ОРГАНИЗАЦИЯ ОБЪЕДИНЕННЫХ НАЦИЙ **E**

ЭКОНОМИЧЕСКИЙ И СОЦИАЛЬНЫЙ СОВЕТ

Distr.
GENERAL

E/CN.4/2002/95/Add.1
5 February 2002

RUSSIAN
Original: ENGLISH

КОМИССИЯ ПО ПРАВАМ ЧЕЛОВЕКА
Пятьдесят восьмая сессия
Пункт 14 c) предварительной повестки дня

КОНКРЕТНЫЕ ГРУППЫ И ЛИЦА:

МАССОВЫЕ ИСХОДЫ И ПЕРЕМЕЩЕННЫЕ ЛИЦА

Доклад Представителя Генерального секретаря по вопросу о лицах, перемещенных внутри страны г-на Фрэнсиса Денга, представленный в соответствии с резолюцией 2001/54 Комиссии по правам человека

Добавление

Доклад о миссии в Судан*

* Резюме доклада об этой миссии распространяется на всех официальных языках. Сам доклад содержится в приложении к резюме и распространяется только на языке его представления и на арабском языке.

Установочное резюме

По приглашению правительства Судана Представитель Генерального секретаря Организации Объединенных Наций по вопросу о лицах, перемещенных внутри страны, д-р Фрэнсис М. Денг совершил свою официальную поездку в Судан с 11 по 18 сентября. Это было второе посещение Судана Представителем, а его предыдущая поездка в страну состоялась в 1992 году.

В Хартуме Представитель, сам являющийся суданцем, провел открытый, конструктивный и плодотворный диалог с Его Превосходительством президентом Омаром аль-Баширом, первым вице-президентом г-ном Али Османом Мухаммедом Тахой, министрами иностранных дел, международного сотрудничества, информации и связи, высшего образования и обороны, министром при совете министров, министром Федерального бюро, советником президента по вопросам мира, государственным министром иностранных дел, начальником управления внутренней безопасности, губернатором штата Хартум и сотрудниками его администрации, спикером и вице-спикером национальной ассамблеи и генеральным секретарем Совета за дружбу между народами всех стран. Он также встретился с представителями учреждений Организации Объединенных Наций и других международных организаций и неправительственных организаций, а также с представителями дипломатического корпуса и сообщества доноров. Программа включала поездки в поселения перемещенных лиц в Хартуме и его окрестностях, а также в Эд-Деин, Абьейе и Атбару, в ходе которых он встречался с местными властями и самими внутренними перемещенными лицами.

Первоначально, как отмечал Представитель в своем докладе пятьдесят шестой сессии Генеральной Ассамблеи, его вторая миссия должна была состояться в мае 2001 года и предусматривать широкую программу встреч с государственными должностными лицами в Хартуме и с представителями Народно-освободительного движения Судана и его армии (НОДС/А) в Найроби, а также активное посещение поселений перемещенных лиц в районах, контролируемых как правительством, так и НОДС/А. Кроме того, одновременно с майской миссией в Хартуме должно было состояться рабочее совещание по вопросу о внутреннем перемещении, которое было согласовано с правительством и финансирование которого должно было осуществляться по линии Программы развития Организации Объединенных Наций (ПРООН) и проекта Брукингского института - Городского университета Нью-Йорка по проблеме внутреннего перемещения, содиректором которого является Представитель. Аналогичное рабочее совещание было запланировано провести в южной части Судана, в Румбеке, также в сотрудничестве с ПРООН и при поддержке по линии проекта Брукингского института - Городского университета Нью-Йорка.

Как также отметил Представитель в своем докладе Генеральной Ассамблее, в последний момент определенные круги в правительстве по причинам, которые

первоначально не разъяснялись, выступили против проведения миссии и рабочих совещаний согласно намеченным планам, хотя позднее Представитель узнал, что эти причины были связаны с беспокойством в отношении возможного ущемления национального суверенитета (A/56/168, пункт 72). Однако, как одновременно указывалось, правительство заявило, что оно приветствует поездку Представителя в страну с целью обсуждения положения, возлагая надежды на возможное согласование альтернативных мер. Таким образом, миссия, совершенная в сентябре, была явно менее масштабной по сравнению с той поездкой, которая планировалась на май. Она предполагала по существу проведение с правительством и представителями международного сообщества в Хартуме диалога по проблеме внутреннего перемещения в Судане, с тем чтобы заложить основу для более эффективного решения данной проблемы на национальном уровне при поддержке и в сотрудничестве с международным сообществом. Центральной задачей миссии было также обсуждение с властями вопроса, касающегося проведения ранее согласованного семинара в Хартуме.

