

Annex 5: The road ahead for durable solutions: addressing constraints

There are opportunities to generate donor and partner interest around the recent research led by the DSWG. This requires a clear advocacy and communication strategy to a targeted audience. It is not currently clear how this evidence will be used to make the case for funding, even in an insecure context, leveraging links with the Solutions Initiative. Immediate gains from greater coordination could be around clarifying UNHCR Sudan's thinking on its DS strategy in a dynamic context and communicating that strategy effectively and widely across DS stakeholders. This in turn would support advocacy for funding based on a clear articulation of ambition that is realistic in the context. Greater DS capacity would allow more effective linkages with key government institutions across state and federal level. How this frequent and coordinated interaction will happen in post-coup Sudan is currently unclear.

If the area-based approach is to succeed it will require informed collective action at state level both within UNHCR and beyond. A further advantage of the area-based approach, as highlighted by key informants, is the opportunity to focus gains at community level where conditions allow, that could mitigate delays at policy level such as the setting up of the IDP Commission under the JPA. Senior management in UNHCR have already begun engaging with different potential scenarios for Sudan as part of this evaluation exercise, and this is work that could usefully continue in order to recalibrate ambition around solutions from a Transition Strategy written at a time of greater political optimism.

The challenges with pursuit of durable solutions for refugees are primarily political, but also include the degree to which humanitarian actors and donors cohere in their ambition to lay the foundation for solutions as early as possible (for instance avoiding the creation of parallel service delivery structures). Given the dearth of funding for protracted refugee cases in the east and south of the country, it is understandable why some view this with skepticism (see section 3.2 of the main report) on disparity of funding between protracted and new refugee influxes).¹

For the 736,000 strong South Sudanese refugee population, access to citizenship and to rights to freedom of movement and access to work are the most politically contentious issues. Over a quarter of this population live in the vicinities of Khartoum. Although not formerly recognized as stateless, many South Sudanese who remained in Sudan following secession became undocumented and needed to obtain documentation to confirm their South Sudanese nationality. The majority still do not possess nationality documentation.²

The current constitutional framework of Sudan means that displaced people from South Sudan could qualify for citizenship, although there are many political and legal obstacles. The naturalisation of this sizeable constituency with the potential to vote at such a politically sensitive time in Sudan could be the source of political resistance to progressing this solution (Strategic Objective III.5 in the Draft National Strategy on Solutions).³ UNHCR could contribute with sharing relevant experiences from other countries.⁴ Access for South Sudanese refugees to the freedom of movement and access to work (Strategic Objective III.3) is contained in the "Four Freedoms Agreement" (2012) between Sudan and South Sudan which has yet to be implemented. Although both leaders (Salva Kiir, President of South Sudan and Abdallah Hamdok, former Prime Minister of Sudan) met and agreed to implement the agreement, so far progress is limited.⁵ Access to appropriate documentation would be a critical step to realizing this strategic objective. It was noted at the recent ExComm that UNHCR could step up support

¹ Kills in Eastern and White Nile States.

² Including 200,000 South Sudanese refugees from the pre-Dec 2013 caseload awaiting documentation, according to UNHCR Sudan's Protection and Solutions Strategy (2020)

³ Government of Sudan (2021) Draft National Strategy on Solutions

⁴ UNHCR (2021) Notes from ExComm Meeting with the SSSI Consultants

⁵ Increasing rights of South Sudanese could impact vested interests of those who gained from loss of property and rights at the time of state secession in 2011.

with documentation as a priority action.⁶ Also noted was the possibility of a staged approach to solutions for this group: progressively increasing access to residency, rights to work and movement under strategic objective III.3 as a route to eventual citizenship.⁷ For refugees of other nationalities, the political challenge is the negotiation of tripartite agreements for return to country of origin, in particular for groups such as over 122,000 Eritrean refugees who have lived in protracted displacement in the east for several decades.⁸ There was frustration amongst staff at the lack of solutions for protracted caseloads of refugees in eastern and southern Sudan and Khartoum itself.⁹

Progressing durable solutions objectives for internally displaced populations will mean navigating a deteriorating political and conflict context and ensuring a critical mass of support for solutions-focussed work for these populations. As mentioned earlier, the scenario planning for IDP populations will take on increased value in post-coup Sudan. Plans for IDP returns are likely to be over-ambitious given the security context in Darfur as of 2021. Concern was voiced by some informants that the IGAD process was too focussed on returns. A regional UNHCR meeting on solutions lists returns and local integration as two of their four priority areas for solutions looking forward, adopting an area-based approach to programming where the context is conducive for return and integration.¹⁰ UNHCR's approach to the relationship between peacebuilding and solutions, and whether it considers finding solutions as a contribution to peacebuilding as opposed to a necessary pre-condition, could helpfully be articulated and understood amongst its own staff.

⁶ UNHCR (2021) Notes from ExComm Meeting with the SSSI Consultants

⁷ UNHCR (2021) Notes from ExComm Meeting with the SSSI Consultants

⁸ Government of Sudan (2021) Draft National Strategy on Solutions

⁹ See Annex 5, mini-workshop summaries

¹⁰ Reference to regional solutions notes