

**Human Rights Council****Twenty-sixth session**

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development****Report of the Special Rapporteur on the human rights of
internally displaced persons****Mission to South Sudan^{*}, ^{**}***Summary*

The Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, visited South Sudan from 6 to 15 November 2013. The visit, the mandate holder's first to the country since it declared its independence in 2011, was conducted at a time where tensions were high and led to the violence that broke out in December 2013 and escalated into an armed conflict that not only worsened the situation of those who had been displaced before the crisis, but resulted in an even greater displacement and protection crisis.

The main finding made by the Special Rapporteur was the absence of adequate capacities and institutional preparedness to prevent or to respond to internal displacement in the short, medium and long term. As the primary responsibility of assisting and protecting internally displaced persons rests with the authorities, their institutional capacity must be strengthened. The current displacement situation also requires a review of institutional changes within the United Nations Mission in South Sudan, as well as of the humanitarian and human rights protection system in place in the country. Most notably, utmost care must be given to preserve humanitarian space and to ensure that humanitarian and protection principles are not further infringed.

* Late submission.

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Prevention is now the priority. In order to prevent a further increase in internal displacement and to allow for dignified living conditions and a solution for the displaced, it is essential that all parties abstain from any act that exacerbates the current situation and that they adhere to the Cessation of Hostilities Agreement of January 2014 and applicable rules of international law. The complexity and scale of the internal displacement situation also demands a response based on a comprehensive policy framework, consideration of the different groups of internally displaced persons in South Sudan, and their immediate and long-term needs

Report of the Special Rapporteur on the human rights of internally displaced persons: mission to South Sudan

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I. Introduction

1. In accordance with the mandate of the Human Rights Council contained in its resolution 23/8, and at the invitation of the Government of South Sudan, the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, conducted an official visit to South Sudan from 6 to 15 November 2013 in order to examine the situation of internally displaced persons in the country, including South Sudanese returning from the Sudan. Although the conclusions and recommendations of the Special Rapporteur were based on his observations and the information made available to him during the visit, the mandate holder also considered the events that broke out in December 2013 and were escalating during his visit. His observations were informed by the Guiding Principles on Internal Displacement and other international standards relevant to the protection and assistance of internally displaced persons.

2. The Special Rapporteur conducted his visit eight years after the signing of the Comprehensive Peace Agreement of 2005, which had brought an end to one of Africa's longest-lasting armed conflicts that had resulted in widespread internal displacement in the Sudan. It was the first visit of a United Nations mandate holder on the human rights of internally displaced persons to South Sudan since its independence from the Sudan in July 2011. The Special Rapporteur undertook a visit to the Sudan in November 2012. Visits had been made to the Sudan by previous mandate holders on the human rights of internally displaced persons in 2002 (E/CN.4/2002/95/Add.1), 2004 (E/CN.4/2005/8) and 2005 (E/CN.4/2006/71/Add.6).

3. The Special Rapporteur expresses his appreciation to the Government of South Sudan for its invitation, constructive engagement and willingness for ongoing cooperation with the mandate holder. The Special Rapporteur met with government interlocutors, including the Minister for Foreign Affairs, the Minister of the Interior, the Under Secretary for Humanitarian Affairs in the Ministry of Gender, Child and Social Welfare, the Chairperson of the South Sudanese Return and Rehabilitation Committee, the Chairperson of the National Constitution Review Commission, the Chairperson of the South Sudan Human Rights Commission, the Chairperson of the South Sudan Land Commission and the Chairperson of the South Sudan Commission for Refugee Affairs. During his travels to Bor and Pibor in Jonglei State, he met with the acting Governor and other local authorities as well as with the Sudanese People's Liberation Army (SPLA) Brigade Commander. Security and logistical constraints prevented visits to other areas affected by internal displacement, including the three protocol areas. The Special Rapporteur expresses appreciation to the internally displaced persons and South Sudanese returnees with whom he met and who shared their concerns and experiences with him.

4. The Special Rapporteur also met with the Special Representative of the Secretary-General and Head of the United Nations Mission in South Sudan (UNMISS) and relevant units of the Mission in Juba and Bor, the United Nations Resident and Humanitarian Coordinator in South Sudan, the United Nations country team and the Inter-Cluster Working Group, representatives of the United Nations and of other international organizations, the protection clusters in Juba and Bor, non-governmental organizations and civil society, as well as representatives of the donor community. The Special Rapporteur is grateful to the Office of the United Nations High Commissioner for Refugees (UNHCR), and UNMISS, which provided invaluable support during the preparations for and throughout the visit.

II. Context of internal displacement in South Sudan

5. Given the complex, multi-faceted and layered nature of the situation of internal displacement in South Sudan, it needs to be addressed in the light of the country's peace and security context and the prevailing political, socioeconomic, cultural and climatic conditions.

A. Peace and security context

6. The Republic of South Sudan declared its independence as a sovereign State on 9 July 2011, following the holding of a referendum in January 2011, the culmination of a six-year-long peace process initiated with the Comprehensive Peace Agreement of 2005, which sought to bring an end to the long conflict between the North and the South.

7. At the time of the mission conducted by the Special Rapporteur, the world's newest country had yet to recover from decades of war. The armed conflict between the Sudan People's Liberation Movement/Army (SPLM/A) and the Government of the Sudan had lasted from 1956 to 1972, and resumed again in 1983 (see A/HRC/23/44/Add.2, para 14). While the Addis Ababa Agreement of 1972 conceded some degree of autonomy to Southern Sudan, the fragile stability it afforded barely allowed for recovery and stabilization; in 1983, armed conflict resumed when the autonomy concessions granted to Southern Sudan were unilaterally withdrawn. The Comprehensive Peace Agreement formally ended the conflict in 2005, when the Government of National Unity and an autonomous Government of Southern Sudan were formed, in Khartoum and Juba respectively. Peace remained nonetheless fragile throughout the transition period, which ended with the referendum in 2011.

8. The conclusion of nine post-referendum agreements – on matters ranging from security, the status of nationals of the other State, border issues, trade, banking and postal affairs, oil and other economic matters, as well as cooperation – between the Sudan and South Sudan in 2012 was an important step towards addressing outstanding post-secession issues between the two countries. Despite a brokered peace, tensions remain high in South Sudan, particularly in the disputed area of Abyei, while conflicts in the protocol areas of South Kordofan and Blue Nile and along other borders continue to undermine the stability of South Sudan.

