

DISPLACED NATION

THE DANGEROUS IMPLICATIONS OF RUSHED RETURNS
IN SOUTH SUDAN

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Cover Photo: View of shelters in Wau PoC site Adjacent Area (AA). Photo by Refugees International.

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SUMMARY

South Sudan is facing one of the worst displacement crises in the world today. More than half of the population is food insecure and, if not for international humanitarian aid, the country would almost certainly have already faced famine. A new peace agreement is bringing cautious hope to the displaced and is driving discussions of returns from both within and outside of South Sudan, particularly for those in UN-hosted Protection of Civilian sites (PoCs) within the country. However, security concerns and humanitarian needs remain immense, and rushed returns risk fueling ethnic tensions and costing lives.

These challenges are amplified by the broader realities of ongoing instability in some pockets of the country and active manipulation of aid by the South Sudanese government and opposition authorities. Aid manipulation takes many forms, from the use of instability as an excuse to block aid delivery to opposition areas, to the blatant diversion of aid away from civilians and into the hands of soldiers. One of the most egregious ways that aid risks being manipulated is in reinforcing the dislocation of ethnic groups, or what some observers even have described as ethnic cleansing. Ethnic minorities have been targeted with violence throughout South Sudan's civil war, dramatically altering the ethnic makeup of some areas of the country by displacing their populations. Several large towns and other areas have been depopulated of their traditional ethnic communities and are now being repopulated by members of the dominant Dinka ethnic group. Returns of internally displaced persons (IDPs) and provision of aid that fails to consider this context risk reinforcing demographic shifts born of atrocities and the inequalities, impunity, and ethnic tensions that go with these shifts.

The UN, international donors, and international nongovernmental organizations (INGOs) have played – and must continue to play – a vital role in providing protection and life-saving humanitarian aid to millions of people in South Sudan. INGOs and UN agencies have taken several measures to counter aid manipulation; such efforts must continue and be enhanced. If aid is to be used to maximum effect, however, international actors must speak with a unified voice, backed by credible threats of consequences, against the worst instances of such manipulation. Moreover, any returns, starting with those from the PoCs, must include measures that ensure they are truly safe, voluntary, and dignified, and do not inadvertently fuel the very suffering international actors seek to mitigate.

Ensuring the safety and dignity of returns from PoCs, avoiding aid manipulation, and preventing the forced dislocation of ethnic groups are critical issues that the government of South Sudan, international organizations, and donor governments must urgently address. They are important in and of themselves but also will have far-reaching implications for the prospects of return and well-being of millions of South Sudanese displaced both within and outside of the country.

RECOMMENDATIONS

To UN agencies, international donors, and international nongovernmental organizations:

- **The UN Mission in South Sudan (UNMISS) and the UN Humanitarian Country Team (HCT) should refrain from closure of PoC sites until transparent plans for safe, voluntary, and dignified returns are in place.** The plans should include the following:
 - Adherence to international guidelines on returns.
 - Intentions surveys to ensure that IDPs are informed and willing to leave the PoCs.
 - Security and conflict sensitivity assessments of the proposed areas of return.
 - Facilitated “go-and-see” visits so IDPs can assess the conditions in areas of return.
 - Measures to address housing, land, and property (HLP) issues.
 - Programs to supply basic services and livelihood opportunities in the areas of return.
 - Coordination of returns and PoC closures and sharing of lessons learned across the humanitarian community through a mechanism such as the National Durable Solutions Working Group, an existing but largely inactive body of UN agencies and NGOs working on PoCs and IDP issues.
- **UNMISS should focus its patrols on areas of potential return and areas with specific protection concerns.** Such concerns should be identified through ongoing dialogue with humanitarian organizations and PoC residents and should include the ability of women to collect firewood and visit markets. UNMISS, with political support from the UN Security Council, should assert its right to patrol where and when risks are highest to civilians, including nighttime.
- **UNMISS should improve protection in PoCs through such measures as providing better lighting, securing border fences, and exploring ways to better address criminality.**
- **UN agencies, donors, and humanitarian groups should take strong, unified action in response to aid manipulation.** Attacks or threats against aid workers, or aid diversion to armed actors should be met with diplomatic censure at the highest levels, targeted action against responsible officials, and, in the worst cases, withholding of aid to specific areas where continuing to provide aid would do more harm to civilians than good.
- **UN agencies, donors, and humanitarian organizations should take the following steps to combat aid manipulation:**
 - UN country leadership should empower the UN Office of the Coordinator of Humanitarian Assistance (OCHA), and donors should further support OCHA with resources to track and record incidents of aid manipulation more comprehensively.
 - UN leadership and donor representatives in country should address incidents immediately and directly at the highest levels of government.
 - UN agencies, donors, and humanitarian organizations should support OCHA and groups like the South Sudan NGO Forum, the main NGO networking body in the country; and the Conflict Sensitivity Resource Facility (CSRF), a joint donor initiative

- to better inform programming decisions and strategies, to expand efforts in sharing information on aid manipulation.
- Humanitarian organizations should build stronger internal awareness of aid manipulation through the collection of lessons learned and rigorous handovers for new staff.
 - UN agencies and humanitarian organizations should continue to strengthen risk management efforts, including through implementation of the Contractor Information Management System, a common system for agencies to screen contractors; and increased biometric registration.
 - **Fully fund the humanitarian response in South Sudan at sustained levels.**
 - **Ensure that funding of resilience and recovery projects do not inadvertently reinforce ethnic dislocation in the country.** The UN Development Program (UNDP), United States Agency for International Development (USAID), and others involved with the Partnership for Recovery and Resilience should ensure that projects are informed by adequate conflict-sensitivity analysis.
 - **The Commission of Human Rights on South Sudan, mandated by the UN Human Rights Council, should investigate the ethnic dislocation taking place in the country.**
 - **The United States should re-appoint a U.S. Special Envoy for Sudan and South Sudan.** The envoy should have experience and stature in the region and enjoy the backing of the White House. The envoy should prioritize support for the peace process and combatting aid manipulation and ethnic dislocation.

