

South Sudan: A young country divided by civil war

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Introduction

South Sudan, the country that gained independence in 2011 with huge international fanfare and support came apart in just one week. South Sudan was plunged into a civil war on December 15, 2013, following a fall out between President Salva Kiir from the Dinka ethnic group and the then Vice President Riek Machar from the Nuer ethnic group¹. Following this power crisis, South Sudan descended into a national, political and ethnic conflict, rapidly spreading across many parts of the country and leading to the death of thousands of women, children and men.

In Africa, South Sudan is at the epicentre of one of the leading and challenging refugee crises in the continent. In fact, South Sudan, alongside Syria, Iraq, and Yemen, is currently classified by the United Nations as one of four “Level 3” (the highest level) humanitarian emergencies in the world, and the only one in Africa (Blanchard, 2016:4). More than 2.5 million people have been forced to flee their homes due to the brutal war. Out of these, 1.6 million have been internally displaced in South Sudan and more than 830,000 have sought safety in neighbouring countries, mainly Ethiopia, Kenya, Sudan and Uganda².

For the first time, the Central African Republic (CAR) and the Democratic Republic of the Congo (DRC) received refugees from South Sudan, as conflict and insecurity spread to new areas of the country. According to the UNHCR January-December 2016 Revised South Sudan Regional Refugee Response Plan, facts and figures as of 31 July 2016, the total number of South Sudanese refugees stands at more than 940,000 individuals, of whom some 817,000 people have fled since December 2013. Out of this total, some 70 per cent are children and close to 60 per cent are adult women. The actual figures are likely to be far higher.

This paper examines the background to South Sudan’s current refugee situation and protection regime in the thematic context of responsibility-sharing and with regard to protection, assistance, and solutions that may offer hope for the future. South Sudan is regarded as a top humanitarian concern in 2016, often with the argument that this displacement crisis tends to be forgotten mainly

¹ Dinka and Nuer are the largest tribes in South Sudan with the Dinka being the largest. Dinkas are predominantly found in seven of the ten states of the Republic of South Sudan, while the Nuers are found in three states. The Dinka and Nuer share common borders and therefore have some cultural similarities. They are of Nilotic origin, characterized by their physical features of being dark and tall. In Ayiei, Thon. 2014. *Understanding The Tribal, Political and Economic Aspects of the Current South Sudan Civil War and their Complications in Achieving a Peaceful, Lasting Solution*. The New Sudan Vision.

² <https://www.oxfam.org/en/emergencies/crisis-south-sudan>. South Sudan, A man-made disaster. Accessed 20 November 2016.

because many refugees from South Sudan are not part of the mixed migration flows heading to Europe. Frouws (2016) notes that with the current focus on the European ‘refugee and migrant crisis’, other displacement crises around the world, unless somehow connected with population flows to Europe, tend to be forgotten. Just by way of an example, as of April 2016, the South Sudan Regional Refugee Response Plan was funded at just eight percent, while the European Union (EU) promised 6 billion euros to Turkey to deal with hosting Syrian refugees (Frouws, 2016).

This paper highlights the importance of the principle of responsibility-sharing in ensuring effective refugee protection. Suhrke (1998: 412) states that concepts of responsibility-sharing have been central in the current search for reform to safeguard asylum. Such schemes were designed to create greater equity in the asylum burden, thereby increasing the incentives for states to protect refugees. Cooperation and solidarity in shouldering the responsibility are fundamental in assisting countries faced with large-scale refugee displacement in hosting refugees, given the enormous challenges this often entails. It should be noted that the movement of people, including refugees, in an increasingly globalised world can be an important economic and social driver.³

History of the Conflict

The seeds of South Sudan’s return to violent conflict in December 2013 were sown long before the world’s newest country achieved independence in July 2011 (Brown, 2014: 3). South Sudan has a history of inter-ethnic fighting, as well as clashes between rebel groups and the Sudan People’s Liberation Army (SPLA). The two rival pastoralist groups, the Dinka and the Nuer have competed over grazing land and water for their cattle for many years.

