

Still a Long Way to Go: Local Integration of IDPs in Yei, Southern Sudan

Prepared for the 2nd Expert Seminar on Protracted Internal Displacement

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EXECUTIVE SUMMARY

This case study focuses on a heterogeneous group of Dinka IDPs and returning refugees in IDP-like situations who live in Yei, a city in the southern Sudanese state of Central Equatoria. The study group was displaced from Warrap, Greater Bahr el Ghazal, Lakes and Upper Nile states from 1986 onwards. Some were displaced directly to Yei from their places of origin, but most had first crossed Southern Sudan and remained in Uganda and Kenya as refugees before arriving in Yei. These refugees started returning to Southern Sudan from 1997 onwards, but in greater numbers in 2005 when the Comprehensive Peace Agreement (CPA) between the Sudanese Government and the main Southern rebel movement, the Sudan People's Liberation Movement/Army (SPLM/A), brought to an end the second stage of the north-south civil war which had commenced in 1983.

In IDMC-organised discussions groups of internally displaced people (IDPs) and returning refugees cited several reasons for settling in Yei¹. Enjoying relative security and better access to basic services than elsewhere in Southern Sudan, Yei lies in the region's fertile breadbasket. Proximity to Uganda and the Democratic Republic of Congo (DRC) provides further livelihoods possibilities. Most Dinka IDPs in Yei are subsistence farmers and petty traders.

Considering that their displacement has been so protracted, as long as 24 years in some cases, it is striking how few Dinka IDPs have managed to locally integrate. They have not learned to speak the dialect of the largest indigenous community.

Southern Sudan was under-developed before 1983 and post-2005 recovery began from an exceedingly low starting point. Services and livelihood opportunities for the displaced and other populations are thus extremely limited. The war affected the entire population: three quarters of the population of Yei County are thought to have been IDPs or refugees at some point during the war. Those who were not displaced still suffered the rigours and deprivations of the conflict and were often victims of human rights violations by both the Khartoum army and the SPLA. Thus many of the challenges that Dinka IDPs face are not specific to their displacement but also affect the local population.

¹ IDMC thanks the Norwegian Refugee Council's staff in Southern Sudan, in particular the present and former coordinators of the Information, Counselling and Legal Assistance (ICLA) programme in Yei, Dario Festa and Monica Sanchez Bermudez, for their invaluable comments. Thanks also to the entire Yei ICLA team for their much valued, advice and insight. IDMC also thanks the representatives of humanitarian and development organisations and Yei County officials, in particular the Department of Housing, Urban Planning and Public Utility for their time, knowledge and provision of documents. Above all, IDMC would like to thank those people who shared their experience in focus group discussion and interviews and who thus made this study possible.

Integration of IDPs has been impeded by an uneasy relationship with the local community. There is contestation over land and property involving, on one side, Dinka IDPs and SPLA soldiers (most of them also Dinkas) who remained in the area during the war and seized land and, on the other, indigenous inhabitants, most of whom left during the war and have only returned since the CPA. During the war Dinka IDPs fled northern areas of Southern Sudan and found deserted land in Yei which they settled, sometimes over two decades ago. Locals feel they are the rightful owners of land, that it is part of their tribal identity and that current occupants have no right to remain.

Control of land occupied by Dinka IDPs is primarily determined by rules of customary tenure under which returning locals can claim it back. Dinka IDPs often remain uncompensated despite having lived on the land for years. Tenure insecurity therefore remains the biggest obstacle to local integration of Dinka IDPs.

Yei has been an SPLA stronghold since Khartoum lost control of the city in 1997. An important garrison headquarters, there is a significant presence of soldiers and their families. The military presence is a source of conflict with the host community who were antagonised by the SPLA's forcible recruitment and expropriation of private assets during the war. The ethnic link between the SPLA and Dinka IDPs complicates relations with the host community and creates an obstacle to local integration. The local population perceives all Dinkas, soldier and IDPs alike, to be the same.

IDPs have not clearly expressed a preferred settlement option by which to try to achieve a durable solution to their displacement. The length of their displacement makes their return less and less viable. It is apparent that they mostly wish to stay at the place of displacement. This is despite having to often move within Yei and despite the fact that in recent years tensions in areas from which IDPs were displaced have been reduced. Most report they have lost their livelihoods in the place of origin, are no longer in contact with relatives and have adapted to farming, although some still own cattle as they did traditionally in their places of origin. They have remained in Yei despite the lack of efforts by the Southern Sudanese authorities or the international community to facilitate their local integration. Very few availed themselves of opportunities to repatriate twice offered by the Office of the UN High Commissioner for Refugees (UNHCR) in 2006.

Yei, whose population has trebled since the CPA, provides an informative case study for several reasons: ethnic divisions between the Equatorians and the Dinkas; the role of the SPLA; the fact that IDPs and SPLA members belong to the same ethnic group and the intense competition for land as IDPs attempt to integrate in a peri-urban area. Yei offers insights into similar communities of IDPs in protracted situations elsewhere in Southern Sudan.

I. INTRODUCTION

Internal displacement in Sudan is the product of numerous conflicts, almost all of which are rooted in deep tensions between Khartoum and Sudan's peripheral regions. These tensions are fed by a highly inequitable distribution of power and wealth and the Government of Sudan's unwillingness to acknowledge ethnic, religious and linguistic diversity.

Armed conflict between the north and the south pre-dates independence in 1956. The first stage of the north-south civil war ended in 1972 but fighting between Khartoum and the

newly-formed Sudan People's Liberation Army (SPLA) broke out in 1983. The second north-south war ended only in January 2005, when the Sudanese Government and the Sudan People's Liberation Movement, the SPLA's political wing, signed a pact, the Comprehensive Peace Agreement (CPA). It set out detailed transitional arrangements concerning power and wealth-sharing, the redeployment of northern military forces in Southern Sudan and the status of contested areas claimed by both the north and the south: Abyei, Southern Kordofan and Blue Nile (collectively known as the Three Areas). The CPA provided for nationwide democratic elections (that took place, albeit with considerable reservations from international observers, in April 2010) and a Southern Sudanese referendum on self-determination scheduled for January 2011.² At a time not yet decided the residents of Abyei are to vote in a separate referendum on whether to be part of the north or the south. The CPA led to an autonomous Government of Southern Sudan (GoSS) based in Juba, the southern capital, and an interim Government of National Unity in Khartoum. It is widely anticipated that the Southern Sudanese will opt for secession.

The second north-south war is thought to have led to the death of two million people and the displacement of some 4.5 million (four million IDPs and 500,000 refugees). In the fragile period following the signing of the CPA, Southern Sudan has faced continued population movements and ongoing insecurity. As a result of considerable tensions post-CPA displacement within Southern Sudan has risen. There were 391,000 new IDPS in 2009, twice the 2008. In the first ten months of October 2010 there were more than 215,000 more IDPs. 2010 is thus the second year in succession that the number of new IDPs in Southern Sudan has exceeded displaced Darfuris.³ Despite the challenges of return, by the end of 2009 more than two million IDPs and refugees had returned to Southern Sudan and the Transitional Areas. There are still around 1.7 million IDPs from Southern Sudan in and around Khartoum.⁴

In August 2010, the GoSS announced an initiative intended to facilitate the rapid return to the south of up to 1.5 million southern Sudanese currently living in the north and in Egypt.⁵ Plans have been subsequently downscaled as a result of funding constraints and concerns expressed by the international community. The GoSS now envisages IDP return as a longer-term process not linked to the referendum.

Study area and study group

² Jimmy Mulla, "Is Sudan's CPA being dishonored?," *Sudan Tribune*, 7 March 2010, <http://www.sudantribune.com/Is-Sudan-s-CPA-being-dishonored,34339>; Heinrich Böll-Stiftung, *Sudan – No Easy Ways Ahead*, January 2010, [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/B274F87C6E3D43ACC1257700004B6349/\\$file/Sudan+no+easy+way+ahead.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/B274F87C6E3D43ACC1257700004B6349/$file/Sudan+no+easy+way+ahead.pdf); Chatham House, *Decisions and Deadlines A Critical Year for Sudan*, [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/52BE8C3CA0975266C12576E000689065/\\$file/chatham2010.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/52BE8C3CA0975266C12576E000689065/$file/chatham2010.pdf).