В этой связи Представитель обсудил с правительством вопрос о разработке национальной политики и стратегии, касающейся внутреннего перемещения, включая создание национального координационного центра и учреждения с четко определенным мандатом деятельности, направленной на удовлетворение потребностей всех затрагиваемых субъектов, при расширенной поддержке со стороны международного сообщества. Наиболее конструктивным итогом миссии, определившим другие результаты, возможно, явилось то, что после преодоления первоначального беспокойства по поводу национального суверенитета с правительством был достигнут консенсус в отношении осуществления планов проведения национального семинара в Хартуме при надлежащей подготовке и участии правительства. Члены правительства согласились провести всеобъемлющее исследование, предусматривающее пересмотр нынешней правительственной политики и разработку стратегий взаимодействия с учетом Руководящих принципов по вопросу о перемещении лиц внутри страны, институциональных механизмов Организации Объединенных Наций и опыта, накопленного в ходе других национальных и региональных семинаров, посвященных проблеме внутреннего перемещения. Правительство также согласилось использовать данное исследование в качестве одного из основных справочных документов для семинара, который должен состояться в Хартуме в 2002 году. Семинар послужит форумом, на котором правительство, учреждения Организации Объединенных Наций, международные и неправительственные организации, сообщество доноров и сами внутренние перемещенные лица в конструктивном духе сообща смогут обсудить национальные меры по решению проблемы внутреннего перемещения и изыскать пути более эффективного осуществления этих мер при поддержке и сотрудничестве со стороны международного сообщества.

Annex

Report on the mission to the Sudan

CONTENTS

		Paragraphs	Page
Introduction	.....	1 - 7	5
I.	THE MISSION AND ITS OUTCOME	8 - 32	7
II.	A CALL FOR HUMANITARIAN LEADERSHIP	33 - 47	14
	A. Taking the lead at the national level	34 - 41	14
	B. Taking the lead at the international level	42 - 47	17
III.	CONCLUSION	48	18

Introduction

1. The Sudan has the unenviable distinction of not only having possibly the largest number of internally displaced persons in Africa, but in the world. At the beginning of 2001, approximately 4 million Sudanese were displaced within the Sudan, while an estimated 420,000 had sought refuge in the Central African Republic, Chad, the Republic of the Congo, Egypt, Ethiopia, Kenya, Uganda, and a number of European States. Additionally, thousands have been resettled in Australia, Canada and the United States of America. Of the 4 million internally displaced, United Nations sources estimate that some 1.8 million are to be found in and around the capital, Khartoum. Approximately 500,000 are dispersed in eastern Sudan and throughout the so-called "transition zone" which runs across central Sudan from Nyala in the west through the Nuba mountains to Damazin in the east. A further 300,000 displaced persons live in Government-controlled towns in southern Sudan while the remaining 1.4 million are displaced in areas under the control of the opposition Sudan People's Liberation Movement and its Army (SPLM/A).

2. While natural disasters, in particular drought and famine and also flooding, have resulted in significant displacement in Sudan, the primary cause of displacement in the country is the civil war that has raged since 1983 between successive Governments and the SPLM/A and the activities of various militia groups allied to one side or the other or acting independently. More recently, it has been reported that oil exploration is also causing displacement.

3. The origins and complexities of the conflict, and the serious human rights and humanitarian situation arising therefrom are extensively documented elsewhere, including in the report of the Representative of the Secretary-General to the forty-ninth session of the Commission (E/CN.4/1993/35), following his first official mission to the country in 1992, and in the annual reports to the Commission and the General Assembly of the Special Rapporteur on the situation of human rights in the Sudan as well as in the reports of human rights and humanitarian non-governmental organizations. While the Representative was able to discuss with the authorities the political developments in the country, with special reference to the conflict and the prospects for peace, the mission was concerned primarily with the conditions of displaced populations and ways in which the Government, in partnership with the international community, might respond more effectively to their needs.

4. The focus of this brief report is limited to discussing the objectives and outcome of the mission, which, from that perspective, was a productive one. The Representative, himself Sudanese, undertook his second official mission to Sudan from 11 to 18 September 2001, at the invitation of the Government. In Khartoum, he engaged in candid, constructive and productive dialogue with H.E. President Omar al-Beshir, the First Vice-President, Mr. Ali Osman Mohamed Taha, the Ministers for Foreign Affairs, International Cooperation, Information and

Communication, Higher Education, and Defence, the Minister at the Council of Ministers, the Minister of the Federal Bureau, the Presidential Peace Adviser, the State Minister for Foreign Affairs, the Chief of the Internal Security Agency, the Wali of Khartoum State and members of his administration, the Speaker and Deputy Speaker of the National Assembly, and the Secretary-General of the Council for International People's Friendship. The Representative also met with senior staff from United Nations agencies and other international organizations and non-governmental organizations, as well as with representatives of the diplomatic and donor communities. The mission programme also included visits to settlements of displaced persons in and around Khartoum as well as to Ed Daien, Abyei and Atbara, during the course of which he met with local authorities and internally displaced persons themselves, and the host communities.