The country has also seen intermittent civil wars in different parts of the country since independence in 1956. Its long and drawn out conflicts are largely a result of the political, economic, religious and cultural marginalisation of the peripheries by the government in Khartoum. A breakthrough, marked by the Comprehensive Peace Agreement in 2005, led to the independence of South Sudan in 2011. But it has had little significance for Sudan’s other regions, where the agreement was left largely unimplemented, and violent conflict persists⁴.

The dismissal of the then Vice President Riek Machar on allegations of organizing a coup against President Salva Kiir, functioned as a catalyst for mass violence, (Richardson, 2011). Initially limited to fighting between loyal and mutinous soldiers, the conflict soon developed into a civilian massacre. Following his dismissal, Riek Machar threw his support behind an armed opposition of Nuer rebels and became their leader. This sparked bloodshed between the Dinka and the Nuer (Howden, 2013). The South Sudanese army played a central role in this conflict as it is responsible for the majority of civilian deaths.

The consequences of the renewed conflict have been severe; the exact number of fatalities remains unknown but eye witness accounts have stated that the real number was in the tens of thousands. Additionally, around 200 000 people were displaced and sheltered in camps set up by the UN and

³ <http://www.un.org/pgs/70/wp-content/uploads/sites/10/2015/08/Refugees-and-Migrants-30-June-2016.pdf>. Global Compact on Responsibility Sharing for Refugees. Accessed 20 November 2016.

⁴ <https://www.insightsonconflict.org/conflicts/sudan/conflict-profile/>. Accessed 20 November 2016.

NGOs such as Doctors Without Borders (Howden, 2013). The threats of famine and of sexual violence have increased dramatically; and ethnic tensions and violence have returned to the forefront of intra-South Sudanese relations. The psychological damage to people – and to a country that was slowly shedding the spectre of civil war is enormous, (Brown, 2014: 3).

The conflict rages on despite mediation by the Intergovernmental Authority on Development (IGAD) and the troika of USA, Norway and China. The Sudan People's Liberation Movement (SPLM) dialogue is mediated by South Africa's ruling African National Congress, (ANC) party and Tanzania's ruling Chama Chama Mapinduzi (CCM) at Kenya's prompting. In July 2016, renewed fighting broke out in South Sudan between forces loyal to the President and Vice-President with fears that the country was descending into civil war after the just ended 30 month conflict.

Overview of Situation with Refugee Population(s) in South Sudan

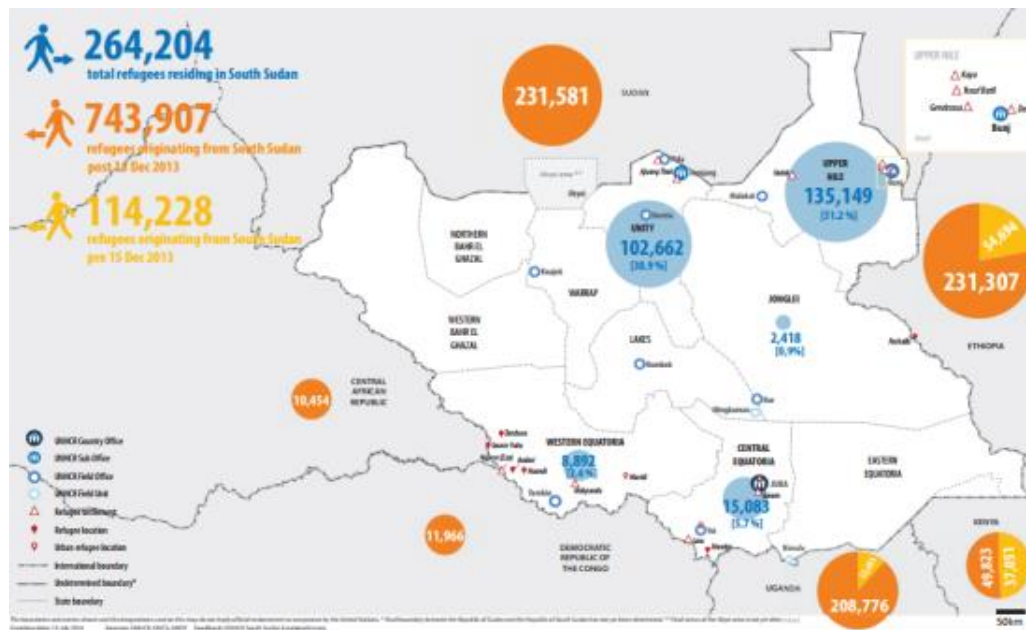
Sudan ranks among the countries with the highest levels of conflict-induced population displacement globally. The United Nations High Commissioner for Refugees (UNHCR) estimates that nearly one in four South Sudanese citizens are displaced within its borders or in neighbouring countries⁵. More than 1.61 million South Sudanese were displaced in various parts of the country as of 31 July 2016, of which 170,000 were sheltered in UN Protection of Civilians sites⁶. Over 720,000 people have crossed into neighbouring countries, including Sudan, Ethiopia, Kenya and Uganda (see Figure 1 below).

