

in detail the institutional capacity-building needs across all sectors, not the least in the Rule of Law Sector. Adopting an incremental approach, the JAM has identified the following immediate and medium-term objectives:

- to strengthen the immediate competence and capacity of governance and rule of law institutions to provide human security and access to justice, with particular respect to gender, while protecting human rights
- to improve human resource capacity, backed up by an adequate legal framework and institutional, operational capacity
- to ensure that confidence building and reconciliation are given due attention in the design and implementation of the rule of law programmes, so as to promote lasting transformation of a conflict-prone society
- to contribute to creating an environment that is conducive to the implementation of the CPA, including the return and reintegration of displaced persons, other returnees, including reintegration of former combatants; and, eventually, long-term capacity building in the rule of law sector, free and fair elections and good governance.

In the final analysis, peace can only be built and sustained where capac-

ity building addresses both institutional and attitudinal reform. As in any other post-conflict situation where societies are shattered and deeply affected by a protracted civil war, confidence building must be a cross-cutting priority that underpins humanitarian, developmental and political action. Without an attitudinal change towards justice and equality all other efforts will be undermined; ultimately, the social contract between the state and its citizens is restored and sustained by the human component of that society.

While a formal peace agreement can kick-start the process of peace building, the effects of armed conflict often require a long process of behavioural adjustment. New and progressive ways of advocacy and training will be required. Field-based experiences prove that legal and structural reform alone is not sufficient in promoting respect for human rights in post-conflict situations. Rather, efforts must also be made to assist national stakeholders to acquire a deeper comprehension of universal human rights and the ethical standards inherent in Sudanese culture. Programmes must be aimed at cultivating positive attitudes and healthy belief systems, which can replace negative attitudes that reinforce a violent culture. National stakeholders must be supported and given the tools to unearth

their own powers to have a positive impact on their environment. Only then can we truly build the capacity of national stakeholders to integrate human rights and core values of justice in their own sphere of power, day-to-day life and responsibilities.

Finally, progress indicators must be redefined. The overriding objective of the rule of law is to restore a viable social contract between the citizens and the state – a contract that protects the full spectrum of human rights, be they civil and political, or economic, social and cultural. Against this objective, the impact of an effective rule of law programme must, ultimately, be measured not by the number of policemen or lawyers trained but rather by the degree of safety, justice and empowerment experienced by the citizens of Sudan.

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This article is written in a personal capacity and does not necessarily represent the views of the UN.

1. www.db.idpproject.org/Sites/IdpProjectDb/idpSurvey.nsf/wViewCountries/

Sustainable return depends on collaborative approach

by Sajjad Malik

The Livelihoods and Social Protection cluster of the Joint Assessment Mission (JAM) forms the basis of the plan for the return and reintegration of some 6.7 million people by 2011. Success will depend on commitment to the Comprehensive Peace Process and sustained international support.

The UN estimates that conflict and drought have left 6.7 million² Sudanese displaced, including some 550,000 refugees in neighbouring countries. Much attention has rightly been placed on

the largest displaced population in the world but community recovery will also target those populations who were not able to flee violence or drought as well as those who have borne the burden of hosting

displaced populations. Many of the displaced will be returning to communities and areas that have suffered severely from a variety of factors including war and drought and are currently with extremely limited access to basic social services. For this reason, the Cluster report highlighted the importance of:

- improved access to basic social services for all vulnerable Sudanese
- increasing the participation and protection of rights of

- vulnerable, disabled, elderly, women and children
- increased local economic activity in war-affected and marginalised communities
- effective national protection mechanisms
- supporting local development initiatives for Sudan's most vulnerable communities
- working towards self reliance of returnees and eventual phase out of humanitarian assistance.