9. After independence, the focus on the relations between the Sudan and South Sudan had become more inward looking. This made the causes of internal displacement, including internal armed conflict, intercommunal and ethnic violence, human rights abuses and political instability, even more visible, as demonstrated by the complex conflict in Jonglei State. While intercommunal violence in Jonglei State is recurrent, the dimensions and extent of the politicized violence between the Dinka Bor, the Lou Nuer and the Murle reached new heights in early 2012. Disarmament efforts by the SPLA further increased tensions and animosity between these population groups, given that the SPLA was perceived to be biased, selective and abusive. The rebellion led by David Yau Yau and the counter-insurgency operation by the SPLA increased the level of violence in Jonglei State, while reports of cases of abuse by counter-insurgency forces against civilians created an atmosphere of fear and insecurity.

10. At the time of the visit by the Special Rapporteur, political tensions in the Government and the SPLA were already high following the dismissal of the former Vice-President and the entire Cabinet in July 2013. The end of the wet season in November generated fears that the armed conflict between the SPLA and the armed group led by David Yau Yau would resume in Jonglei. There were significant ethnic indicators in the

patterns of flight. The Dinka Bor were fleeing to Uganda, the Lou Nuer to Ethiopia and the Murle to informal settlements in and around Juba and remote rural areas, alleging that they were the target of “ethnic cleansing” and marginalization. The violence that broke out in Juba in December 2013 during an alleged military coup was therefore foreseeable. Its rapid spread (seven of ten States are currently affected by ongoing armed conflict)¹ and increasing political focus on ethnicity led to the re-emergence of the inherent fragmentation of the country’s political movements, army and former liberation movement, and revealed the depth of the governance crisis in South Sudan. The intensity, scale and persistence of violence in South Sudan today amounts to a non-international armed conflict.² Though often depicted as simply a two-party conflict, its dynamics are fluid, fragmented and complex. The conflict has multiple forms of impact on all communities, and opened a political chasm in the task of State-building, as well as deep-rooted social and economic grievances.

B. Political and socioeconomic context

11. South Sudan is confronted with challenging tasks and ever competing priorities as part of its State-building process. One crucial task that has yet to be accomplished is the transformation of the SPLM/A from a liberation movement into an effective, functional government that can assure public services. The SPLM/A was itself a coalition of political and military forces allied to the cause of Southern Sudan during the armed conflict and throughout the transition under the Comprehensive Peace Agreement from 2005 until independence in 2011, but suffered from a lack of political cohesion as an armed force. Against this background, the dismissal of the entire Cabinet and the Vice-President in July 2013 laid bare the existing political and military divisions in the political, governance and military structures of the SPLM/A, leading to great political instability in the new Government, widened the political and military divide along ethnic lines and resulted in the outbreak of a violent conflict within the SPLA in December 2013. The peace negotiations that commenced on 5 February 2014 in Addis Ababa facilitated by the Inter-governmental Authority on Development create hope for the resolution of the political and governance crisis, alongside the Cessation of Hostilities Agreement concluded on 23 January 2014.

12. Efforts to achieve national cohesion, reconciliation and accountability have been insufficient, and have given rise to tensions and violence along ethnic lines. The sheer ethnic diversity of South Sudan demands the establishment of an effective civilian government with adequate and fair representation of all ethnic groups in public affairs at the national and local levels; diversified representation in State security bodies, such as the army and the police force; a transparent and participatory constitutional process; equal and non-discriminatory access to social services and employment irrespective of ethnic origin; transparent planning of elections; and abstinence from one-sided military or other State security interventions as essential measures to improve national cohesion. The transformation of the SPLA from a liberation movement into a professional armed force of the State, with effective command-control structures and military discipline, is also essential and requires capacity-building, training and restructuring. Similar efforts are required to transform the police into a trained and accountable police service.

13. The State of South Sudan was established on the basis of the exercise of the right to self-determination by the people of South Sudan, and therefore on the foundation of human

¹ See Office for the Coordination of Humanitarian Affairs, South Sudan crisis, situation report of 4 January 2014, report number 7.

² UNMISS, “South Sudan now internal armed conflict, says UN”, News Story, 17 January 2013.

and peoples' rights. These rights are vital in building national cohesion and play an essential role in the State-building process, as they reflect shared values of the people of South Sudan, the State, the region and the international community, as reflected in the Charter of the United Nations and the Constitutive Act of the African Union. Justice and equity are primary values supported by human rights and the foundations of national cohesion and State-building. While South Sudan is a signatory to the main United Nations human rights treaties and the African Charter on Human and Peoples' Rights, the ratification and the implementation of these instruments are vital to the stability of the country and the well-being of the South Sudanese people.

14. The dependence of South Sudan on oil is a source of vulnerability, given that the economy is largely based on subsistence agriculture and pastoralism. The end of oil production in 2012 following the State's political and economic disagreements with the Sudan had a significant impact on its economy. According to a census conducted in 2008, more than 50 per cent of the South Sudanese population of 8.26 million people live below the poverty line. Some 83 per cent of the population live in rural areas, of which 78 per cent depend on crop farming and animal husbandry as their primary source of income generation; rural-based livelihoods are therefore largely subsistent and often vulnerable to climatic shock. The climate is characterized by a high rainfall variability that causes significant flooding every year in large parts of the country, from April and May through to October and November. Crop destruction and animal loss during the wet season are common and have an impact on rural livelihoods. During the wet season, national and international actors alike face serious access constraints in the absence of logistical riverine support. Food insecurity is common and widespread during the wet season; national and international actors should address this issue as a humanitarian concern, including by pre-stocking food items during the dry season but also through development activities, such as diversification of crops and, more broadly, of subsistence livelihoods.

III. Internal displacement in South Sudan: causes, dynamics and patterns

15. The complex issue of internal displacement has a long history in South Sudan. Constant disputes with the Sudan, insecurity in other neighbouring States and politicized ethnic violence and armed conflicts within South Sudan combine to form a precarious peace and security environment, both internally and regionally. Indiscriminate attacks against the civilian population and lack of accountability for human rights violations also contribute to internal displacement,³ as do political instability, the absence of a transparent and inclusive process towards national cohesion and the climatic vulnerabilities of South Sudan. The lack of economic diversity and in particular the large percentage of the population with subsistence livelihoods in the pastoral and agricultural sector render it even more vulnerable to displacement.