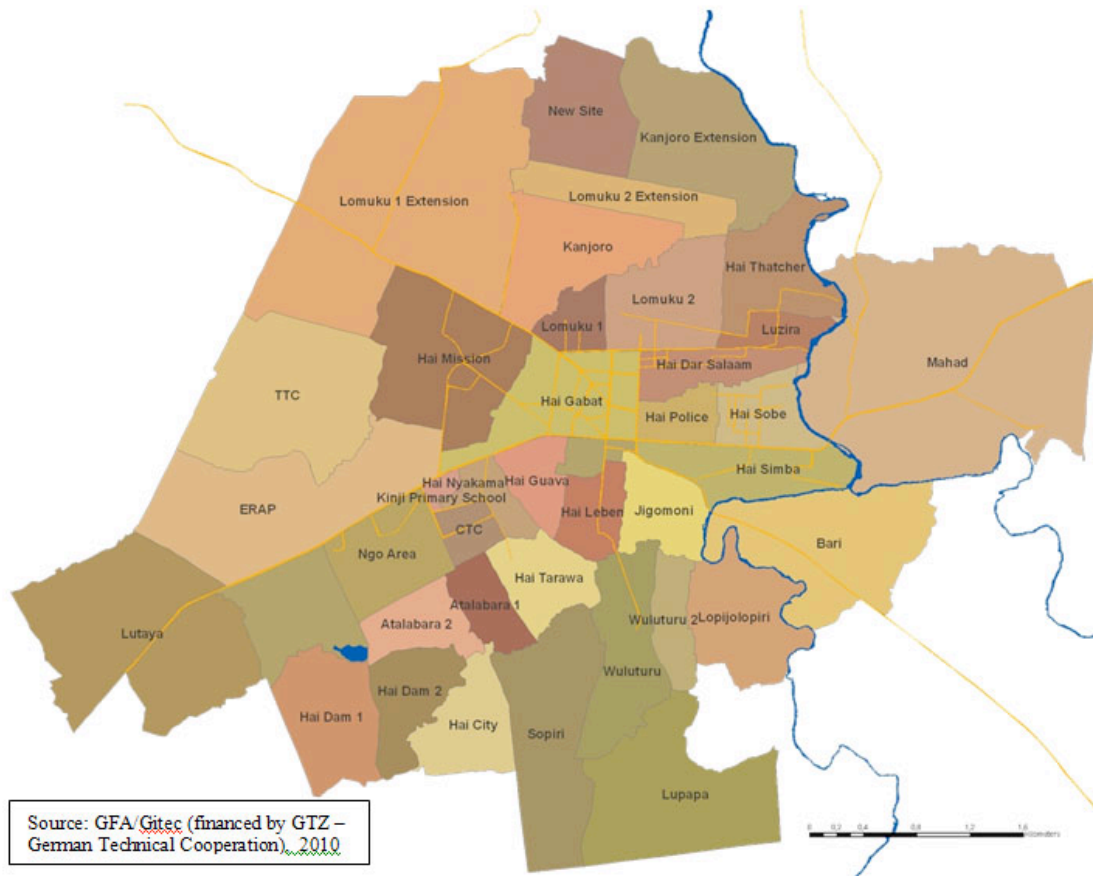
³ As of October 2010, 106,715 new displacements have been verified in Darfur. OCHA, *Sudan Humanitarian Update*, 3rd Quarter 2010, [http://www.unsudanig.org/docs/Sudan Humanitarian Update 3rd Quarter 2010.pdf](http://www.unsudanig.org/docs/Sudan%20Humanitarian%20Update%203rd%20Quarter%202010.pdf)

⁴ The number of Southern IDPs in Khartoum is an estimate as there is no consensus on how to define IDPs in this protracted situation. Estimates thus vary significantly. UNMIS-RRR reported 1,548,167 IDPs in December 2009; UNHCR notes 1.9 million IDPs/former IDPs in its November 2010 UPR submission; a Tufts University-IDMC study in August 2008 estimated between 1,329,300 and 1,675,500.

⁵ BBC, *South Sudan plans mass return ahead of referendum*, 24 August 2010, <http://www.bbc.co.uk/news/world-africa-11073919>

The research for this report was carried out in Yei and Gimunu, administrative units (bomas) in the payam (sub-county) of Yei which is part of Yei River County, one of six counties in Central Equatoria, one of the ten states of Southern Sudan. Yei River County is bordered to the north by Maridi County, to the south by Morobo County, to the east by Lainya County and to the west by the Democratic Republic of Congo (DRC). It is approximately 160 kilometres from Juba.





A number of predominantly agrarian communities live in and around Yei. The majority belong to the Kakwa, a Nilotic ethnic group who also live in northwestern Uganda and the DRC. The Yei area is also home to Pojulu, Baka, Mundu and Avukaya people. Members of other ethnic communities, most notably Dinkas, moved into Yei during the civil war.⁶ Some were members of the SPLA and their families, others were IDPs displaced from northern areas of Southern Sudan. At times of peace Dinka cattle herders resided in Yei as it lies on the principal trading route between Southern Sudan and Uganda. Yei is an important SPLA garrison in Central Equatoria and there is a significant military presence in the area.

IDMC conducted most of its focus group discussions (FGDs) with IDPs and members of the host community in and around Mahad, a non-authorized semi-rural settlement in Gimunu boma whose population includes significant numbers of SPLA soldiers and IDPs. We also interviewed inhabitants of the area along the Kembe stream, a watercourse running past Mahad, and near a major SPLA barracks.⁷

As elsewhere in Southern Sudan, there is a shortage of reliable demographic data and population estimates are contested. Since the signing of the CPA it is believed that the city of Yei's population has almost trebled. In 2006, the US Agency for International Development estimated the population of Yei at 40,000 locals and up to 20,000 additional IDPs. The

⁶ The Dinka are a Nilotic people living in the northern areas of Southern Sudan. Traditionally agro-pastoralists, they are the largest ethnic group in Southern Sudan.

⁷ See map for reference.

population of the city is now estimated to perhaps be as high as 185,000.⁸ Population growth is due to the influx of several groups: returning refugees who remained in Yei rather than returning to their places of origin; the returning resident population; the predominantly Dinka IDP population; SPLA members and their families; cattle herders who have chosen to settle in the area, and entrepreneurs, mainly Ugandan, who have started small businesses in recent years.

Until the late 1990s the settlement pattern was for people to move away from the centre of Yei, particularly from the Juba road and hospital which were frequently shelled by Government forces after Yei fell to the SPLA in 1997. In the last decade, however, the settlement pattern has reversed and people have started moving back towards the city. The peace agreement, improved security and steady economic development have encouraged migration to Yei from surrounding rural areas and has attracted petty traders from neighbouring countries. Population growth is creating great pressure on urban and peri-urban land.

As of 2005-2006, the Southern Sudan Commission for Census, Statistics, and Evaluation (SSCCSE) estimated that 1,548,821 people were living in Central Equatoria, some ten per cent of the population of Southern Sudan. It put population growth at around three per cent per annum, the result of natural increase, the return of refugees and IDPs and migration from rural to urban areas.⁹

Table 1: Available population figures for Yei County from 2004 to 2009

Year	Yei County	Yei Payam	Yei City Boma	Source
2004-2005	150,050	39,470		The New Sudan Centre for Statistics and Evaluation (NSCSE)
2008	201,443			5th Sudan Population and Housing Census, 2008
2009	427,140	289,221	185,013	Southern Sudan Relief and Rehabilitation Commission (SSRRC), Yei
2010 (February)			~ 172,000	GFA/Gitec10
2010	~ 400,000	250,000		Yei River County ¹¹

There is no reliable disaggregated data on Yei. The New Sudan Centre for Statistics and Evaluation (NSCSE) provides some information for Yei County and Yei Payam in 2004-2005.

