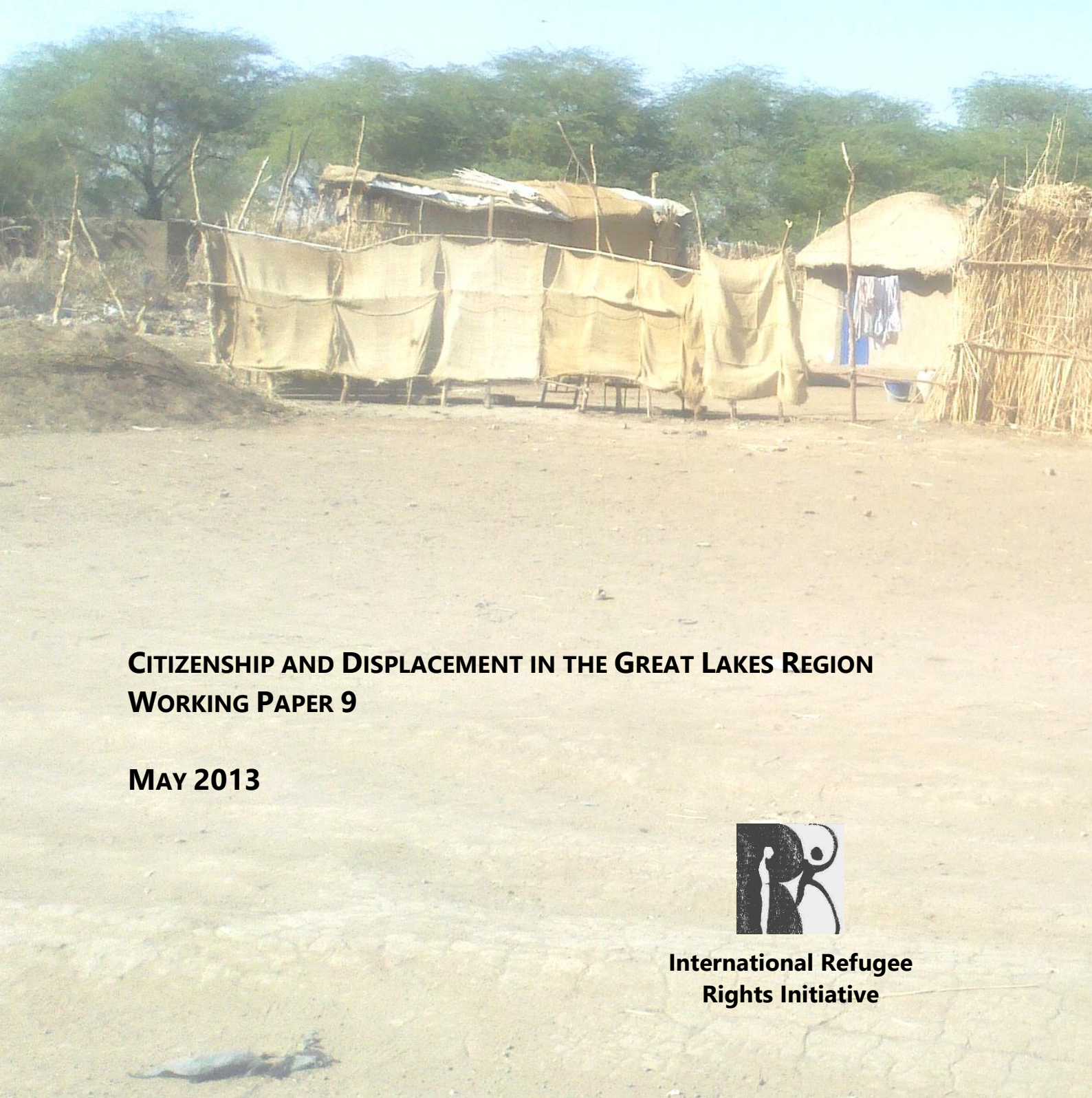


The Disappearance of Sudan?

Life in Khartoum for citizens without rights



**CITIZENSHIP AND DISPLACEMENT IN THE GREAT LAKES REGION
WORKING PAPER 9**

MAY 2013



**International Refugee
Rights Initiative**

Background to the Paper

This paper was drafted by Dr. Lucy Hovil of the International Refugee Rights Initiative (IRRI). Deirdre Clancy of IRRI and Nasredeem H. Abdulbari of Harvard University gave additional input. Due to security concerns, the field research team has to remain anonymous. However, the team would like to express its enormous gratitude to all those who participated in the study.

Citizenship and Displacement in the Great Lakes Region, Working Paper Series

The paper is the ninth in a series of working papers that forms part of a collaborative project between the International Refugee Rights Initiative, the Social Science Research Council, and civil society and academic partners in the Great Lakes region. The project seeks to gain a deeper understanding of the linkages between conflicts over citizenship and belonging in the Great Lakes region, and forced displacement. It employs social science research under a human rights framework in order to illuminate how identity affects the experience of the displaced before, during and after their displacement. The findings are intended to facilitate the development of regional policies that promote social and political re-integration of forced migrants by reconciling differences between socio-cultural identities and national citizenship rights that perpetuate conflict and social exclusion.

Previous works in this series (available at www.refugee-rights.org)

- "Going Home or Staying Home: Ending Displacement for Burundian Refugees in Tanzania," 2008.
- "Two People Can't Wear the Same Pair of Shoes: Exploring the Challenges of Access to Land and Reintegration in Burundi," 2009.
- "Who Belongs Where? Conflict, Displacement, Land and Identity in North Kivu, Democratic Republic of Congo," 2010.
- "A Dangerous Impasse: Rwandan Refugees in Uganda," 2010.
- "Hoping for peace, afraid of war: the dilemmas of repatriation and belonging on the borders of Uganda and South Sudan," 2010. (A UNHCR Working paper)
- "Shadows of Return: the dilemma of Congolese Refugees in Rwanda," 2011.
- "Darfurians in South Sudan: Negotiating Belonging in Two Sudans." 2012.
- "'I can't be a citizen if I am still a refugee.' Former Burundian refugees struggle to assert their new Tanzanian citizenship." 2013.

Cover photo of a neighbourhood populated by South Sudanese near Khartoum taken by an anonymous Sudanese partner.

The International Refugee Rights Initiative would like to thank the Open Society Foundations for its generous support of this research.

"Our thanks on this day include all those who stood with us and supported us from the sectors of all Sudanese people, and also include those who did not, whose choice of not supporting us will in no way devalue their citizenship. The President of the Republic exercises his constitutional powers as a president for all and he is responsible for all citizens. This is a fact I confirm and a commitment I declare."

(President Omar El Bashir in his address to the Sudanese people following his victory in the April 2010 elections)¹

"If the government continues to deny the claims of the people, it might lead to the disappearance of Sudan."

(Interview with man from Darfur, Khartoum, 8 June 2012)

Summary

This paper is about the experience of people living in Khartoum State who identify themselves as being from one of the conflict-affected areas of Sudan. It focuses primarily on those from the newly independent state of South Sudan, the (now) five Darfur states, and Southern Kordofan state.² For decades, marginalisation and neglect of these areas by the government of Sudan has led to a series of conflicts characterised by attacks by the state against those living on the peripheries, and violent defence by local opposition forces in response. These conflicts have further exacerbated the economic, political and cultural marginalisation of large geographical areas of the country.

As a result, over the past decades millions of people have moved to the capital city in search of services and safety. However, the same logic of discrimination that forced them from their homes has been replicated in Khartoum: they have continued to be treated as second class citizens at best, and as non-citizens at worst.

Following the secession of the Republic of South Sudan in June 2011, spaces for belonging – as evidenced by the ability to access one's rights – further contracted, hardening the fault lines that separate insiders from outsiders. In the context of the loss of territory and resources, new conflict, and rising opposition, the state has continued to create a polity that is strongly exclusionary, and Khartoum represents a microcosm of this process: those who are from the margins continue to be treated as outsiders, yet ongoing conflicts in many parts of the country mean they have little choice but to remain in the capital. At every level, and in direct contradiction to the president's assertion above, therefore, their citizenship is devalued.

For those considered to be from the south, this exclusion was described in unequivocal terms: at the time of the research, a new law had stipulated that they were no longer entitled to Sudanese nationality and the president had ordered their "return" to South Sudan. At the same time, the experiences of those from other marginalised areas who are legally entitled to the rights that go with Sudanese citizenship were little different. Sudanese and "southern" Sudanese alike are being excluded from the state's resources, including protection, on the basis of who they are or where they are from – or are perceived to be from.

During the research, in which 117 individuals were interviewed, this exclusion was evidenced in a number of ways: *economically* there is a lack of access to services in the areas where they live, with stories of deliberate diversion of services, of markets being closed down, of jobs being lost and of children being removed from schools; *politically* people talked of their fear of arbitrary arrest, of being refused proper identification and of their inability to express themselves; and *culturally* people talked of a metanarrative of exclusion through public media and statements from official sources that denied

their right to stay in Khartoum on the basis of colour or creed or political opinion. These experiences call into question the very basis on which citizenship in Sudan is constructed and experienced.

So why do they stay? For those who identified themselves as having roots in the new South Sudan, the Sudanese government has made it unequivocally clear that they are no longer welcome to stay as citizens. Yet moving to the South, while desirable for many, entails huge logistical challenges – challenges that the Sudanese state is not only doing nothing to alleviate, but is often exacerbating. Exclusionary laws and practices have meant that many have lost their jobs, their homes and other resources that they have painstakingly built up over years or even decades. The sanction given at the highest level of presidency to exclude those deemed “southerner” has allowed individual officials considerable scope for discriminatory action. Yet at the same time, the possibility of return to a recently liberated homeland was seen to offer a degree of hope and optimism.

Those who have retained their Sudanese nationality in law but whose home areas are sites of conflict feel they have no choice but to remain in Khartoum despite the fact that they are being made to feel unwanted at every level. Conflicts that are rooted in injustice, neglect and marginalisation have driven them to Khartoum, where the same dynamics are making their lives hugely challenging. For many of them their citizenship has become meaningless. They are not only being discriminated against in every area of their lives but believe that the government is denying them any space to engage at a political level. As a result, they are living in terrible economic conditions and in a state of perpetual fear. For these interviewees, there was little hope expressed.

Methodology

The paper is based on field research carried out in Khartoum State between 28 May and 18 July 2012. The field research was led by a Sudanese senior researcher, who was assisted by eight additional researchers (four women and four men). The research team included a university lecturer, three professional lawyers, one English language teacher and three university graduates. Two of the researchers were born in Southern Kordofan, two in what is now South Sudan, two in Darfur, and two in Khartoum.

Conducting research in Khartoum presented considerable security challenges for interviewers and interviewees alike. Interviews generally therefore took place in people’s homes, and most of those interviewed appreciated the opportunity to talk about the issues facing them. Research took place in Khartoum north and Omdurman cities, both of which are part of Khartoum State. However, for security reasons, the findings simply refer to “Khartoum” as the location for all interviews.

In total, 117 interviews were conducted with people who identified themselves as being from Southern Kordofan (50), Darfur (22) or originally from the territory now known as South Sudan (45). Interviews included a wide cross-section of people from different sectors of society, from university lecturers and politicians to tea-sellers working in the local markets; it included both men and women and people of different ages. In addition, interviews were conducted with those who had recently arrived in Khartoum, and those who had lived there for years or decades – or, in some cases, all their lives. Interviews were conducted in accordance with the language or dialect of the interviewee.

It is important to note that although the research deliberately targeted people from Southern Kordofan, Darfur and South Sudan, this was not intended to imply that other marginalised and displaced groups do not exist in Khartoum. Neither was this focus intended to suggest that there exist homogenous categories of people – and indeed, views – based on geography, an assumption that would only enforce the dangerous binaries that have been so powerfully created and manipulated in Sudan. As such, the findings are by no means representative of the wide range of views that would be

held by people from different parts of the country. Furthermore, a potential bias in the choice of interviewees needs to be noted: the majority of those interviewed explicitly chose to self-identify as “black” or “non-Arab” and, therefore, as those who were marginalised not only on the basis of where they were from but also on the basis of race. For instance, the majority of those interviewed from Southern Kordofan were from the Nuba Mountains and identified themselves in this way.