16. In such a complex environment, the identification of an internally displaced person can be difficult, while disagreement over notions and concepts can undermine coordinated planning and response. The definition of internally displaced persons in the Guiding Principles on Internal Displacement provides a common understanding: internally displaced persons are "persons or groups of persons who have been forced or obliged to flee or to

³ Principle 5 of the Guiding Principles on Internal Displacement calls upon authorities and international actors to respect and ensure respect for international law so as to prevent and avoid conditions that might lead to displacement of persons.

leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.” This is a descriptive notion of an internally displaced person and is not intended to create a legal or administrative status for such persons.

17. The identification of an internally displaced person in South Sudan is difficult given the vast variety of causes of displacement prevalent there. Often, displacement cannot be attributed to a single cause, because causes may overlap or have increased the negative impact on displaced communities. Some of the causes are recurrent, resulting in cycles of displacement, often of the same communities. This creates complex layers of multiple displacement and further increases prevailing vulnerabilities.

18. Internal displacement is not only a reaction to such causes, but may also be pre-emptive, such as in the context of the outbreak of violence in December 2013. The population of displaced persons is itself highly diverse, and includes women, men and children, persons with disabilities, the wounded and sick, the elderly and young people. Some of the displaced have lived in long-term displacement, while others are newly displaced or for shorter periods. Pastoralists account for a large proportion of the internally displaced population. In Jonglei, when the fighting between the SPLA and the group led by David Yau Yau raged in urban strongholds, internal displacement was predominantly rural, as people fled to the surrounding countryside. Urban displacement is, however, also a reality in Juba and elsewhere in South Sudan, in particular since the conflict that broke out in December 2013. Not all displaced persons are visible or accessible; some have even chosen to remain in hiding out of fear of further exposure to violence or persecution.

19. In the absence of a baseline, data on internal displacement are limited to persons newly displaced by conflict and violence and who have been registered and assisted. Within these limitations, the Office for the Coordination of Humanitarian Affairs in South Sudan reported a total of 168,000 internally displaced persons in 2012, and approximately 188,000 by 30 November of 2013.⁴ In the last two weeks of December 2013, the number of displaced persons spiked; the Office reported at least 194,000.⁵ Almost 330,000 people were in need of assistance owing to flooding, including those displaced.⁴ Gaps in data are primarily due to access restrictions, a situation that is complicated further by the absence of documentation. The lack of a baseline, the complex terrain and the sheer mobility of populations makes tracking their movement, necessary for more accurate data, difficult. Coordinated data collection and management has remained an important challenge in the response to the current conflict; its lack undermines projections and proactive humanitarian planning.

20. The above-described context demands a pragmatic approach in order to identify internally displaced persons in South Sudan and to formulate adequate policy and operational responses. The displaced persons in South Sudan in fact comprise not a homogenous group but a highly diverse one, which includes those displaced by armed conflict, intercommunal and ethnic violence, human rights violations or cross-border incursions; those displaced by natural disasters; those displaced by evictions; and the long-term displaced and returnees of South Sudanese origin. Special consideration ought also to

⁴ Office for the Coordination of Humanitarian Affairs, South Sudan Humanitarian Snapshot, 30 November 2013.

⁵ Office for the Coordination of Humanitarian Affairs South Sudan Crisis Situation Update, January 2014.

be given to communities inhabiting borderlands, and those displaced in or from the disputed Abyei area.

A. Conflict-related internal displacement

21. Armed conflict is the main driver of internal displacement in South Sudan. It is related to intercommunal, politically ethnicized violence, human rights violations and cross-border incursions. Cattle raids and other intercommunal violence flare up regularly across the country, in particular during the dry season, when pastoral migration takes place. The nature of cattle raiding has indeed changed, and today has little to do with traditional or cultural forms of raiding. While cultural habits or competition over resources continue to take their toll, intercommunal violence is essentially about political domination and power relations at the local level. While traditional dispute settlement mechanisms are today a rarity, rangeland management systems are also undermined by a breakdown of social cohesion and generational structures in communities largely attributable to the militarization of communities during the civil war.⁶ The proliferation of small arms and weaponry and the increased ethnicization of land are also significant contributors to such violence. Intercommunal violence has clearly resulted in internal displacement in various States of South Sudan, and was indeed a recurrent phenomenon in Warrap, Lakes, Unity, Upper Nile and Jonglei States in 2012 and 2013.

22. In Jonglei State, intercommunal violence between the Dinka Bor, the Lou Nuer and the Murle communities have resulted in large-scale and repeated internal displacement. Restrictions to humanitarian access have, however, made it difficult to assess the real scale of displacement. The conflict between the group led by David Yau Yau, largely consisting of Murle youth, and the SPLA has added to the complexity and scale of internal displacement, as civilians have fled to rural areas. Counter-insurgency operations have in fact been fought primarily over urban strongholds, such as Boma, Likuangole, Gumuruk, Manyabol, Maruwa Hills and Pibor, which have been virtually deserted.⁷ Targeted use of force against and indiscriminate attacks on civilians, rape, looting, and the destruction of homes and other property have been a constant feature of the conflict and resulted in widespread arbitrary displacement prohibited in international law.⁸ The environment of fear created by these atrocities has also resulted in pre-emptive displacement, and remains a major obstacle to the return and re-establishment of internally displaced persons. The generalized affiliation of the Murle with the insurgency led by David Yau Yau brought an ethnic dimension to the conflict, leading to the victimization of the Murle. Despite a formal truce between the insurgency group and the SPLA, peace remains precarious. During his visit, the Special Rapporteur noted that the town of Pibor appeared to be a SPLA military garrison, predominantly composed of Dinka and Nuer, with hardly any civilians inside. As the provision of humanitarian assistance outside Pibor was hampered by access restrictions, the situation generated a dilemma between the humanitarian imperative and the principle of “do no harm”. Women and children are largely the recipients of humanitarian aid, given that Murle men were prevented from access to distribution points inside Pibor town by the risk of affiliation with the insurgency led by David Yau Yau. The separation of women and children increased their exposure to violence, and the risk of abduction and harmful

⁶ Internal Displacement Monitoring Centre, Norwegian Refugee Council, “South Sudan: A comprehensive response to internal displacement is crucial”, 9 July 2013, p. 8.

⁷ Office for the Coordination of Humanitarian Assistance, South Sudan: Humanitarian Snapshot of Pibor region, Jonglei State, 18 July 2013.

