He pointed out that Sudan's displacement arose from one of the longest uninterrupted civil wars in the world. Its magnitude was unique - totalling more than 4 million persons by the most commonly used estimate, constituting the largest displaced population in the world. Up to 2 million of the displaced were in the North of the country, 500,000 in the Nuba Mountains region, and another 1.5 to 2 million in the South. Other unique factors were the wide geographic dispersal of the displaced, their nearly equal numbers in Government- and rebel-controlled areas, and the repeated displacements of many of the same persons. These characteristics meant that the logistics of facilitating return and reintegration would most likely be just as difficult as had been the case in providing humanitarian relief. Moreover, the process of return would undoubtedly be chaotic and would require flexibility from the authorities and relief agencies. Many internally displaced persons would return with changed expectations, culture, language and even religion, which would have to be taken into consideration.

16. At the same time, internal displacement in Sudan was similar to that in other countries in important respects. Those working in the Sudan could therefore benefit from lessons learned in other States. For example, Somalia, Ethiopia, and Mozambique encountered similar problems of drought and food shortages. Indeed, relief agencies were already applying lessons learned in those countries to Sudan. One such lesson was that drought and food shortages could be expected to continue even after the war ends, which could help to disrupt the process of reintegration.

17. Likewise, displaced persons in other countries, such as Liberia, Uganda, and Somalia, had encountered protection problems akin to those in Sudan. As war had turned increasingly inward over time, civilians became its primary targets and victims. To address this problem, humanitarian agencies would need to consider playing a greater role in the monitoring of protection problems, documenting and taking steps to prevent abuses and pressing for accountability. International and local NGOs in Sudan had the opportunity to serve as a model for the continent in this regard.

18. Adele Sowinska, programme coordinator for the International Rescue Committee, representing the NGO Forum, commented on Mr. Drumtra's presentation. She observed that there was a pressing need for the various parties addressing internal displacement in Southern Sudan to work more effectively together. In this regard, she pointed out that both the Government of Sudan and the SPLM/A were in the process of developing policies on the internally displaced. She called for an effort to make these policies cohesive.

19. Ms. Sowinska regretted that a number of international NGOs had been reluctant to cooperate with the SPLM/A's policies concerning the internally displaced because the SPLM/A was a non-State actor. She called upon international humanitarian organizations to provide greater support in planning and training to local NGOs and to give them greater responsibility as decision makers. Ms. Sowinska noted that although both the Government of Sudan and the SPLM/A had recently reaffirmed their commitment to grant greater access to humanitarian



organizations, NGOs had been told that implementation was being "taken slowly", especially in Western Upper Nile. She called upon national and SPLM/A authorities to grant NGOs immediate access to internally displaced persons in all territories under their control.

20. Finally, Ms. Sowinska underlined the inadequacy of resources and services available to internally displaced persons in Southern Sudan and called on donors to increase their participation. She noted that, in Equatoria, there was currently one doctor for every 100,000 people and that there were no doctors at all in Bahr el Ghazal or Western Upper Nile. Many areas also lacked safe water and other necessities. Much greater resources were needed just to meet existing needs, and demands would greatly increase in the case of large-scale returns.

21. In the discussion, there was a consensus that greater resources were urgently needed in Southern Sudan for assisting internally displaced persons. Participants also agreed that lessons from previous displacement crises in other countries as well as in Sudan should be disseminated for use in the current situation.

#### **IV. THE DRAFT SPLM/A POLICY ON INTERNAL DISPLACEMENT**

22. Mr. Malok reported that at a training seminar for SPLM/A personnel on the Guiding Principles, conducted in September 2002 by the OCHA IDP Unit with the assistance of the office of the Representative of the Secretary-General on internally displaced persons, a policy on internal displacement based on the Guiding Principles had been drafted and presented to him for consideration by the SPLM/A leadership.

23. Mr. Malok noted that because his energies and those of the SPLM/A leadership had been focused on the peace talks in Machakos, he had not yet presented the draft policy for approval. However, he assured the participants that he intended to formally present the draft to the SPLM/A leadership prior to the resumption of peace talks scheduled for 6 January 2003, and hoped to have the policy adopted soon thereafter.

24. The participants at the seminar encouraged Mr. Malok to proceed with the adoption of the draft policy, and also to explore ways to coordinate the activities of the SPLM/A with those of the Government, especially in the areas of return and resettlement in the event of peace. At the suggestion of participants, Mr. Malok agreed that he would raise the issue at the next meeting of the Technical Committee on Humanitarian Assistance.