It is also important to emphasise that the intention behind the research was not to create comparative data in which the lives of South Sudanese could be compared with the other groups interviewed. Instead, the objective was to gain a general impression of life in Khartoum for those who had migrated from some of the conflict-affected areas of Sudan and are experiencing marginalisation. As a result, although a distinction is made throughout between the opinions of those from South Sudan, Darfur and Southern Kordofan, the findings have only been disaggregated where there are clear distinctions between different groups.

Background

Like most capital cities, Khartoum has attracted people from all over the country and region in search of jobs, medical care, education and other opportunities offered by the country’s capital. It has also drawn significant numbers of people fleeing various conflicts around the country. Indeed, both displacement and resettlement has been used as a strategy by the government to better control not only the conflict-affected areas and their populations, but also those in Khartoum where people who have fled to the city can be better monitored by a centralised security force. This migration – whether voluntary, forced, or a combination of the two – has taken place in a context in which the current government has, for decades, sought to subjugate the country under a narrowly defined construction of Sudanese identity and centralisation of resources and basic goods against which numerous groups have reacted with violence.³ Sudan has been, and continues to be, a deeply divided territory in which the majority of people have been alienated from a minority central power source that has fought for control not only of political and economic resources, but also of deeper social and cultural forms of belonging – the very basis of Sudanese-ness. Khartoum represents a microcosm of this process of exclusion: those who are from the margins continue to be marginalised on the basis of where they are from; yet ongoing conflicts in many parts of the country mean that many have little choice but to remain in the capital.

Forced migration from the south

Prior to the referendum on the independence of South Sudan and the ensuing movement of people to the newly independent state, conservative estimates put the number of southern Sudanese living in Khartoum at 500,000, although the figure was likely to have been in the millions.⁴ Some had come to take up jobs as professionals, civil servants and business people. But the vast majority had fled as a result of the longest-running conflict in the country between what is now South Sudan and the centralised Sudanese state (often referred to inaccurately as “the north”).

Instead of finding a refuge, they found themselves living as outsiders in the political epicentre of a regime that had justified war on their communities on the basis of its inherent cultural and religious superiority. While many benefited from the educational and other opportunities presented by the urban environment and re-contoured their lives to the dominant culture, many others found themselves living in the margins of the city, *de facto* second class citizens and subject to myriad violations of human rights.⁵ The war officially ended with the signing of the Comprehensive Peace Agreement (CPA) by the government of Sudan and the Sudan People’s Liberation Movement/Army (SPLM/A) on 9 January 2005. With the agreement of the CPA, a new era appeared to have dawned,

with a new framework for citizenship as the basis for equal rights and duties enshrined in the Machakos Agreement and Power Sharing Protocols.⁶ The special status and function of the capital city Khartoum as a “symbol of national unity that reflects the diversity of Sudan”⁷ was particularly recognised. Part 10 of the Interim National Constitution (still in force) contains a series of provisions on administration of the capital, the operation and representativeness of law enforcement agencies in the capital and the administration of justice, all of which are intended to reinforce “respect for all religions, beliefs and customs”.

Unfortunately, the realisation of the CPA and Interim Constitution’s vision of Sudan as a multi-ethnic and multi-religious country of equal citizens failed, and one group of these citizens, “southerners” (as defined by the parties who agreed the CPA), voted overwhelmingly at 98.83% to create their own state. Only 55% of the small number entitled to vote in the north, however, voted for separation. Thus when South Sudan declared independence on 9 July 2011, millions of people potentially found themselves not only on the “wrong” side of the border, but also of the ‘argument’.

New legislation on citizenship, which was passed before secession on both sides of the border, added to the confusion. The Sudanese parliament (National Assembly) adopted amendments to the 1994 Nationality Act that stipulated that Sudanese nationality “shall automatically be revoked if the person has acquired, de jure or de facto, the nationality of South Sudan.”⁸ Against the background of the adoption in South Sudan of a relatively generous text defining the composition of the South Sudanese citizenry – including persons with one great grandparent born in South Sudan – at a stroke potentially hundreds of thousands were denationalised, notwithstanding the provisions of the Constitution.⁹ Compounding the problem, the amendments contained no recognition of the right to challenge this withdrawal and raised the bar for those who might wish to apply for naturalisation. Among the new criteria were 10 years “lawful and continuous residency” and the conduct of lawful employment or livelihood, conditions that seemed to be particularly intended to exclude communities living on the margins.

Although the legislation at one level seemed to clarify the situation – no one who had a claim to South Sudanese citizenship could retain Sudanese citizenship – it simply added fear to the confusion. There was no guidance on how those claims might be determined or refuted, notwithstanding a context in which myriad legal questions arise, including the constitutionality of the law itself. For example the current Constitution is unequivocal that “[e]very person born to a Sudanese mother or father shall have an inalienable right to enjoy Sudanese nationality and citizenship” (article 7 (2)). The precise scope of South Sudanese citizenship law is also a complex matter. Regulations governing the implementation of the new law have still not been issued. Further, although the President of Sudan took an overtly public stance that all those from South Sudan must leave or “regularise” their status, by April 2012, there was no clarity on how regularisation could be accomplished.¹⁰ In fact, the status of nationals across borders in both Sudan and South Sudan has created a significant amount of insecurity for groups of people living in *both* countries.¹¹ Concerns increased when the grace period afforded southern Sudanese to regularise their status lapsed on 9 April 2012, exacerbated by statements made by state governors and political leaders threatening to expel all southern Sudanese.¹²

In late September 2012, after a series of negotiations, Sudan and South Sudan signed the *Framework Agreement on the Status of Nationals of the Other State and Related Matters between the Republic of Sudan and the Republic of South Sudan (Framework Agreement)*.¹³ The instrument guarantees “four freedoms” to the nationals of each state in both territories, namely: freedom of residence; freedom of movement; freedom to undertake economic activity; and freedom to acquire and dispose of property. The Framework Agreement tasks the two states to establish a Joint High Level Committee responsible for the implementation and adoption of these freedoms within two weeks of 27

September 2012. Enjoyment of the four freedoms is to some extent reinforced by the *Agreement between The Republic of the Sudan and The Republic of South Sudan on Border Issues*¹⁴ signed at the same time as the *Framework Agreement on the Status of Nationals*. The *Border Issues* agreement recognises the importance of the “common heritage and abiding connections” between the two states, especially of communities living in border regions. It envisages a “soft border” that would allow for commerce and safe, free movement between the states. Security in the border areas generally is the joint responsibility of the two states.

However, there has been little movement on the implementation of these agreements since they were signed. In March 2013, a new “Implementation Matrix” was signed and, although the agreement was widely welcomed, some questioned whether it reflected a genuine renewal of will.¹⁵ With the interests of both states centred on the creation of a demilitarised zone and the resumption of oil production, it may be a considerable time before priority is put on the establishment of mechanisms for the operationalisation of the four freedoms.

Outbreak of war in Darfur

Meanwhile, neither the signing of the CPA nor the subsequent independence of South Sudan helped to resolve conflicts in other parts of Sudan. The provisions of the agreement, which provided for a broader democratic transition, were never realised and new cycles of conflict quickly emerged.

The signing of the CPA in 2005 took place against the background of increased levels of violence in Darfur. The current phase of conflict started in 2003 when the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) took up arms against the government leading to a vicious counteroffensive by the government of Sudan and the *Janjawiid*, a militia drawn primarily from North Darfur. As a result of the ensuing conflict, millions of Darfurians have had their homes decimated and have become scattered across the region – some internally displaced within Darfur, others seeking asylum in neighbouring states or further afield, and many fleeing to Khartoum.¹⁶

Outbreak of war in Southern Kordofan and Blue Nile

While the signing of the peace agreement coincided with the renewal of conflict in Darfur, in June 2011 the secession of the South led to a renewal of conflict in the Nuba Mountains area of Southern Kordofan State, which then spread to the state of Blue Nile in September 2011. Both areas are located just north of the South Sudan/Sudan border, and, along with Abyei, were given special status with limited autonomy in the CPA (known collectively as the “three areas”): the future governance of Southern Kordofan and Blue Nile was supposed to be decided by popular consultations at a local level.

Tensions in Southern Kordofan escalated in May 2011 as a result of a contested state election in which the incumbent governor, Ahmed Haroun, was announced as the winner. Haroun not only represented the National Congress Party (NCP), but was also accused by the ICC of committing war crimes and crimes against humanity in Darfur. Winning by a margin of less than one percent of the total vote, the outcome was critical as the elected state governor was to lead the popular consultations as outlined in the CPA.¹⁷ The Carter Center declared the outcome flawed but “peaceful and credible,”¹⁸ although off the record these observers questioned the legitimacy of the poll.¹⁹ The Sudan People’s Liberation Movement-North (SPLM-N) refused to accept the election results, and tensions between the NCP and SPLM-N escalated, coming to a head when the government tried to disarm SPLM/A elements of the Joint Integrated Units consisting of soldiers from both SPLM/A and the government of Sudan.²⁰ fighting broke out on 5 June 2011. The SPLM-N declared its intention to overthrow the government in Khartoum, and the government responded with a campaign of aerial

bombardment, indiscriminate shelling, summary executions and other attacks.²¹ The conflict spread to Blue Nile, breaking out on 1 September 2011, causing a further round of displacement.

The impact of this conflict on the civilian population has been, and continues to be, immense. Over 900,000 people are estimated to be internally displaced in the two conflict zones. At least 215,000 are refugees in South Sudan and Ethiopia. Others have fled north, primarily to El Obied and Khartoum. Those who are not displaced are living with the ongoing threat of violence. Reports from Nuba by the NGO, *Eyes and Ears Nuba*, leave little room for doubt as to the severity of what is taking place.²² A briefing presented by the Sudan Consortium (a coalition of Africa-based NGOs) to the African Commission on Human and Peoples Rights in April 2013 alleged that in rebel-held areas of Southern Kordofan the government of Sudan was continuing “a deliberate strategy of attacking the civilian population and of targeting the infrastructure and resources necessary to sustain this population” through an aerial bombing campaign.²³ In January 2013, the Head of the UN Humanitarian division, John Ging, speaking to the UN Security Council, described nearly 1 million people as being “in dire need” and the situation as a “severe humanitarian crisis”.²⁴

Extension of the logic of exclusion beyond the conflict zones

These conflicts have forced millions of people to move to Khartoum in search of both safety and access to services. However, as noted above, the same logic of exclusion that created conflict and displacement continues to apply in Khartoum: people from the peripheries have found it difficult to secure jobs, have been discriminated against with regards to access to services, have struggled to gain access to education, and have often lived in a state of insecurity and fear. This trajectory of marginalisation appears to have only increased with the independence of the South. The incursion by the army of South Sudan into the contested area of Heglig/Panthou in April 2012 further intensified the situation. Local media were encouraged to denigrate South Sudan, the SPLM-N and Darfur movements and their perceived supporters collectively, including, for example, presenting footage of the Sudan Revolutionary Front (a combination of Sudanese armed movements from Darfur, Nuba Mountains and Blue Nile) allegedly working together with the South Sudan army. Negative and racist rhetoric by the government increased the atmosphere of fear with the President announcing on national radio that “we will clean Khartoum from the ‘black plastic bags’”.²⁵

There has been a severe crackdown on anyone who has publically opposed the military approach to trying to resolve the crises in Southern Kordofan and Blue Nile. During the course of this study, one of the researchers was arrested by national security agents because she had participated in a campaign supporting a human rights defender who had advocated a peaceful solution to the conflict.²⁶ Likewise, many journalists writing about the conflict have either been arrested by national security or banned from writing, including Hayder El-Makashfi and Faisal M. Salih of *El-Sahafa* and *El-Ayam* newspapers respectively. The targeting of civilians in Southern Kordofan and Blue Nile and the subsequent banning of the SPLM-N as a political party by Khartoum – arresting its members and perceived supporters across the country and raiding its offices²⁷ – sends a clear message that some groups do not belong in the new configuration of the geographically reduced Sudan, in which access to belonging and full citizenship rights has contracted even further. In November 2012, for example, 32 women from the Nuba community were arrested in Kadugli in a series of mass interrogations of women suspected of spying for the SPLM-N.²⁸ By March 2013 they were still being held without trial.

Travel and movement has also been restricted in the context of growing tensions. The number of check-points on main roads coming towards Khartoum from South Sudan, Nuba Mountains, eastern Sudan and Darfur has increased. As a result, it has become increasingly necessary for everyone to obtain and carry national identity cards, making anyone unable to obtain one vulnerable.