⁸ See Guiding Principles on Internal Displacement, Principles 10 (2), 11 (2) 21 and 6.

traditional practices. The militarization of communities, ready availability of small weapons and the degree of intercommunal violence in Jonglei State prompted the Government to make efforts at disarmament. The disarmament campaign (“Operation Restore Peace”), however, escalated in violence and was widely perceived as one-sided, further increasing intercommunal tensions. Human rights violations were reportedly committed during disarmament campaigns, adding to the widespread internal displacement in Pibor county. While a small number of SPLA soldiers have been court-martialled over human rights violations, and despite condemning rhetoric by President Salva Kiir in May and July 2013, a transparent investigation establishing effective accountability for acts committed against civilians has yet to be conducted, a fact that deepens further mistrust in the SPLA.

23. The armed conflict that broke out in December 2013 has become increasingly entrenched along ethnic lines and resulted in a large-scale displacement and protection crisis, with a severe regional impact owing to the refugee influxes into neighbouring countries. Acts prohibited by international humanitarian law and human rights law, including violence against civilians, rape and sexual violence against women, looting and the destruction of property⁹ mark the nature of the conflict; populations reportedly believe they are targeted on account of their ethnic origin. According to an update by UNMISS of 26 February 2014, a total of 75,643 people sought refuge on the UNMISS premises in Juba, Bor, Bentiu, Pariang, Rumbek, Malakal and Melut, while an estimated 716,500 were displaced elsewhere in the country.¹⁰ Despite the signing of the Cessation of Hostilities Agreement on 23 January 2014, violence continues. The Special Rapporteur calls upon all parties to the conflict to comply with international law,¹¹ to refrain from attacking civilians and to exercise utmost restraint in their belligerent activities, in keeping with the principle of distinction between civilians and military targets, in order to minimize the impact on the civilian population, including internally displaced persons.

24. The safety and security for internally displaced persons and other civilians during flight and in places of refuge is a serious concern. By virtue of State responsibility, national authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.¹² Attempts by the armed forces, government officials and armed groups to force their way into areas protected by the United Nations for displaced persons in Bor, and the attack in Bentiu, during which a significant number of displaced persons were killed, are cause for alarm. The Government should recall that it is required to refrain from such acts.¹³ Killings, arrests, abductions, rape and harassment impede the safe passage of civilians in flight or on return and undermine their freedom of movement, in particular their right to seek safety.¹⁴ Internally displaced persons seeking refuge outside United Nations premises are often difficult to reach owing to logistical and security constraints to humanitarian access, the looting of humanitarian convoys and compounds or the lack of safety of humanitarian personnel. Displaced persons are often also unable to reach assistance and distribution points owing to safety concerns.

⁹ See Guiding Principles on Internal Displacement, Principles 10 (2), 11 (2) and 21. See also Crisis in South Sudan (report coverage 15 December 2013 – 31 January 2014), UNMISS interim report on human rights, 21 February 2014.

¹⁰ Office for the Coordination of Humanitarian Affairs, South Sudan crisis, situation report of 20 February 2014, report number 21.

¹¹ Guiding Principles on Internal Displacement, Principles 2 and 5.

¹² *Ibid.*, Principles 3 (1) and 25 (1).

¹³ See “Statement attributable to the Spokesperson of the Secretary-General on South Sudan”, New York, 19 January 2014.

¹⁴ Guiding Principles on Internal Displacement, Principle 15 (a).

Even within United Nations bases, the chronic need for improved sanitation facilities, shelter and health conditions remain to be addressed. Family separations and child protection issues constantly arise; family reunification and tracing remain critical yet complex activities in the current environment of insecurity. Reports on the recruitment of children (article 15 of the Convention on the Rights of the Child prohibits the recruitment of children under the age of 15), teenagers and adults into the formal military forces and youth militia are also a significant concern.¹⁵

25. Internally displaced persons who have sought safety inside areas protected by UNMISS face overcrowded conditions in which they are vulnerable to politicized ethnic tensions and health hazards. The bases in Juba have become the refuge for 43,300 displaced persons¹⁶ and are struggling to take in new arrivals. While decongestion is important, displaced persons should not be induced or pressured to leave UNMISS bases, but allowed to decide voluntarily when to do so. Decongestion should be based on a strategy embedded in a comprehensive, forward-looking approach to internal displacement. UNMISS may need to negotiate additional or alternative land in order to execute its mandate to protect civilians in accordance with the mandate given by the Security Council, the UNMISS protection of civilians strategy and international standards.¹⁷ Physical protection in the sites and in their vicinity must remain a priority. Recent violent events, including the attack in Bentiu, the firing of shots into sites, cases of rape and abduction just outside the United Nations base and the discovery of weapons within protected areas are all matters of great concern. While the Special Rapporteur welcomes the efforts to strengthen protected areas, he emphasizes that perimeter security must be reinforced further with regular patrols. To ensure security within sites, civilian and community-based policing is required. Protected areas for civilians should be fully disarmed, particularly given that tensions among displaced persons run high and the risk of conflict in the sites is constant. Owing to the capacity constraints of UNMISS in addressing humanitarian needs, humanitarian actors have begun to assist displaced persons despite fact that some protected areas are located on military premises. Humanitarian independence and humanitarian principles must, however, also be upheld in the light of the conflict dynamics, the integrated mandate of UNMISS and its relations with the Government.

26. With regard to internally displaced persons outside United Nations premises, the Special Rapporteur cautions against the establishment of camps (see A/HRC/19/54), which are an easy target and difficult to secure, manage and maintain (particularly in the context of the prevailing ethnic tensions). Camps can in fact become a significant impediment to the achievement of a durable solution. Rather, communities in areas hosting displaced persons should be involved in the planning of responses to ensure their absorption and hosting capacity. Full-scale resumption of activities to protect civilians outside United Nations bases must be a priority in order to ensure the physical safety of the displaced outside the bases and to secure (or even pacify) areas to which displaced persons might consider returning.

¹⁵ See *The Prosecutor v Thomas Lubanga Dyilo*, International Criminal Court, 14 December 2006.

¹⁶ Office for the Coordination of Humanitarian Assistance, South Sudan Crisis: Humanitarian Snapshot, 14 February 2014.

¹⁷ Such as the principles and minimum standards outlined by the Sphere Project in its handbook, *Humanitarian Charter and Minimum Standards in Humanitarian Response*, 2011.

B. Displacement related to natural hazards

27. Internal displacement owing to natural disasters is a recurrent phenomenon in South Sudan. Such displacement is sometimes short term, given that the displaced return to their homes once the event has subsided. Recurrent displacement may, however, have a significant impact on the resilience of people living in disaster-prone areas, including the destruction of their livelihood, their homes and basic infrastructure. According to information received by the Special Rapporteur from the South Sudan Protection Cluster, in 2013, the wet season affected more than 313,000 people in more than half of counties in South Sudan. The most affected States were Jonglei, Warrap, Unity, Upper Nile and Lakes, which are also most affected by conflict-induced displacement.