Efforts to ensure durable solutions to displacement and to strengthen livelihoods must take account of the reality that those communities to which many will return have themselves suffered extreme destruction and deprivation. The process of return is further complicated by the long-term nature of displacement and the fact that significant portions of the displaced population have been displaced for more than 15 years, reside outside camps and have developed sophisticated coping and livelihoods strategies quite different from those they knew in their areas of origin. Many returnees do not necessarily speak the language of their people and a significant number have been educated via the medium of Arabic.

Progress in the peace negotiations between the Government of Sudan and SPLM brought increased security in 2004 and in 2005, ensuring greater access for humanitarian agencies to populations in need. These developments encouraged significant spontaneous return (i.e. without external assistance) to southern and transitional areas of Sudan with limited or no resources. However, groups undertaking to return or resettle are facing extreme conditions en route. Many are illegally taxed, sometimes harassed or attacked resulting in loss of assets - and occasionally lives. Lack of access to timely or accurate information regarding the return process precludes informed choice and obscures potential risk factors for returning populations. Some IDPs in Khartoum are being forcibly moved from existing areas of displacement as part of urban renewal efforts.³ Lack of adequate access to protection and services in areas of return/resettlement has led to some secondary migration. These movements have skewed the demographic

balance. In many villages of return there are disproportionate numbers of elderly and women as able-bodied males search for work elsewhere and youth seek education opportunities in towns.

Over the years, women, children and the elderly have traditionally been excluded from participatory mechanisms. Some refugee women in camps fear that freedoms won in exile will be lost on return. Unless humanitarian, recovery and development activities address these issues from the outset and involve marginalised groups in community decision making, there is a risk that these inequalities will be perpetuated.

In Sudan's politically fragile environment, returnees and their communities must not be left in deprived conditions for extended periods without protection, basic services and livelihoods. The return process itself may trigger flare-ups of localised tensions between returnees and host communities as the delicate local ecology and economy may be destabilised. Without commitment and external support, there is a real risk of back-flows to countries of asylum or renewed internal displacement. Ongoing conflict analysis and monitoring, therefore, should be undertaken with a view to preventing nascent differences or low-key conflicts from spilling over into violent confrontation, either between vulnerable groups themselves or between vulnerable groups and host communities during transit and after resettlement.

JAM research suggests that around 70% of IDPs will have returned or resettled by the end of the first phase of the Interim Period in 2007 and that 22% will be remaining where they currently reside at the end of the Interim Period in 2011. UNHCR estimates that 90% of refugees will return to Sudan during the Interim Period. The desired situation in 2011 is to have met the sustainable reintegration needs of displaced populations (and ex-combatants) and the communities to which they return, resettle or in which they choose to integrate throughout Sudan. Measurable goals by 2011 are:

- sustainable return, integration in places of displacement, reintegration and resettlement inside Sudan of 6.7 million displaced

persons

- improved access to basic social services including HIV/AIDS prevention and treatment
- increase in the participation and protection of rights of vulnerable groups (including disabled, elderly, women and children) in relation to service provision
- increased local economic activity in war-affected communities
- improved effectiveness of national protection mechanisms
- improved effectiveness of local development initiatives
- self-reliance of returnees enhanced, and needed humanitarian aid minimised/phased out.

Collaborative efforts and integrating humanitarian, recovery and development activities

Signing of the Comprehensive Peace Agreement (CPA) in January and formation of the Governments of National Unity and South Sudan in July 2005 have provided an opportunity for millions of displaced to return home. The challenges, however, are enormous. The return and reintegration of millions of displaced refugees and IDPs is simply not a business-as-usual situation. Capacity and resource constraints are evident at all levels and in all sectors. This will require concerted and sustained efforts of all actors, national and international, and communities at large.

The first two years of the plan prepared by JAM will be crucial. The focus must be on immediate and short-term interventions creating grounds for the return and reintegration of displaced populations. Initial assistance must have an immediate and visible impact and focus on meeting basic needs, building confidence and promoting conflict resolution and reconciliation among the population in areas of return. A successful initial phase will also ensure that the reintegration is sustainable and will avert the recurrence of displacement, or exodus from the rural to urban areas. The subsequent process of reintegration to recovery and development must start at the same time.