	Residential population	WFP-targeted returnees 2004	Returnees from Jan-Apr 2005	Returnees from May-June 2005	Total IDP population	Total population
Yei Payam	39,470	-	2566	980	8,464	51,480

⁸ Southern Sudan Relief and Rehabilitation Commission (SSRRC), Yei.

⁹ UNIFEM, *Final report on gender based violence and violence against women in Southern Sudan*, June 2009.

¹⁰ GFA/Gitec, *Feasibility Study for the Establishment of a Poverty Oriented Development of Water Supply and Sanitation Services for Yei, Southern Sudan Concept Report - Final Version* (financed by GTZ – German Technical Cooperation), 2010.

¹¹ Yei River County, *Concept Use Plan*, 24 May 2010.

Yei County	125,431	2,750	6,877	3,691	11,301	150,050
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The population in Yei payam can be, somewhat arbitrarily, divided into four categories:

- those who remained during the war (stayees);
- IDPs (Dinkas and others) displaced during the civil war who settled in Yei payam or nearby locations such as in Kajo Keji and Lainya, locations on the road to Juba;
- returning refugees (Dinkas and others) whose place of origin is not Yei payam and who have resettled in Yei and live in situations similar to those of IDPs; and
- returning refugees whose place of origin is Yei payam or the surrounding area.

Until 2001 the Dinka IDPs lived in two large homogeneous settlements but are now spread across the city and integrated into the wider community.

Upon their post-1997 repatriation to areas in and around Yei payam returning refugees originally from the northern parts of Southern Sudan remained in a situation similar to IDPs, with no imminent prospect of return to their original homes. These returnees identified continued insecurity, lack of transport and services and concern about the possibility of re-establishing their livelihoods as the main reasons for not returning to their places of origin.

The study group, henceforth referred to as “Dinka IDPs”, are Dinka IDPs and returning refugees who remain in a situation similar to that of IDPs and whose original flight was from areas in the states of Warrap, Lakes, Northern Bahr el Ghazal and Upper Nile. They are all civilians. Some were displaced directly to Yei but most first crossed Southern Sudan and remained in Uganda and Kenya as refugees before arriving in the area. These ex-refugees started returning to Southern Sudan from 1997 onwards, but most of the respondents returned in 2005. According to a local IDP leader, there are some 500 IDPs living in the area around the Kembe stream: 30 households from Warrap, 27 from Lakes and several from Aweil in Northern Bahr el Ghazal. The average household size in the city is reported to be around 8.5. The same leader said that more Dinka IDPs living elsewhere in Yei were also expected to relocate there. He was unable to provide exact figures for those who had arrived in Yei as returning refugees and those who had arrived as IDPs. IDPs living in the area around the Kembe stream were not displaced as a group and did not live together and neither were the ex-refugees while in Uganda. Rather they coalesced with fellow tribal members after arrival in/return to Yei.

Methodology

For targeted policy making and programming local and national authorities need to better understand obstacles to the local integration/settlement elsewhere for the Dinka IDPs as well as their uneasy relationship with the local community. The IDMC study thus adopted a ‘bottom-up’ approach, seeking to link conditions of the Dinka IDP and host communities to the local and national political environment. A participatory approach focused on collection of qualitative data which was supplemented with secondary information from the local authorities and humanitarian actors.

Lack of documentation on displacement in the study areas of Yei payam means this study relies heavily on information collected during interviews and focus group discussions (FGDs). Throughout June to October 2010, IDMC conducted 20 interviews with staff of local

authorities, local and international non-Governmental organisations (NGOs), churches and the Office of the United Nations High Commissioner for Refugees (UNHCR). IDMC/NRC ran a series of FGDs with IDPs in different locations of Mahad and Kembe in Gimunu boma and with local communities and key informants in the city of Yei and Gimunu. FGD participants included: four IDP leaders representing different ethnic communities from Greater Bahr el Ghazal in Yei payam; a group of IDP women in Mahad, some of whom were widows of SPLA soldiers; groups of IDP men and IDP women in the area around the Kembe stream; representatives from the local community and members of the Kakwa and other local tribes who live in Mahad and who own the land around the Kembe stream on which the IDPs have settled. These groups included men and a leader of a women's group, a youth group and representatives from the local police. IDMC/NRC conducted a series of FGDs with groups of representatives of local communities in several other locations in Yei boma, including Lupapa, Atlabara, and Hai Tarawa to obtain a comparison of living conditions and access to land and services.

To keep the focus of the discussions on track while allowing respondents to talk freely and spontaneously, IDMC used guidelines that covered the following topics: preferred settlement options; livelihoods; access to basic services such as education, health, water and sanitation; access to land and relations with the host community.

IDMC employed a technique known as photo voice methodology. After the first round of FGDs disposable cameras were given to 11 men, women and children from the IDP community living beyond the Kembe stream. They were asked to photograph the impact displacement has had on their daily lives. Known as "participatory photography", the photo voice methodology¹² is derived from Paulo Freire's influential theory of critical pedagogy. It seeks to enable the marginalised to define, communicate and improve their situation. IDMC staff showed each recipient how to use the camera and arranged to collect it after three days. Participants were then given copies of photographs they could keep and the photos were used to stimulate further discussion to expand previous responses and seek additional information. IDMC selected participants on the basis of their enthusiasm and availability for the duration of the exercise. There were equal numbers of males and females.

The main research questions for this case study are:

- Who are Dinka IDPs in Yei?
- To what extent have they integrated locally?
- Has the protractedness of the situation facilitated local integration?
- What is facilitating and what is obstructing their local integration?
- Which steps should local and national authorities undertake to facilitate local integration of the chosen group?

II. PATTERNS AND CAUSES OF DISPLACEMENT IN YEI

The war between Khartoum and the SPLA commenced in earnest in Yei in 1985 and until 1994 Yei was constantly fought over. The city remained under Government control and surrounding villages were controlled by the SPLA. Caught between the opposing forces, and seeking to avoid forced recruitment by the SPLA, from 1985 civilians began fleeing. As local

¹² For further information on the methodology, see: <http://www.photovoice.org>

people fled across the border to Uganda at the same time those displaced by fighting in the north of Southern Sudan made their way towards Yei. By 1993 the fighting around Yei was so fierce that most of the population had become refugees in Uganda, Kenya or the DRC. In 1994, those who had sought shelter on the Ugandan border were transferred by UNHCR to refugee settlements, especially Rhino Camp, located inside Uganda. A Government offensive from 1994 caused SPLA forces to withdraw 15 kilometres from the city. Those who had not fled abroad abandoned their villages, settling in relatively safer urban areas where they often occupied property which had been abandoned by those who had become refugees. This created an ongoing problem as both IDPs and stayees occupied property not belonging to them.

In 1997, the SPLA captured Yei, allegedly supported by Ugandan forces. The local population feared forcible recruitment, a deterrent factor which kept the city's population low although there was now no other major impediment to return. However, those who had settled in Rhino camp did start returning, settling in relatively safe places around Yei because of attacks on the refugee camps by the Uganda National Rescue Front (UNRF) II, a Ugandan rebel movement supported by the Sudanese Government. Refugees were not repatriated in any significant numbers until the signing of the CPA, the vast majority of them returning between 2005 and 2008. Since then the number of returnees has tailed off.

Research challenges

The main challenge in finding a group of IDPs for this study lay in determining who among those who came to Yei during the war are IDPs. The distinction between SPLA soldiers and civilian Dinka IDPs is easily blurred as both belong to the same tribal group. The local population and local authorities see them as a single entity. Both groups tend to refer to themselves as IDPs. During an FGD an SPLA lieutenant referred to the communities he represented as IDPs. This is clearly unfeasible as the Guiding Principles on Internal Displacement makes it clear that combatants cannot be regarded as IDPs. Some IDPs have reportedly forged connections to the SPLA, or pose as SPLA cohorts, to strengthen their position vis-à-vis local communities.