28. The Special Rapporteur notes the Government's proactive response to the flooding situation in 2013 and the allocation of 7 million South Sudanese pounds for relief efforts. Disaster risk reduction and management and similar development measures, as well as cross-border cooperation on riverine management, can be effective means to prevent the displacement of persons and to protect their livelihoods. The Special Rapporteur received reports on land allocation to returnees of South Sudanese origin in flood-prone areas. While a land allocation scheme is commendable as a step towards a more durable solution, flood-prone areas should be excluded from it, given that they may result into a greater risk of new displacement.

C. Internal displacement due to evictions

29. Development projects, which may also entail evictions, are another cause of internal displacement. Although not yet a large-scale phenomenon, eviction-related displacement was observed particularly in urban areas, including in Juba, Aweil, Wau and Rumbek. While development is a legitimate aim, any ensuing evictions should be proportionate and justified by legitimate and overriding public interests of not to be considered arbitrary and thus illegal.¹⁸ To facilitate the implementation of development projects and at the same time minimize related displacement, eviction guidelines compliant with international standards (see A/HRC/4/18, annex I) can be useful.

D. Long-term internally displaced persons and returnees of South Sudanese origin

30. The internally displaced in South Sudan include persons displaced during the civil war. These people, who have yet to find a durable solution to their protracted displacement, should be considered in a strategy for South Sudan that addresses their situation. The displaced include returnees of South Sudanese origin who have been unable to find a durable solution upon their return.

31. The resumption of the conflict in 1983 left more than 2 million dead and 4 million of Southern Sudanese origin internally displaced. Half of the displaced sought refuge in Khartoum.¹⁹ Overall, it is estimated that half of the population displaced during the civil war have returned to South Sudan²⁰ following the ceasefire in October 2002, and in

¹⁸ Guiding Principles on Internal Displacement, Principle 6 (2) (c).

¹⁹ E/CN.4/2006/71/Add.6, para. 6.

²⁰ Internal Displacement Monitoring Centre, Norwegian Refugee Council, "South Sudan – A comprehensive response" (see footnote 7), p. 6.

particular after the signing of the Comprehensive Peace Agreement in 2005. Monitoring returns was difficult given that most displaced persons had been scattered outside camps and displaced multiple times, but also on account of the vastness of the country, continued insecurity and their traditional nomadic mobility.²¹ The international operation facilitating the voluntary return of South Sudanese displaced persons led by the International Organization for Migration continues to the present day. Nonetheless, South Sudanese returnees in way stations reported a negative social climate and incidences of harassment and discrimination that urged them to return to South Sudan (A/HRC/23/44/Add.2, paras. 54 – 59).

32. Mere return is not equivalent to a durable solution, and many returnees of South Sudanese origin lack a solution to their displacement just as other internally displaced persons do. The policy of the Government of South Sudan for returnees to return to their rural areas of origin is overly restrictive, despite the incentive of free land. Challenges in allocating and demarcating land, uncertainty over tenure security, lack of adequate services and the absence of social networks remain major impediments to the reintegration of returnees in rural areas. Many returnees who have become adults and returned from urban environments often lack rural livelihood skills. Urban solutions must be made accessible and become part of urban planning schemes to prevent an uncontrolled growth of makeshift slum areas and sub-standard housing. This is particularly important in the light of the general rural-urban migration trends in South Sudan.

33. Local integration in the greater Khartoum area has been the preferred durable solution for others who were internally displaced during the second phase of the conflict; some of them have been living well integrated lives there as nationals for many years, even generations. Their status following independence has become precarious, especially since the amendment made by the Sudan to its 1994 Nationality Act following the outcome of the referendum on independence in South Sudan, which provides for the automatic revocation of Sudanese nationality “if the person has acquired, de jure or de facto, the nationality of South Sudan.” While States have, as a matter of sovereignty, great discretion in deciding whom to admit as nationals of their country, laws and decisions should not be discriminatory or arbitrary;²² in matters of State succession, there is a right of option with regard to the choice of nationality. This provision in the Nationality Act generates a risk of statelessness, a situation that should be prevented in cases of secession in good faith so as not to deprive arbitrarily or discriminatorily former nationals of any nationality. The Framework Agreement on the Status of Nationals of the other State and Related Matters regulates (a) residence, (b) movement, (c) economic activity and (d) the right to acquire and dispose of property, which each State has to ensure for the nationals of the other State. The issuance of national documentation is a condition for the implementation of the Framework Agreement and hence for the enjoyment of these rights, and for South Sudanese to regularize their status in the Sudan. Greater cooperation in providing nationals with the relevant documentation, as provided for by the agreed implementation matrix, therefore remains a matter of urgency for South Sudan. The implementation of the Framework Agreement is critical to prevent statelessness and to provide those who were internally

²¹ Ibid. para. 8.

²² Both the African Commission on Human and Peoples’ Rights (*Modise v. Botswana*, Communication no. 97/93 ((2000)) and the Human Rights Committee (CCPR/C/35/D/196/1985) based a prohibition of the right to nationality and citizenship on articles 3(2) and 26 respectively. See also article 5 (d) (iii) of the International Convention on the Elimination of All Forms of Racial Discrimination, which prohibits distinctions in the area of nationality based on race, colour, or national or ethnic origin.

displaced in the Sudan before independence with a durable solution through local integration.

E. Internal displacement in the borderlands

34. Communities living in the borderlands, in particular nomadic communities regularly crossing the new borders as part of their traditional nomadic mobility, also deserve special attention. A forcible halt to their strategic mobility along their traditional migratory paths could render their nomadic living space inaccessible, with an impact similar to that of internal displacement on sedentary populations. The maintenance of a soft border, the facilitation of human and livestock mobility and the special arrangements for transhumance – as provided for in the agreement between the Sudan and South Sudan on border issues – will be essential if the displacement of nomadic communities in borderlands is to be prevented.