#### **V. PROSPECTS FOR PEACE AND THE CONSEQUENCES FOR INTERNALLY DISPLACED PERSONS**

25. Mr. Malok reported on the recent peace talks in Machakos and provided his analysis of the prospects for success in the upcoming phase of talks scheduled for 6 January 2003. He reported that the SPLM/A and the Government of Sudan had agreed in principle that Islamic law would be applied in the North and secular law in the South and that, after a six-year period, the South would be given the opportunity to have a referendum to choose between independence and remaining in Sudan. However, a number of challenging issues remained for further talks, including wealth sharing and the representation of the SPLM/A in institutions of the federal

Government. He noted that the Government and the SPLM/A were still far apart on these issues. He cautioned participants that, despite rising hopes at home and abroad, it might not be easy to reach speedy agreement. The SPLM/A and humanitarian agencies should therefore remain prepared to address the needs of internally displaced persons regardless of the outcome of the peace talks.

26. Several participants urged Mr. Malok to include civil society in the peace process, especially insofar as it would have an impact on the displaced.

27. Mr. Deng reported to participants about pilot initiatives supported by his office and UNDP to encourage local peacemaking in Abyei, where local Dinka and Missiriya Arab leaders had reached accords to end inter-ethnic violence. With the support of the international community, these local initiatives had permitted the return of some displaced Dinka to their home areas and allowed Missiriya Arabs to recommence peaceful use of grazing land in Dinka areas. Mr. Deng observed that he had sensed a yearning for peace on both sides, but that the process was vulnerable unless it was strongly supported by the main warring parties, the Government and the SPLM/A. He called upon the Government and the SPLM/A to give local peace processes their strong support to ensure their success.

#### **VI. REPORT FROM THE OCHA IDP UNIT-UNICEF TRAINING IN THE GUIDING PRINCIPLES**

28. James Oryema, assistant project officer at UNICEF, reported on the findings and recommendations of a training seminar on the Guiding Principles, conducted by the OCHA IDP Unit and UNICEF in Rumbek, Sudan, 21-23 November 2002. Participants included representatives of SRRA, RASS, local and international NGOs, and churches.

29. Mr. Oryema reported that participants at the training session had noted the pressing need for accurate demographic information on displaced persons in Southern Sudan. They also identified the many causes of displacement in Sudan. While the armed conflict between the Government and the SPLM/A was the major source of displacement, people had also been displaced as a result of cattle rustling, abductions, denial of access to humanitarian assistance, and floods. Participants in the training session felt that all the causes had to be addressed.

30. The training seminar participants further emphasized the need for better cooperation among the different actors dealing with internally displaced persons. Some local NGOs, they noted, had been drawing up "silent plans" to deal with potential return and resettlement issues in the event of peace because the SRRA had not drawn them into a more comprehensive planning process. Training participants also called for greater coordination among international humanitarian agencies, noting the lack of a humanitarian coordinator for the South.

31. Finally, the training participants drew attention to the discriminatory treatment suffered by internally displaced persons at the hands of some host communities, such as the insistence that displaced persons wait for members of the local community to draw water before they themselves could use the well. In addressing this issue, however, the training participants warned against creating reverse discrimination against host communities, which had often been left to deal with large inflows of internally displaced persons with extremely limited resources.

In creating a policy on internally displaced persons, including one for return and resettlement, the participants at the training session called upon all parties to ensure that the internally displaced were consulted and made part of the decision-making process.

## VII. PROTECTION OF INTERNALLY DISPLACED PERSONS

32. Regardless of whether peace was imminent in Sudan, participants at the Rumbek seminar agreed that the protection of internally displaced persons was an issue that had been overlooked and needed urgently to be addressed.

33. Gordon Guem, protection officer for the SRRA, reported on progress made in the creation of an IDP Protection Network ("the network") for Southern Sudan. The network includes local NGOs, the SRRA and RASS, and is designed to promote protection through education and advocacy.

34. Like the SRRA's consideration of the draft policy on internal displacement, Mr. Guem identified the SRRA's participation in the network as a sign of its commitment to incorporate international human rights standards into its policies and practices. In addition to educating internally displaced persons, SPLM/A officials, SPLA armed forces and community leaders, the network would advocate with international and local institutions for better treatment of internally displaced persons. It would attempt to integrate its activities with those of international humanitarian organizations, for instance, by assisting the International Committee of the Red Cross in tracing missing family members of internally displaced persons.

35. Participants voiced their support for the new network and urged its members to coordinate closely with international humanitarian mechanisms. Participants also congratulated the SPLM/A on its willingness to encourage monitoring and advocacy by the network, and encouraged them both to take this function seriously.