Some people who have come to Yei for reasons not related to displacement (mostly economic migrants) have identified as IDPs in the hope of securing assistance. In 2006, Yei received a number of IDPs who had fled fighting in Greater Bahr el Ghazal and Upper Nile states. The new arrivals were registered and issued with temporary IDP identity documents entitling them to food and other assistance. It would appear that a number of Dinkas already in Yei took advantage to secure IDP registration, thus inflating the figures to 5- 6,000.¹³ The extent of bogus registration is perhaps evidenced by the fact that when in 2006 UNHCR announced registration for voluntary return to places of origin there were only about a thousand who expressed interest. Later in 2006, UNHCR tried to re-open registration but again there was little interest.

III. DURABLE SOLUTIONS

¹³ IDMC interviews, Yei, 2 July 2010.

The GoSS has not done enough to offer displaced Southern Sudanese a genuine choice between the three settlement options of sustainable reintegration at the place of origin (return); sustainable local integration in areas where IDPs take refuge (local integration); or sustainable integration elsewhere in the country.¹⁴ The Government has instead been adamant that all displaced southern Sudanese, both IDPs and refugees, should return to villages of origin.

Most of the two million IDPs who have returned, either from the north or from elsewhere in Southern Sudan, have done so spontaneously. In 2008, only 20 per cent of IDP returns were organised.¹⁵ For many displaced people return is the preferred option once certain conditions are met, but for many others the long-term nature of their displacement means that return to their original homes is neither possible nor desirable. After years, or sometimes decades, places of displacement have become home as people become urbanised through livelihoods opportunities and access to education and medical services. This applies particularly to people who sought safety in Khartoum and other northern towns and cities or those who fled to southern cities such as Juba or Yei. A report by the UK's Overseas Development Institute (ODI) notes that only about ten per cent of returnees who settled in Juba have origins in the Southern Sudanese capital.¹⁶

For some, neither return to villages of origin nor local integration in places of displacement are feasible due to lack of access to land, services or opportunities to re-establish livelihoods. For this group, the only durable solution is resettlement elsewhere, often in South Sudan's rapidly expanding towns and cities. Some of those who end up in urban areas are ex-refugees who returned to their home villages, only to move again in search of better livelihood opportunities. Others are IDPs who either fled directly to the towns or who, like refugees, have come there as a result of having failed to settle in their places of origin. The fact that more than 200,000 IDP returns, about ten per cent of the total, are estimated to have failed indicates the difficulties experienced by returnees.¹⁷ 60 per cent of the returns tracked by the International Organisation for Migration (IOM) and the South Sudan Relief and Rehabilitation Commission (SSRRC) involve women and children staying in places of return alone, while male household heads either return to their place of displacement or go elsewhere to seek work in the hope of sending money to their families.¹⁸

The loss of cattle, the traditional livelihood asset of the Dinka, and the length of their displacement have led Dinka IDPs to adopt livelihoods traditional for Yei area, such as agriculture. Living in the city or its peri-urban area has also meant that access to markets as well as to other income-generation opportunities. Most IDPs in the study group primarily depend on subsistence farming and petty trading in local markets.

¹⁴ According to the Framework on Durable Solutions, a durable solution is reached when “former IDPs no longer have specific assistance and protection needs that are linked to their displacement and such persons can enjoy their human rights without discrimination resulting from their displacement”.

¹⁵ IDMC interviews, Juba, June 2010.

¹⁶ Pantuliano, Sara, Buchanan-Smith, Margie, Murphy, Paul & Mosel, Irina, *The Long Road Home, Opportunities and obstacles to the reintegration of IDPs and refugees to Southern Sudan and the Three Areas*, August 2007, p.9. <http://www.odi.org.uk/resources/download/1022.pdf>

¹⁷ International Organization for Migration, *Total returns to Southern Sudan and Southern Kordofan post-CPA to December 2009*, 2010, p.9. [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/46B63E83369E70E7C12576FE00582070/\\$file/IOM_tracking_returns_annual_report_dec2009.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/46B63E83369E70E7C12576FE00582070/$file/IOM_tracking_returns_annual_report_dec2009.pdf)

¹⁸ *ibid.*, p.11.

Legal framework for responding to internal displacement

In January 2009, the Sudanese Government adopted a national IDP policy, setting out IDPs' rights and the required responses to their needs during different phases of displacement. There is no legal or policy framework for IDPs that is specific to Southern Sudan. The policy recognises the Guiding Principles on Internal Displacement, though they are "considered with interpretation in line with the Interim National Constitution of Southern Sudan, customs, norms and Sudanese traditions."¹⁹ The policy seeks to:

- develop principles that meet IDPs' rights as called for in the CPA and other subsequent agreements, including international and regional accords to which Sudan is a signatory;
- enhance social cohesion, peace and sustainable development in IDP and host communities;
- determine the roles and responsibilities of all actors involved in the planning of projects and programmes concerning IDPs; and
- respond to IDPs' choices with regard to voluntary return. It promotes all three durable solutions (voluntary return to places of origin, integration in the host community or resettlement).

The Humanitarian Aid Commission, representing the Government of National Unity, and the SSRRC of the GoSS are envisaged as coordinating bodies, liaising with national and international actors and providing overall technical support.²⁰ According to Southern Sudan's interim constitution, the functions of the SSRRC include "the repatriation, relief, resettlement, rehabilitation, and reintegration of returnees and internally displaced persons and the facilitation of reconstruction in conflict-affected areas."²¹ The focus of the SSRRC²² has thus far been limited to returns and relief coordination and, to a lesser extent, monitoring and assessment of food security. Its Annual Needs and Livelihoods Assessment (ANLA)²³ measures the sustainability of livelihoods in rural areas for both host and IDP communities. Although the SSRRC is present in all ten states it lacks capacity and resources.²⁴ Some SSRRC offices are not familiar with the National IDP policy.²⁵

¹⁹ Republic of Sudan, Ministry of Humanitarian Affairs, *National Policy on Internally Displaced Persons*, 2009. [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/1D313FB8223D139DC12575C500349C8C/\\$file/GoS+National+Policy+on+IDPs.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/1D313FB8223D139DC12575C500349C8C/$file/GoS+National+Policy+on+IDPs.pdf)

²⁰ *ibid.*

²¹ The interim constitution of Southern Sudan, 2005, para.152.

²² In July 2010, the GoSS created a Ministry for Humanitarian Affairs and Disaster Management. It is intended to raise the profile of humanitarian coordination and advocacy within the GoSS and to complement the continuing work of the SSRRC.

²³ See ANLA 2009/2010 at

http://www.reliefweb.int/rw/rwb.nsf/retrieveattachments?openagent&shortid=SMAR-83546Z&file=Full_Report.pdf and <http://home.wfp.org/stellent/groups/public/documents/ena/wfp216783.pdf>

²⁴ See Refugees International, *South Sudan: urgent action needed to avert collapse*, 26 March 2009, <http://www.refugeesinternational.org/policy/field-report/south-sudan-urgent-action-needed-avert-collapse>

²⁵ IDMC interviews, Northern Bahr el Ghazal, June 2010.

Sudan has ratified the Pact on Security, Stability and Development in Africa's Great Lakes Region, including its Protocol on the Protection and Assistance to IDPs, and on the Property Rights of Returning Populations. However, in late 2010, implementation had not begun. Sudan has not signed the African Union Convention for the Protection and Assistance of IDPs in Africa (also known as the Kampala Convention), adopted by the AU in October 2009.

IV. DURABLE SOLUTIONS FOR DINKA IDPS IN YEI

As the case study group consists of both IDPs (as defined by the Guiding Principles) and returning refugees in situations similar to those of IDPs, local integration as a settlement option does not apply to the whole group. IDPs who settled in and around Yei at the time of the civil war have worked towards a durable solution through local integration. It should be noted though that even among this group some IDPs experienced several displacements within the Yei area following their post 1986 arrival. The returning refugees who are now in IDP-like situations began settling in and around Yei from 1997, but they are working towards a durable solution through settlement elsewhere in the country. The latter formed the majority of the case study group.