A new civil registry procedure, required for all residents and citizens, was introduced by legislation in May 2011 and has resulted in impeded access to official entities and services for communities already in vulnerable situations. Under the new law, Sudanese nationals are issued with a national number which they can then use to apply for a national identification card. Accessing these cards is difficult for those in marginalised groups who may find it hard to prove their identity, particularly for those perceived to be of southern origin or from the Nuba Mountains. To secure a national identification card, you must have a national number. To secure the latter you are required to present a birth/age assessment certificate; a residency certificate; a nationality by birth certificate, ID, or passport; a certificate of blood type or group and an employment letter. The majority of those in displaced populations do not have access to these documents, and presentation of witness evidence can be complex. Furthermore, many do not have clear information about the process and what is required. For those just surviving day-to-day, the costs associated with travelling to registration centres in the centre of Khartoum, which involves the loss of a day's work, makes the process inaccessible.²⁹ Applicants from the Nuba Mountains and Blue Nile, and in particular those who are Christian, are facing specific difficulties in obtaining a national ID number where their names are seen to have a "southern" origin, even when they possess Sudanese nationality documents. It should also be noted that those living in rural areas experience more difficulties with accessing registration centres.

A national civil registration scheme can, of course, be an extremely important assessment and planning tool for development. And from an objective perspective the establishment of the scheme came at an important moment when the population of the state was undergoing massive transformation. However, the timing of the new system (just prior to the secession of South Sudan) led some to view the scheme as a method for the administrative exclusion or cleansing of the national citizenry of unwanted elements. Further, in order to promote registration, the government recently decided to link the provision of public services with possession of a national number. Identity documents are therefore not only required to facilitate travel, but also to access medical and education services and engage with the justice system – including, for example, accessing critical rights such as the right to bail. For marginalised communities, grappling with both a general dislocation from the operation of the state, and the specific challenges surrounding obtaining an ID card, the decision to link vital services with possession of an ID card was perceived as yet another manifestation of discrimination against them.

Excluded from Sudan's polity

Within this broader context, the research findings presented below provide some insight into what life is like for a number of individuals living on the margins of the state. Life in Khartoum is a challenge for most people given the broader context of economic meltdown and political restrictions in which the country now finds itself.³⁰ Yet it is clear that marginalised groups have to confront specific challenges. The stories of everyday life in Khartoum create a deeply concerning picture of exclusion by the country's power base, and the following section considers these different levels of exclusion – economic, political and cultural – as they emerged through the research.

Economic exclusion

One of the most tangible facets of this exclusion was the extent to which "outsiders" living in Khartoum are being marginalised at an economic level. Specifically, people talked of inadequate or non-existent access to services to the areas in which they were living and of the barriers they encounter when applying for jobs. As one interviewee from South Sudan said, "There is too much difficulty getting services in Khartoum. Have you ever found water supply in a Southerner's house? Look at this whole block – people are carrying water, they have no electricity, no medical

insurance.”³¹ Another young man, originally from Bahr al Gazal in South Sudan and who had been living in Khartoum since 1988, described the situation in this way: “before the secession, we worked and ate; we could go to the medical centres. But since secession, everything has changed... Even me and my sister were expelled from the house we have ever been renting. Now we are renting this one for 100 pounds a month. There are some Islamic organisations giving food, but they give nothing to us because we are Southerners... Yet we just want to be brothers as before.”³²

But such problems were not only a “southern” problem. A man from the Nuba Mountains talked of how his water supply was re-directed: “the [local government] made the decision to close the main water line to our area and direct it to serve another place, saying that we belonged to the conflict area.”³³ Another man described not having services: “for three years we have had no electricity and water. We are just having to buy water from tanks brought by donkeys. It is such a humiliation.”³⁴ As another interviewee said, “There are many difficulties in getting services, especially for those who are not registered as National Congress [the ruling party, the NCP]. They ask you first about your political affiliation and tribe before you even register your name to get these basic services.”³⁵ It seems clear that specific groups of people, and areas of Khartoum, are being targeted.

There were numerous stories of markets – including some which are run by people from Darfur – being harassed, closed down, or ownership being handed over to people with connections to the ruling party. Souk Libya or Libya market in Khartoum provides one example of such policies. The market, which was established in the early 1979s by groups of merchants mainly from Darfur who sold goods imported from Libya, was situated in the far west of the town of Omdurman. An interviewee, originally from Darfur, described how the government closed down many of the traders from Darfur:

The government closed our successful shops with accusation of not paying tax, though we are paying regularly but all of a sudden they increased the tax enormously almost ten times what we usually pay. They even pushed us to pay on a monthly basis, not annually as usual. They put customs taxes much higher on our imported goods for marketing, while other group of merchants were exempted from customs altogether. How can one compete in this unfair situation? We were unable to pay the new tax and our profit margin reduced sharply, moreover the government put our shops up for auction to cover the due tax. We had to sell our shops for this reason. Now other groups of people to whom we sold out the shops are enjoying good profits because they don’t pay high taxes and their imported goods are almost exempted. Now it is hard to see people from Darfur selling at this market.³⁶

Likewise access to work was seen as difficult, if not impossible, if you come from the wrong place or are perceived to have the “wrong” political affiliations. There is, of course, high unemployment generally, but the economic crisis has exacerbated discrimination of the marginalised. A qualified lawyer from the Nuba Mountains talked of how he was unable to get work using his qualifications “because I am related to a specific tribe and region and they say I am not worthy of such jobs.”³⁷ As a man from Darfur said, “I am a university graduate in economic and political science. But we feel no value for education because of the ethnic and racial problems in our country Sudan, as well as the lack of equality in political power.”³⁸ A man from South Sudan, who has been self-employed as an ironmonger for years, explained his situation: “I have always been renting a workshop, but [after secession] the landlord told me to leave the place because he fears that he might get into trouble with the authorities for renting it to a foreigner.”³⁹ Likewise a man from the Nuba Mountains talked about how he is treated when he tries to access services: “They are always telling us Sudan is an Arab country. There is always pressure against us the Nuba from the security because of our identity... Even when I went to register at the university, the official told me to wait for my brothers, meaning the Southerners.”⁴⁰

These individual experiences reflect the impact of state policies that have focussed the majority of state resources on the development of a narrow geographic area of the country. The impact of these policies on those who live in Sudan's peripheries has created a harsh economic environment, and has been a major driver of violence and insecurity. These policies have persisted despite recognition (for example throughout the Darfur negotiations) that redress of inequitable development is essential to redressing conflict.

The insecurity of marginalisation

The findings also demonstrated that economic exclusion of particular groups and individuals by the Sudanese state was symptomatic of a deeper exclusion from the state's protection. Life in Khartoum was shown to be not only difficult, but unsafe. Economic challenges were inseparable from security concerns, which were expressed in many of the interviews – and evident in the research process itself. As a man from Darfur said, "Khartoum is becoming more and more unsafe."⁴¹ "I don't want to stay in Khartoum... There is too much political pressure and rising in the prices and lack of job opportunities for us. There is clear discrimination between the Arabs and the blacks: there is no trust between the Arabs and the Nuba even if you are a Muslim."⁴² A woman from Southern Kordofan, qualified as a nurse, said that she did not want to stay in Khartoum because "here there is injustice, humiliation. Furthermore life is becoming so expensive. I prefer to go home to where my people are."⁴³

Another man who had recently fled the fighting in the Nuba Mountains described how, when their area received water "by mistake", they were all accused of being SPLM rebels: "We are living scared all the time. We always think the police are going to raid our houses. They sometimes catch the youth and torture them, accusing them of being SPLM."⁴⁴ Likewise Darfurians mentioned that they had been specifically targeted after the death of the leader of the Justice and Equality Movement (JEM), Dr. Khalil Ibrahim, when they were accused of being "the fifth column."⁴⁵

Southerners also talked about feelings of insecurity. One woman talked of how she felt targeted: "Even now if the police come, they will just throw us [Southerners] into the police car without asking who the owner of the house is. Even myself, I was caught once and the policeman told me if I give him money he will set me free... All I want is to live a dignified life. I am tired of being chased by the police..."⁴⁶ Another woman, who was also a market seller, described her experiences: "When the public order police come, I do my best to hide the money I have earned... Once I hid it between my legs and they hit me and started to drag me away. But when I gave them the money they left me."⁴⁷

While the marginalisation of people from Darfur, Southern Kordofan and other peripheral parts of Sudan is by no means new, it is clear that the rhetoric against marginalised groups has increased. As one man said, "the Arabs divided the people into classes, considering those who are not of National Congress to be pro the secession of the South."⁴⁸ According to another man, "Really, the citizens have no problems with each other, but the officials of the government are the real problem because they are always discriminating against people, especially in the process of accessing services. They always ask you discriminating questions, and if you try to resist they accuse you of supporting a rebel group or they refuse to give you what you need and make you exhausted by having to keep coming back."⁴⁹ As a man from the Nuba Mountains, who is working as a carpenter, said, "because I am a member of the SPLM, I am now wanted by this government because I am affiliated to SPLM-North."⁵⁰

The right to live in Khartoum

Despite the government's attempts to marginalise people, a significant number of interviewees strongly expressed defiance against the system that was marginalising them. They recognised that, as citizens of Sudan, they had a right to live in Khartoum and were not prepared to be chased away. A student from Southern Kordofan, when asked why he lives in Khartoum despite all the hardships he had described, said "I live here because I am a son of Sudan."⁵¹ As another man said, "I can live in any corner of Sudan because I am truly Sudanese. I do not intend to leave Sudan to those who consider themselves Sudanese, but who took over power and worked to corrupt the nation with money and power."⁵²

Indeed, it is important to note that while many were unhappy about being in Khartoum, the pull and commitment to this capital city remained strong. The presence of significant numbers of people in Khartoum is part of a broader process of urbanisation: despite the many difficulties described above, economic possibilities are a strong pull factor for people from across the country. Furthermore, urbanisation, like similar situations throughout the world, has a strongly generational dimension to it. As one man from Darfur said when asked where he hopes to be in the future, "it is a really difficult question because my children have their views and I have mine. But I prefer to raise them in Darfur to gain the customs and good traditions, like generosity."⁵³

However, war has inevitably changed this process of urbanisation. By squeezing people out of the villages by bombing them and denying them services, the government has only exacerbated the division between the centre and the peripheries. As a result, there was a strong recognition that for those who were unequivocally entitled to Sudanese citizenship *in theory* they are fully entitled to choose where to live, yet in *practice* their citizenship rights remained abstract. In fact, in the closer confines of Khartoum where wealth and influence are in proximity to chronic poverty, their marginalisation and exclusion had only been emphasised.