F. Displaced persons in Abyei

35. The Special Rapporteur was unable to visit Abyei during his visit to the Sudan and to South Sudan. The situation in Abyei requires, however, special consideration given its unresolved status, claimed by both States as part of their territory. Although temporary arrangements for the administration and security of the Abyei area have been agreed upon by both States, the Cooperation Agreement leaves the determination of the final status of Abyei to the Presidents of both the Sudan and South Sudan, while the proposal on the final status of Abyei tabled by the African Union High-level Implementation Panel for the Sudan in 2012 supported the organization of a referendum, to be respected by both States, was based on the concept of soft borders. The unilateral referendum held in October 2013 had therefore no legal bearing on the situation. The fact that the final status of Abyei remains unresolved has created specific problems connected with the situation of those persons displaced in and from Abyei. According to the Guiding Principles on Internal Displacement, having crossed an internationally recognized State border is a key element to assessing whether internal displacement has occurred. A classification of this group of persons displaced in and from Abyei would not only prejudice the resolution of the status of Abyei but also risk making them pawns in the contesting claims to the territory of Abyei, and thus expose them to unequal and discriminatory treatment, besides undermining their rights.²³ Until the status of Abyei is resolved, those displaced in and from the disputed area should be afforded assistance and protection commensurate with the assistance and protection needs of other civilians.

IV. National and international response to internal displacement

36. The scale and complexity of the internal displacement crisis in South Sudan requires a comprehensive approach to its resolution, particularly given its regionalization and the impact on security and stability in the region. As a State member of the International Conference on the Great Lakes Region, the ratification of the Pact on Security, Stability and Development in the Great Lakes Region is advisable, given that it would provide a framework for the resolution of internal displacement. The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa could provide

²³ See Médecins sans Frontières, Quarterly Newsletter, September 2013, p. 5.

constructive support for national and international actors in South Sudan when addressing internal displacement in a comprehensive manner. The complexity and multi-layered nature of the displacement situation requires a national policy framework compliant with regional and international standards as an agreed basis for preparedness, for prevention of and response and solutions to internal displacement.

37. The primary responsibility to assist and protect internally displaced persons rests with national authorities.²⁴ While the important role played by the Return and Rehabilitation Committee of the Ministry of Humanitarian Affairs and Disaster Management ought to be acknowledged, concerns remain with regard to the weak civilian structures and the lack of an appropriate institutional set-up to address all aspects of internal displacement. Despite the absence of an institutionalized response, the Government of South Sudan remains accountable for the prevention of internal displacement, for not arbitrarily displacing people, for assisting and protecting them and for supporting durable solutions. Such a responsibility must be exercised in an equal and non-discriminatory manner, irrespective of the ethnic origin of the displaced persons and in full recognition that those persons are civilians.

38. The international community plays an important role in the response to internal displacement where authorities are unable or unwilling to assist and protect internally displaced persons. In South Sudan, this role is shared by the humanitarian system, including the protection clusters, UNMISS and the donor community. The Security Council, on the basis of its determination that the situation in South Sudan constituted a threat to international peace and security, in its resolution 1996 (2011), established UNMISS as an integrated mission with a broad mandate, encompassing State- and capacity-building, conflict prevention and resolution, as well as the protection of civilians as a core function. During his consultations with the Special Representative of the Secretary-General, the Deputy Special Representative and relevant units of UNMISS in Juba and Bor, the Special Rapporteur expressed his concern at the limited institutional preparedness and capacity of UNMISS to address an internal displacement situation, in particular a situation inside an UNMISS protected area. While welcoming the development of the protection of civilians strategy in 2012 and the guidelines on civilians seeking protection at UNMISS bases in 2013, he questioned their adequacy (although he acknowledged that they were used by UNMISS on as a last resort measure). The guidelines in particular failed to address the scenarios of large-scale and medium- and long-term displacement. Should displaced civilians remain on United Nations bases for more than a few days, the guidelines suggest that it is preferable for the displaced persons to be “provided physical protection in another settlement or with host families [...] somewhere where they are able to access humanitarian assistance.” The current situation in South Sudan demonstrates the clear need to revise the guidelines and to adapt them to the reality of internal displacement.

39. The Special Rapporteur notes the pressure applied by and to UNMISS to decongest its protected areas and to relocate the displaced persons. Appreciating the concern and the need to address the situation, in particular in the light of the attack against the protection of civilians area in Bentiu, the safety and security of the displaced populations must be the absolute priority of the United Nations. Internally displaced persons should not be forced or induced to leave the areas but allowed to take a voluntary decision based on adequate information provided to them on the situation outside the bases, including in their home areas, or other safe options available to them. Decongestion should be based on a strategy that is part of a forward-looking comprehensive approach to internal displacement, not undertaken as quick stand-alone measure, given that consequences of such a course of

²⁴ Guiding Principles on Internal Displacement, Guiding Principle 3 (1).

action could be severe not only for the displaced but also for the United Nations system itself.

40. Early in January 2014, the UNMISS leadership suspended its State-building mandate in the light of the armed conflict, to which the Government of South Sudan is a party. The suspension was necessary to allow the Mission to carry out its mandate of protection of civilians. The implementation of related activities is most critical not only within United Nations bases but also outside, including by regular patrolling. Nevertheless, the integrated mandate of UNMISS appeared to drift towards political proximity with the Government, which raised questions about the ability of the United Nations to abide by the imperative of the humanitarian principles of neutrality and impartiality, to do no harm at all times, and to make the Government of South Sudan accountable for respecting and ensuring respect for international law. The implications of this appeared, as the events of and after 13 December 2013 showed, to have aggravated, in particular for the humanitarian system in South Sudan.

41. The humanitarian response to internal displacement in South Sudan is particularly challenged by the lack of adequate data, limited humanitarian access and shrinking humanitarian space. Key constraints to humanitarian access include the active and ongoing hostilities; the restrictions on movement of affected populations owing to targeted violence; safety risks for humanitarian personnel, supplies and assets; the politicization and militarization of humanitarian assistance; and the constraints of the physical environment, in particular during the wet season. The development of a humanitarian access plan of action by the humanitarian country team that seeks “to establish and maintain neutral, impartial and independent humanitarian access in all areas affected by hostilities by engaging with all parties to the conflict” is an important effort to improve the constrained operating environment for humanitarian actors, the United Nations and non-governmental organizations alike. Increasing the humanitarian and protection space must be a priority. It is incumbent upon the Security Council, the Emergency Relief Coordinator, the Humanitarian Coordinator in South Sudan and the humanitarian country team, including the cluster leads, and the protection of civilians unit to change and adjust the applicable *modus operandi* to ensure space for protection and humanitarian action operationally grounded in humanitarian principles. The Special Rapporteur welcomes the decision made by the Inter-Agency Standing Committee on 14 February 2014 to request the Emergency Relief Coordinator to appoint a deputy Humanitarian Coordinator with a strong protection background.