When asked if they wished and intended to return to their places of origin, Dinka IDPs said that they did not feel accepted by the local community in Yei, that they had already been displaced several times within Yei and that because of insecurity of tenure they expected to be forced to move again. Although IDPs recognise obstacles to local integration they have not taken any steps towards moving back to their places of origin even though their physical security would not be at risk in areas such as Aweil in Northern Bahr el Ghazal state. Some said that they might consider returning if their physical security and access to water and education in places of origin were guaranteed. IDPs also said that lack of transport prevents return. A further obstacle to return is the loss of their traditional livelihoods and the lack of alternatives in their places of origin. Several respondents said that while their land in the north was still available to them they had lost their cattle, the primary income source, thus leaving them unable to make a living. When asked where they would move if they were evicted from the places they currently occupy illegally, most indicated that they would move to another location in Yei or to another town or city, but not to their places of origin.

Yei lies in the region's most fertile area and does not suffer from seasonal drought like northern areas of Southern Sudan from where the IDPs were displaced. Its proximity to the DRC and Uganda opens opportunities for trade. Respondents were reluctant to state clearly whether they saw local integration/settlement elsewhere in Yei as a durable or interim solution, but their return prospects are minimal and they have made few efforts to go back. The fact they have remained in Yei despite the threat of further displacement suggests an apparent preference for local integration or resettlement elsewhere.

Criteria to measure durable solutions for Dinka IDPs

Some of the criteria that hinder Dinka IDPs' local integration or settlement elsewhere are not specific to their displacement and thus not central to analysing the degree to which durable solutions are available. IDMC's research found that documentation is a problem for both displaced and host communities. A large majority of interviewees reported having no ID at all even prior to the conflict. Obtaining replacements or new documents is time-consuming and expensive. Access to healthcare also is severely limited for both displaced and local

communities. During FGDs there were complaints that healthcare is generally unaffordable, forcing many to rely on traditional community healers. Dinka IDPs did not indicate feeling discriminated against in public life, respondents saying they were registered in Yei for censuses and elections.

Access to justice will not be analysed because there is insufficient information. The information that was obtained from Dinka IDPs tends to conflict with that from the local community. Further research and verification is needed.

Restoration of housing, land and property

“Land and natural resources are increasingly contested in the Southern Sudan and in the volatile post-conflict setting these issues trigger and fuel local violence. Controversies are related to, inter alia, the return of IDPs and refugees, urban expansion and increased competition for land and access to natural resources, partially incompatible interpretations of SPLM/A policy of ‘land belongs to the people’, and institutional fragmentation and dissolution of administrative capacity.”²⁶

Until the Land Act for Southern Sudan was passed in 2009, land issues were dealt with under customary law. The legislation created a pluralistic framework by recognising the co-existence of statutory and customary legal systems. The Act seeks to recognise “customary law and practices related to land owned by communities as part of the normative system of land regulation as long as they are consistent with the provisions of the interim constitution of Southern Sudan”.²⁷ The Act requires claimants to file land restitution claim within three years of the legislation coming in to force, i.e. by 16 February 2012. Given that the Act has not been widely disseminated and that the majority of the returning population is unaware of its provisions, many may find themselves without legal redress by the time they get around to making a claim. The Land Act also states that the claims have to be made through the Southern Sudan Land Commission. This is a Juba-based institution without offices in all states.

There is friction over land and property in Yei between, on one side, Dinka IDPs and SPLA soldiers who remained during the war and seized land and, on the other, members of the local population, most of whom left the area during the war and have only started returning in recent years. IDPs found deserted land in Yei and began settling it more than a decade ago. As many members of the local community fled to Uganda it was often impossible to ascertain the rightful owners of the land, or to ask for permission to settle on it. IDPs and SPLA soldiers feel that they have a legitimate claim over the land they occupied, especially those who fought for it and/or have since invested in their houses and plots. Members of the local population who began returning after the CPA feel that they are the rightful owners of the land, that it is part of their tribal identity, and that current occupants have no right to remain on it.

In light of conflicting land claims, restitution as a remedy for the returning resident population does not necessarily offer an equitable and just solution for all parties. Any solutions should accommodate both the returning resident population and the IDPs. The 2009 Land Act

²⁶ Øystein H. Rolandsen, “[Land, Security and Peace Building in the Southern Sudan](#)”, PRIO, 2009, <http://www.prio.no/Research-and-Publications/Publication/?oid=52183332>

²⁷ The Land Act, 2009, Section 5(c).

provides a legal framework to deal with land and restitution issues, but it lacks both clarity and the resources to implement it.

The procedure for filing a land claim depends on whether the occupied plot lies on officially recognised/demarcated urban land or communal rural land which has not been officially surveyed and zoned.²⁸ In the countryside around Yei, where land administration follows customary principles²⁹, property problems range from the occupation of land by individuals to conflicts between entire communities. The most serious problems have arisen in and around Yei, where rights as regards urban land plots are meant to be protected by statutory law, but where the situation is undermined by the encroachment of powerful military actors.³⁰

If contested land is in a rural area, then customary law courts will try to broker an agreement between competing parties. Such cases usually rely on witnesses, neighbours and other community members providing information on demarcation points such as trees and graves. The authorities are empowered to allocate claimants alternative plots of land where appropriate, and where IDPs are bona fide occupants and have constructed tukuls (traditional, circular mud houses with a thatched roof) or made other investments in the property. They may rule that the returning resident must compensate the occupant. These traditional methods of seeking justice are popular and are usually the first step in resolving restitution claims. They are accessible, familiar to the communities involved, and both cheaper and quicker than statutory procedures. Rulings by traditional authorities are rarely appealed via statutory institutions.

However, customary procedures have a number of limitations. Years of civil conflict have weakened the role of traditional authorities, resulting in a lack of respect for their decisions. There is a shortage of chiefs with experience of resolving land disputes³¹ and customary authorities lack enforcement sanctions. Whether a decision is respected depends whether communities and individuals feel morally or socially bound by it. As traditional authorities are not conversant with broader legal frameworks, their decisions often contradict international human rights standards, such as the right to equality and freedom from discrimination. One such example is that under customary law women can only access land through their husbands or male relatives, but cannot own or inherit land themselves.³²

When a disputed plot is in a demarcated zoned urban area responsibility for mediation falls in the first instance to the County Department of Housing, Urban Planning and Public Utility. This body should act in accordance with relevant legislation such as the 2009 Land Act, the interim constitution of Southern Sudan and the CPA. If mediation fails, the case is referred to the Yei First Class County Court, the Yei Second Class County Court and the High Court. According to the Land Act, land disputes should be referred to a special land department of the High Court. However these institutions are yet to be established and most people do not

²⁸ According to the 2009 Land Act, customary institutions have jurisdiction over communal land allocated mainly in rural areas; statutory institutions have jurisdiction over land allocated in urban areas that is demarcated.

²⁹ The Land Act, 2009.

³⁰ Norwegian Refugee Council, *Case Study – NRC-ICLA Capacity Building for Land Adjudicators in Southern Sudan*, 2010, unpublished.

³¹ Norwegian Refugee Council, *Procedures for Acquisition of Land in Yei County*, 2009, unpublished.

³² Maliamungu, Godfrey, *The Women's positive customary rights among the customary laws of the Kakawa, Pojulu, Nyambara, Baka, Mundu and Avukaya communities*, November 2009, Central Equatoria State, Southern Sudan.

have access to the High Court which is located in Juba. The First Class Magistrate in Yei does, however, have authority delegated by the High Court to hear cases on its behalf. In theory, law enforcement agencies should implement and monitor any decisions that are taken by statutory institutions. In practice, however, IDMC interviews say this is unlikely if the person illegally occupying a plot is an armed actor. There has been some progress in dealing with SPLA personnel in illegal occupation.³³ NRC's Information, Counselling and Legal Assistance (ICLA) programme has managed to establish dialogue with some armed illegal occupants to successfully resolve a restitution claim, but many still act with impunity. In FGDS several returnees said that they had been forced to abandon claims after receiving threats from the soldiers or ex-combatants occupying their plots.