Less than full citizens

As a result, people felt like less than full citizens. In the case of those with origins in the south, this lack of national belonging – while highly problematic – was not surprising given that they had been told by the state that they were no longer citizens of Sudan. As a man who was originally from South Sudan, but had been living in Khartoum for decades, said, "here I am like a stranger."⁵⁴ Likewise a woman from the south, when asked if she had been treated differently since secession, said, "yes, of course! Once on the bus I had an argument with the ticket collector. All the passengers stood against me and they threw me off the bus."⁵⁵ She then went on to describe how her sister had been treated at school: "one day she came home crying. She said there was noise in the class and the teacher came and addressed the only three Southerners girls and told them they have no right to talk and can only stay if they act as if they are not present. Even once our neighbour disconnected the electricity wire from their house to ours and the man in the family asked his family not to talk to us. When we complained, they said 'it is our electricity and our land'."⁵⁶

Another woman, who described herself as Dinka from Bahr al Gazal, but whose husband is from the North, said: "[Secession] was very bad for us, because now you feel like you are a stranger in Khartoum... I am treated differently in the streets. Even the children during the Heglig problem, would say to us 'you made us sick. Go back home dirty Southerners!'"⁵⁷ Another man told a similar story: "...people here discriminate against us. Now our children are afraid to go and play on the streets. If they talk with any other boys, they beat my children badly."⁵⁸ Another said, "We [Southerners] are even called insects."⁵⁹

While the interviews suggested that, at a local level, relationships between those of South Sudanese origin and other Sudanese are, at times, tense, there were also stories of kindness and hospitality from friends and neighbours towards people. The previous interviewee, for instance, went on to describe how his landlord had allowed them to stay even though it was dangerous for him. As another man said, “Officially, if any leader in South Sudan makes a statement they hold it against us here. But there are also many good people – more good people than those who want to harass us.”⁶⁰

At the same time, however, those who are officially entitled to Sudanese citizenship by virtue of the fact that their homeland falls within the territory of the reduced Sudan talked of how they were not guaranteed recognition and treatment as citizens. As a man originally from Darfur said, “As a citizen, I have the right to enjoy the services in the neighbourhood. But we see that there is discrimination in colour and ethnicity. For example, the water pump has been broken since 2006 and nobody cares.”⁶¹ A man from the Nuba Mountains said, “We are victims as citizens.”⁶² Or, in the words of a young student originally from Southern Kordofan, “[after secession] we became second class citizens just like the Southerners before.”⁶³ Another interviewee said, “I am a Sudanese citizen and have my identity card. But I don’t feel I have the same rights as others.”⁶⁴

Exclusion on the basis of culture or race

Specifically, people talked about the fact that they were being marginalised and targeted on the basis of race and/or culture. As one man said, “There is discrimination and injustice against black people,”⁶⁵ a sentiment that was echoed repeatedly throughout the interviews. As a man from the Nuba Mountains said, “The war [in the Nuba Mountains] has affected my being in Khartoum a lot. I am originally from Southern Kordofan and everyone from there is now seen as a fifth column whether in social life or the work place. In other words, black people are no longer welcomed among the Arabs and are seen as slaves. We just live our lives in fear of the security.”⁶⁶ He later said, “I wish there were development in my home area, Dilling, so that we can go and live there again.”⁶⁷ As a man who fled the Nuba mountains in 2000 because of war said, “We are just slaves.”⁶⁸ A woman from Southern Kordofan, who sells tea, said: “blacks are considered lower among Arabs – whether in the work place or in different policies. Arabs think that they are cleverer and superior and that blacks are slaves.”⁶⁹

Another man said, “if you are black and go to hospital you will not be treated because you are black.”⁷⁰ This was echoed by a nurse described what happened in the hospital where she works: “the government treats me very differently to Arabs because I look black and not beautiful. Even in the hospital there was a decision that any black woman who comes in for delivery should be operated even if she can give birth without an operation. Now in Khartoum you can see whole areas with no electricity or water just because they are areas with black people. The government doesn’t care if they live thirsty or in darkness because they are black and they have to suffer.”⁷¹

In particular, people talked of how they were discriminated on the basis of what they looked like, regardless of whether they were from the South or not. As one woman, from South Sudan, said: “As Southerners, our features cannot be hidden.”⁷² Likewise a man from the Nuba Mountains said, “I have never been asked to present my ID. My features are enough to tell where I am from.”⁷³ As a man from Darfur said, when asked if he is ever asked to show identity papers replied: “Yes. I have to carry my passport every time with me because the police and security are always asking where do I work and what is my identity... This happens every time when the police see anyone not looking brown as people in Khartoum. They always ask me where I am from and what I am doing.”⁷⁴ He later said that he had been arrested and interrogated “just because I am from Darfur.”⁷⁵ His story was echoed by another man from Darfur who talked of checkpoints coming in to Khartoum: “we were ordered by the police and security to get down, checked and asked where we come from... If you are black you will be checked but if you are light they don’t check you.”⁷⁶

Likewise as a woman from Southern Kordofan said, “Bashir’s people, the so-called Arabs, the ruling tribes from the far north, they are always humiliating and abusing us. Like when they find us they start saying, ‘why don’t you go to your region where you belong?’ And they use other offensive words, like calling us slaves.”⁷⁷ In a new development, in mid-March 2013, reports began to come through from Khartoum of the military police rounding up and shaving the heads of young men whose hair is considered too long or non-Sudanese.⁷⁸ The fact that military police are being deployed for this task – rather than the public order units which have been used to police women’s dress codes – is seen as ominous. Furthermore, the timing of the new measure, at a moment when the government on the international stage is re-committing itself to the “four freedoms”, sends a very different message to those who might have been encouraged by the news of the agreement. Once again, the message that is being sent is that those who do not fit the new singular vision of what is appropriately “Sudanese” are not welcome.

These official demonstrations of discrimination on the basis of race suggest official support for a racist narrative that is having a profound effect on the day-to-day relationships and lives of individuals living in Khartoum. It builds on a long-standing history of exclusion and racism that pre-dates secession, but has been exacerbated – or re-enforced – by it. While a change of attitude by the government might reduce such racism, it is important to note that the problems are deeply embedded within society in Khartoum. Furthermore, it is a racist narrative that, while needing to be taken seriously, should be seen for what it is: essentially a smokescreen for holding onto power. As one man who described himself as “looking like an Arab” said, “frankly, if you don’t belong to the government, you don’t get.”⁷⁹ It is important, therefore, to remain mindful of the fact that the type of discrimination described above is experienced by Sudanese people *despite* their colour: anyone who falls outside of the polity is excluded although there can be gradations in the oppressive treatment meted out on the basis of race or perceived origin.

However, the power of this racist narrative should not be underemphasised. There was a strongly sinister undertone in which people talked of how they felt that the government was trying to eliminate them on the basis of race. As a man from the Nuba Mountains said, “Generally, the government doesn’t want us to exist. It wants to eliminate us. If the international community does not stop them, they will eliminate all of us because they think we are making the country dirty. They have to kill us all to make it clean with only brown people. That is why they are destroying our houses in Southern Kordofan, Blue Nile and Darfur.”⁸⁰ Another man said, “The government has said it will fight and destroy the Nuba Mountains mountain by mountain.”⁸¹ Whether from Nuba Mountains, Blue Nile or Darfur, a similar sentiment was expressed: “We are always hearing the president of Sudan making statements on the TV, saying that we are the black people from Blue Nile, Nuba and Darfur, and we are the ones whose job it is to clean the black nylons of the city.”⁸²

Indeed, there was frequent reference to public speeches made by President Bashir. As one woman from Nuba mountains said, “I am scared by the statements of president Bashir on TV. Like when he said he wanted to clean Khartoum from the black Nylons, which means the black people, and also he said that he wants to go and sweep away the people in the Nuba Mountains. This statement scares me and makes me feel like if I go outside in the evening, they may kill me and nobody will ask them.”⁸³ “After secession, they said that any black person would be slaughtered in Khartoum... The government’s main target is just to finish up the black people in Sudan.”⁸⁴ As another woman said, “the government is just racist. It wants to finish the black colour from existence and deny them education so that they can stay ignorant and work as slaves with low payment.”⁸⁵

Fears that the government was trying to eliminate them were reinforced by stories of people failing to get official national identity documents. One man from Nuba Mountains, who had trained as a lawyer, talked of how he had struggled to get his new national identity number:

I found that the authorities in our area had changed our family name to another name that we don't know. When I asked them about it, the head police officer wanted money asked me, 'who gave you the right to ask about who changed it?'... It was the same with my passport – I also faced insults and extortion in the passport office. When the officer found I was from Southern Kordofan he stood up and said 'you are from South Kordofan and a member of one of those rebel groups. You and others like you are going to be deprived of your passports forever.'⁸⁶

He then had a similar experience trying to get a health insurance card: "They refused to give me one and said, you are not related to the ruling regime."⁸⁷ His story was echoed by another man from Southern Kordofan who had failed to get any official identity: "it made me feel like I am not related to this country because of this inhumane treatment in this country called Sudan."⁸⁸ Others had had similar experiences. Their stories point to a sinister denial of their identity as Sudanese citizens, with all the implications of exclusion and marginalisation that flow out of that denial.

Exclusion on the basis of religion

Another issue that came through, albeit less frequently, was the extent to which people are marginalised on the basis of their religion. In particular, the extent to which Christians have been targeted was mentioned by several of the interviewees. The closing down of Comboni schools, where the majority of students and teachers are known to be Christian, and the burning of a number of churches, were seen as evidence of the state's exclusive approach to religion. The issue is complex. Some services for Christians were closed because those who accessed them had moved away. Others were affirmatively shut. Regardless, it is clear that attacks against religious and cultural institutions associated with the populations living in the current active conflict zones of Sudan – particularly the Nuba, and those of Christian faith displaced to the capital – have escalated.⁸⁹

A woman from the Nuba mountains, who works as a tea maker at a market in Khartoum where she has been living since 1988, talked of how she felt targeted because of her religion. Everything she stands for and represents is under attack: "Politically and security-wise, there is no stability anywhere in Sudan, there is harassment by the security police and no freedom of expression or religion. Churches are burnt and church schools are closed – like the Comboni schools."⁹⁰ Likewise a man from the same area explained it like this: "The president said after the secession that there will no longer be any Christians in Sudan. So they burned down churches at Jeraif in Khartoum and Omdurman and Haj Yousif in Khartoum north, as well as the Comboni school."⁹¹

Yet there was also recognition that religion was, in many respects, another smokescreen. As a man from the Nuba Mountains said, "The causes of the war are political, not religious. In these two states [Blue Nile and Southern Kordofan] there are Muslims and Christians and none of them have escaped injustice."⁹²

Exclusion rooted in a history of marginalisation

Ultimately, there was strong recognition among the interviewees of the fact that, while secession might have precipitated the outbreak of war in Southern Kordofan and Blue Nile, these wars – along with the ongoing conflict in Darfur – were part of a deeper problem rooted in a long history of marginalisation and neglect that had created the need for the CPA in the first place: "The war is not new, but the secession made it emerge again."⁹³ "These wars are not new. They have been going on since the 1980s as a result of injustice... The same signs of war in South Sudan or Darfur are now in Southern Kordofan and Blue Nile."⁹⁴ Others traced the origins of conflict further back: "The war broke out in those places because of marginalisation and discrimination and the arrogance of the Arabs. In fact you can say that identity is the main cause of all wars in Sudan... identity is the root of all the

problems since the coming of Islam to Africa.”⁹⁵ This was echoed in another interview: “The root of the war [in the Nuba Mountains] is since the coming of Arabs to Sudan as merchants. That is why there is no peace in Sudan – it is since the fall of the Nubian kingdom.”⁹⁶

Regardless of the starting point, there was overwhelming consensus that the conflicts were the result of neglect by a centralised state. As a man from Darfur said: “What you see behind all these wars is that they are in marginalised regions of the Sudan. Places that have experienced a severe lack of education, health services and infrastructure over a long period of time, even from the different governments that have ruled since independence. This has resulted in the suffering of the people.”⁹⁷ “All of this war [in Sudan] is a war for rights.”⁹⁸ As a man from the Nuba Mountains said, “When the SPLM stood up against all the injustice and humiliation, the war broke out again.”⁹⁹

Secession: deepening the division

Although it is evident from the interviews that life in Khartoum was tough prior to secession, it was clear that the South’s independence had been a defining moment that had escalated and intensified many of the problems people were facing. Of course, overwhelmingly there was recognition that secession was a victory for the people of the South, who had been left with few alternatives. As a man, originally from the South said, “It is good that we now have a country that is internationally recognised and we feel that we got our rights that we fought for for decades. We feel that we are now free.”¹⁰⁰ This sentiment was echoed by those not from the South. A woman from the Nuba Mountains talked of how she saw secession as a good thing “because the Southerners suffered a lot and got their freedom finally.”¹⁰¹ A man from Dilling in Southern Kordofan said, “the secession is good because the Southerners struggled until they got their rights. They used to be second class citizens in Khartoum – no job opportunities, and if there were any you had to have connections. The southerners freed themselves from the injustice of the North.”¹⁰²

Yet the impact for those living in Khartoum has been enormous. Not only has it meant an official loss of nationality for those identified as being South Sudanese – Sudan has rejected the possibility of dual citizenship for South Sudanese citizens – it has also led, at least indirectly, to a renewal of conflict in Southern Kordofan state and the outbreak of war in Blue Nile. It has had a profoundly negative impact on those left out of liberation on the Sudan side of the border: “Now the secession affected my life much in Khartoum. The dealing with people became very difficult – you can’t say your opinion openly because if you talk about the government you are in danger that they might kill you. As I am from Southern Kordofan they see no difference between me and the Southerners.”¹⁰³