42. The Protection Cluster plays a central role in protecting internally displaced persons in South Sudan. The Special Rapporteur commends UNHCR and the Norwegian Refugee Council in South Sudan for their expert leadership of the Protection Cluster. The scale and complexity of internal displacement in South Sudan requires a strong institutionalized response that not only addresses the current displacement crisis but also considers its long-term dimensions. As a forum where expertise, strategic vision and direction and response capacity are channelled, the Protection Cluster is an urgently needed institutional focal point on internal displacement within the humanitarian system. Because of the need for its expertise and direction for the entire humanitarian system, its role requires an elevated authority on all matters of internal displacement in close coordination and cooperation with other clusters.

V. Conclusions and recommendations

A. Conclusions

43. On the basis of his observations made and the information available, the Special Rapporteur concludes that the response to internal displacement in South Sudan:

(a) Requires all parties to the conflict to demilitarize and adhere to the Cessation of Hostilities Agreement of January 2014 and applicable rules of international humanitarian and human rights law in order to protect civilians, including internally displaced persons, to prevent new displacement and to allow for solutions for the displaced;

(b) Also requires comprehensive approaches based on a policy framework and considering the different groups among the displaced, and their immediate and longer-term needs, and their rights- and needs-based priorities;

(c) Should be institutionally adequate, entailing the creation of the necessary institutional capacity within the civilian Government, and considering structural and institutional changes within UNMISS, as well as in the humanitarian system, and their respective relations;

(d) Should be based on humanitarian and protection principles to depoliticize the humanitarian response, improve humanitarian access and increase humanitarian space.

B. Recommendations

1. For the Government of South Sudan and other parties to the conflict, as applicable

44. In reconsidering the primary responsibility of the Government of South Sudan to assist and protect internally displaced persons, the Special Rapporteur strongly urges civilian authorities, in particular the Relief and Rehabilitation Commission and the Commission on Refugee Affairs, to plan and implement a process leading to the establishment of a comprehensive policy framework on internal displacement in accordance with regional and international standards and drawing from the guidance of the Pact on Security, Stability and Development in the Great Lakes Region, the protocols thereto and the Guiding Principles on Internal Displacement. Ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa is urgently required to provide a comprehensive basis for protecting and assisting internally displaced persons;

45. Prevention of new displacement must be a priority, and requires the establishment of accountability for acts amounting to arbitrary displacement. In particular, the Government of South Sudan, including its armed and police forces, and all other parties to the conflict should refrain from:

(a) Creating conditions leading to internal displacement and violations of human rights and international humanitarian law under all circumstances,²⁵ and should establish accountability for violations committed;

²⁵ Guiding Principles on Internal Displacement, Guiding Principle 5. Paragraph 6 of the Status of Forces

(b) Any military or other activity that arbitrarily displaces people; they should spare civilians from all violence, abstain from indiscriminate attacks against civilians and not target them, including during flight, in places of refuge²⁶ and upon return;

(c) Directly or indirectly inciting communities against each other for political or other reasons.

Other groups, such as the insurgency led by David Yau Yau, irrespective of their legal status, should also adhere to these obligations under all circumstances.²⁷

46. The Special Rapporteur also calls upon the authorities to explore and implement other means:

(a) To prevent intercommunal violence, for example through the establishment of local peace committees, effective policing, grass-roots reconciliation initiatives or awareness-raising, and the reestablishment of pastoral governance systems and a system of game rangers to deal effectively with cattle raiding;

(b) To mitigate the adverse impact of natural hazards on communities, for example through effective disaster risk reduction and mitigation measures, in particular in areas subject to repeated natural disaster.

47. The Special Rapporteur calls upon the authorities at the national and local levels to ensure a demilitarized and depoliticized response to all internally displaced persons, irrespective of their ethnic background; he recalls that they are civilians, and must be protected for that reason.

48. Internal displacement should not last longer than required by the circumstances prevailing in South Sudan and durable solutions must be enabled. The Government of South Sudan and all other parties to the conflict, as well as any other group engaging in armed activities, must contribute to this end.

49. In addition to adherence to the Cessation of Hostilities Agreement and to applicable rules of international law, the Special Rapporteur calls upon the Government of South Sudan and all other parties to the conflict to demilitarize areas of return and local integration for internally displaced persons, and to respect these civilian areas irrespective of the ethnicity of the community settling there.

50. Documentation for all South Sudanese, including for all internally displaced persons and South Sudanese residing in the Sudan, is essential to allow a process leading to a durable solution. The issuance of national documentation is also a condition for the implementation of the Framework Agreement on the Status of Nationals of the other State and Related Matters; the implementation matrix provides for accelerated forms of cooperation in providing nationals with documentation. The Special Rapporteur therefore strongly urges the authorities to ensure and facilitate access to documentation, including by means of simplified procedures to obtain such documentation throughout the entire country. Under no circumstances should internally displaced persons be requested to obtain documentation in unsafe areas.

Agreements requires the Government to ensure that its military forces are acquainted with these rules of international law.

²⁶ Ibid., Guiding Principles 6 and 10.

²⁷ Ibid., Guiding Principle 2 (1).

51. All parties to the conflict must respect and ensure respect for protection and humanitarian principles as the basis on which national and international organizations deliver assistance and protection to internally displaced persons. National and international humanitarian personnel, and their means of transport and supplies, must be respected and protected. The Special Rapporteur calls upon the parties to the conflict to respect these principles. Moreover, it is essential that authorities at the national and local levels, the SPLA and other parties to the conflict remove obstacles to humanitarian access, including administrative impediments, to facilitate the delivery of humanitarian assistance and protection.

52. The Government and all its organs, including the SPLA, should adhere to its obligations under the Status of Forces Agreement of 2011. Most notably, the premises of UNMISS throughout the country, including the areas where displaced civilians are being hosted, should be respected and must not be entered by armed forces and government officials. Concerns over the prevalence of armed elements in UNMISS protected areas should be addressed by the means provided for by the Status of Forces Agreement and in consultation with the Special Representative of the Secretary-General.

2. For the international community

53. The Special Rapporteur calls upon all sectors of the international community in South Sudan to recognize the depth, complexity and real scale of the internal displacement crisis and of the need to address it as a matter of priority. Such recognition should include the formulation of adequate short- and long-term responses to internal displacement and the protection crisis in South Sudan.