5. Originally, as the Representative noted in his report to the fifty-sixth session of the General Assembly (A/56/168), this second mission was to have taken place in May 2001, at which time it would have involved an intensive programme of meetings with government officials in Khartoum and with representatives of the SPLM/A in Nairobi, as well as extensive field visits to settlements for the displaced in both Government- and SPLM/A-controlled areas. The May mission was to have been combined with a workshop on internal displacement, to be held in Khartoum, which was agreed to by the Government and co-sponsored by the United Nations Development Programme (UNDP) and the Brookings Institution-City University of New York (CUNY) Project on Internal Displacement, of which the Representative is co-director. A similar workshop was to be held in southern Sudan, in Rumbek, also in collaboration with UNDP and with the support of the Brookings-CUNY Project.

6. As the Representative also noted in his report to the General Assembly, at the last moment, elements within the Government opposed the mission and the workshops proceeding as planned, for reasons that were not initially explained, although the Representative learned later they had to do with concerns over potential infringement of national sovereignty (ibid., para. 72). However, as also reported, the Government did indicate that the Representative was welcome to visit the country in order to discuss the situation, with the optimistic expectation that agreement on alternative arrangements could be reached. Thus, the mission as undertaken in September was markedly less extensive than that which had been planned for May. It focused ostensibly on dialoguing with the Government and representatives of the international community in Khartoum on the problem of internal displacement in the Sudan with a view to laying the foundations for an enhanced national response to the problem with the support of, and in cooperation with, the international community. Discussing with the authorities the holding of a previously agreed upon seminar in Khartoum was also central to the objectives of the mission.

7. To this end, the Representative discussed with the Government the development of a national policy and strategy on internal displacement, including the establishment of a national focal point and institution with an express mandate to meet the needs of all those affected, with increased support from the international community. Perhaps the most constructive outcome of the mission on which other results hinged was the unanimous agreement within the Government, once the initial concerns with national sovereignty were effectively addressed, to proceed with plans for the national seminar to be held in Khartoum, with appropriate preparations and contributions on the part of the Government. Members of the Government expressed support for this approach and agreed to undertake a comprehensive study which would review current government policy and develop cooperative strategies in light of the Guiding Principles on Internal Displacement, United Nations institutional arrangements and the experience gained from other national and regional seminars on internal displacement. The Government agreed also to use the study as the main background document for the seminar to be held in Khartoum in 2002. The seminar would provide a forum in which the Government, United Nations agencies, international and non-governmental organizations, the donor community and the internally displaced themselves could discuss, in a constructive and cooperative spirit, the national response to internal displacement and develop ways of enhancing that response with the support and collaboration of the international community.

I. THE MISSION AND ITS OUTCOME

8. The approach taken by the Representative in this and all his country missions, and one which was particularly pertinent to concerns of the Government of the Sudan regarding national sovereignty, rests on the recognition that internally displaced persons fall within the domestic jurisdiction and therefore within the national sovereignty of the States concerned. It is also based on the fundamental assumption that national sovereignty carries with it responsibilities towards the citizens and that under normal circumstances Governments discharge that responsibility. When, for a variety of reasons, Governments are unable to provide their citizens with adequate protection and assistance, they are expected to invite, or at least welcome, international cooperation to supplement or complement their own efforts.

9. As emphasized consistently throughout the mission by the Representative as well as by members of the international humanitarian and donor community, the Sudan is the country worst hit by the crisis of internal displacement. The magnitude of the humanitarian and human rights tragedy involved makes it incumbent upon the Government not only to mobilize international cooperation to address the assistance and protection needs of the displaced in the country, but also to play a leading role at the international level to promote the cause of the scores of millions of people internally displaced throughout the world.

10. This is not to say that the Government is currently oblivious to the plight of the displaced in the country, or to the need for international assistance. Indeed, the United Nations Consolidated Inter-Agency Appeal (CAP) for the Sudan for 2001 observed that during 2000 both national and local authorities and counterparts in the Sudan demonstrated an increased inclination to participate and coordinate humanitarian operations, assessment, planning and decision-making, which it described as a welcome trend that was expected to increasingly characterize working relationships with the international humanitarian community.

11. For his part, the Representative found that since his mission in 1992, encouraging steps had been taken by the Government and the international humanitarian community which went in the general direction of his recommendations at that time, made in light of his visits to displaced settlements on the outskirts of Khartoum and in Abyei on the "border" between northern and southern Sudan.