36. Some participants called upon the SPLA to share more information with local NGOs to help them to protect the security of internally displaced persons. It was noted that displaced persons frequently do not receive crucial survival information. Mr. Malok stated that the SPLA had made an effort to share such information in the past.

37. Although all internally displaced persons faced vulnerabilities as a result of dislocation, participants recognized that some displaced persons were particularly vulnerable because of age, gender and disability.

38. Julianna Lindsey, project officer at UNICEF, reported that displaced children were frequently separated from their parents and communities and therefore faced particular danger. She noted that although some orphans had been taken in by local communities, they frequently faced discrimination and a lack of educational opportunities. In the event of return, Lindsey cautioned that differences in language, culture and experience could generate increased discrimination.

39. Lawrence Otika, resettlement officer for Catholic Relief Services, reported that women made up an overwhelming percentage of the internally displaced. Rape and other sexual

violence were both a cause and a consequence of displacement for these women. Unfortunately, rape was rarely discussed in Southern Sudan and women were often unwilling to report that they had been raped for fear that they would not be able to marry. Soldiers and militia members knew this and took advantage of the culture of silence. Although there was little data on the issue, a recent study found that many displaced Nuer women had been raped as many as three to four times by militia members.

40. Women and especially girls also faced abduction into sexual slavery by armed forces such as those of the Lord's Resistance Army, which frequently entered Sudanese territory. Women's traditional tasks, such as gathering firewood and cultivating crops, tended to place them at increased risk of rape in a conflict environment. Avoiding such activities made subsistence impossible. Moreover, rape brought with it not only physical and emotional trauma, but also a high risk of transmission of HIV, as was confirmed by a recent study carried out by Médecins Sans Frontières in Upper Nile.

41. Mr. Otika recommended that international and local humanitarian organizations and authorities better coordinate to enhance protection for women. He called upon the local authorities in particular to empower women in decision-making. Finally, he reiterated the need for basic information on the location, make up and needs of the internally displaced in general as an essential planning tool.

42. Fatuma Juma, thematic head for community-based rehabilitation of children with disabilities for Save the Children/Sweden reported that disabled people were the most vulnerable of populations, especially in situations of armed conflict. In many societies, including Southern Sudan, they were considered to be lesser people and therefore suffered discrimination that compounded the challenges posed by their disabilities.

43. Disabled children were especially at risk. When people were forced to run, disabled children were frequently left behind to be killed by armed forces or hunger. They were also the last to be provided resources and education. It was estimated that fewer than 3 per cent of disabled children were in school in Southern Sudan.

44. Ms. Juma noted that the Guiding Principles stipulated that special efforts should be made to meet the needs of disabled persons during displacement and called upon participants to integrate advocacy for this community into their protection programmes.

## **VIII. ISSUES OF RETURN, RESETTLEMENT AND REINTEGRATION**

45. Marv Koop, technical officer for the United Nations Development Programme (UNDP) briefed participants on considerations in forming a strategic framework for addressing return, resettlement and reintegration. He asserted that the overarching goal of such a framework should be to protect and expand choices of all war-affected populations to ensure equity among all returning populations. Thus, a policy concerning return should also deal with issues of human security, building and supporting the capacity of local structures and authorities, and fostering area-based rehabilitation.

46. Assuring human security would require means to monitor armed activities not only by the Government and the SPLM/A, but by militias and rival ethnic groups. The latter type of conflict was rooted in resource issues and in the lack of a functioning system of justice to address disputes. The task was complicated by the proliferation of small arms and of landmines. A sustainable plan for return would also require capacity-building through the promotion of democratic governance, true partnerships between international and local humanitarian actors, empowerment of traditional authorities and the encouragement of respect for the rule of law. Likewise, communities should be rehabilitated through agricultural support, water projects, health services, education, support for the development of private sector initiative and other infrastructure needs.

47. Mr. Koop noted that a policy on return should anticipate problems such as movement-related security, unrealistic and/or changed expectations, discrimination, the possibility of political manipulation in order to influence a potential referendum on independence, land disputes and potential inequities in assistance between displaced and non-displaced populations.

48. In the discussion, participants noted that both the Government and the SPLM/A were considering policies on return, and called upon the parties to coordinate their activities. As noted above, Mr. Malok pledged to raise the issue of coordination at the next meeting of the Technical Committee on Humanitarian Assistance. Participants also cautioned against the use of displaced persons as political pawns, especially in light of the planned referendum on adhesion to or secession from Sudan.