To the Transitional Government of South Sudan:

- **Pass the Internally Displaced Persons (IDP) Act, which would commit the government to focusing greater attention and providing more funding to IDP issues in line with global standards, and join the African Union Convention for the Protection and Assistance of IDPs in Africa (the Kampala Convention).**
- **Grant an official government body the authority and responsibility for addressing internal displacement and provide that body with dedicated funding.**
- **Establish a Special Court for adjudicating housing, land, and property (HLP) issues arising in the context of ethnic dislocation taking place in towns like Malakal and Wau.**
- **Ensure accountability for atrocities committed during the civil war by establishing the hybrid African Union–South Sudanese court called for in the September 2018 peace agreement to try those responsible for crimes against humanity and war crimes.**

BACKGROUND

Nearly 4.5 million South Sudanese have been forcibly displaced from their homes since civil war broke out in December 2013. Of these, 2 million have been internally displaced and 2.5 million have sought refuge in neighboring countries. The war has been marked by numerous atrocities and has led to at least 380,000 deaths.¹ Though it began primarily as a dispute among political elites, the conflict quickly took on ethnic dimensions, with victims of house-to-house searches, rapes, and killings targeted based on ethnic identities.

The conflict has pitted South Sudan's two largest ethnic groups against one another: the Dinka, led by South Sudanese President

Salva Kiir; and the Nuer, led by on-again, off-again Vice President Riek Machar. These two groups are represented by the Sudan People's Liberation Movement/Army (SPLM/A) and the SPLM/A in Opposition (SPLM/A-IO), respectively. However, significant splits exist within each of these main ethnic groupings and between and within a variety of other ethnic minority and armed groups across the country.

Kiir and Machar signed a regionally sponsored peace agreement – the Agreement on the Resolution of the Conflict in South Sudan (ARCSS) – in August 2015, but it fell apart less than one year later. In July 2016, fighting broke out in Juba, the capital, and quickly spread, forcing Machar to flee the country. A revitalized version of the peace agreement,



Source: Global Shelter Cluster

1. Checchi, Francesco, Adrienne Testa, Abdihamid Warsame, Le Quach, and Rachel Burns. "Estimates of Crisis-Attributable Mortality in South Sudan," London School of Hygiene and Tropical Medicine (September 2018): 1-45. <https://crises.lshtm.ac.uk/2018/09/25/south-sudan/>.

UN“PROTECTION OF CIVILIANS” (POC) SITES IN SOUTH SUDAN

Location	Number of Civilians Seeking Protection
Juba UN House PoC I & III	32,113
Bentiu	114,525
Malakal	29,190
Bor	2,267
Wau	147
Wau Area Adjacent (AA)	16,505
Total	194,747

with strong backing from Sudan and Uganda, was signed in September 2018 and celebrated with Machar’s return to the country at the end of October. An interim three-year transition period has begun, but many benchmarks have already been missed, and pockets of fighting continue in various parts of the country.

The signing of the peace agreement has raised hopes among the displaced population and revitalized discussions of returns among the government, UN agencies, and nongovernmental humanitarian actors. The greatest pressure for returns, for reasons both political and practical, is focused on the nearly 200,000 IDPs who have been seeking shelter in PoCs in or adjacent to UN peacekeeping bases around the country. The debate around their situation will have important implications for the prospects for broader returns of those displaced, both within and outside of the country.

The PoC sites have been described as the UN’s best and worst idea in South Sudan. They sprang up at the outbreak of the civil war in December 2013, when frightened civilians fled to the UN peacekeeping mission for safety. The UN mission leaders decided to

take in and protect them, expecting to do so for just a matter of days. However, although they undoubtedly saved tens of thousands of lives when the ethnically targeted killing began, the PoCs remain open five years later, rife with crime, strained services, and a largely idle and frustrated population. Today, there are nearly 200,000 people residing in six PoCs. There are 114,525 civilians sheltered in Bentiu, the largest PoC; 32,113 in Juba’s PoCs; 29,190 in Malakal; 16,505 in Wau (147 in the UNMISS site and 16,505 in an Area Adjacent [AA]); and 2,267 in Bor.²

Any returns of displaced persons are challenged by the country’s extreme food insecurity, caused by years of conflict and underdevelopment. The level of food insecurity has increased steadily since the outbreak of the conflict in both scale and geographic area. Today, nearly 60 percent of the population faces acute food insecurity or worse. As noted in the most recent Integrated Food Security Phase Classification (IPC) – the global standard for measuring severity of food emergencies – South Sudan has the highest proportion of food insecure populations at the height of the lean season since the IPC started recording such levels in 2008. Several areas would have been at least one

2. “PoC Update,” United Nations Mission in South Sudan (UNMISS) Media & Spokesperson Unit, Communications & Public Information Section (November 19, 2018). <https://reliefweb.int/sites/reliefweb.int/files/resources/20182611%20-%20PoC%20Update.pdf>.

IPC phase worse without international aid.³ Indeed, broader famine has been avoided only by a significant level of international humanitarian funding, amounting to more than \$1 billion in 2018.⁴

Refugees International (RI) traveled to South Sudan in October 2018 to explore the prospects for returns from the PoCs, given the signing of the revitalized peace agreement and the broader challenges that continue to affect the humanitarian response in the country. RI visited PoCs and IDP collection centers in Juba and Wau, interviewing dozens of displaced persons and consulting several UN officials, NGO workers, and independent experts. For previous RI reporting on South Sudanese displacement, see *South Sudan: A Nation Uprooted* from March 2015 and *Getting It Right: Protection of South Sudanese Refugees in Uganda* from March 2017.⁵

PROSPECTS FOR RETURNS FROM THE PROTECTION OF CIVILIAN SITES (POCS)

The signing of the revitalized peace agreement in 2018 has led to reinvigorated discussion of returns for the 4.5 million South Sudanese displaced since 2013 – especially those in the PoCs. As one observer familiar with discussions among UN agencies indicated, there has been a noticeable shift, with previously reluctant voices now advocating

for the closure of the PoCs as the “accepted reality.”

Within weeks of the signing of the 2018 peace agreement, David Shearer, the UN Special Representative to the Secretary General (SRSG) and highest-ranking UN official in South Sudan, reportedly presented a timeline for closure of the PoCs by January 2019. UN officials with whom RI spoke denied the establishment of any set timeline, but humanitarian workers familiar with the meeting confirmed that at least a notional timeline was put forth. Most observers see closure of the PoCs by January as unlikely and unrealistic at best, and dangerous and “absurd” at worst. The idea has raised several concerns within the humanitarian community.