12. With regard to the camps around Khartoum, as the Representative reported following his first visit, conditions at the camps revealed an unmistakable tension between the range of humanitarian services reported to be provided to the displaced and the obvious resentment the people felt about the inherently degrading conditions of their displacement, far away from home and in relative isolation from the adjacent city. The situation in Abyei, on the other hand, where the people were either indigenous or were displaced but close to their roots further south, contrasted sharply with the conditions in the camps around Khartoum. Although relief supplies had not arrived because the area becomes isolated from the rest of the country during the rainy season, people had managed to survive through their own resourcefulness by cultivating land within the constraints of the territorial restrictions imposed by the security situation, or by gathering wild food from their natural surroundings, despite the limitations of the war conditions. The critical difference between the settlements around Khartoum and those in Abyei was not so much that the people in Abyei were better provided for, but rather that they enjoyed a minimum acceptable degree of security, dignity and autonomy.

13. Several conclusions emerged from the two contrasting cases which the Representative presented to the Government for consideration and which remain valid today. First, whatever services were being rendered, the location of the displaced just outside the city, where they were neither part of the urban community nor in their own natural setting, was inherently degrading, especially as it was popularly believed that they had been removed in order to "clean" the city and rid it of undesirable elements. Secondly, the physical conditions of the displaced as reflected in their shanty dwellings did not adequately compensate for their removal from the city.

14. The alternative approach which recommended itself was that, security conditions permitting, people should be given the choice to go back either to their areas of origin or to

settlements closest to their natural setting, and accorded the protection and assistance necessary for them to resume normal and self-sustaining rural life. Alternatively, those who choose not to go back should be assisted to move freely into any area of the country, including urban centres, and given the necessary assistance to integrate themselves as ordinary citizens. The third alternative proposed by the Representative was that those who choose to remain in the camps should not only be given the services of the kind described to the Representative as necessary, but should also be assisted with materials to build for themselves more appropriate and durable accommodation to help compensate for their isolation from urban conditions.

15. As indicated above, during this last mission, the Representative was encouraged by steps which were being taken by the Government and the international humanitarian community and which went in the general direction of these recommendations. For example, the Representative again visited settlements for displaced persons around Khartoum and also visited Ed Daien, Abyei and Atbara. Although these visits were not extensive, he was able to discern improvements which had occurred as part of an ongoing and at times controversial urban replanning programme around Khartoum. Accompanied by representatives of the Khartoum State Government, as well as the former Minister of Engineering and Housing who, until his retirement a few months prior to the mission, was responsible for the urban replanning programme, the Representative visited areas of Khartoum North, including El Shigla, El Isba, Suk Sita, Karton Kassala, Takamul and Haj Yusef. The contrast between the areas which the former Minister of Engineering and Housing referred to as "treated" and those that were "untreated" was striking. The area of origin of the residents, all of whom were reportedly provided with title to their plots, could be ascertained by the type of housing, as well as the extent of construction. More recent arrivals from conflict areas tended to live in one-room mud housing or basic tukuls in open spaces, and longer-term residents, mostly from different regions of the north, had constructed more substantial housing and fenced compounds. It was evident that the area had been developed and enhanced since the Representative's previous visit in 1992, but that southern displaced populations were still relatively worse off, presumably because they were more impoverished and lacked the resources for self-enhancement.

16. The Representative also visited areas of Omdurman, including Marzuk in Karriri locality, through Dar el Salaam Harras, El Saliheen, Angola, Bank al Ghari Housing Scheme, as well as rather brief tours through Wad el Bashir and Omdurman es Salaam camps. In Marzuk, where little international assistance had been provided for arrivals from the south and Nuba and land allocation processes had not been completed, the living conditions were crowded and very basic. These areas were referred to as being "untreated" by the Khartoum State representatives.

17. The Representative was informed that a planning process was under way in the camps which required residents to be registered and their identity and status checked in order to qualify

for land ownership. A survey had also been initiated which demarcated the future locations of the main streets. It was envisaged that all other streets would subsequently be laid out, and that those who qualified for ownership of plots of land would remove their current shelters and reconstruct houses on the new plots according to the regulations and criteria of the Ministry of Housing. It was explained to the Representative that priority is given to married couples with families and claimants must present marriage and nationality documents. While the merits of these criteria are obvious, they could potentially exclude the needy displaced who are not married and those who have lost relevant papers, especially as it is not clear how easily replacement documentation can be obtained. It also raises concerns about access to land by female-headed households, of which there are a significant number and whose humanitarian needs should receive high priority.

18. Although this process commenced in 2000, it was noted that progress to date has been slow. Concerns were expressed also with regard to the implementation of the replanning programme and in particular the fact that it has often been erratic and poorly communicated to those displaced households directly affected by the process.