Many were upset about the fact that Sudan has broken in two. There was a strong recognition that Sudan, rather than realising the hope expressed in the CPA of becoming a liberated whole has, instead, fragmented: “I grew up with a sense of a united Sudan that stretched from Halfa [on the border with Egypt] to Nimuli [at the border with Uganda]. That sense is no more and it makes me question my identity as a Sudanese... I have lost friends with those who I worked with to build our country as a modern nation. And now we are in economic crisis because we have lost our oil revenues.”¹⁰⁴ “The secession was a very sad event in spite of the peace agreement that had stated that the pressure was there to make Sudan one united country. But the implementation of the terms and conditions of the agreement stopped that from happening.”¹⁰⁵

There was also awareness that the solidarity among marginalised groups had somehow been broken. As a man from the Nuba Mountains said, “Before we used to fight alongside the people from the South, but now they have left us to fight alone and we don’t know if we should continue to be with the North or join the South.”¹⁰⁶ Politically, therefore, it has made others far more vulnerable. As a man from the Nuba Mountains said: “the secession has truly affected my life in Khartoum because we

Nubas are seen as the coming threat, so you can't be comfortable in such conditions."¹⁰⁷ Such feelings were summed up by a young man from the Nuba Mountains, who has a university degree but was let go from his job after secession: "because of the secession we have lost everything and become nobody."¹⁰⁸

At a relational level, it has also had a huge impact on those living in Khartoum. On the one hand, a number of those who are seen to be from South Sudan talked of the fact that they have felt alienated in the North since secession: "I used to be on good relations with my neighbour, but now he sees me as if I am from a different planet."¹⁰⁹ More often, however, there were stories of neighbours helping those from the South, as well as a sense of loss for friends who had already moved South. One elderly man said: "I miss my best friends and neighbours who have left to their new country, although I am happy for them that they have gone to their free land."¹¹⁰ A young woman said, "I lost a lot of my best friends. We went to school together and worked together, and now I have lost all communication with them. It makes me feel lonely because we were very close with people from South Sudan."¹¹¹ Another woman said that her neighbours were being good to her, despite the secession, and they were hoping to find a way to stay.¹¹²

Economically, it has made life a lot harder for many people. A man from Darfur, for instance, talked of how he had previously earned money trading with what is now South Sudan, but now such trading is forbidden by the government of Sudan.¹¹³ Furthermore, in addition to the problems of access to services and jobs that have reduced with secession, the loss of oil revenues has sent the country falling into economic melt-down.

No option but to stay in Khartoum

It is precisely because of these wars that most of those interviewed saw little choice but to stay in Khartoum. In the case of those from Darfur, the war that has been going on there for a decade has forced many to move to the city. A man who was a farmer in Darfur talked about how he had to leave "after we lost hope in security in our home" and now works washing clothes.¹¹⁴ As another man from Darfur said, "I am a farmer, but how can I farm when there is a war on my land?"¹¹⁵ "I have no work and I am far from my land... Right now I have no future."¹¹⁶ Likewise a man who fled Darfur eight years previously explained why he is living in Khartoum despite the many problems he and his family are encountering in their everyday lives: "The war affected everything in Darfur. That is the reason I came to Khartoum. Life there had become like a prison – either in an IDP camp or inside the walls of the town where there were no services, nothing."¹¹⁷ As one man said, "Darfur has become the new South Sudan, and the people in that region now face the same horrors faced by the Southern Sudanese."¹¹⁸

In addition to insecurity, the lack of services in Darfur has also driven people to Khartoum. One man talked of how he had to move to Khartoum because life became unbearable in Darfur: "We were living in shelters with no electricity, no water, and the heat was terrible."¹¹⁹ Others talked of the total economic marginalisation of Darfur, which had left them with nothing. A young woman, who had come to Khartoum from Darfur to study, said she had to live there because it was the only option she had if she wanted an education. Her family had originally moved because her mother needed treatment, and only the hospitals in Khartoum were equipped to treat her. The young woman has since had to stop half way through her university degree in order to look for work to support her mother.¹²⁰ "In Khartoum there is education, health, security and a better life than in my place of origin where I can achieve nothing."¹²¹ Even services, however challenging to access, were better than in their home areas.

Similar stories of neglect were echoed by those from the Nuba Mountains. An elderly man talked of the neglect by the government in the Nuba Mountains: “in my home region we are still fetching rain water from the valleys – and they are not even safe. While here in Khartoum, people are enjoying all the services.”¹²² As a result, many have been forced to move to the city. A man from the eastern Nuba Mountains talked of the strong contrast between Khartoum and marginalised areas: “Khartoum is where all the services and work opportunities are. It is where you can see and know how far you are back and deprived and discriminated and marginalised.”¹²³

However, as with those from Darfur, people who have fled fighting in Southern Kordofan are also being forced to live in Khartoum because it is too unsafe in their home areas. A young woman from Nuba Mountains, when asked if she was going to stay in Khartoum, replied: “I don’t want to be here, but there is war in my home so I have no choice. Here is not good because there is injustice. Officially we belong to North Sudan, but we are totally discriminated against in all the services... We always feel scared being here. That is why we want to be in our home to stay in our region. But we need peace.”¹²⁴ A young man from the same area echoed this: “In the current situation, because of what is going on in my home area [Nuba Mountains], I prefer to stay in Khartoum against my will. I am still longing to return to my home of origin.”¹²⁵

Many described the recent outbreak of war in the Nuba Mountains that had forced them to flee. As a man who was working in a hospital in Kadugli said, “I fled with nothing... My home was attacked in Kadugli city by government military and their militias, and they looted everything in it then burnt it down – it was under direct orders from the government.”¹²⁶ Another man described the situation in this way: “there is mass killing going on in my home. Every day I receive information that one of my relatives has been killed and it is really impacting me psychologically. I don’t feel any peace.”¹²⁷ A young man told us the impact of the war on his family: “I have lost nearly all the members of my family from this war in Southern Kordofan. One of them was the only educated person in our family. He was killed in Kadugli, the capital.”¹²⁸

Not only are people being killed by bombs, but they are also chronically short of food. As one man said: “if I don’t send some little money to my brother and his children they will die of starvation.”¹²⁹ A woman from the Nuba Mountains, who had been working as a headmistress until they closed the school where she was working described the suffering of her people: “Every day people are dying of hunger, or from being shot or bombed. Those are my people!”¹³⁰ Another woman said: “My brother is still there, but he is suffering so badly because the government only allows aid to go to the areas where it has supporters. Any who are seen to be against the government, the government security does not allow them to access any aid. So now I have to save something to send to my brother, otherwise he will die of starvation like so many people in those areas.”¹³¹

Many also talked about the lack of contact with their families who had stayed behind: “my family is in the Nuba Mountains and I have no news from them for long. The war has destroyed everything.”¹³² As another interviewee said, “the blocking of the roads made contact with relatives and family impossible... You don’t feel any taste for life when there is war in your home.”¹³³ These stories show people torn between a repressive capital city with some opportunity and a lot of discrimination, and a war-torn home.

It also demonstrates the extent to which they were yearning for the opportunity to return home. In particular, several of the interviewees talked of how they were yearning to bring their children up in their home communities. As one man said, “All I want is to go home to the Nuba Mountains where I will be free and not humiliated.”¹³⁴ “Nuba Mountains is my homeland and there I will not be discriminated.”¹³⁵ One woman talked of how she longs to go back to the Nuba Mountains “where

people treat each other with respect, while in Khartoum people look at us like slaves and dehumanise us like animals.”¹³⁶

Looking to a future in South Sudan

Not surprisingly, therefore, most of those who identified themselves, or were identified by the state, as being from South Sudan, were determined to leave Khartoum as soon as they were able to and relocate to South Sudan. Their reasons for doing so combined both push and pull factors. In the case of the former, there was strong recognition that they were no longer welcome in Sudan: moving to South Sudan was not a matter of choice, but something that they have been forced into. One young woman who has lived in Khartoum all her life said, “I think it is better for me to move to South Sudan than face humiliation every day of my life.”¹³⁷ As another young woman said: “here we are discriminated because of our colour... We have suffered so much marginalisation and humiliation. So now at least it’s better to go and start our own country – even if we’re starting from zero, at least we will be dignified and free.”¹³⁸ In the interim, in order to blend in, many South Sudanese women in Khartoum have changed their style of dressing to wear thauwb¹³⁹ to make them look the same as women from Sudan.

At the same time, there was a strong pull towards South Sudan, a country that was seen to offer new opportunities and, as expressed in the previous quote, liberation. As a result, many of those interviewed talked positively about the opportunities presented by the new South: “it will join together families separated by the war and will improve the economic well being of the South. It is an end to marginalisation.”¹⁴⁰ As someone else said, “I will return to the South as soon as I can. Then my mind will be free and I can move freely. I will not be renting any more, but I will build my own house, and I can seek better job opportunities because here [in Khartoum] we are always marginalised.”¹⁴¹ Another man talked of his plans to move South: “I have one supplementary subject to go in the university, and after that I and the family are going back to the South. Even if life may be difficult in Juba, step by step we can improve our conditions. When we came to Khartoum [in 1994 because of the war] we didn’t have a house. But we worked until we made one. We can do that again.”¹⁴²

Yet a year after independence, many South Sudanese remain in Khartoum, often due to the huge logistical problems of relocating. Forced out of their jobs and, often, out of their homes, they are stuck in something of a no-man’s land, and the feelings of anger, helplessness and frustration were palpable. One man, who was originally from South Sudan and had been living in Khartoum since 1985, talked of how he is stuck in Khartoum and desperate to go home: “I am so happy with this interview because finally someone will listen to us.”¹⁴³

One significant logistical challenge is the lack of transport, a problem which is bound up with the lack of security on both ends of the journey: not only is access to physical means of movement difficult with restrictions on flights and other means, but the main routes to the south go through the new conflict zones of Southern Kordofan and Abyei. During the course of the research, one of the researchers visited the town of Kosti, about 500 km south of Khartoum and on the edge of the White Nile, *en route* to South Sudan, to talk with some of the Southerners who had recently left Khartoum. They are living in a camp on the outskirts of town waiting for their repatriation to the South. Some have been there for up to six months because boats were banned from travelling to the South. The camp was in an appalling situation, with local residents taking it upon themselves to provide food and water to the camp population. The camp was surrounded by security officials who prevented any Southerners from leaving. In the Mayo area of Khartoum there is another camp where approximately 2000 South Sudanese are waiting to be repatriated. A third area where significant numbers of Southerners are living is in Fitihab (Khumsa Dagaig market) residential area of Omdurman. Some of those encamped there sold their homes in anticipation of being able to return and are now stranded.

The difficulty in accessing South Sudanese passports is also a major issue: the government of South Sudan has not been able to put sufficient effective procedures in place to process documentation from those who may have a claim to South Sudanese citizenship.

In addition to transport problems, many have remained in Khartoum because the government has refused to pay them what they were owed. For instance, a man from Northern Bahr Al-Gazal, which is now in South Sudan, who identified himself as Dinka, talked of how he was struggling to get his social security that has built up over decades: “We have been affected a lot by the secession as we used to live in peace in the North. I came to Khartoum in 1976. I studied in Khartoum and served in the Civil Aviation Police. Then I was dismissed following secession. I am now suffering to receive my service payment as well as the social security that I am owed. The Sudan government is not willing to pay us our money. They keep cheating us by saying that they have sent our money to the South and that is incorrect because it is not confirmed by the South government who insist that our money is in the North.”¹⁴⁴ Another man said that he is unable to sell his land in Khartoum because he does not have a national ID.¹⁴⁵

Likewise a woman from Bahr Al-Gazal, and who has been living in Khartoum for almost a decade, and who was visibly distressed in the interview, described her situation: “We have to leave to go to the South because we have no one in the North. Our life is in danger for we have become foreigners. The company where my husband worked dismissed him without being paid for his service. They owe us money... We can’t stay here in the North because we are recognised by our features and called foreigners. I can’t even visit my neighbours any longer.”¹⁴⁶

However, it is also important to note that “returning” to the South is highly complex for many people who have lived in Khartoum for decades – or for some, all their lives. The previous interviewee then went on to talk about the fact that she has strong links with the North and would have preferred to stay: “I am linked to the North because three of my children died and were buried here.”¹⁴⁷ Many who are seen as being from the South have put their roots down in Khartoum and do not want to relocate. A man from South Sudan who has only ever lived in Khartoum talked of how he knows “nothing about the South... Suddenly we found that we have to go back to South Sudan although our culture and way of life is totally different from that one of South Sudan. I am wondering how I am going to adapt to living there... I don’t have any traditional marks on my face like people from South Sudan, but even so people here discriminate against us.”¹⁴⁸

Indeed, the very category “South Sudanese” is far from straightforward. For instance a woman whose parents were from South Sudan, but who had been born in Khartoum and married someone from the North, argued with her daughter during the interview about whether or not they would “return” to the South. The mother insisted she was going to stay as her husband was there, and the daughter wanted to leave Khartoum.¹⁴⁹

Likewise as one woman, whose “grandfathers were born in the South” but herself was born in Khartoum, said, “I have no desire to go to the South. All my family have died, I have no home there. I don’t know what is going to happen. I want to stay in Khartoum.”¹⁵⁰ As another man said, “I just want to be allowed to live where I was born [i.e. Khartoum].”¹⁵¹ Another man talked of how he had been born in Khartoum and yet who now found himself a foreigner: “The secession is a big problem for us. It has created prejudice between the brothers we were born with in the north.”¹⁵²

A political problem in need of a political solution

Citizenship is supposed to offer individuals the gateway to what Arendt calls the “right to have rights”. Yet the stories from this research suggest that the basis for citizenship in Sudan for those individuals

and groups who are not part of the inner circle of power is the opposite. They neither have the rights, nor the legitimacy of being recognised as equal citizens, that would ensure their right to have rights. As Arendt also says, “totalitarian government, like all tyrannies, certainly could not exist without destroying the public realm of life, that is, without destroying, by isolating men, their political capacities”.¹⁵³ In Sudan people’s public (and private) lives are being controlled to an extent that there is little room for negotiation.