Frouw (2016) contends that the demographics of South Sudanese refugees show that over 86% of the refugees are under 18 (64.8%) or women above 18 (another 21.7%). Only 13.8% are men over 18. Most of the men are still in South Sudan, either involved in the conflict or taking care of cattle or belongings. The families (women and children) are not likely to leave the region and migrate towards Europe on their own.

⁵ <http://www.regionalmms.org/index.php/country-profiles/south-sudan>

⁶ <http://www.regionalmms.org/index.php/country-profiles/south-sudan>

Figure 1: Map on IDPs and refugees in South Sudan as well as South Sudanese refugees in neighbouring countries.



Adapted from:

13.07.2016 - UN High Commissioner for Refugees:

Original title: South Sudan: Refugees residing in and originating from South Sudan; 30 June 2016

<http://bit.ly/2kux7gQ>

Recent research by Frouws (2016) indicates that South Sudanese people remain deeply tied to their homeland. They identify themselves by tribe and clan, which are connected to an ancestral area, and see their land as their heritage. They see the possibility of future return to their homeland as an essential component of their identity. Being pastoralists, movement within South Sudan and across borders is easier. Many South Sudanese have extended family reaching across borders in the countries where they seek refuge, with the same tribes present on both sides of the border. This offers additional support upon arrival in neighbouring countries.

Uganda is renowned for providing refugees with the land and resources to become self-sufficient. The 2016 Africa Insider report argues that, by 2015, Uganda had become the third largest refugee-hosting country in Africa, after Ethiopia and Kenya, with more than half a million refugees. That number is escalating. Alongside on-going crises in Burundi and the DRC, violence in South Sudan has driven more refugees to Uganda in 2016. Uganda is one of the most favourable environments in the world for refugees, according to Frouws (2016). Whereas many countries keep refugees in camps away from citizens, Uganda allows them to trade and set up businesses, work for others, and move freely around the country.

Diaspora and Resettlement

South Sudan refugees should receive the same support and attention as refugees from elsewhere. Refugees are an international responsibility; which has to be shared. The refugee protection regime is enhanced through dedicated international cooperation, in a spirit of solidarity

and responsibility sharing among all States. Resettlement of South Sudanese refugees on a small scale, mainly to the United States, Canada, Australia and the United Kingdom, has been on-going for over two decades.

However, a very small percentage of those displaced have accessed official third-country resettlement placements (Shandy, 2006: 29). North America and Australia have emerged as key destinations for the Southern Sudanese who have been resettled as refugees. While resettlement in these countries is indeed a form of responsibility sharing, the numbers are very small.

Many refugees in Africa have benefitted from resettlement to third countries, but this option has been rarely used to resettle refugees within African countries. Attempts were made between 1997 and 2001 by Benin and Burkina Faso but with poor results⁷. Obviously there are several obstacles to the practice of intra-African resettlement of refugees, most notably the fact that many African countries lack capacity and resources to accommodate resettled refugees and extensive violations of human rights still occur in several parts of Africa.