19. In addition, the Representative was informed that the process is subject to the limitations of Government-owned land, as a result of which an estimated 6,000-7,000 displaced households may be relocated more to the periphery of the current area of Omdurman and will become further removed from access to health care, education, transport, markets and employment opportunities

20. In terms of assisting the displaced to resettle in areas closest to their natural setting, one initiative in which the Representative is himself involved concerns the resettlement of displaced Dinka households from their present locations in northern Sudan to their areas of origin in the district of Abyei. In December 2000, in recognition of his work in raising the consciousness of and mobilizing the international community with regard to the plight of the internally displaced, the Representative was awarded the Peace and Humanitarian Action Prize by the City of Rome. The prize includes an award of US$ 25,000 to be spent on the activity for which the winner is recognized. At the advice of humanitarian agencies operating in the Sudan, the Representative made the award available to support the establishment of a transit centre in Abyei which would, given the significance of Abyei as a meeting ground between north and south Sudan, provide basic services to displaced persons who had either left their homes in the south and were moving to alternative locations in the north of the country or who were returning from the north to their homes in the south. At the annual retreat of resident/humanitarian coordinators in Switzerland in December 2000, in support of this initiative, representatives of the Food and Agricultural Organization of the United Nations (FAO), the Office for the Coordination of Humanitarian Affairs (OCHA), the Office of the High Commissioner for Human Rights (OHCHR), the

United Nations Children's Fund (UNICEF), UNDP and the World Food Programme (WFP) each pledged to contribute the same amount to the project.

21. During the mission, the Representative met members of the United Nations country team to review this proposal and to explore ways in which the inter-agency support might be realized. The country team was generally supportive of the proposal and even contributed ideas for broadening its scope beyond a transit centre. At that meeting, an in-country task force of interested United Nations agencies and NGOs was formed and has been developing a project which aims to facilitate the resettlement of Dinka households in their areas of origin in Abyei from their current places of residence in northern Sudan and within a broader peace-building/conflict transformation framework that will benefit the neighbouring ethnic groups to the north and south of Abyei.

22. Previously, there were 23 functioning village councils in Abyei district. However, in the current conflict situation, all civilian populations have either moved into Abyei town or have been displaced, mostly northwards, and their villages destroyed. The displacement has had a severe impact on the local food security situation, as Dinka farmers have been unable to have access to their traditional agricultural land. Moreover, the situation has been exacerbated by tensions between the pastoralist Missereya and Dinka farmers which have at times been fuelled by the distribution of arms to either side by the Government and the SPLA, respectively. The need for reconciliation between the Dinka and the Missereya and support for systems which would lead to cooperation and conflict resolution have become major concerns for the leadership of both communities.

23. Against this background, the project aims, in a pilot stage, to facilitate the rehabilitation of selected communities in Abyei district with a view to creating conditions conducive to the return of Dinka households from north Sudan and to provide support to their return to sustainable livelihoods as well as peaceful relations with the Missereya. A return to the traditional status of Abyei as a peaceful crossroads and enhanced potential to influence the political situation in the Sudan is an underlying objective.

24. After more extensive consultations with Dinka leadership in Abyei and Khartoum, and with NGOs and United Nations agencies, the project will assist a number of households displaced in Abyei to return to their villages, prior to assisting households which had been displaced outside of the Abyei area. Some Dinka households with specific skills in the fields of education and health may also be recruited specifically to return from other areas to the rural areas of Abyei. It is hoped that this would be a more sustainable way to initiate a return programme, and would be a base for further return and resettlement initiatives in the future,

which would offer opportunities to displaced households currently in Khartoum and other areas of north Sudan.

25. United Nations agencies and NGOs will provide support for basic services such as health, education, and water and sanitation; food assistance to those returning, including school feeding programmes; capacity-building to support conflict transformation training and awareness-raising in the target communities; rehabilitation of infrastructure through food-for-work schemes; and undertaking measures aimed at improving food security. For their part, national and local authorities will be required to undertake registration of participants; facilitate their transportation; provide protection as necessary and cooperate in the provision of basic services. In particular, ensuring security will be pivotal to the decision of the Dinka to return and to remain in the area. This may require arrangements involving the parties to the conflict, in particular the Government and the SPLM/A.

26. During the mission, the Representative was also informed of a pilot project for the resettlement of internally displaced persons in South Darfur which has assisted some 600 Dinka households to gain access to agricultural land for the next 20 years and has provided assistance with food security, education, water and health services. It is envisaged that the project will assist a total of 4,000 households when fully funded. The project is supported by the European Commission, UNICEF, WFP, OCHA, Save the Children (UK), Oxfam and the German Development Service (DED), as well as various government departments and ministries.