Arguments for Closing the PoCs

There are many compelling arguments for closing the PoCs, including concerns over criminality, a developing culture of dependency, and the heavy resource burdens placed on UNMISS. Some proponents of closing the sites also argue that the move would send important signals regarding confidence in the peace process and the prospects for more returns.

“Most observers see closure of the PoCs by January as unlikely and unrealistic at best, and dangerous and “absurd” at worst.”

3. “Integrated Food Security Phase Classification – The Republic of South Sudan,” IPC (n.d.). http://climis-southsudan.org/uploads/publications/South_Sudan_IPC_Analysis_Key_Messages_-_28_September_2018.pdf.

4. “South Sudan – Crisis” USAID (September 30, 2018). https://www.usaid.gov/sites/default/files/documents/1866/south_sudan_cr_fs12_09-30-2018.pdf

5. Yarnell, Mark. “South Sudan: A Nation Uprooted,” Refugees International (March 12, 2015). <https://www.refugeesinternational.org/reports/2015/9/30/south-sudan-a-nation-uprooted>; Boyce, Michael and Francisca Vigaud-Walsh. “Getting It Right: Protection of South Sudanese Refugees in Uganda,” (March 2017). <https://www.refugeesinternational.org/reports/2017/3/10/uganda>.

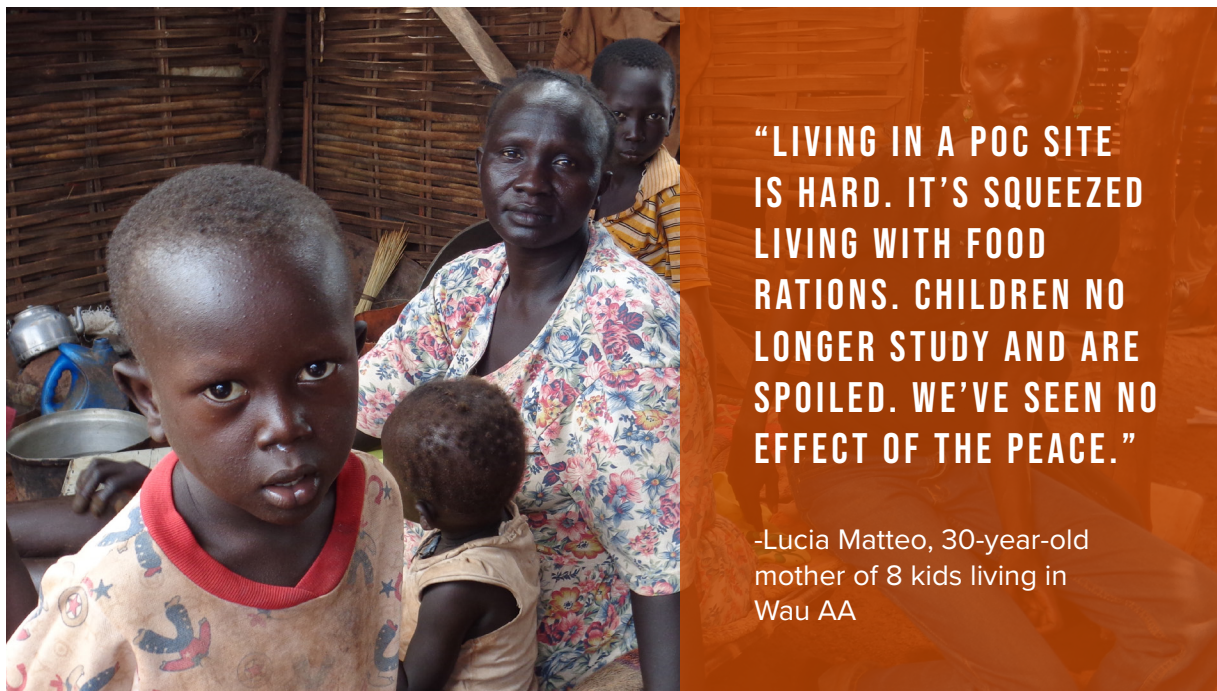


Photo by Refugees International.

First, safety inside the PoCs has eroded as criminality has spread. One civil society leader told RI that “crimes inside the PoC are a nightmare” and argued that conditions inside Bentiu’s PoC are now more dangerous than outside of the site. UNMISS tries to regulate who enters the camps and prevent weapons from entering, but weak border fences and smuggling have created difficulties. Indeed, several high-profile incidents have cast doubt on the ability of UNMISS to protect civilians in the sites. For example, UN peacekeepers were slow to respond to internal fighting and external attacks on the PoCs in Malakal in February 2016 and Juba in July 2016.⁶

Second, in their discussions with RI, UN officials, humanitarian workers, and civilians in the PoCs expressed concern over the rise of a culture of dependency. Some observers argue that, for those staying in the PoCs, easy access to food, water, and other services has

become a greater pull factor than the need for safety that led them to seek refuge in the first place. If true, this fact would undermine the original intent of the PoCs and make voluntary returns increasingly unlikely.

A third and related concern is the development of unrealistic and unsustainable expectations among those living in the sites. One South Sudanese civil society leader gave the example of IDP’s frustration over garbage-collection policies in one PoC: when shelter-to-shelter garbage pickup was replaced by requirements for IDPs to bring garbage to centralized collection points themselves, protests broke out. Other protests around cutbacks or changes in services have occurred in several of the PoCs, marked by people burning the flags of international agencies and threatening international humanitarian workers. This combination of criminality, service

6. “Report Details UN’s Failures in Protecting Civilians in Malakal,” Medecins Sans Frontieres (June 22, 2016). <https://www.msf.org/south-sudan-report-details-uns-failures-protecting-civilians-malakal>; “Executive Summary of the Independent Special Investigation into the Violence Which Occurred in Juba in 2016 and UNMISS Response,” United Nations, (November 2016). http://www.un.org/News/dh/infocus/sudan/Public_Executive_Summary_on_the_Special_Investigation_Report_1_Nov_2016.pdf.

dependency, and general frustration has led some observers to conclude that the PoCs have outlived their purpose. As one International Organization for Migration (IOM) official put it, “I think we created a monster over the past four years ... I think we are doing more harm than good now.”