As the findings have demonstrated, people are caught in a vicious cycle: they have been forced from their homes by a war waged against them by a government that excludes them to live in a capital city that offers the hope of better services but in reality has only led to increased exclusion. And while their lives might not be in danger from bombing or other forms of warfare in Khartoum, the threat of arbitrary arrest and detention means they still do not feel safe. Furthermore, while people talked of a strong racial dynamic as the basis for marginalisation, it is also apparent that the logic of exclusion exercised by those in power extends beyond that to anyone who is not part of the elite power structures that control the country. It suggests a form of citizenship that is, to all intents and purposes, denuded of meaning. Without the protection of the state – or even the legitimacy to be recognised as being in need of protection – Sudanese citizenship is shrinking.

The extent to which people feel rejected by their state in turn led to a denial that there was any mileage in negotiating with those in power. As one man put it, “if the Arabs in Khartoum still do not confess that we are all equal, there is no need for any negotiation at all.”¹⁵⁴ Instead, people hinted, or expressly stated, that regime change is the only way to allow their lives to improve. As one man said with reference to the situation in Darfur, “The war is old but the government doesn’t want to resolve it.”¹⁵⁵ As a man who had recently fled from the Nuba Mountains said, “I don’t see the government is going to carry out any agreement proposed by the opposition. Many things in the previous agreements remained as ink on paper and were not implemented in reality... There is nothing to be done to change the current situation in Khartoum. Everything is becoming worse and worse. The only way to change the situation is by changing the regime.”¹⁵⁶

A young man from the Nuba Mountains who had recently been released from prison where he had spent five years said, “according to me, even if the rebels and the government negotiated I don’t think this government will ever give us our rights. That is why we need to separate from Sudan and stay alone and independent – as black people. We will fight for that.”¹⁵⁷ Sudan’s wars, therefore, will not end until there is equal representation in power: “this is a never ending fight and will not end unless the causes, which are lack of recognition and true participation in authority, end.”¹⁵⁸ Otherwise the secession of South Sudan will be the beginning of a process of disintegration in which Sudan breaks into smaller and smaller pieces. As a man from Darfur said, “The denial of the government to the claims of the people might lead to the disappearance of Sudan.”¹⁵⁹ Only if the government acknowledges that all people in Sudan are entitled to equal citizenship will the country be prevented from “disappearing”. And in the meantime, cycles of conflict, marginalisation and injustice will continue.

Conclusion

The findings clearly show that the situation in Khartoum – and Sudan more widely – is not only bad but is likely to get worse. Even in Khartoum, far from the zones of active conflict, the pressure under which people are living is reaching a tipping point. Making recommendations in this context – and, more importantly, advocating for their implementation – presents a considerable challenge.

This report has given substance to the major crisis that exists in the relationship between the government and the majority of its citizens. The nature of this crisis raises a number of tough

questions. How do you address a problem where there is strong denial that a problem exists? How do you appeal to a state to protect *all* of its citizens when it refuses to recognise the legitimacy to belong of groups or individuals that fall outside of its ideological or tactical survival framework, and that has shown open hostility to so many? On what basis does one appeal to a government that has lost legitimacy and where an arrest warrant on a charge of genocide hangs over the head of its president? What space, if any, is there in Sudan to leverage opportunities for peaceful change?

Second, what role can or should the international community play? Although it supported the creation of the CPA and the Interim Period which led to the exit of South Sudan, international engagement ultimately failed to protect the realisation of one the CPA's central pillars: a genuine democratic transformation in Sudan. Part of the problem has been its fragmented approach to tackling the spectrum of human rights challenges and cycles of conflict that have engulfed the country. There was great energy expended, for example, around the triggering of a referral of the situation in Darfur to the ICC. But the issuing of unenforced arrest warrants against senior officials, without tackling the depth of the fissures that exist in Sudanese society and state, arguably has done little more than corner and isolate an already smarting government. Efforts to deal with the country's wars have also suffered from a piecemeal approach, with a series of separate failed and failing agreements cluttering the way towards a comprehensive all-Sudan negotiation.

Since the independence of South Sudan and the eruption of new rounds, or intensification, of conflict in Southern Kordofan and Blue Nile and in Darfur, talk of secession is gaining greater traction in places where it was never previously on the table. Renewal of Sudanese citizenship is vital if further rupture between the Sudanese people and, ultimately, the physical disintegration of the state, are to be avoided. This renewal can only be achieved by ending the violence that is currently targeted overwhelmingly at marginalised communities; transforming practice, policy and law around the construction of a genuinely non-discriminatory and fully participatory Sudanese citizenship; and committing to the creation of an all-Sudan political and constitutional process that allows grievances and programmes for change from the margins to be heard and heeded.

Recommendations

In light of these findings, this report makes a number of recommendations:

Ending violence and conflict that is rooted in exclusion and division

The top priority of the government of Sudan, opposition forces and the international community must be a negotiated end to the fighting in Southern Kordofan, Blue Nile and Darfur, including though the conclusion of a fair, just, and comprehensive peace agreement that acknowledges the marginalisation of communities, from the East to West, from the South to the far North. Such an agreement must include provisions that create a path to an inclusive and participatory citizenship for the people of Sudan, taking into account constitutional requirements and the requirements of Sudan's regional and international obligations with respect to human rights, democratic governance and peace and security (see below).

Reforming laws and regulations relating to acquisition, recognition and loss of citizenship

Sudanese citizenship law must be urgently reformed to ensure that statelessness is avoided, particularly for persons who have, or are perceived to have, connections to the territory of what is now the Republic of South Sudan.

- Currently the law provides for automatic revocation of nationality for those who have a potential claim to South Sudanese citizenship regardless of whether or not they have actually asserted that claim. As South Sudan has adopted a relatively generous definition of who is entitled to citizenship by birth, many who do not intend to actively seek South Sudanese citizenship may be in fact entitled to claim it.¹⁶⁰ First, there are questions about the constitutionality of the law. Second, compounding the confusion is the fact that there is no body to which individuals can apply to confirm whether or not their citizenship might be subject to revocation. Neither is there a mechanism to which individuals can appeal for clarification when they have been refused services on the basis that they are non-citizens.
 - Basic principles of administrative law require that a decision to revoke citizenship be communicated individually and that an opportunity be provided to rebut the presumption that South Sudanese citizenship has been acquired.
 - In order to avoid statelessness, revocation should only occur where it is confirmed that an individual has in fact obtained South Sudanese nationality. There should be a presumption that certain groups are Sudanese including those, for example, who have a Sudanese parent (as the constitution stipulates); who are married to a Sudanese citizen or who were found as a deserted minor of unknown parents.
 - To date some individuals who would seem to qualify for, and who wish to assert, Southern Sudanese citizenship, are facing difficulties in practice. Those who seek but fail to obtain Southern Sudanese nationality must be permitted to retain Sudanese citizenship.
 - The simplest way to prevent statelessness is to provide for dual citizenship. Dual citizenship is permitted under Sudanese law with respect to all other nationalities other than South Sudan, with the exception, in practice, of Israel.
 - Ideally individuals who wish to retain their Sudanese citizenship should be permitted to do so. It may be that they will be required to renounce a claim to South Sudanese citizenship.

The government of Sudan should give consideration to the establishment of a special mechanism or commission authorised to receive and decide on petitions from persons whose nationality has been questioned; those who wish to challenge a decision to revoke citizenship; or those who have lost their citizenship but wish re-obtain it. The founding and organising law of that commission should be compatible with internationally-recognised standards and principles applicable to post-secession situations. The rules and procedures of the commission should be widely promulgated.

- A special legal aid scheme might be constituted to assist those without means to seize the commission.
- Consideration should be given to regional engagement in, or support for, such a commission from the African Union or the International Conference on the Great Lakes (see below). This would help to ensure that the Commission draws on appropriate regional expertise and, through its demonstrable independence, builds the confidence of those communities whose members will come before it.

Protection of the fundamental rights of Sudanese who are considered South Sudanese citizens

The development and public promulgation of clear policies, procedures and directives to enable the implementation in Sudan of the “Four Freedoms” agreed in September 2012 must take place. It is urgent that these agreements be implemented on the ground, including through the development of the policy and procedures (through regulation) which will be needed to make the protections operational. The development of these procedures should be informed by the experiences of, and lessons learned from, the work of bodies such as the Office of the High Commissioner for Human

Rights, and local civil society organisations such as the Peoples Legal Aid Centre, who have been working on the ground with those facing different forms of exclusion.

- As a first step, it is the African Union High Level Implementation Panel (AUHIP) that is charged with drafting a more detailed agreement to elaborate on the four freedoms, including convening the Joint High Level Committee (the committee) which will oversee implementation. This must be a priority of the panel and both states must show willingness to engage. Technical support “from the international community” as permitted in the agreement should be requested and provided to the committee, including through the composition of its membership.
- In the meantime, all those who have been expelled from public employment on the grounds that they are no longer Sudanese should be paid all monies owed to them as pensions or salary. Current challenges being experienced include partial payment and (false) claims by officials that pensions have been transferred to the government of South Sudan.
- Those who wish to go to live in South Sudan should be able to dispose freely of any property that they have owned at a fair price or take it with them. In this context, there should be no requirement that a national identification number be obtained in order to dispose of property.
- More broadly, the extent to which South Sudanese nationals who assert a right of residence in Sudan can access public services, in particular health and education, and in what circumstances, must be clarified and clear regulations put in place.

Generation of dialogue and recognition through the Interim Constitution and the constitutional review process

The government of Sudan continues to publicly deny that ethnic, religious, or region-based discrimination exists in Khartoum or elsewhere in the country, arguing that unemployment and lack of services are general problems suffered by all. As the report demonstrates, however, certain areas in Khartoum, populated mostly by people from Western and Southern Sudan, suffer particularly from lack of services on the basis of where they are from.¹⁶¹

The current Sudanese Constitution – the Interim Constitution agreed under the CPA – contains clear non-discrimination provisions and celebrates and promotes diversity. Article 31 of the Constitution guarantees that, “all persons are equal before the law and are entitled, without discrimination as to race, colour, sex, language, religious creed, political opinion, or ethnic origin, to the equal protection of the law.” Article 47 further provides that “[e]thnic and cultural communities shall have the right to freely enjoy and develop their particular cultures; members of such communities shall have the right to practice their beliefs, use their languages, observe their religions and raise their children within the framework of their respective cultures and customs”. Article 157 even mandates the creation of a special mechanism to protect the rights of non-Muslims. These guarantees around equality and diversity have not been honoured.