27. The project was considered to be particularly important in that it represented a much needed shift from an almost exclusive focus on emergency relief and assistance to projects which aim also to assist the displaced in becoming self-reliant. It was remarked by some members of the humanitarian assistance community that the overriding emphasis on pure relief interventions has created a serious dependency syndrome among many internally displaced persons and effectively ignored the reality facing many of the Sudan's internally displaced. Indeed, although the conflict and natural disasters continue to generate new caseloads of displaced persons with severe emergency needs for food, clean water, plastic sheeting, blankets and cooking utensils, there are also extensive areas in northern and southern Sudan where internally displaced persons have been residing continuously for 10 years or longer. Their displacement has had major socio-economic dimensions and implications. It is reported that only a very small number have been able to re-establish their previous social and economic conditions and are today self-reliant. The vast majority have experienced acute impoverishment and loss of livelihoods. They need help to explore and find alternative solutions to their predicament.

28. As one United Nations project document observes, keeping the internally displaced permanently in camps, fully or partially dependent upon humanitarian assistance, "is clearly not

a durable option to be promoted by the international community. Yet, this is precisely what has been happening to many internally displaced persons over the past decade."*[1] In this connection, the Representative notes the concern raised in the 2002 CAP that while 61 per cent of the overall needs identified in the 2001 Appeal were met, the funding disparities that were evident in 2000 between the food and non-food sectors have persisted into 2001. Such fundamental needs as household security, nutrition, water/sanitation and education, as well as human rights and peace-building, have all suffered from a lack of adequate funding, which in turn has impacted negatively on the strategic objective of moving vulnerable communities towards a cycle of recovery and rehabilitation.

29. Notwithstanding these concerns, the Representative found initiatives taken thus far to be, on the whole, positive. At the same time, however, it is also apparent that they are essentially ad hoc and their effects isolated in the sense that they are not part of a broader and more comprehensive and coherent national policy and strategy for dealing with the displacement crisis, with the support of and in cooperation with the international community. A coherent Government policy and strategy can provide a sound basis for international cooperation to significantly alleviate the plight of the millions of displaced persons in the country and to minimize further increases in their numbers.

30. Indeed, the absence of any single document which articulates the Government's policy and strategy for meeting the assistance and protection needs of the internally displaced was cited by members of the Government and the humanitarian community as a significant problem. The resulting lack of clarity on the Government's objectives vis-à-vis meeting the needs of its displaced citizens, including the lack of a definition, agreed on by all relevant actors, of who constitutes an internally displaced person - with some members of the Government reportedly holding the view that the internally displaced should be considered as economic migrants - precludes the formulation of a common vision, and therefore of a common humanitarian strategy, by the Government and the international humanitarian assistance community. This, in turn, it was noted, serves only to deter donors from funding humanitarian activities in the country more fully.

---

[1] UNDP, Resettlement, Rehabilitation and Reintegration of IDPs, Project document No. SUD/00/001/A/07/UNDP, 17 April 2000, p. 4.

31. In addition, the problem is further compounded by the absence of a focal point within the Government with express responsibility for the internally displaced. There does exist a Commission of Voluntary and Humanitarian Work (CVHW) at the level of the Khartoum State government and, at the federal level, the Humanitarian Aid Commission (HAC), which is based in the Ministry for International Cooperation. The CVHW and HAC function as the focal points for the humanitarian assistance community, including for those organizations assisting the internally displaced. Despite the existence of these two institutions, the lack of an interlocutor within the Government with specific and express responsibility for the internally displaced was cited by the United Nations country team as a serious problem.

32. However, the Representative was informed by the Khartoum State Minister for Foreign Affairs that a department focusing on internally displaced persons was being established within HAC which would in due course formulate guidelines for programming in regard to the displaced. It was envisaged that this new department would provide the entry point for the international community in dealing with the internally displaced and that it would cooperate with the international community in a spirit of positive engagement.

II. A CALL FOR HUMANITARIAN LEADERSHIP

33. In his discussions with government officials, the Representative emphasized that as the country most affected by internal displacement, the Sudan should take the lead on this issue, first and above all at the national level, in responding to the protection and assistance needs of its own uprooted citizens; and second, at the international level also, in advocating for the cause of the internally displaced of the world. Moreover, the Representative felt that express and enhanced commitment to the issue by the Government would likely stimulate a similar response from the donor community. In addition to meeting the needs of its displaced citizens, such leadership would significantly enhance the standing and influence of the Sudan in the international humanitarian community.

A. Taking the lead at the national level

34. In terms of assuming a leadership role at the national level, the Representative discussed with the Government the need to develop a national policy and strategy on internally displaced persons, including the establishment of a national focal point and institution with an express mandate for meeting the needs of those affected by the displacement crisis.