Fourth, the PoCs place a major burden on UNMISS resources – one that limits the peacekeeping force’s ability to provide protection for the broader civilian population, including displaced civilians living outside of PoCs. There are nearly 2 million displaced persons in South Sudan, only some 200,000 of whom are in PoCs. As one UN official observed, “the vast majority [of IDPs] are almost invisible.” Meanwhile, more than half of the UNMISS budget is spent on protecting this 10 percent of the displaced population. Broader pressures to cut the peacekeeping budget globally are also being felt in South Sudan, further fueling the desire to close such resource-intensive sites. However, UNMISS must measure any cuts and closures against its mandate to protect civilians, particularly those it has taken in. As one UN official put it, the percentage in the PoCs may be small, “but that is the percent[age] we are responsible for, so it has to be a priority.”

Finally, the Sudanese People’s Liberation Army (SPLA) is eager to see the PoCs closed for both political and security reasons. It views the PoCs as harboring opposition leaders and soldiers, and as points of leverage for opposition leader Riek Machar, who remains popular among the PoC populations. The makeup of each PoC is different, and many are made up of a majority of women and children, but ensuring the sites are demilitarized remains a challenge for humanitarian and UN actors. The SPLA is also conscious of how returns would be viewed by external actors; closure of the PoCs and return of their populations would be a strong indicator that the peace is working, and thus might provide relief from the international pressure and criticism it currently faces.

Concerns with Closure of the PoCs: Perspectives from IDPs and Aid Providers

As compelling as some of the reasons for closing the PoCs may be, strong arguments also exist for keeping them open for the foreseeable future. First and foremost, many areas to which the IDPs currently living in PoCs would return remain highly insecure. Indeed, most of the IDPs with whom RI spoke cited ongoing safety concerns outside of the PoCs as their primary reason for staying in the sites. Fighting continues in pockets of instability across the country, and civilians in the PoCs continue to express fears of being targeted by the SPLA, national security officials, or local militias if they leave the sites. In addition, many of those living in the PoCs no longer have homes to which they can return.

Insecurity in areas of return: These safety concerns are grounded in both recent memories and continuing reports of horrific atrocities. Much of the displacement to PoCs and other IDP sites was driven by ethnically motivated human rights violations. In Wau, in the western part of the country, UN investigators documented that in late 2015, “killing, raping, looting and burning of houses by SPLA soldiers led to thousands of civilians being displaced.” In April 2017, witnesses described to UN investigators “how the attackers went from house to house targeting Luo and Fertit [ethnic minority groupings in the region] by checking their ethnicity prior to shooting them.” In other parts in the Baggari area, outside of Wau, civilian infrastructure – including schools, health clinics, and water points – has been targeted for destruction, a practice that relief workers told RI continues today.

Similarly, displacement from Malakal, the once thriving trade hub in the north of the country, and from the area to the north known as the west bank of the Nile, was driven by ethnically targeted killing of civilians and destruction of civilian infrastructure. In both Malakal and Wau, UN investigators found that

these and other acts “amount to serious violations of human rights and humanitarian law, and may amount to war crimes and crimes against humanity.”⁷ More recently, Human Rights Watch documented SPLA attacks on civilians and civilian property near Wau, starting in June 2018 and continuing at least through late September 2018. Its team cites credible reports that “attacks on civilians are continuing in the region.”⁸

RI’s discussions with various actors in Wau confirmed these accounts. On October 3 and 4, 2018, the village of Ngoku was attacked by SPLA soldiers. As one humanitarian community observer described to RI, Ngoku had little strategic security importance, yet was targeted over other more obvious military targets. Its market was reduced to ashes – an act that will have serious effects on a region already severely food insecure. As another observer told RI, such targeting of civilian towns and markets is a common occurrence in the greater Baggari region to the southwest of Wau.

Such assaults are often carried out as retaliation for attacks by rebels. Civilians become targets simply because they are of the same tribes as the fighters and are believed to be their relatives. As one man who arrived in the Wau PoC in April 2018 described to RI, SPLA soldiers told people in his town of Deim Zubeir that they were beaten and their village looted because “[their] relatives are fighting in the bush.”

Insecurity outside of the PoCs: Criminality in the PoCs is on the rise, but conditions outside many of the sites also remain dangerous. This situation is true even in Wau, where safety in the town is reported to have greatly improved, at least during the day, since National Security officers took responsibility for security from SPLA

soldiers in the summer of 2017. People from the PoCs continue to fear being the targets of crime or extortion and abuse by poorly paid and often-inebriated SPLA soldiers in Wau town. Women’s safety is of particular concern; women who leave the PoCs to gather firewood are often subjected to sexual violence, even when going out in large groups. UNMISS conducts escorted wood-gathering trips to address this risk but is unable to meet the full need.

“The message from the IDPs is very clear. They do not feel safe to return.”

-UN OFFICIAL IN WAU

Many IDPs go to their nearby farms or the market in Wau town during the day but return to the PoCs for safety at night. Large sections of Wau remain abandoned, particularly in the southwest. One UN official working with IDPs explained that many of them had attempted to return but were quickly robbed of what little they brought back and forced to return to the PoCs. As one UN official in Wau concluded, “The message from the IDPs is very clear. They do not feel safe to return.” Another UN official confirmed this feeling: “Security is the number one concern still.”

Lack of housing and services: Many houses were destroyed during fighting or confiscated by others, leaving IDPs without homes to which to return. Officials, experts, and humanitarian workers told RI that HLP concerns were among those most commonly cited by IDPs. Nowhere is this situation more prevalent than in Malakal. Several observers

7. “Commission on Human Rights in South Sudan,” United Nations Human Rights Council (n.d.). <https://www.ohchr.org/en/hrbodies/hrc/cohsouthsudan/pages/index.aspx>.

8. “South Sudan: Soldiers Attack Civilians in Western Region,” Human Rights Watch (October 24). <https://www.hrw.org/news/2018/10/24/south-sudan-soldiers-attack-civilians-western-region>.



View from outside Juba PoC site 3. Photo by Refugees International.

told RI that the government has moved people of the dominant Dinka ethnicity from Juba and other parts of the country to Malakal, where they have taken over homes abandoned by the Nuer and Shilluk who fled the city. Similar dynamics were cited in Juba, where the homes of Nuer who fled to the PoCs in Juba have been claimed by SPLA officers.