For the return and reintegration of displaced population, the principle of the '4Rs' has been adapted in



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Sudan to include 'resettlement' of displaced within Sudan. The 5Rs programming approach with area-based planning will ensure linkages between return and reintegration of displaced populations with recovery and development activities.

JAM research suggests that social protection interventions must be focused on points of transition (en route from areas of displacement and immediately upon arrival in a new area) when shocks to the generally vulnerable may exceed their capacity to cope and where the arrival of returnees could make life harder for residents already lacking resources. Food and physical security must be guaranteed and adequate transportation provided. Monitoring is required to reduce the risk of illegal taxation or physical attack, to verify the voluntary nature of return and to help facilitate local integration and resettlement opportunities. HIV/AIDS-related information and establishment of structures assisting people living with the disease must be established. Attention must also be paid to the protection needs of child soldiers, women associated with fighting forces, disabled combatants and chronically ill combatants. Farming input baskets must be given to those with an agricultural background to prepare for self-reliance. Rapid impact community-based reintegration projects should assist communities with basic social

services and provide opportunities to those without farming experience to restore or acquire a means of earning their living, avoiding total dependence on food aid. The UN Work Plan for 2005 builds on some of these interventions aiming to provide support to the displaced in their areas of displacement, en route and in areas of return.

There is a natural impatience on the part of many stakeholders – the Sudanese population, especially the displaced and war-affected, politicians and international actors – to attend to the urgent and immediate needs and to see 'quick wins'. These are most often infrastructure projects. However, experience from other post-conflict settings suggests that this should be balanced with equally strong support for the 'software' of transition and recovery – capacity strengthening and rebuilding social capital. JAM research suggests that the process of community-based livelihood recovery interventions, which will consist of support to basic services, support to environmentally safe and sustainable subsistence agriculture practices and other agro-pastoral activities, and support to on- and off-farm income generating activities, should include protection and security, peace building and reconciliation, social welfare, and capacity strengthening of authorities and communities.

For the return of displaced populations, which remains a priority of the government, the following actions will be conducive to promoting the dignity and rights of displaced and returnees in Sudan and are based on international instruments for the protection of IDPs and refugees:

- increased presence of international monitors as well as programme/protection staff in the field and in IDP camps to strengthen monitoring, intervention and programming
- monitoring of the push-and-pull factors that may impact the return process
- assessing options for local integration in the North
- information campaign to promote free and informed choice and voluntary return
- provision of transport during the phase of spontaneous return to specially vulnerable individuals
- ensuring safe passage along return routes through deployment of UN military observers, UN agencies and international and national NGOs
- establishing a legal framework for the return of the displaced
- monitoring the establishment and management of way stations
- dissemination of information on the CPA
- advocacy of international humanitarian law to all armed actors
- ensuring that a general amnesty law is in place prior to organised return.

A 26-seater bus carrying 94 returnees to Kosfi, en route to southern Sudan, September 2005.

Challenges facing UNHCR

UNHCR has been an active partner in these collaborative efforts in the Sudan including in the process of drawing up the operational framework for the return and reintegration of displaced set out in the UN Work Plan for 2005. This approach has resulted in the harmonisation of standards for the protection, return and reintegration of IDPs on levels comparable to those for returning refugees.

UNHCR is scaling up its operational and logistical capacity for the repatriation of refugees from neighbouring countries. Recent missions to the Democratic Republic of Congo and the Central African Republic have confirmed that the overwhelming majority of Sudanese refugees wish

to return home. The first organised repatriations will take place during the last quarter of 2005. Plans are being finalised for the return of refugees from Kenya, Ethiopia and elsewhere. UNHCR is assuming the leadership role of coordinating UN activities for the return and reintegration of IDPs in greater Equatoria (West Equatoria, East Equatoria and Bahr el Jebel) and Blue Nile states, which are also areas of refugee return, to ensure that return is sustainable and takes place in safety and dignity.