35. Members of the Government at all levels expressed support for this approach. Indeed, in discussions with, and at the suggestion of the First Vice-President, it was agreed that the Government would undertake a comprehensive study which would review ongoing government

programmes relating to internally displaced persons with a view to developing cooperative strategies in light of the Guiding Principles on Internal Displacement and United Nations institutional arrangements. It was further agreed that the Ministry of International Cooperation would act as the focal point for this study. In a subsequent meeting between the Representative and the Minister of International Cooperation, the Minister welcomed this development and assured the Representative that he would meet with his counterparts in the Ministry for Foreign Affairs in order to develop the modalities of this study.

36. The Representative called on the Wali of Khartoum, as the host of the largest number of internally displaced persons in Sudan, to play an active role in these efforts. The Wali responded positively to this call.

37. In addition to undertaking the comprehensive study, the Representative and the First Vice-President agreed also that the study would constitute one of the main background documents for the envisaged seminar to be convened in Khartoum. As discussed with the First Vice-President, the Minister for Foreign Affairs and the Minister for International Cooperation, it is envisaged that the seminar would provide a forum in which the Government, United Nations agencies, international and non-governmental organizations, the donor community and representatives of the internally displaced themselves could discuss, in a constructive and cooperative spirit, the national response to internal displacement, with a view to developing ways of enhancing that response with the support and collaboration of the international community.

38. Subsequent to the Representative's mission, the Permanent Mission of the Sudan in Geneva requested and received from the Office of the Representative copies of reports of similar such national and regional seminars which have been convened by the Representative in different parts of the world in cooperation with other partners and for which the Commission and General Assembly have expressed appreciation. The Representative also had a very constructive meeting with the Minister for Foreign Affairs in New York to brief him on the results of his mission and to exchange views on steps to be taken to follow-up on the recommendations of the Representative and the agreements reached with the authorities during the mission. The Representative was most encouraged by the positive attitude of the Minister and his readiness to cooperate with the follow-up activities. This was subsequently reaffirmed by the Permanent Representative of the Sudan to the United Nations in New York and by senior members of his delegation in a letter dated 7 December 2001. The Permanent Representative of the Sudan to the United Nations wrote, "As you know, we are very keen that you carry out your mandate with the full support of all Member States. We have expressed that on various occasions, including during your recent meeting with H.E. Dr. Mustafa Osman Ismail, the Minister for Foreign Affairs, when he was in New York, and we will continue doing so in the future."

39. Developments back in the Sudan following the mission also appear to be encouraging. The Representative was informed in December 2001 that the Peace Unit of HAC has been delegated by the Minister for International Cooperation to act as focal point for the comprehensive study and the development of a national policy on internally displaced persons. The focal point for internally displaced persons in UNDP-Khartoum met with the Director of the Peace Unit and was informed of the steps which were to be taken in this regard and which will commence with the collection of information on existing policies pertaining to the internally displaced from all relevant federal ministries, State governments and departments. On the basis of the information collected, a comprehensive report will be produced and discussed at different levels of the Government. A task force would be established comprising government personnel, practitioners and academics, charged with producing a draft policy document on internally displaced persons which would be discussed at an internal government seminar. At this stage, representatives of United Nations agencies could be invited to assist in further developing the draft policy. The draft policy would ultimately be reviewed at a more inclusive national seminar on internal displacement, which would include participants from the Government, United Nations agencies, NGOs and representatives of the internally displaced. It was envisaged that the information collection and analysis would be completed by February 2002 and that the national seminar would be convened two months later, possibly in April.

40. The Representative was also informed that the discussions with the Director of the Peace Unit also addressed the possible role of the United Nations, specifically UNDP, in supporting this process. While further discussion was required, a number of areas in which UNDP could potentially support the process were outlined, including wide dissemination of the Guiding Principles in Arabic and English and financial and logistical support to the process. In this regard, UNDP has suggested that the process as a whole could benefit from an agreed upon strategy rather than addressing constraints at each step.

41. A noteworthy development, subsequent to the mission, is the adoption by the General Assembly at its fifty-sixth session of resolution 56/175 which welcomes the visit of the Representative, as well as the commitment of the Government to continue its efforts to address the problem of internally displaced persons and to effectively follow-up the visit of the Representative, including by holding a conference on the subject of internal displacement in the near future. In response to this positive reaction of the mission and its results, the Permanent Mission of the Sudan in New York undertook to cooperate closely with the Representative to follow-up on the results of the mission.