IDPs also describe trying conditions within the camps that undermine the argument that the provision of services is a pull factor. Among the most frequently cited challenges in RI's interviews with IDPs were inadequate food, water, and health services. Although these complaints may be driven in part by the raised expectations for services described above, many appeared rooted in substandard conditions. Several IDPs also raised concerns over the lack of educational opportunities and other activities for their children, leaving them idle and susceptible to bad advice and criminality.

Others described a high level of trauma among PoC residents. A community leader in Wau PoC told RI, "It is really hard to live in PoCs. It can really destroy someone's life." A humanitarian worker who has visited several of the PoCs said, "I think everyone there is somewhat traumatized." In the words of one young man in Juba PoC 3 who was arrested and beaten and lost a close friend in the July 2016 violence in Juba, "many people are not really people" in the PoCs.

One woman in the Wau PoC summarized that conditions are bad enough to force people to go home, but it is not safe to do so. This sentiment was echoed by a man who pointed to the latrines directly in front of his shelter, telling RI, "I am not pleased with the situation, but I'm staying because my home is not safe to return to."



Family of IDPs in Wau PoC AA. Photo by Refugees International.

The Way Forward: Lessons from Initial PoC Closures and Limited Returns

For the moment, there is no short-term alternative to maintaining the PoCs. The protection concerns of IDPs in an environment of recent trauma and ongoing instability simply outweigh any political arguments or concerns about dependency. On the other hand, the PoCs remain far from ideal, even relative to the standards of long-term displacement in traditional IDP sites. Thus, given the real risks of criminality, dependency, and frustration, the ultimate goal should remain to close the sites if peaceful conditions can be maintained.

With these issues in mind, the question now is how and on what timeline closure can be realized in a responsible way that upholds international standards for safe, voluntary, and dignified returns. As one UN official told RI, “The sooner the PoCs are dismantled the better, but we need viable, sustainable op-

tions. Otherwise, we are just transposing the problem to another location.” As one humanitarian worker privy to the latest high-level discussions between the UN and NGOs put it, “Closure is not the issue; it is the process [of getting to that outcome].”

For these reasons, a clear plan is needed for responsible returns and eventual closure. This plan should reflect the experience of the limited PoC closures and returns that have taken place to date.

IDP returns in Melut and Bor: As of late 2018, one PoC site has been closed – Melut in the north of the country in December 2017; another one in Bor, in the center of the country, has been significantly drawn down. The ability to draw lessons from these cases is limited by size and circumstance. Melut involved just a few hundred civilians, and those considered most vulnerable were not actually returned but rather transferred to another PoC in Malakal. In Bor, the movement was chaotic and marked by serious security concerns. One witness to the returns de-

scribed “a traumatic experience” in its level of dysfunction, lack of adherence to international guidelines, and disregard for the safety of women and children who were put onto barges in the middle of the night and moved across the front lines of the conflict.

Some lessons can be learned from these experiences, however. First, as one UN official familiar with the process told RI, it is essential that the process not be rushed. Second, special arrangements should be made for the most vulnerable IDPs, who may not be ready to return. These arrangements could include transfers to other PoC sites, as was done in Melut, or to a transition site in a third location. Third, officials should properly assess safety concerns in actually moving IDPs back to their areas of origin and plan for possible safety disruptions, so that an incident like that in Bor is not repeated.

Challenges in Mangateen: A more recent and problematic example is the relocation of approximately 3,500 IDP from PoC 3 in Juba to an IDP site in Mangateen, beyond UNMISS’s direct oversight. This relocation was an urgent decision taken in reaction to violence between two ethnic Nuer groups within the PoC, but the way it played out highlights several challenges likely to crop up in future returns from PoCs. In the words of one humanitarian observer, it was “super chaotic,” with women and children placed on buses and sent to the new location without any information. The community and NGOs did not know what was happening, the area had not yet been demarcated with clear borders, and sweeps for explosive remnants of war (ERWs) had not been completed in the new location before tents were hurriedly erected. According to aid workers, there also were no plans for providing water services.

Although Mangateen is largely understood as a unique emergency case, it is also a warning for the future. As one humanitarian worker told RI, “If you do what you did in Mangateen, you’ll have a disaster on your hands.” Go-

ing forward, UNMISS and the humanitarian community will need to prepare contingency plans to respond to the high risk of intracomunal conflict within the PoCs so that such rushed action is not necessary.

Better results in Wau: A more promising example of PoC closure can be found in Wau. There, UN officials cited a steady decrease in the number of IDP living in the Wau AA site, from a high point of nearly 40,000 in the summer of 2017. Officials told RI that the number of IDPs has decreased by 2 to 4 percent each month. Today, the official number of IDPs living in the Wau PoC AA is approximately 16,000. This decrease is due in part to a strategy of “decongestion,” in which UNMISS and the humanitarian community have sought to create conditions conducive to voluntary returns from the PoC through increased security and provision of services outside of it. As indicated earlier, however, much of the remaining population in the PoC continue to fear returning to their homes in the town of Wau because fighting persists just a few miles away.

For the smaller Wau PoC located within the UNMISS compound, prospects may be more encouraging. The 147 IDPs in the site are mostly Nuer – former soldiers who defected from the SPLA and brought their families. These IDPs are from areas far from Wau. Many of them described to RI the distance and insecure areas in between Wau and their homes as deterrents, despite their eagerness to return. UNMISS and UNHCR are in conversations with the community about possible transportation options for returns and consider these returns feasible in around two-thirds of the cases.

Future plans for return: To address the concerns outlined above, UNMISS and the UN HCT should develop more transparent plans for safe, voluntary, and dignified returns, and eventual closure of the PoCs. Prior experience underscores the importance of conducting future returns in a gradual,



View of tents in Mangeteen IDP site near Juba. Photo by Refugees International.

deliberate manner. The plans should also contain at least three other key elements.

First, they should include open dialogue with the proposed returnees, security assessments and safety determinations of the proposed areas of return, and adherence to international guidelines for returns. As part of this process, it is essential that intention surveys be carried out to ensure that any returns are voluntary. Consultations with the PoC communities must also be conducted, and clear plans must be published to ensure that communities are informed, including through facilitation of “go-and-see” visits that allow IDPs to assess conditions in areas of return.