- Civil society organisations and lawyers must be supported to continue to highlight the unconstitutionality of policies and actions on the ground through first instance and constitutional litigation, however difficult it may be to succeed.
- Although there are questions about the extent to which the formal constitutional review process is permitting genuine political participation, some opportunity still exists. Civil society organisations and universities can be supported to open windows for dialogue within, and between, various communities on the meaning of equality, around the historical and present realities of the diversity of the Sudanese state and personal perspectives on what it means to

be “Sudanese” in today’s Sudan, including, for example, through the hosting of discussion rings and engagement with research findings such as those set out in the current research. In addition to expansion of understanding, it is possible that ideas and recommendations for policy change might grow out of these dialogues. Civil society, community based organisations, cultural groups, traditional leaders and other groups representative of historically marginalised communities must be particularly targeted for inclusion in such dialogues. The international community should consider giving special support to such groups in order to bolster their capacity to be heard in both national dialogues and international fora.

- The African Union and the United Nations through their presence on the ground might have a particular role in helping to generate such discussions, including as rooted in exploration of the implications of international treaties and regional treaties (see, for example, discussion of the ICGLR treaties below) which Sudan has ratified which form part of the Constitutional Bill of Rights. The fostering of comparative discussion of experience of other countries facing similar challenges and opportunities around discrimination and diversity and how they have responded in terms of public debate, policy and law, might be helpful.

Leveraging the International Conference on the Great Lakes Region

Sudan has signed and ratified the ten protocols, programs and frameworks of the International Conference of the Great Lakes Region (ICGLR) Pact on Security, Stability and Development in the Great Lakes Region (the Pact).¹⁶² The Pact framework provides a rich set of tools – norms, standards, projects and practical support – for, among other things, combatting discrimination and divisionism and encouraging diversity and democratic participation.¹⁶³ Many of the Pact’s core human rights obligations have arguably been encompassed within the Interim Constitution’s Bill of Rights by virtue of Article 27 (3) which stipulates that “all rights and freedoms enshrined in international human rights treaties, covenants and instruments ratified by the Republic of the Sudan shall be an integral part of this Bill.”

Statelessness is recognised as a major challenge in the Pact with states, *inter alia*, committing to “adopt a common regional approach for the ratification and implementation of the UN Conventions on statelessness, harmonise related national laws and standards” (Article 68). In the Pact’s Programme of Action, which is an “integral” part of the Pact (Article 3 (1)) Sudan has undertaken to contribute to the elaboration of a mutually consistent legal and policy framework to respond to statelessness regionally, including the drafting of model legislative provisions on citizenship and nationality which should include:

- guarantees of non-discrimination; the grant of citizenship to individuals who have a real and effective link with the state,
- conditions for the loss and acquisition of nationality,
- effective judicial remedies in the event of refusal or withdrawal of nationality, and
- measures to facilitate citizenship of refugees and displaced persons where their citizenship status remains unresolved.

In developing policies and regulations around citizenship and naturalisation – and ideally the proposal of amendments to the current law to bring it in line with the Interim Constitution – this regional agreement on the basis elements of a rights respecting framework must be carefully adhered to.

Finally, the Pact envisions the “mandating of an independent commission to arbitrate and establish the “true citizenship” of affected populations”. Strong consideration should be given to the mandating of a special commission, under the framework of the Great Lakes Pact process, which would assist in making recommendations regarding the citizenship for those whose status remains in contention, in particular for those who have South Sudanese origins.

Creating change in practice, policies and attitudes

Much of the discrimination and exclusion experienced by Sudan's citizens stems from informally promoted policies and attitudes that are exacerbated in the absence of clear procedures or regulations. Such uncertainty creates both a climate favourable to the exercise of prejudice by those in power and contributes to the growth of mistrust of state institutions on the side of vulnerable communities. There is insufficient space to make specific recommendations relating to the various fora in which exclusion on the grounds of ethnic origin or perceived affiliation is being experienced by Sudanese citizens whose belonging and entitlements are challenged. The most critical lacuna is the lack of clear procedures to deal with problems which arise. For example, how can decisions to deny access to state services (such as education or health) be challenged? The development of clear regulations, policies and programs aimed at preventing discrimination must be an urgent priority.

- Representatives of marginalised communities and/or relevant NGOs should be encouraged to directly engage – where they can be assisted to do so safely – with local government and state institutions around the administrative barriers which are currently exacerbating exclusion. Such encounters have been successfully organised, for example, between tea and food sellers and the local police in a suburb of Khartoum.
- Sufficient support for NGOs and other groups (including inter-governmental entities) providing day to day advice, accompaniment and legal aid to those attempting to assert their rights in an often hostile official environment is absolutely essential. Change in the on-the ground attitudes and practices of officials can also be impacted by the daily engagement of well-trained and properly supported advocates.
- Reform of the National ID system to minimise its discriminatory impact is key. Such reform might serve as a model for other state services and institutions.
- Policies to redress disparities in access to basic rights and development, from infrastructure projects, to micro-credit schemes to education, must also be put in place, however difficult it might be to succeed in the current climate. Deliberate under-development has been a driver of conflict.
- Consideration should be given to the adoption of special legislation which prohibits all forms of discrimination by both public and private institutions and which provides for forms of adequate redress. The ICGLR provides a detailed framework and set of regional standards and mechanisms within which such legislation might be developed.
- Finally, although it is clear that discrimination and mobilisation of popular opinion against marginalised groups has been instigated by the government, this manipulation builds on social discrimination that runs deep within society. The assumption that a simple change in leadership will end marginalisation is not well founded. Efforts to challenge deeply embedded assumptions and prejudice will require a programme of transitional justice which is comprehensive and emphasises dialogue among all Sudanese communities.

¹ Quoted in an article by Dr. Elwathig Kameir, "Disintegration of the Sudanese State, the most likely scenario." *Sudan Tribune*, 10 February 2013.

² Today conflict continues in Darfur, Southern Kordofan, Blue Nile, with Halayib (where there is a *de facto* Egyptian occupation), Abyei (which is disputed with South Sudan) and eastern Sudan all experiencing ongoing tensions which might reignite.

³ Ibid.

⁴ United States Institute for Peace Briefing, "Six Important Issues for Sudan and its Future." September 2009. http://www.usip.org/files/resources/six_points_sudan_0.pdf

⁵ See for example, "Sudan's Invisible Citizens", Africa Rights 1995.

⁶ Machakos Protocol, 20 July 2002; Power Sharing Protocol, 26 May 2004.

⁷ See Article 152 of the Interim National Constitution.

⁸ See Section 10(2) of the Sudanese Nationality Act 1994 (as amended in 2011). For an analysis of the new citizenship laws in both states see Bronwen Manby, *The right to nationality and the secession of South Sudan*, Open Society Initiative for East Africa, 2012 available at <http://www.afrimap.org/english/images/report/OSIEA-AfriMAP-Nationality-Sudans-full-EN.pdf>.

⁹ The constitution provides that any person born to a Sudanese mother or father has an "inalienable right" to enjoy Sudanese nationality. It also permits dual nationality.

¹⁰ "Khartoum urges its citizens in South Sudan to regularize stay." *South Sudan Tribune*, 27 February 2012, <http://www.sudantribune.com/spip.php?article41732>

¹¹ See, International Refugee Rights Initiative and Darfur Refugees Association in Uganda, "Darfurians in South Sudan: Negotiating belonging in two Sudans." Citizenship and Displacement in the Great Lakes region, Working Paper 7, May 2012.

¹² See for example James Copnall, "The dispossessed: the South Sudanese without a nationality." <http://www.bbc.co.uk/news/world-africa-17624075>

¹³ Signed Addis Ababa, 27 September 2012.

¹⁴ Ibid.

¹⁵ See, for example, Aly Verjee, "Celebrating The Bureaucratization of Peace: The Addis Implementation Matrix." African Arguments, 20 March 2013, available at <http://africanarguments.org/2013/03/20/celebrating-the-bureaucratization-of-peace-the-addis-implementation-matrix-by-aly-verjee/>

¹⁶ For more detail, see the previous paper in this series: International Refugee Rights Initiative and Darfur Refugees Association in Uganda, "Darfurians in South Sudan: Negotiating belonging in two Sudans." Citizenship and displacement in the Great Lakes region, working paper no. 7, May 2012.

¹⁷ Sudan Human Rights Security Baseline Assessment, "Conflict in South Kordofan/Nuba Mountains". HSBA, 2011.

¹⁸ See Aly Verjee, "Disputed Votes, Deficient Observation: The 2011 Election in South Kordofan, Sudan," Rift Valley Institute, August 2011, www.riftvalley.net.

¹⁹ Sudan Human Rights Security Baseline Assessment, "Conflict in South Kordofan/Nuba Mountains". HSBA, 2011.

²⁰ Johan Brosché, "The Crises Continue: Sudan's Remaining Conflicts." ISPI Working Paper 41, October 2011.

²¹ See, for instance, a report of the United National Mission to Sudan (UNMIS) Office of the High Commissioner for Human Rights, "Preliminary report on violations of international human rights and humanitarian law in Southern Kordofan from 5 to 30 June 2011." August 2011; and, more recently, the African Centre for Justice and Peace Studies, "Update on Human Rights Violations in Blue Nile and South Kordofan", January 2012.

²² See www.nubareports.org.

²³ "The impact of aerial bombing attacks on civilians in Southern Kordofan, Republic of Sudan." Briefing Note to the African Commission on Human and Peoples Rights, April 2013, on file with IRRI.

²⁴ See Martin Plaut, "1m Sudanese trapped in dire need beyond reach of aid agencies", *Guardian*, 11 February 2013.

²⁵ The term, "black plastic bags" is a term used by officials and in the media to refer to people from the Nuba Mountains, Darfur and South Sudan.

²⁶ The researcher was detained with three others but was released after eight hours of questioning.

²⁷ Sudan Human Rights Security Baseline Assessment, "Conflict in South Kordofan/Nuba Mountains", HSBA, 2011.

²⁸ See, Amnesty International, "Urgent Action: Sudanese Women Held Without Trial", 19 February 2013, 46/13 Index: AFR 54/005/2013 Sudan

²⁹ Although the issue of the number itself does not require a fee some advocates have reported in certain areas such as in Mayo, one of the marginalised areas south of Khartoum, citizens were asked to pay fees. (The fees were allegedly used by local authorities to provide support to General Civil Registration Administration officials who tour places in Khartoum with laptops and printers to interview applicants.) International NGOs such as the Norwegian Refugee Council used to have documentation projects to assist the displaced but it is understood that with increasing restrictions on the operation of NGOs these are no longer operational.

³⁰ See, for example, "KHARTOUM: Hardship is on the rise in Sudan as people struggle to make ends meet amid price inflation of more than 40 percent", in which freelance correspondent Adam Abkar Ali reports that many are unable to cover their living costs: <http://www.theniles.org/articles/?id=1689>

³¹ Interview with woman from South Sudan, 23 June 2012.

³² Interview with man from South Sudan, Khartoum, 15 June 2012.