On a recent mission to the region, High Commissioner António Guterres reassured representatives of the 66,000 Sudanese refugees in Kenya's Kakuma refugee camp that return would be completely voluntary. Urging them to work with the new south Sudanese authorities to consolidate peace, he outlined the measures being undertaken by UNHCR to prepare for their return. These include building schools, de-mining roads, rebuilding health facilities, restoring water services, building the capacity of local institutions and training the judiciary, police and other civil servants in human rights, refugee law and the

Guiding Principles on Internal Displacement. To date, there are over 100 community-based reintegration projects being implemented by UNHCR in partnership with communities, NGOs, UN agencies and the Government of South Sudan and many more are planned, at a total cost of some \$28 million.

UNHCR activities and resources are limited, however, and challenges are enormous. Speaking to villagers in south Sudan, the High Commissioner promised to "tell the chiefs of the rich people" in the world that they must do more but he also warned that "we do not have the money to help with everything you need." He drew a clear link between development aid, economic growth and peace. "If we want Ugandans to be in Uganda, Sudanese in Sudan and Portuguese in Portugal," the former Portuguese Prime Minister said, "we must stop war. But it is very difficult to have peace if everybody is poor, if people don't have enough to eat, if children don't have schools."

The successful conclusion of the JAM, adoption of its report in Oslo and generous funding pledges have generated much hope and optimism

among the people of the Sudan, especially the displaced. The JAM process has laid the basis for long-term reintegration and development. The revised 2005 UN Work Plan⁴ sets out immediate and urgent support required by displaced and receiving communities in areas of displacement, en route and in areas of return. However, large-scale recovery and development and humanitarian interventions remain a priority. Any delay in implementing the actions recommended in the JAM report may have implications if people do not see concrete peace dividends, and the displaced are unable to return home. This would be a setback for both development and peace.

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1. pp211-246 of the report available at www.unsudanig.org/JAM/drafts/final/JAM-report-volume-III.pdf
2. See Cluster-7 report, pp 219, para 25
3. See Cluster-7 report, pp 220, para 28
4. <http://ochaonline.un.org/cap2005/webpage.asp?MenuID=6357&Page=1217>

The reality of return: IDPs in Darfur

Despite continuing insecurity, IDPs in Darfur are starting to return home. UNHCR and other agencies involved in their assistance and protection must ensure that the principles of voluntariness, safety and dignity are adhered to.

On 5 July 2005, a Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur was signed in Abuja by the Sudanese government, the Sudan Liberation Movement and the smaller Justice and Equality Movement.¹ Although this is unquestionably the most concrete step towards peace so far, doubts remain as to how this commitment in principle will be translated into reality. IDPs in Darfur continue to suffer violence and rape, forced recruitment and abuse of children, banditry and tension over scarce resources. The presence of

African Union civilian police appears to have contributed to a relative improvement in security but the situation remains unpredictable and volatile. The Secretary-General's report on Darfur of 18 July² states that "Darfur may be a less active war zone than it was a year ago, but violations of human rights continue to occur frequently, and active combat has been replaced by a suffocating environment of intimidation and fear, perpetuated by ever-present militias." Even if the commitment to peace of the parties involved is genuine and fighting subsides, reconcili-

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ation and reconstruction will be a lengthy process.

Nevertheless, a small number of people are returning home to their villages, often in precarious circumstances, hoping to rebuild their lives. Some of these return movements are of a local nature, from village centre to outlying settlements, while others are over longer distances, within and between the three Darfur regions.³ Some movements have also taken place from the Chadian border area. As far as UNHCR has been able to monitor, most of these returns are proving successful.

Those who return are in dire need of humanitarian assistance. UNHCR's decision to assist those returning initially provoked criticism as it was feared that this would create false