Second, plans for return must recognize that each of the PoC sites is unique in its population size, ethnic makeup, and proximity to towns and markets. Each will therefore require specific solutions for returns. Conflict sensitivity analyses should also be carried out to understand the particular local dynamics in the proposed areas of return. UNMISS

should continue to extend its patrols outside of PoCs, where feasible, to create enabling environments for returns. UNMISS should also maintain a dialogue with PoC residents to determine the best use and location of patrols, including for women collecting firewood and visiting markets. Finally, UNMISS, supported by international actors, should assert its right to patrol where and when risks are highest to civilians, including night patrols, without obstruction by the government of South Sudan.

Plans for return must recognize that each of the PoC sites is unique in its population size, ethnic makeup and proximity to towns and markets. Each will therefore require specific solutions for returns.

Third, plans must resolve questions about how returns will be funded, whether services would be available in areas of return, and who might provide them. As one NGO worker asserted, without answers to these questions, any returns would be unprincipled. Plans will be required for supplying basic food and other needed services, access to information through dialogue with communities, and livelihood opportunities in areas of return. A first step toward developing such plans should be to establish an entity that meets regularly and can provide a focal point for discussions for coordinating and standardizing returns, and PoC closure plans and best practices. One option would be to revitalize discussions within the National Durable Solutions Working Group, composed of UN agencies and NGOs working on PoCs and IDP issues.

Ultimately, the extent to which those remaining in the PoCs feel comfortable in returning to their homes will depend on the ability of the revitalized peace agreement to deliver a greater sense of security. Until returns are possible, UNMISS should also take measures to improve safety within the PoCs, possibly by improving lighting, securing border fences, and exploring ways to better address criminality.

AID MANIPULATION

Any plan for returns, whether from PoCs, other IDP sites, or other countries, must also include measures to mitigate the broader challenges of aid manipulation and the related risk of unintentionally fueling ethnic inequalities and tensions. Aid manipulation plays out in South Sudan in a variety of ways,

ranging from plausibly deniable blocking of aid to opposition areas to blatant diversion of aid from civilians to soldiers. Left unchecked, this manipulation can result in patterns of aid distribution that reinforce what some observers describe as ethnic cleansing.

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Aid Obstruction in the Greater Baggari Area

There is no explicit policy by the government or opposition to block aid. On the contrary, in November 2017, President Kiir issued a presidential decree calling for the removal of all illegal check points hindering delivery of humanitarian aid.⁹ Nevertheless, there are ample cases to suggest that officials at various levels tacitly approve, and possibly encourage, actions likely to disrupt aid. The situation in the greater Baggari area, southwest of the town of Wau in Western Bahr el-Ghazal, offers a clear example. Much of this area has not received any humanitarian assistance in recent months due to fighting between the SPLA and rebels. The World Food Program (WFP) has noted that “food distributions were briefly provided in September, after four months without access, but insecurity is again preventing us from accessing the area.”¹⁰ The SPLA points to public assurances of unhindered

9. Republican Order no. 29/2017 for the “Free, Unimpeded and Unhindered Movement of Humanitarian Assistance Convoys in the Republic of South Sudan.”

10. Fick, Maggie and Denis Dumo. “South Sudan Violence Blocking Food Aid, Says U.N.’s WFP,” *Reuters* (October 29, 2018.) https://www.reuters.com/article/us-southsudan-unrest/south-sudan-violence-blocking-food-aid-says-u-n-s-wfp-idUSKCN1N31LB?feedType=RSS&feedName=worldNews&utm_source=feedburner&utm_medium=feed&utm_campaign=worldNews

humanitarian access and claims that any aid disruptions would have been due only to legitimate security concerns.¹¹

One humanitarian worker in the area described it as “a textbook example of aid manipulation.”

However, many humanitarian observers with whom RI spoke were skeptical of or directly contradicted the SPLA explanation. One worker told RI that, though the level of insecurity may have warranted limiting aid delivery during the first weeks of fighting, that explanation became less credible over time. A UN official put it more bluntly, asserting that the government made deliberate efforts to deny aid to people in opposition areas by claiming that these areas were not secure. One humanitarian worker in the area described it as “a textbook example of aid manipulation.” Another long-time South Sudan observer saw this issue as an extension of what the UN Panel of Experts on South Sudan concluded in 2017—that the government of South Sudan was “using food as a weapon of war.”¹²

Diversion of Aid: The Mboro Incident

In other cases, the SPLA’s aid manipulation has been much more blatant. Such behavior was recently on display during a September 2018 incident in Mboro, an area southwest of Wau previously controlled by the opposition. RI spoke with several people familiar with the

incident, who confirmed that family members of government officials and SPLA soldiers had been passed off as new returnees to receive aid that was then likely distributed to SPLA soldiers.

The incident began when the local governor told UN agencies and INGOs that he had identified about 200 displaced persons who wanted to return to Mboro. He requested assistance to move them and provide the necessary aid and services. However, humanitarian organizations were wary of the governor’s insistence that an SPLA-escorted convoy conduct the returns. In addition, intentions surveys had revealed that the supposed “returnees” were coached on stories that did not hold up. One humanitarian worker who was present described how SPLA soldiers stayed close by as survey interviews were administered and a local commissioner took interviewers’ names and photos. Finally, relief workers heard of credible threats of an attack on the convoy by a local opposition group and shared them with the governor. Given these various factors, humanitarian organizations initially refused the governor’s request to assist with the returns, citing the humanitarian imperative to act independently. The governor and SPLA went forward with the move anyway; as feared, the convoy came under attack on the way.

The resulting political pressure on humanitarians to deliver aid was, as one aid worker described, “brutal.” The governor verbally abused the heads of humanitarian agencies, and a media campaign and radio broadcasts accused them of siding with the rebels. Facing sustained pressure and threats from the governor to block aid to others, WFP agreed to deliver aid to the identified population, despite the lack of a head count, field assessment, or security assessment, within 24 hours

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11. Republican Order no. 29/2017 for the “Free, Unimpeded and Unhindered Movement of Humanitarian Assistance Convoys in the Republic of South Sudan.”