Regional and International Responses to the Refugee Crisis

Blanchard (2016: 9) states that the humanitarian response in South Sudan, one of the most expensive in the world, has been constrained by funding shortfalls, access challenges, bureaucratic restrictions by the government, threats against the United Nations and other aid agency personnel, and ongoing hostilities. Until now, the burden of responsibility for supporting asylum seekers and refugees in South Sudan has fallen upon regional and international players. According to Blanchard (2016: 9), the international community continues to mobilize diplomatic, humanitarian, and peacekeeping resources to protect civilians, respond to needs, and bring an end to the conflict. She further notes that Government delays and denials of Flight Safety Assurances for U.N. humanitarian flights to non-government-aligned areas are a significant problem. Rising criminality in Juba, as evidenced by dozens of intrusions into NGO compounds, poses additional risks.

The European Union is among the biggest donors of humanitarian aid in South Sudan. So far in 2016, it has provided more than 40% of all humanitarian financing to support life-saving programmes⁸. Banchard (2016) also cites the United States as the main bilateral humanitarian donor, earmarking almost \$1.9 billion in emergency relief since the conflict began. The U.N.'s estimated cost for humanitarian partners' responses to the most life-threatening needs in 2016 is \$1.3 billion, which remains considerably underfunded.

Civil Society, Humanitarian and Development Actors' Response

In East Africa, civil society organizations have taken on provision of vital services to South Sudanese refugees, complementing the work of the UNHCR, the organisation responsible for safeguarding and protecting the rights of refugees. Civil society organizations have mobilized

⁷ S. Sperl/UNHCR, "Refugee resettlement in developing countries: The experience of Benin and Burkina Faso, 1997 - 2003 - An independent evaluation," accessed October 16, 2016, <http://bit.ly/2e9ZxGz>.

⁸ South Sudan Crisis, European Commission Humanitarian Aid and Civil Protection, Eco Fact Sheet. http://ec.europa.eu/echo/files/aid/countries/factsheets/south-sudan_en.pdf

resources mainly from foreign governments and donors to provide access to life-saving services for refugees. The list is long but one vital service stands out – education, (Bojovic, 2016: 15). For instance, in the camps in Kenya, Kakuma and in the settlements in Northern Uganda, civil society organizations have responded with unique educational services that respond to the needs of the different age groups. These include language classes, early childhood and primary education, provision of scholarships, and vocational training and alternative learning for adults. As remarked by Mumbi (2016) “educating refugees has both short-term and long term benefits. In the short-term, it eases their integration in the host countries while a long-term benefit is that it prepares them to positively contribute to their own countries once they return.” Bojovic (2016: 16) maintains that the civil service in South Sudan has a number of senior staff who have benefited from education scholarships obtained in countries they had sought asylum in before they repatriated after independence in 2011.

Thousands of refugees fleeing violence and human rights violations in South Sudan benefit from major aid operation for water and sanitation, health and nutrition food assistance and education. However, with dwindling foreign funding, projects continue to downsize and civil society requires new innovative funding. Without this, refugees will be left without vital support. Jonathan Veitch, a UNICEF representative in South Sudan is of the opinion that the situation has been getting bleaker every day since the beginning of the crisis in 2013. There is need for more donors to come on board with the funding required to keep programmes running. While donors have been generous in the past there is a frustration at the lack of progress in the peace process⁹. The 2016 South Sudan Regional Refugee Response Plan is outlined below.

Funding Snapshot as at 20 October 2016

Funding Level	
Regional Response Plan	\$759,046,304
Funding received	\$186,566,818
% funded	25%

Source: Revised South Sudan Regional Response Plan, January-December 2016. UNHCR.

Intergovernmental Authority on Development (IGAD) and Individual Country Responses

In South Sudan, the responsibility for hosting refugees is disproportionately shared with particular countries hosting a greater majority of refugees. Neighbouring African countries bear an undue responsibility to host refugees and migrants, disproportionate to their resources. Such unequal sharing of responsibility is at the root of the global refugee crisis and the many problems faced by refugees. Moreover, as remarked by Carciotto and d’Orsi (2016) “such difficulties are exacerbated by the fact that currently in Africa, apart from some good examples, such as Uganda, refugees are

⁹ The crisis in South Sudan cannot be solved with more money we need peace. *The Guardian*. Accessed 8 December 2016.

not welcomed. African states are increasingly imitating other countries across the globe, closing their borders and threatening to return by force those who have entered their territories.