54. Institutional capacities on internal displacement should be established and strengthened, not only in the face of the current conflict but also towards the long-term resolution of internal displacement and better preparedness for the future.

55. The Special Rapporteur recommends the creation in UNMISS of an institutional focal point system with expertise on internal displacement that is able to advise the Mission when implementing its mandate in relation to internal displacement, and to mainstream that mandate throughout UNMISS.

56. Given the importance of the protection of civilians component of the mandate of UNMISS, and its critical role and responsibility towards internally displaced persons seeking refuge within protected areas, the Special Rapporteur recommends that the capacity of the Protection of Civilians -Unit of UNMISS be strengthened in general, and more particularly with expertise on internal displacement, which would allow the Unit in collaboration with the Protection Cluster in South Sudan (a) to advise on all protection of civilians activities relating to internal displacement both on and outside UNMISS bases; (b) to review the protection of civilians strategy of 2012, and in particular the guidelines on civilians seeking refuge at UNMISS bases of 2013; and (c) to determine a protection-sensitive approach to address the current situation of internal displacement within protected civilian areas.

57. The cluster system and its role in South Sudan should be strengthened to allow for the best possible humanitarian and protection response. This could be achieved also by ensuring the inclusion of cluster leads in relevant decision-making processes and a regular and standardized presence in the humanitarian country team.

58. The Protection Cluster in South Sudan plays a central role as the institutional focal point on the response to internal displacement within the humanitarian and protection system. To enable it to continue to play its central role, the Special Rapporteur strongly recommends that:

(a) Cluster lead organizations, UNHCR and the Norwegian Refugee Council ensure a fully-dedicated lead and co-lead respectively, and that donors support such a dedicated cluster lead;

(b) The Global Protection Cluster Adviser undertake a technical visit in order to advise the South Sudan Protection Cluster on measures to improve further its functioning;

(c) The Emergency Relief Coordinator elevate the role of the Protection Cluster in South Sudan alongside that of the Humanitarian Coordinator and the humanitarian country team as a whole to ensure that its analytical and strategic expertise, early warning role and response capacity are used to the fullest extent, as a part to the commitment of the United Nations to put rights up front;

(d) The Protection Cluster ensure adequate protection mainstreaming within UNMISS.

59. Access and capacity constraints vary among different humanitarian actors within the United Nations and in international and national civil society. For this reason, a differentiated approach is necessary in humanitarian response, which should be based on an assessment of who is best placed to act where.

60. The response to internal displacement should be depoliticized and based on the rights and effective needs of internally displaced persons. Humanitarian space and humanitarian principles must not be compromised. To this end, the Special Rapporteur recommends that:

(a) The Special Representative of the Secretary-General, in collaboration with the Inter-Cluster Working Group, to re-examine the impact of the mandate of UNMISS, as an integrated mission, on the humanitarian response and the protection of internally displaced persons in the current conflict, considering its former political proximity to the Government and the perception thereof, and take mitigating measures;

(b) The Special Representative of the Secretary-General prioritize and strengthen the Protection of Civilians component of the UNMISS mandate and respective activities within and outside protected areas, and ensure that these activities may be carried out without compromise with regard to other mandate components or capacity constraints;

(c) The Emergency Relief Coordinator re-examine the relationship between the political and humanitarian structure in South Sudan, and in particular review the combined role of the Resident Coordinator/Humanitarian Coordinator/Deputy Special Representative of the Secretary-General, and consider a separation of roles to ensure a neutral, impartial and independent humanitarian and protection response. The appointment of the deputy Humanitarian Coordinator with a protection profile is welcome, but it should be contextualized in the light of the present recommendation and steps taken to ensure that the additional layer does not delay or marginalize further protection from relevant decision-making processes;

(d) The Humanitarian Coordinator and the humanitarian country team, including the cluster leads, affirm and ensure respect for protection and humanitarian principles as the basis of the response to internal displacement in South Sudan with regard to all parties to the conflict, and adapt the modus operandi with UNMISS to ensure a principled humanitarian response to internal displacement.

(e) The humanitarian country team implement the humanitarian access plan of action.

61. The absence of a baseline and restrictions to data collection pose a significant challenge to the response to internal displacement in South Sudan. In order to improve data collection, analysis and management, the Special Rapporteur recommends that:

(a) A single collection platform for data on internal displacement be established, to be managed by the Office for the Coordination of Humanitarian Affairs, with the aim of improving the coordination and use of single-agency data collection, of setting up an agreed methodology for various forms of data collection, and of ensuring standardized analysis and dissemination. The expertise of the Joint IDP Profiling Service may be sought;

(b) The Protection Cluster, in collaboration with other organizations and clusters, consult with the Joint IDP Profiling Service on options to improve the current data capture mechanisms, and to advise on profiling options, in particular to support a long-term response to internal displacement beyond the emergency phase. The Special Rapporteur urges donors to support the initiatives involving the Joint IDP Profiling Service;

(c) UNHCR, in close coordination with the Protection Cluster, explore options to establish a population movement tracking system.

62. The response to internal displacement should be geared towards solutions at an early stage; this involves not only addressing immediate assistance and protection needs but also a strategic long-term response. The Special Rapporteur therefore recommends that the Protection Cluster, in collaboration with other clusters and members of the humanitarian country team and the United Nations country team, and relevant parts of UNMISS, establish a comprehensive framework on internal displacement in South Sudan with a strategic approach to achieve durable solutions, with the following elements:

(a) An overall framework for response that addresses internal displacement due to all causes, the situation of newly, short-term and long-term displaced persons, displaced persons on UNMISS premises and outside United Nations bases. Special consideration will be required for those returning from the Sudan, nomadic communities and those from the Abyei area;

(b) Clarification and reinforcement of the institutional response to internal displacement of the international community in South Sudan to ensure better preparedness and capacity for short- and long-term responses;

(c) A strategy that addresses the short- and long-term responses to internal displacement for internally displaced persons on UNMISS premises as well as those settling elsewhere in the country. Durable solutions should be based on the principles of voluntariness and free choice, and therefore ensure access to true and adequate information on them. The Framework on Durable Solutions for Internally Displaced Persons of the Inter-Agency Standing Committee provides important guidance to achieve durable solutions for displaced persons in South Sudan. The planning and implementation of such a strategy should be informed by profiling the populations and a solutions intention survey.

(d) The New Deal for Engagement in Fragile States and other relevant development planning instruments are encouraged to ensure that durable solutions for internally displaced persons are adequately reflected.