12. “Interim Report of the Panel of Experts on South Sudan,” S/2017/979 (November 20, 2017). <http://www.undocs.org/S/2017/979>.

of the armed incident. Upon arrival on the scene, the WFP team found far fewer individuals than the governor had claimed and ended up providing several double rations. Nevertheless, when others visited to follow up a few days later, all of the food was gone. The dynamics in the area suggest that these provisions were most likely taken by the SPLA soldiers who now occupied the town. One witness explained to RI that the ratio of civilians to soldiers was nearly one to one, and that a local Médecins Sans Frontières (MSF) clinic had effectively been taken over and transformed into a barracks.

Interviews with the “returnees” revealed that though they were from the same tribe that had been displaced, they themselves had not lived in Mboro since the 1980s. Other purported returnees were found to be from other areas that had always been held by the government and had seen no violence in recent years. Those moved were believed mostly to be the families of SPLA soldiers. Others were identified as members of the Luo ethnic group, not known to have had a historical presence in the claimed area of origin. They were later identified as being from a known SPLA army barracks area and likely the families of soldiers who were moved from there to Mboro. The local commissioner eventually admitted to the humanitarian workers carrying out interviews that the government had ordered people to be moved to Mboro to establish it as the temporary administrative headquarters of Bessilia County. A UN official familiar with the situation described the “returnees” as “handpicked or manipulated” to establish the SPLA’s influence in the area, concluding that it was clearly “manipulation of aid.”

Sadly, such manipulation is not new in South Sudan, where examples date back decades.¹³

It is also not limited to Mboro today, as RI heard accounts of incidents near Bor and Ka-jo-Keji, and in opposition-controlled areas like Akobo. Although it is difficult to confirm just how widespread aid diversion and manipulation are today, it is obvious that the issue demands attention.

Confronting Aid Manipulation

International NGOs and agencies have taken several steps to address the risk of aid manipulation. Humanitarian groups cite improvements in risk management through use of the Contractor Information Management System (CIMS), a common system for agencies to screen contractors; and efforts to expand biometric registration to better target aid, improve efficiency, and deter aid diversion or duplication of recipients.¹⁴ RI observed such registration efforts in the Juba PoCs in early October 2018 – the first ones carried out since 2016. Still, efforts to combat aid manipulation remain hamstrung by the absence of a strong, unified voice at the top levels of the international community and insufficient maintenance and transfer of institutional knowledge to new humanitarian staff in a high-turnover environment.

To avoid aid manipulation, UN agencies and INGOs must enhance efforts to collect and track incidents of aid obstruction and diversion and ensure a unified front in confronting government officials at the highest levels. Efforts by the UN OCHA to track incidents should be given additional resources. Incidents like Mboro must be raised up to the highest levels and shared as cautionary tales to ensure that WFP and others do not fall into the same trap again. Pressure from local governors or other actors will continue but should be met with unified backing from the international community in the country. Such

13. Craze, Joshua. “Displacement, Access, and Conflicts in South Sudan: A Longitudinal Perspective,” *Conflict Sensitivity Resource Facility* (May 2018): 1–15. <https://www.southsudanpeaceportal.com/wp-content/uploads/2018/06/CSRF-Research-Displacement-Access-and-Conflict-in-South-Sudan.pdf>.

14. Unpublished background paper from humanitarian community seen by RI from July 2018.



IOM finger print registration at Juba PoC site 3.
Photo by Refugees International.

threats should be met by concerted diplomatic pressure, raised directly with Kiir and Machar by the UN Humanitarian Coordinator/Resident Coordinator, the SRSG, and influential donors like the United States. Targeted action should be taken against individual actors responsible for such blatant cases of aid manipulation, possibly in the form of pressure on the South Sudanese government to suspend or remove offending officers, or through external international financial and travel sanctions on those individuals.

If there is compelling evidence that the overall harm to civilians by aid manipulation is greater than the benefits they receive from assistance that is compromised in this manner, it may be necessary to suspend assistance to areas of the country where such manipulation is taking place. To be sure, such judgments will be difficult to make and will involve a broad variety of factors, and withholding of aid should occur only after careful consideration of humanitarian principles – but such action should not be excluded. Such de-

terminations should be made by the UN Humanitarian Coordinator, with the concurrence of the UN's Emergency Relief Coordinator and in close consultation with the HCT, the strategic decision-making body for humanitarian action comprising UN agencies, NGOs, and donors. Though the parameters for such actions have been discussed within the HCT, a greater willingness to make such determinations will be needed to address ongoing cases of aid manipulation.

Targeted action should be taken against individual actors responsible for such blatant cases of aid manipulation.

Current efforts to improve risk management, such as through CIMS and biometric registration, should be supported and expanded. Humanitarian actors should also be trained to spot and be made aware of cases of aid manipulation and be encouraged to speak out about them. Efforts by OCHA and other groups to share information on aid manipulation and provide training that promotes better understanding of humanitarian principles and negotiation of access should be expanded. Such groups could include the NGO Forum – the main NGO networking body in the country – and the CSRF – a joint donor initiative to better inform programming decisions and strategies. Stronger institutional knowledge of the context and history of aid challenges in South Sudan should be built within individual agencies and organizations by collecting lessons learned and notes for the record and incorporating them into more rigorous handovers and orientations for staff new to the country.

ETHNIC DISLOCATION

The most dangerous way in which international humanitarian aid risks being manipulated in South Sudan is the reinforcement of ethnic dislocation of the population. Ethnically targeted atrocities have caused massive displacements, which in turn have altered the ethnic landscape across South Sudan. Several large towns and other areas have been depopulated of their traditional ethnic communities and are now being repopulated by members of the dominant Dinka ethnic group or others allied with the SPLA.

In Wau, the traditional home of an ethnic grouping known as the Fertit, large sections of the town remain abandoned following ethnically targeted violence in late 2015 and subsequently. Much of the previous population now lives in the PoCs or in IDP sites nearby. Although the town's population was made up of about 70 percent Fertit before the civil war, it is now between 30 to 50 percent Dinka. Similar dislocation has taken place in the traditionally Fertit areas south and west of Wau town in the greater Baggari region. As discussed above, aid in this region has been blocked by the government and, as in the case of Mboro, IDPs from elsewhere have been brought in to alter the demography in many communities. One relief worker described this occurrence as a systemic effort to displace local populations favorable to the opposition and replace them with a token group of government-aligned civilians to build the image of fostering return, establish control in the area, and divert aid to the army deployed there.