There are, some positive examples of restitution claims being resolved in way that accommodates the interests of both parties.³⁴ In several cases statutory bodies have decided that a claim should be upheld, but that the claimant should compensate the occupant as the latter had acted in good faith. Furthermore, statutory authorities have occasionally ruled in favour of the claimant but awarded the bona fide occupant an alternative plot, or in cases where the plot was deemed large enough to accommodate both claimant and occupant, by dividing the plot between both parties.

Housing

Principle 18 of the Guiding Principles states that all IDPs have the right to an adequate standard of living and that “at the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide [them] with and ensure safe access to ... basic shelter and housing”. According to the 8th Principle of the Inter-Agency Handbook on Housing and Property Restitution for Refugees and Displaced Persons, adequate housing includes security of tenure, availability of services, materials, facilities and infrastructure, affordability, habitability, accessibility, location and cultural adequacy.

Eighty-five per cent³⁵ of Yei's population lives in tukuls. Residential areas generally lack access to basic services and infrastructure, such as electricity, clean drinking water and sanitation. Dinka IDPs live in tukuls with wooden walls plastered in mud and ash mortar. The roofs are made of grass, bamboo and wood. Tukuls consist of a single space with a dirt floor. Doorways are generally hung with cloth, and during the rainy season, inhabitants pile up sand in the entrance in an attempt to keep out rainwater. Some bigger tukuls have a window. A circular structure of wooden planks with no roof serves as a shared bathroom. Several households share a pit latrine but residents told IDMC researchers that they also practice open defaecation. In Mahad, IDMC researchers found that many houses had holes in their roofs and that rooms were thus generally damp and cold. Windows are unglazed and some have tin shutters. Some houses have concrete floors, others dirt floors covered in plastic sheeting. The kitchen, normally a couple of bricks, logs and a cooking pot, is normally on the porch. All interviewees in Mahad are from female-headed households. As a rule, each household occupies a single room, inhabitants sleeping on mattresses on the floor. Some rooms have simple furniture such as plastic tables and chairs. Walls are plastered but crumbling. Women

³³ IDMC interview with the judge of the Second Class Court, Yei, October 2010.

³⁴ Examples taken from NRC Yei ICLA Land and Property Cases, Customary and Statutory Courts Yei River County, 2010. Not public.

³⁵ GFA/Gitec, *Feasibility Study for the Establishment of a Poverty Oriented Development of Water Supply and Sanitation Services for Yei*, 2010.

fetched water at a nearby hand pump, a facility shared with the host community and the scene of frequent tension and disputes.

Around 70 per cent³⁶ of the city's population, and most Dinka IDPs, have no security of tenure. What makes Dinka IDPs more vulnerable is that, unlike the original inhabitants of Yei, they do not have customary tenure. Therefore their only option is to either try to secure temporary tenure of a non-registered plot through chiefs and community leaders or to secure a demarcated and registered plot. The problem in Yei is that there are currently no newly zoned plots and that the procedure for allocation of new plots which is under development privileges locals.³⁷

Facing tenure insecurity, it is hardly surprising that hardly any Dinka IDPs have invested in improving the houses they occupy. If they build new structures they use temporary materials. The Dinka IDPs interviewed said that they intended to stay in Yei, even if they had to move again within the area, but they did not show a particularly strong attachment to their homes. Neither did they make much effort to approach the local community about formalising their ownership rights. They said that at one point they tried to meet the local chief, but that the meeting had never taken place.

The photographs that IDPs took did not focus on housing, but were mostly concerned with livelihoods, fetching of water, preparation of food and inadequacy of sanitation. This may reflect resignation at having to live in sub-standard conditions. After multiple displacements Dinka IDPs may not regard "home" as a stable physical structure.³⁸ Some researchers argue that southern Sudanese have lost the notion of home as the "stable physical centre" of their lives. One notes that after multiple displacements and lives lived mostly on the move that movement can become "a habit, and perhaps even more a 'culture'."³⁹ The apparent lack of importance that Dinka IDPs attach to housing issues may also be influenced by the previous lifestyles in the places of origin, where they lived semi-nomadic lives, relying on cattle herding in the dry season and growing millet in fixed settlements during the rainy season. When Dinka IDPs were asked how displacement had most significantly affected them, food and livelihoods were frequently mentioned, not housing.

Mahad is unplanned and has no road system. Occupying houses vacated by their owners during the war, Dinka IDPs pay no rent. Interviewees said that they had not asked local community leaders for permission to stay in the houses, and that they were aware they might have to leave if or when the owners return. Insecurity of tenure and, in some cases previous experience of eviction means the occupiers are reluctant to improve their homes or make other long-term investments, despite having lived in Mahad for up to 13 years. The interviewees have generally occupied more permanent, brick-built houses with tin roofs, but these have not been renovated since the owners left.

³⁶ GFA/Gitec, *Feasibility Study for the Establishment of a Poverty Oriented Development of Water Supply and Sanitation Services for Yei*, 2010.

³⁷ Interviews held by IDMC with Yei Department of Housing, Urban Planning and Public Utility, July and October 2010.

³⁸ Hanaa M. Taha, *The Perception of Urbanity in a Condition of Displacement. Internally Displaced Persons (IDPs) in Sudan*, March 2008, www.sudan-forall.org/sections/ihitiram/pages/ihitiram.../Hanaa-M-Taha.pdf.

³⁹ *ibid.*

Dinka IDPs living in the area around the Kembe stream were initially settled in the centre of Yei. As noted, when they arrived after 1997 most houses in Yei were empty because the local population had been displaced. Dinka IDPs are aware that the land belongs to the local community. They report that as they are occupying houses whose legal owners would return they have made no improvements or other investments. Some had already been evicted as members of the local community returned. SPLA soldiers, on the other hand, often resort to violence to resist eviction and to prevent owners entering their properties. Locals are opposed to the Dinka IDPs settling on communal land and have asked them to leave several times. To reach the city centre, Dinka IDPs have to cross a makeshift bridge made of tree trunks and branches over the Kembe stream. They said that sometimes people fall in the stream when crossing after dark. They also said that when they moved to their current location it was just “bush”, but that they have cleared the land, cut back the thicket, burned off the grass and started cultivating near their homes.

Safety and security

State security institutions in Southern Sudan are weak and ill-equipped to respond to high levels of criminality.⁴⁰ There are insufficient trained professional police officers. Law enforcement in Yei has been described as “embryonic”.⁴¹ Demobilised SPLA soldiers remain the main source of recruitment for the police service.⁴² Many have received no formal police training and are unprepared to deal with civilian matters.⁴³

Public order and protection of civilians are of great concern for both locals and Dinka IDPs. In Mahad there is a maze of narrow paths without vehicular access to many areas, making it hard for law enforcers to rapidly respond. Distance from the police station is another factor compromising security. Police officers themselves complained that the police force in Yei is under-staffed, under-trained and poorly equipped. The force has only one motor vehicle. Those who seek police help are often asked to pay for officers’ transport, making many residents reluctant to call them. Another reason for not calling in the police is because criminals are thought to enjoy impunity. A female informant in Atlabara alleged that “criminals are released after two or three days and the same people steal again.” A male informant in Hai Gabat claimed criminals know that police can be bribed. Another noted this is unsurprising “because it is a way for policemen to survive as they do not get paid or their salaries are delayed.”

Dinka IDPs in the area around the Kembe stream said they are subjected to verbal insults from the local community. This particularly affects Dinka IDP women who reported getting into occasional fights with local women while queuing to collect water.

⁴⁰ Betty Araba, “The Threat Posed by Availability and Inadequate Control of Small Arms and Light Weapons (SALWs) to Post-Conflict Reconstruction: The Case of Southern Sudan”, Paper submitted in partial fulfilment of the requirement of the Masters of Arts (MA) Degree in Humanitarian and Development Practice, Paper submitted in partial fulfilment of the requirement of the Masters of Arts (MA) Degree in Humanitarian and Development Practice, Oxford Brookes University, July/August 2007.