B. Taking the lead at the international level

42. Just as the Representative had advocated during his mission in 1992, during the present mission he again pressed the case that as the country in the world most affected by internal displacement, the Sudan could gain much from taking the lead on this issue at the international level also, in advocating for the cause of the internally displaced. It will be recalled that at the time of his previous mission, the Representative noted that the Sudan stood to gain diplomatically from supporting, indeed championing, the initiatives of the international community on the subject of internal displacement. In this regard, the Representative further noted that the Sudanese delegation in Geneva had already advocated the need for the international community to develop instruments and mechanisms for the protection of the internally displaced that would be comparable for those created for refugees after the Second World War (E/CN.4/1993/35, para. 220).

43. As indicated in the Representative's main report to the present session of the Commission (E/CN.4/2001/95), as well as in his previous reports to the Commission and the General Assembly, a major focus of the mandate since its inception has been essentially the question of developing instruments and mechanisms for the protection of the internally displaced. Indeed, when the Commission first requested the Secretary-General to appoint a representative in 1992, one of the tasks with which the Representative was expressly charged was to examine existing international human rights, humanitarian and refugee law and its applicability to the protection and assistance of the internally displaced.

44. As is now well known, a significant development in this regard was the preparation, at the request of the Commission on Human Rights and the General Assembly, of the Guiding Principles on Internal Displacement. Based on the two-part compilation and analysis of legal norms (E/CN.4/1996/52/Add.2 and E/CN.4/1998/53/Add.1) and presented to the Commission on Human Rights in 1998, the Guiding Principles consolidate into one document the numerous norms relevant to the protection and assistance needs of internally displaced persons. Reflecting and consistent with international human rights and humanitarian law, and with refugee law by analogy, the Guiding Principles set forth the rights and guarantees involved in all phases of displacement, providing protection against arbitrary displacement, protection and assistance during displacement, and protection and assistance during return or resettlement and reintegration. They provide guidance to all relevant actors: the Representative in carrying out his mandate; States when faced with the phenomenon of internal displacement; all other authorities, groups and persons in their relations with internally displaced persons; and intergovernmental and non-governmental organizations.

45. In his meetings with government officials the Representative took the opportunity to review the work of the mandate, including the development of the Guiding Principles, copies of which were shared with the officials concerned. The Representative was very much moved by the warm reception given to him by members of the Government and their positive response to his efforts in discharging his mandate, including the development of the normative framework. Indeed, the President, First Vice-President, and Minister for Foreign Affairs, among others, all expressed their support for the Representative as a Sudanese national charged with the responsibility of promoting the cause of the internally displaced populations of the world.

46. The Representative particularly appreciated the initiative of the First Vice-President for the Government to undertake a comprehensive study of the displacement crisis in the country and the ongoing programmes with a view to developing cooperative strategies in light of the Guiding Principles as well as United Nations institutional arrangements.

47. Subsequent to the mission, at the fifty-sixth session of the General Assembly and during the Third Committee's consideration of the draft resolution on internally displaced persons, the representative of the Sudan to the Third Committee expressed concerns that the Guiding Principles had not been formally adopted by an intergovernmental forum, but, in the spirit of cooperation and support for the work of the Representative, agreed to join a consensus in favour of a resolution (56/164) that encourages the further dissemination and application of the Principles, including holding regional and other seminars on internal displacement. In the subsequent meeting with delegations, hosted by the Permanent Representative of Switzerland to promote dialogue between Governments and the Representative of the Secretary-General, the delegate of the Sudan reiterated the support of his Government for the work of the Representative and their commitment to seeking ways of promoting dialogue with a view to reaching a consensus in support of the Guiding Principles, an approach to which the Representative is equally committed.

III. CONCLUSION

48. To conclude, the discussions and agreement reached between the Government of the Sudan and the Representative during this second mission have the potential to make a positive contribution to alleviating the plight of the Sudan's 4 million internally displaced. The steps being taken by the Government subsequent to the mission in terms of preparing a comprehensive study with a view to developing a national policy and strategy on internally displaced persons, which should include the establishment within the Government of a national focal point for internally displaced persons, are much needed and promising. Moreover, the readiness of the Government to discuss the draft policy and strategy at an inclusive national seminar signals a level of commitment which has the potential to translate into a more enhanced response to the

needs of the internally displaced. More importantly, given the sheer magnitude of the displacement crisis affecting the country, such a response promises to pool together the resources of both the Government and the international humanitarian community. Beyond the national level, it is strongly recommended that the Government consider assuming a greater role in supporting international initiatives on the internal displacement issue - a move which would not only increase international cooperation on behalf of the needy population of the Sudan, but would also work to enhance the standing of the Government of the Sudan in the international humanitarian and human rights community. Given that the Sudan is the country in the world most affected by internal displacement, such standing could add significant weight to those initiatives and serve to strengthen the response of the international community to this global crisis.