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- ³³ Interview with man from Southern Kordofan, Khartoum, 13 June 2012.
- ³⁴ Interview with man from Southern Kordofan, Khartoum, 20 June 2012.
- ³⁵ Interview with man from Southern Kordofan, Khartoum, 13 June 2012.
- ³⁶ Interview with man from Darfur, Khartoum, 18 June 2012.
- ³⁷ Interview with man from Southern Kordofan, Khartoum, 23 June 2012.
- ³⁸ Interview with man from Darfur, Khartoum, 30 June 2012.
- ³⁹ Interview with man from South Sudan, arrived in Khartoum in 1991, Khartoum, 15 June 2012.
- ⁴⁰ Interview with man from Southern Kordofan, Khartoum, 9 June 2012.
- ⁴¹ Interview with man from Darfur, Khartoum, 8 June 2012.
- ⁴² Interview with man from Southern Kordofan, Khartoum, 8 June 2012.
- ⁴³ Interview with woman from Southern Kordofan, Khartoum, 5 June 2012.
- ⁴⁴ Interview with man from Southern Kordofan, Khartoum, 6 June 2012.
- ⁴⁵ Interview with man from Darfur, Khartoum, 19 June 2012.
- ⁴⁶ Interview with woman originally from South Sudan, Khartoum, 2 July 2012.
- ⁴⁷ Interview with woman from South Sudan, Khartoum, 3 July 2012.
- ⁴⁸ Interview with man from Southern Kordofan, Khartoum, 13 June 2012.
- ⁴⁹ Interview with man from Southern Kordofan, Khartoum, 5 June 2012.
- ⁵⁰ Interview with man from Southern Kordofan, Khartoum, 17 June 2012.
- ⁵¹ Interview with man from Southern Kordofan, Khartoum, 31 May 2012.
- ⁵² Interview with man from Southern Kordofan living in Khartoum, 13 June 2012.
- ⁵³ Interview with man from Darfur, Khartoum, 11 June 2012.
- ⁵⁴ Interview with man from South Sudan, Khartoum, 19 June 2012.
- ⁵⁵ Interview with woman from South Sudan, Khartoum, 7 June 2012.
- ⁵⁶ Interview with woman from South Sudan, Khartoum, 7 June 2012.
- ⁵⁷ Interview with woman originally from South Sudan, Khartoum, 2 July 2012.
- ⁵⁸ Interview with man originally from South Sudan, Khartoum, 16 June 2012.
- ⁵⁹ Interview with woman from South Sudan, Khartoum, 7 June 2012.
- ⁶⁰ Interview with man from South Sudan, Khartoum, 19 June 2012.
- ⁶¹ Interview with man from Darfur, Khartoum, 12 June 2012.
- ⁶² Interview with man from Southern Kordofan, Khartoum, 23 June 2012.
- ⁶³ Interview with man from Southern Kordofan, Khartoum, 9 June 2012.
- ⁶⁴ Interview with man from Southern Kordofan, Khartoum, 17 June 2012.
- ⁶⁵ Interview with man from Southern Kordofan, Khartoum, 2 June 2012.
- ⁶⁶ Interview with man from Southern Kordofan, Khartoum, 8 June 2012.
- ⁶⁷ Interview with man from Southern Kordofan, Khartoum, 8 June 2012.
- ⁶⁸ Interview with man from Southern Kordofan, Khartoum, 3 June 2012.
- ⁶⁹ Interview with woman from Southern Kordofan, Khartoum, 31 May 2012.
- ⁷⁰ Interview with man from Southern Kordofan, Khartoum, 14 June 2012.
- ⁷¹ Interview with woman from Southern Kordofan, Khartoum, 5 June 2012.
- ⁷² Interview with woman from South Sudan, Khartoum, 14 June 2012.
- ⁷³ Interview with man from Southern Kordofan, Khartoum, 3 June 2012.
- ⁷⁴ Interview with man from Darfur, Khartoum, 12 June 2012.
- ⁷⁵ Interview with man from Darfur, Khartoum, 12 June 2012.
- ⁷⁶ Interview with man from Darfur, Khartoum, 17 June 2012.
- ⁷⁷ Interview with woman from Southern Kordofan, Khartoum, 14 June 2012.
- ⁷⁸ See email correspondence with IRRI from human rights defenders in Khartoum, on file with IRRI.
- ⁷⁹ Interview with man from Darfur, Khartoum, 20 June 2012.
- ⁸⁰ Interview with man from Southern Kordofan, Khartoum, 6 June 2012.
- ⁸¹ Interview with man from Southern Kordofan, Khartoum, 8 June 2012.
- ⁸² Interview with man from Southern Kordofan, Khartoum, 20 June 2012.
- ⁸³ Interview with woman from Southern Kordofan, Khartoum, 16 June 2012.
- ⁸⁴ Interview with woman from Southern Kordofan, Khartoum, 14 June 2012.
- ⁸⁵ Interview with woman from Southern Kordofan, Khartoum, 16 June 2012.
- ⁸⁶ Interview with man from Southern Kordofan, Khartoum, 14 June 2012.
- ⁸⁷ Interview with man from Southern Kordofan, Khartoum, 14 June 2012.
- ⁸⁸ Interview with man from Southern Kordofan, Khartoum, 22 June 2012.
- ⁸⁹ A recent report by the Sudanese/Nuba Human Rights and Development Organisation (HUDO) documented the harassment, asset seizure and closure of Christianity and Non-Arab Cultures in Danger in Sudan. See "Christianity and Non-Arab Cultures in Danger in Sudan", HUDO, 29 March 2013, Report on file with IRRI.
- ⁹⁰ Interview with woman from Southern Kordofan, Khartoum, 31 May 2012.
- ⁹¹ Interview with man from Southern Kordofan, Khartoum, 20 June 2012.
- ⁹² Interview with man from Southern Kordofan, Khartoum, 12 June 2012.

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- ⁹³ Interview with woman from Southern Kordofan, Khartoum, 2 June 2012.
- ⁹⁴ Interview with man from Southern Kordofan, Khartoum, 8 June 2012.
- ⁹⁵ Interview with man from Southern Kordofan, Khartoum, 3 June 2012.
- ⁹⁶ Interview with man from Southern Kordofan, Khartoum, 13 June 2012.
- ⁹⁷ Interview with man from Darfur, Khartoum, 13 June 2012.
- ⁹⁸ Interview with man from Darfur, Khartoum, 2 June 2012.
- ⁹⁹ Interview with man from Southern Kordofan, Khartoum, 2 June 2012.
- ¹⁰⁰ Interview with man from South Sudan, Khartoum, 9 June 2012.
- ¹⁰¹ Interview with woman from Southern Kordofan, Khartoum, 31 May 2012.
- ¹⁰² Interview with man from Southern Kordofan, Khartoum, 8 June 2012.
- ¹⁰³ Interview with man from Southern Kordofan, Khartoum, 8 June 2012.
- ¹⁰⁴ Interview with man from Darfur, Khartoum, 8 June 2012.
- ¹⁰⁵ Interview with man from Darfur, Khartoum, 8 June 2012.
- ¹⁰⁶ Interview with man from Southern Kordofan, Khartoum, 17 June 2012.
- ¹⁰⁷ Interview with man from Southern Kordofan, Khartoum, 3 June 2012.
- ¹⁰⁸ Interview with man from Southern Kordofan, Khartoum, 3 June 2012.
- ¹⁰⁹ Interview with man originally from South Sudan, Khartoum, 30 May 2012.
- ¹¹⁰ Interview with man from Southern Kordofan, Khartoum, 20 June 2012.
- ¹¹¹ Interview with woman from Southern Kordofan, Khartoum, 14 June 2012.
- ¹¹² Interview with woman from South Sudan, Khartoum, 12 June 2012.
- ¹¹³ Interview with man from Darfur, Khartoum, 12 June 2012.
- ¹¹⁴ Interview with man from Darfur, Khartoum, 15 June 2012.
- ¹¹⁵ Interview with man from Darfur, Khartoum, 11 June 2012.
- ¹¹⁶ Interview with man from Southern Kordofan, Khartoum, 18 June 2012.
- ¹¹⁷ Interview with man from Darfur, Khartoum, 20 June 2012.
- ¹¹⁸ Interview with man from Darfur, Khartoum, 8 June 2012.
- ¹¹⁹ Interview with man from Darfur, Khartoum, 12 June 2012.
- ¹²⁰ Interview with young woman from Darfur, Khartoum, 20 June 2012.
- ¹²¹ Interview with man from Southern Kordofan, Khartoum, 2 June 2012.
- ¹²² Interview with man from Southern Kordofan, Khartoum, 19 June 2012.
- ¹²³ Interview with man from Southern Kordofan, Khartoum 3 June 2012.
- ¹²⁴ Interview with woman from Southern Kordofan, Khartoum, 14 June 2012.
- ¹²⁵ Interview with man from Southern Kordofan, Khartoum, 3 June 2012.
- ¹²⁶ Interview with man from Southern Kordofan, Khartoum, 6 June 2012.
- ¹²⁷ Interview with man from Southern Kordofan, Khartoum, 20 June 2012.
- ¹²⁸ Interview with man from Southern Kordofan, Khartoum, 6 June 2012.
- ¹²⁹ Interview with man from Southern Kordofan, Khartoum, 18 June 2012.
- ¹³⁰ Interview with woman from Southern Kordofan, Khartoum, 14 June 2012.
- ¹³¹ Interview with woman from Southern Kordofan, Khartoum, 14 June 2012.
- ¹³² Interview with woman from Southern Kordofan, Khartoum, 2 June 2012.
- ¹³³ Interview with man from Southern Kordofan, Khartoum, 12 June 2012.
- ¹³⁴ Interview with man from Southern Kordofan, Khartoum, 20 June 2012.
- ¹³⁵ Interview with man from Southern Kordofan, Khartoum, 18 June 2012.
- ¹³⁶ Interview with woman from Southern Kordofan, Khartoum, 18 June 2012.
- ¹³⁷ Interview with woman from South Sudan, Khartoum, 18 June 2012.
- ¹³⁸ Interview with woman from South Sudan, Khartoum, 8 June 2012.
- ¹³⁹ A thauwb is the traditional long outer garment worn by Sudanese women.
- ¹⁴⁰ Interview with woman originally from South Sudan, Khartoum, 3 July 2012.
- ¹⁴¹ Interview with man from South Sudan, Khartoum, 22 June 2012.
- ¹⁴² Interview with man from South Sudan, Khartoum, 18 June 2012.
- ¹⁴³ Interview with man from South Sudan, Khartoum, 22 June 2012.
- ¹⁴⁴ Interview with man from South Sudan, Khartoum, 30 May 2012.
- ¹⁴⁵ Interview with man from South Sudan, Khartoum, 20 June 2012.
- ¹⁴⁶ Interview with woman from South Sudan, Khartoum, 14 June 2012.
- ¹⁴⁷ Interview with woman from South Sudan, Khartoum, 14 June 2012.
- ¹⁴⁸ Interview with man originally from South Sudan, Khartoum, 16 June 2012.
- ¹⁴⁹ Interview with woman from South Sudan, Khartoum, 23 June 2012.
- ¹⁵⁰ Interview with woman originally from South Sudan, Khartoum, 3 June 2012.
- ¹⁵¹ Interview with man from South Sudan, Khartoum, 17 June 2012.
- ¹⁵² Interview with man, originally from South Sudan but born in Khartoum, 18 June 2012.
- ¹⁵³ Hannah Arendt, *The Origins of Totalitarianism*, 2nd ed. (Harcourt Inc., 2009) p. 475.
- ¹⁵⁴ Interview with man from Southern Kordofan, Khartoum, 20 June 2012.

¹⁵⁵ Interview with man from Darfur, Khartoum, 15 June 2012.

¹⁵⁶ Interview with man from Southern Kordofan, Khartoum, 8 June 2012.

¹⁵⁷ Interview with man from Southern Kordofan, Khartoum, 18 June 2012.

¹⁵⁸ Interview with man from Darfur, Khartoum, 17 June 2012.

¹⁵⁹ Interview with man from Darfur, Khartoum 8 June 2012.

¹⁶⁰ Among the categories of persons so defined, for example, are individuals with “any” parent, grandparent or great-grandparent born in South Sudan or members of the “indigenous tribal communities of South Sudan”. See Section 8 (1) (a) South Sudan Nationality Act 2011.

¹⁶¹ It is understood that government ministries and institutions, in addition to the major companies in the private sector, are generally dominated and controlled by individuals loyal to the National Congress Party who hail from northern and central Sudan.

¹⁶² The Great Lakes Pact itself constitutes a minimum set of legal obligations that can serve as baseline for the current peace and transitional negotiations. It contains a range of obligations relating to land restitution, gender equality and SGBV, the principle of non-discrimination, the rights of minorities, protection of the forcibly displaced, and democratic governance that are essential for an effective national programme of transitional justice. The Pact also provides a legal and political foundation stone upon which a regionally mandated mechanism could be constructed or through which regional support could be channelled to a Sudanese special mechanism which adhered to Pact principles and law.

¹⁶³ Provisions of the Protocol on the Prevention and Punishment of the Crime of Genocide, War Crimes and Crimes Against Humanity, for example, particularly govern the implementation of policies around non-discrimination, equality before the law, the right to equitable justice, the development of national and local legislative measures to both prevent discrimination and “adequately ensure the development or protection of particular groups or individuals”, and address the condemnation and punishment of the promotion of discriminatory ideologies. See in particular Chapter 2 (Articles 2 to 7) of the Protocol on the Prevention and Punishment of the Crime of Genocide, War Crimes and Crimes Against Humanity entitled, “Combatting discriminatory ideologies and practices”. The Protocol on the Prevention and Punishment of the Crime of Genocide, War Crimes and Crimes Against Humanity contains a mix of criminal law and human rights law provisions dealing not just with the prosecution of those who commit international crimes but also with the systematic and root causes of such crimes, mandating the creation of early warning mechanisms and measures to combat ‘discriminatory ideologies and practices’ (Article 5).