⁴¹ Small Arms Survey, *GoSS security challenges and recent responses*, May 2009, <http://www.saferworld.org.uk/downloads/pubdocs/SIB-14-conflicting-priorities.pdf>

⁴² Lokuji, A. S., Abatneh, A. S. and Wani, C. K., *Police Reform in Southern Sudan*, North-South Institute, Ottawa, June 2009, <http://www.nsi-ins.ca/english/pdf/SSR%20Sudan.pdf>

⁴³ UNDP, *Foundational Support to Southern Sudan Police*, April 2006, <http://www.sd.undp.org/doc/Juba%20Office%20prodoc/Foundation%20Support%20S.S.Police%20sdg12.pdf>

Members of the local community complain that illegal occupants use force to discourage rightful owners from making restitution claims. The heavy SPLA presence in Mahad sometimes heightens tensions with locals but offers solace to IDPs, one nothing that “we feel safer because of the SPLA presence nearby because we know the soldiers are protect us”. Locals, however, often see armed soldiers as sources of insecurity. A woman in Hai Tarawa reflected a common sentiment: “not all Dinkas are soldiers, but even if not, they will get clothes from the soldiers, and will behave like soldiers.” Another resident in Mahad said the problem lay not so much with the SPLA but with the failure to differentiate between the army and the police when dealing with crime and insecurity: “The SPLA does not follow any procedure. They react immediately. The way the soldiers deal with small criminals is that they torture them and sometimes just shoot on the spot, while police would not do it in that way.” Dinka IDPs, when seeking action to redress a crime, turn to the SPLA, rather than the police.

In Mahad, tensions occasionally led to exchanges of fire.⁴⁴ SPLA soldiers not only seize land by force but are often said to refuse to pay for alcohol they buy from local women and threaten them if they demand payment.

FGDs with Dinka IDP women produced evidence that poverty had forced many into early marriages. For highly vulnerable families marriage offers an opportunity to alleviate the perceived burden of caring for a woman. A recent report by the UN Development Fund for Women (UNIFEM) found that displacement in Southern Sudan tends to increase the occurrence of gender-based violence as a consequence of “social upheaval and mobility, disruption of traditional social protections, changes in gender roles and widespread vulnerabilities”.⁴⁵

Education

During the war access to education was highly problematic and often disrupted. Even relatively fortunate refugees in Uganda had limited access. Upon their arrival in Yei, repatriated children continued studying the Ugandan syllabus. In 2005, the GoSS began introducing its own curriculum and phasing out the Ugandan one. In Yei, the two curricula are still taught. Pupils from first to fifth grade are taught the Southern Sudan syllabus while higher grades still use the Ugandan syllabus. In 2008, the Southern Sudanese Ministry of Education, Science and Technology (GoSS-MoEST) and the Ugandan Ministry of Education and Sports established a mechanism for the evaluation and authentication of Ugandan qualifications.⁴⁶ This enables access to tertiary education in Southern Sudan for those who have studied the Ugandan curriculum. The GoSS-MoEST published its Southern Sudan education bill in 2008, but it is still to be passed by the GoSS parliament, leaving the ministry without educational laws or legal framework.⁴⁷ Once passed, the Act should provide the legal basis for an education system in Southern Sudan.

⁴⁴ SOSA News, “CES YEI: Deadly Shooting Left 10 People Dead,” 27 August 2010, <http://sosanews.com/2010/08/27/ces-yei-deadly-shooting-left-10-people-dead/>

⁴⁵ UNIFEM, *Final report on gender based violence and violence against women in Southern Sudan*, June 2009.

⁴⁶ Ministry of Education, Science and Technology, Government of Southern Sudan, *A report submitted to the committee of education, research, science and technology of the Southern Sudan legislative assembly*, 5 September 2008.

⁴⁷ Jesuit Refugee Service, *Southern Sudan: Considerable achievements since launch of “Go to School” campaign*, 7 June 2010, [http://www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/ASAZ-86GFSM-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/ASAZ-86GFSM-full_report.pdf/$File/full_report.pdf).

English is the language of instruction in both Uganda and Southern Sudan. This is not a problem for repatriating refugees from Uganda but it is for those returning from northern Sudan who have been educated in Arabic. Dinka, Nuer, Nuba and Mundari children displaced to Yei are often enrolled in lower grades than they were attending prior to displacement.⁴⁸ IDPs who arrived with documentation proving their level of education were placed in corresponding classes in Yei, but those without documentation had to sit an assessment test. As the tests were in English, children from the north of Southern Sudan fared badly.

Dinka IDPs interviewed do not speak the Kakwa dialect of the Bari language spoken by Yei's largest indigenous community despite living in the area for years. The language of communication between IDPs and locals is Juba Arabic, a lingua franca spoken mainly in Equatoria province. Only IDP children who go to school with the local children learn Kakwa. The challenge of simultaneously learning to speak, read and write in English and to learn to speak Kakwa puts IDP children at a considerable disadvantage, at least at the start of their post-displacement education.⁴⁹

Given community tensions, school compounds are among the few venues where local and Dinka IDP children mix. While informants from both communities welcomed the fact that their children interact local people did point out that quarrelling among children reflected tensions between their parents' communities. They cited an incident in which a local boy struck a Dinka IDP boy. Dinka IDPs then confronted the child's parents, demanding compensation. The local community then warned their children to take care when playing with Dinka IDP children and to avoid confrontations with them.

The cost of schooling is a deterrent for many Dinka IDPs. Widows in Mahad report that as they cannot afford school fees most of their children do not go to school but instead work as street vendors. Children from Dinka IDP families in the area around the Kembe stream reported similar financial constraints keep their children out of school, girls helping around the house or collecting firewood for sale and boys helping their father as agricultural labourers. To make matters worse, school fees are unpredictable. Whenever there is a shortfall in Government funding, and the state is unable to pay teachers, fees are increased.

Families unable to afford to send all their children to school prioritise boys.⁵⁰ When girls do manage to get enrolled they are more likely than boys to drop out. As they get older, there is increasing demand for them to do housework, which has a detrimental effect on their performance at school. There is also a cultural belief that girls belong in the home and not in the classroom, and they are often forced into early marriage to relieve financial pressure on their families.⁵¹ Those Dinka who arrived in the area around the Kembe stream as returning

⁴⁸ IDMC interview with Yei Department of Education, Yei, June 2010.

⁴⁹ The researcher was not trained to conduct interviews with children, so information was collected through FGDs with Dinka IDP women and adults from the local community.

⁵⁰ IDMC interview with Yei Department of Education June 2010; Interview held by IDMC with Yei County Youth Association (YECOYA), Yei, July 2010.

⁵¹ Ministry of Education, Science and Technology, Government of Southern Sudan, *A Report submitted to the Committee of Education, Research, Science and Technology of the Southern Sudan Legislative Assembly*, 5 September, 2008.

refugees from Uganda said that their attitude towards education had changed as a result of their experience. They reported they now no longer prioritised boys over girls and that today, if forced to choose, they send their most able children to school regardless of their gender.

Livelihoods and access to water and food

Dinka IDPs have adopted coping strategies to meet their food needs. They report that lack of food was one of the most serious consequences of their displacement and that their diet in Yei has changed substantially. As cattle herders they lived off milk and meat but now primarily depend on vegetables and other cultivated crops. Dinka IDPs in the area around the Kembe stream have resorted to illegal subsistence farming on occupied land. Their diet consists almost entirely of “greens”, a collective term for vegetables, sorghum, maize, cassava, sweet potato, beans and millet. They earn money by digging fields for local people. For preparing a 20m² plot they receive five Sudanese pounds (\$2.12). A small bag of dried fish that they might buy at market to help diversify their diet costs two Sudanese pounds (\$0.85). If they have surplus produce from their own fields they sell it at the local market, where women trade in vegetables, grass for construction and firewood and men usually sell charcoal. If they are able to generate enough money, Dinka IDPs may buy goats. They are also sometimes paid with goats if locals who casually employ them do not have cash. This arrangement suits Dinka IDPs as they are used to working with livestock and the goats give them milk, a valued nutritional supplement. In the annual lean period of June and July they sell their animals and use their earnings to begin the next round of cultivation.