49. Participants agreed that there was a need to prepare for changed expectations, culture, and language in those who might be returning from the North. There was also a consensus that assistance programmes should be carefully calibrated to deal equitably with all returnees, whether internally or externally displaced, as well as with other war-affected populations who were not displaced.

50. Mr. Malok noted that the SPLM/A wished to encourage the return of displaced persons to their homes as soon as the security situation allowed, in order to commence the rehabilitation of the displaced themselves, relieve the stress of current host communities, and begin rebuilding the South. Participants expressed support for a plan that would encourage voluntary return of the displaced in conditions of safety, dignity and access to the essentials of life and livelihood.

51. Bishop Caesar Mazzolari reported that the Catholic Church had been active in Sudan to promote peace and reconciliation between the warring parties. He noted also that local parishes had already taken on the task of assisting many displaced persons in Sudan, and that they would continue to do so to the full extent of their resources in the event of large-scale return. In anticipation of such an event after peace, the Church would soon be appointing an officer to coordinate its activities in the South.

52. Bishop Mazzolari warned that great numbers could be expected to return in the event of peace and that food shortages, gaps in services, and poverty probably would await them. He pledged that the Church would increase its involvement, including attempts to engage internally

displaced persons currently in the North to prepare them for conditions in the South, and in efforts to promote reconciliation among chiefs, host communities, and returning displaced persons.

53. Participants urged officials of the Church and the SPLM/A to work together with other members of civil society to create comprehensive plans for return.

54. Participants noted that large-scale return would likely provoke disputes over entitlement to property as displaced persons found others on their habitual lands. These disputes would be complicated, inasmuch as many persons had been displaced several times and had made connections with properties in several areas.

55. Some participants voiced the view that those currently putting property to beneficial use should be entitled to remain there. Others asserted that customary law in the South would require at least that ancestral lands where shrines have been erected be returned to their displaced owners. It was noted that the customary rules of communal land ownership in Southern Sudan were nuanced and did not preclude individual entitlement to property after displacement. There was consensus that equitable laws and a responsive judicial system should be put into place as soon as possible to address all potential disputes.

#### **IX. RECOMMENDATIONS**

56. Participants in the seminar made several recommendations, which are listed below.

57. The SPLM/A should adopt and implement the draft policy on internal displacement developed in September 2002, which was based on the Guiding Principles on Internal Displacement. The international community should encourage and support the SPLM/A as it engages with international human rights standards.

58. International humanitarian organizations, local NGOs and the SPLM/A should work together to develop accurate data on displacement in Southern Sudan and to coordinate their programmes of assistance and protection for the internally displaced.

59. The SPLM/A and the Government of Sudan should coordinate their return policies in the event of peace. The SPLM/A should raise this issue at the next meeting of the Technical Committee on Humanitarian Assistance.

60. Partnerships should also be forged among local authorities, international humanitarian organizations and civil society to facilitate return and build local capacity.

61. All actors should ensure that the return and resettlement of displaced persons are voluntary, safe and in dignity. To this end, local peace processes could facilitate reconciliation among communities and clans and foster voluntary and safe returns. Programmes designed to assist returning and resettling displaced persons should enlist the participation of host communities and ensure that their needs are taken into account. For their part, local communities should make efforts to eliminate discrimination against returnees and the displaced.

62. International donors should increase their involvement in Southern Sudan, especially in the event of large-scale return, but regardless of whether or not there is a peace agreement. To this end, international agencies and the office of the Representative of the Secretary-General on internally displaced persons should hold discussions with the donor community.

63. The SPLM/A should share relevant security information with local civil society and international humanitarian organizations to assist in the protection of the internally displaced. Special attention should be paid to the protection and assistance needs of women, children and the disabled.

64. Humanitarian agencies should be granted immediate access to displaced persons wherever they may be found to promote assistance and protection to those at risk.

## **X. CONCLUSION**

65. It should be reiterated in conclusion that the Rumbek seminar set a very positive example in that the Representative of the Secretary-General, in collaboration with United Nations agencies and non-governmental organizations and, in particular, with the cooperation of the Government of the Sudan, engaged a non-State actor to assume its responsibility for the protection of internally displaced persons in accordance with the principles of international humanitarian and human rights law as restated in the Guiding Principles on Internal Displacement. It has been widely accepted that in addition to State actors, non-State actors are also often responsible for the displacement of people and for the violations of their human rights. The logic of attributing responsibility for displacement and human rights violations to non-State actors is to hold them accountable on the basis of internationally established standards without necessarily implying according them legitimacy in international law. The Guiding Principles make this very explicit and Sudan offers a good example of the practical application of the Principles to non-State actors.

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