The dynamics of ethnic dislocation in and around Malakal are in many ways even starker than those playing out in Wau. As noted above, RI learned of the active government relocation of Dinka from Juba and other parts

of the country to Malakal, with many of them taking over homes previously held by the Nuer and Shilluk who fled the city. The government is also reported to have been titling unsurveyed land and selling it.¹⁵ The situation in Malakal was characterized by one independent international observer as “crazy gerrymandering,” and by another as “population engineering.” Another humanitarian official said, “under their breaths, some people say this is a case of ethnic cleansing.”

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There is a very real danger that international aid will be further manipulated to facilitate and reinforce ethnic dislocation as international donors look to shift more funds from emergency response toward longer-term recovery. Areas identified for development are usually those that are more stable and devoid of conflict, precisely because they have been cleared of opposition ethnic groups. This possibility is set to play out in a new Partnership for Recovery and Resilience program led by UNDP and driven by USAID. The Partnership will identify “islands of stability” ripe for the transition from emergency aid to resilience and recovery funding. Such funding would focus on reducing vulnerabilities and enhancing coping capacities through quick-impact projects like building basic infrastructure (e.g., schools, police stations, and water collection points), rehabilitating markets, and developing livelihood opportunities. Thus far, efforts have begun in Yambio and Aweil with Torit,

15. “Housing, Land and Property, Aid and Conflict in South Sudan,” Conflict Sensitivity Resource Facility (September 2018): 1-4. <https://www.southsudanpeaceportal.com/wp-content/uploads/2018/09/CSRF-Briefing-Note-Housing-Land-and-Property-Aid-and-Conflict-in-South-Sudan.pdf>.



Photo by Refugees International.

Bor, and Wau discussed as further potential areas to pilot the program. Such efforts will be essential in moving South Sudan forward and creating enabling environments for returns. However, if the design and implementation of these projects are not informed by adequate conflict-sensitivity analysis, they risk reinforcing a sense of division and the ethnic dislocation resulting from egregious human rights violations.

It is not clear to what extent ethnic dislocation is the result of a centrally orchestrated campaign or driven by heavy-handed and opportunistic moves by local actors. However, several observers with whom RI spoke – ranging from UN officials to community leaders in the IDP sites – voiced concern that the efforts to re-engineer South Sudan’s ethnic demography were much more centralized than local. As one UN official said of Wau and Baggari, “The Dinka want to push the Fertit out. It is definitely there.” Another humanitarian representative working in the region described “explicit marginalization” as taking place. At the very least, this is politi-

cally motivated ethnic dislocation by officials taking advantage of displacements caused by a series of atrocities. At worst, it is ethnic cleansing and a crime against humanity. Either way, the international community must take a stronger stance to combat it. As a first step, the Commission of Human Rights on South Sudan, established by the UN Human Rights Council in 2016 to investigate gross violations and abuses of human rights, should investigate these ethnic dynamics and raise them with the leadership of South Sudan’s transitional government.

The bottom line is that ethnic dislocation continues to take place in the largest population centers in the country. International donors must push the transitional government to address it. HLP issues are particularly susceptible to these risks and will remain among the most challenging in dealing with returns of displaced persons. A special court should be set up to adjudicate HLP issues, supported by new legislation. More broadly, impunity for atrocities committed during the civil war must be addressed. The government of South

Sudan should ensure accountability for atrocities committed by establishing the hybrid court agreed upon under the peace agreement.¹⁶ South Sudan should also join the African Union Convention for the Protection and Assistance of IDPs in Africa (the Kampala Convention) and pass currently pending legislation on IDPs. These steps would ensure that attention and funding are devoted to addressing displacement in conformity with international humanitarian law and the international Guiding Principles on Internal Displacement. Notably, such moves would recognize the importance of the voluntary and safe return of IDPs with dignity, as well as the need to assist returnees in recovering their property and possessions.

Finally, the United States has a key role to play in supporting the development of clear and unified messaging among international actors. This role will be important for both promoting efforts to combat aid manipulation and encouraging South Sudan in taking positive steps to stop ethnic dislocation and strengthen accountability. To do so, the United States should staff up the existing Office of the U.S. Special Envoy for Sudan and South Sudan. It should also reappoint a special envoy with knowledge of both the country and regional dynamics, as well as sufficient stature and support from the White House to engage and influence key domestic, regional, and global actors.

CONCLUSION

Millions of people remain displaced from their homes by continuing violence in South Sudan, facing severe instability and food insecurity. The ability to address these challenges is hampered not only by a lack of infrastructure and seasonal weather constraints, but also by

active obstruction and diversion of aid by parties to the conflict. To avoid further suffering and even possible famine, international aid will continue to be vital. However, it must be conducted in a way ensuring that the international donor community meets any attempt at manipulation with unified censure and real consequences. Similarly, the international community must be careful to ensure that its aid is not being used to reinforce ethnic dislocation resulting from severe human rights violations, which may amount to crimes against humanity and ethnic cleansing.

Even if peace muddles forward, these challenges will remain. Steps should be taken to address HLP issues; strengthen accountability; and ensure that returns are safe, dignified, voluntary, and sustainable. Any returns from PoCs or beyond must be done in a voluntary, gradual, and transparent manner, sensitive to local dynamics and in a way that does not fuel further division and expose potential returnees to the kind of ethnic targeting that has been a sad hallmark of the conflict in South Sudan.

Ensuring the safety and dignity of returns from PoCs, avoiding aid manipulation, and preventing the forced dislocation of ethnic groups are critical issues that the government of South Sudan, international organizations, and donor governments must address urgently. They are important in and of themselves and – perhaps more important – will have far-reaching implications for the prospects of return and well-being of millions of South Sudanese displaced both within and outside of the country.

REFUGEES INTERNATIONAL SENIOR ADVOCATE FOR HUMAN RIGHTS DANIEL P. SULLIVAN TRAVELED TO SOUTH SUDAN IN OCTOBER 2018.

16. "Commission on Human Rights Urges South Sudan to Make Peace and Justice a Reality," United Nations Human Rights Council (September 17, 2018). <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23576&LangID=E>.

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