The major constraint to sustainable livelihoods is tenure insecurity. They face a constant threat of relocation and loss not only of their place of residence but also the crops they are growing. The fact that they sometimes work for local people has not been enough to establish social networks between the two communities. Now that they live on the outskirts of the city, and no longer inside it, they also face longer journeys to and from market.

Displacement has left women, especially widows in Mahad, particularly vulnerable and prone to rights violations. All of the women interviewed said that their workloads had increased significantly since their displacement. They do not own land nor do they resort to illegal occupation of land in order to farm. They rely almost entirely on working in exchange for goods or minimal payment. Brewing and selling beer provides one source of income, but, as noted, SPLA soldiers often refuse to pay. What little cash they are able to earn is spent almost entirely on food.

Dinka IDPs' access to water is also an obstacle to local integration. In some cases, water disputes lead to conflicts with the local community. A recent study⁵² on water supply in Yei reported that Mahad, which hosts a high percentage of Dinkas, is often the scene of conflict over water.⁵³ It found Mahad had insufficient water for its population of 19,316 people. Its six working hand pumps and six standpipes are only enough to serve around 6,000 people, according to SPHERE standards.⁵⁴ Women are usually responsible for household water management and IDP women in Mahad said that they frequently got into fights with local

⁵² GFA/Gitec, *Feasibility Study for the Establishment of a Poverty Oriented Development of Water Supply and Sanitation Services for Yei, Southern Sudan Concept Report - Final Version*, 2010.

⁵³ *ibid.*

⁵⁴ Sphere Project standards suggest a rough guideline of 500 people per hand pump and 400 per public or communal tap, based on a flow of 16.6l/min to guarantee a basic level of service.

women when queuing at water points. Although they pay a flat rate of five Sudanese pounds (\$2.12) per month for water, they said that they were not always allowed access to water points. This could be a tactic deployed by property owners to coerce IDP squatters to leave. When describing disputes at water points local people said that the presence of Dinka IDPs and SPLA soldiers had increased pressure on existing water sources and that IDP women pushed local women to the back of queues, looking to SPLA troops for support.

Dinka IDPs in the area around the Kembe stream have no source of safe drinking water within walking distance. They fetch water from the stream, 15 minutes on foot from their settlement, and use it for drinking, cooking, and washing, but they do not boil it. Local authorities have not responded to their request for a borehole.

V. A WAY FORWARD

Indigenous communities in Yei harbour much negative sentiment towards Dinkas in view of their role in the SPLA during the second Sudanese civil war. They are seen as the driving force behind the rebel group which looted their villages, forcibly recruited local boys and extorted food and livestock.⁵⁵ This historical resentment is perpetuated by the fact that Dinkas still dominate the SPLA, have occupied land and houses belonging to local people and continue to use force and intimidation to coerce the rightful owners.

Nearly 20 years since their displacement most of the criteria for achieving local integration of Dinka IDPs have not been met. Durable solutions for Dinka IDPs remain a distant prospect. There has been no political will to resolve tensions between different ethnic groups or find solutions to land access constraints that would accommodate non-local communities. The authorities have been inactive, leaving it to the local community and humanitarian and development actors to support both IDPs and the local community. Dependence on external actors is not sustainable. Their numbers are declining in the areas of Southern Sudan that cease to be regarded as affected by humanitarian emergencies and inflexible donor funding remains focused on short-termism. As humanitarian actors depart, development actors are not moving in, thus leaving displacement-affected populations without assistance.

There are several issues around obstacles to IDP integration in Yei which need to be addressed:

Baseline data and realistic programme design: The lack of reliable socio-economic baseline data on IDPs in Southern Sudan must be addressed. ANLA focuses on food security and livelihoods but does not provide a full profile of IDP protection gaps nor comprehensively cover all ten states. A comprehensive multi-sectoral assessment of IDP protection gaps would enable the GoSS and international actors to develop realistic multi-sectoral strategies and programmes to comprehensively address IDP protection gaps. Planners should recognise that Southern Sudan's absorptive capacity is extremely low. To be comprehensive, a multi-sectoral assessment should stop focusing primarily on the newly displaced and also consider the needs of IDPs in protracted situations who have been largely neglected by current assessment mechanisms.

⁵⁵ Cherry Leonardi, "Violence, Sacrifice and Chiefship in Central Equatoria, Southern Sudan, Africa 77," pp.535-558, 2007.

Community stabilisation through reconciliation: Achieving durable solutions hinges on meaningful dialogue with the different communities involved. Yei County authorities have made very little effort to do so. In the run-up to nation-wide elections in April 2010 the County Commissioner's office facilitated a series of "harmonising meetings", attended by members of the local community and representatives of civil society and religious groups. However, they have not been held subsequently. The authorities should reconvene them as they have potential to be a forum for frank discussion of issues which could spark conflict. They should also encourage the formation of boma-level fora to bring together communities when problems arise: chiefs and women group leaders should act as facilitators of dialogue and, ideally, be trained in violence prevention and peace building.

Youth initiatives: Schools have proved venues to bridge community differences. The Yei County Youth Association⁵⁶ is a civil society initiative arising out of incidents between Dinkas and Mundari. Youths from the two communities involved were so enthused by the idea that they have continued to hold to regular meetings. The initiative has thus far been limited to the IDP community from Bahr el Ghazal but should be rolled out to other communities.

Demarcation of new plots accessible to all: A concept land use plan for Yei has recently identified some key land issues. A key initial step is relocation of the SPLA barracks away from civilian areas, a move which should reduce the availability of weaponry in civilian areas. Customary land rights should be addressed. IDPs have no customary tenure because they are not original inhabitants. The land authorities should support, as a temporary measure, securing IDPs non-demarcated plots through liaising with chiefs and communities and ensuring they receive temporary tenure. As a longer-term solution, they should zone new areas and register plots open to all applicants regardless of their place of origin. Environmental issues should be considered when surveying new plots. Land authorities should also ensure that men and women have equal access to land: women should be able to apply and be allocated a plot of land in their own right and not be required to do so in the name of through a husband or a male relative.

Enhancing land administration capacity: The fact that the Southern Sudan Land Commission is Juba-based and lacks offices in all states is a major constraint which must be addressed. The GoSS should allocate resources and train staff. An interim solution, already being implemented in Yei, is for the High Court to delegate First or Second Class Magistrates (in locations where they exist) to hear cases on its behalf.

Expanding services to rural areas: Yei County authorities plan to encourage people to settle in rural areas rather than in the city where little land is available for cultivation. Experience in Yei and elsewhere shows that utility providers are only prepared to invest in providing services to official settlements. Thus, zoning of new authorised areas is imperative. Significant resources are needed to provide newly demarcated areas with basic services. There is a pressing need to expand healthcare services outside the city town. There is currently only one hospital serving the whole of Yei boma.

⁵⁶ IDMC interview with Juma David Augustine, chairman of Yei County Youth Association (YECOYA), July 2010.

Two-track donorship needed: While floods, droughts and conflict require emergency humanitarian interventions to meet IDPs' most pressing needs those IDPs in protracted displacement situations often need development assistance. NGOs must intensify dual programming which combines support for durable solutions with emergency response. It is essential to target both the host community and IDPs for in protracted situations both may be equally affected by displacement. Meeting the protection needs of IDPs in protracted situations requires multi-year commitment and flexibility from donors.

Reconciliation: Durable solutions for IDPs will not be achieved without the participation of non-local actors. Many of the obstacles to local integration of IDPs derive from the GoSS's preference for the status quo and failure to foster lasting inter-tribal reconciliation.

Decentralisation: Scope for achieving durable solutions for the Dinka IDP group studied, and for others in similar situations elsewhere in Southern Sudan, significantly depends on transparency in local law enforcement and administration. Current weaknesses do not provide a solid foundation for good local governance and only serve to undermine trust in local public institutions.