From a regional perspective, IGAD and individual member countries alike have played a central role in the response to the South Sudan refugee crisis. IGAD is a regional organization which brings together eight eastern African countries comprising of Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan, Uganda and Eritrea. IGAD is strongly committed to the promotion and maintenance of peace, security and stability in the region. This commitment includes the creation of mechanisms for the prevention, management and resolution of inter-State and intra-State conflicts through discussion¹⁰. According to the Crisis Group Report of 2015, the region, with the backing of IGAD, has led the effort to mediate between the warring parties in South Sudan, with the support of the African Union (AU), the U.N. Security Council, and international partners¹¹.

The IGAD mediation is led by a chief mediator, the former Ethiopian Foreign Minister, Seyoum Mesfin, who was joined by mediators from Kenya. It is overseen by the Heads of States (HoS), including Uganda. IGAD has been working to broker a power sharing agreement between the two sides, with limited success. The IGAD mediation process is fraught with regional rivalries and power struggles. Uganda is mediating at the HoS level and has deep animosity toward Sudan and dislike of former South Sudan Vice President Riek Machar, now head of the Sudan People's Liberation Movement-in-Opposition (SPLM/A-IO¹²). Uganda is also unhappy with President Kiir's relationship with Sudan and his indecisiveness on measures to end the conflict.

President Yoweri Museveni sent troops to support South Sudan's President Salva Kiir at the outset of war and remains Juba's staunchest ally. Uganda has often sought to benefit financially and politically from foreign military activities, and its deployment in South Sudan serves this end. Uganda is seen as the kingmaker in South Sudan's peace process and they have supported the power sharing option to end the conflict. However they seem keen to maintain the status quo and also support the SPLM mediation by South Africa's ANC and Tanzania's Chama Chama Mapinduzi. There is a belief that the operations of Uganda's army, the Ugandan People's Defence Force (UPDF) are funded from South Sudan's "national reserves and assets" and also "assets of senior politicians" which were transferred to Uganda on the onset of the war (Crisis Group Africa Report, 2015: 6-8). While Uganda is an important ally, it has failed to support a political solution to the conflict and has derailed the mediation process. It should be noted that Uganda has economic interests and businesses in the Equatoria region of South Sudan.

Interestingly, IGAD fights, mediates and negotiates in this conflict. According to Diing Wol, (2014), one could be a party to a conflict, therefore a party to a negotiation process, if the need arises. However, to be a mediating party as well in the same conflict is unusual. The Inter-Governmental Authority on Development (IGAD) is fighting, mediating and negotiating in the

¹⁰ IGAD - Peace, Security, Stability and Governance, United Nations Economic Commission for Africa. <http://www.uneca.org/oria/pages/igad-peace-security-stability-and-governance> Accessed 27 November 2016.

¹¹ South Sudan: Keeping Faith with the IGAD Peace Process. *Crisis Group Africa Report* N°228, 2015.

South Sudan conflict, all at the same time. It's a situation which has never occurred in conflict resolution theory and practice.

Uganda: On 7 July 2016, fighting again broke out in Juba between the Government forces of President Salva Kiir and rebel forces loyal to then Vice President Riek Machar. In Uganda, the resumption of fighting in South Sudan triggered one of the worst refugee emergencies since the initial influx of South Sudanese refugees in 2014 and saw some 70,000 South Sudanese refugees arrive in the month following 7 July. Worryingly, women and children made up as much as 95 per cent of the new arrivals during this period, fleeing from a conflict now notorious for sexual and gender-based violence and other war crimes¹². The countries hosting refugees from their crisis-gripped neighbour, South Sudan, are straining under the sheer weight of the unending exodus as desperate people continue to arrive at their borders every day.

By early August 2016, almost 300,000 South Sudanese refugees had sought asylum in Uganda, mainly in Adjumani, Kiryandongo and Arua regions. This number includes those in Uganda prior to the 2013 conflict and the new influx from January to July 2016 of some 89,000 persons¹³. With the exodus continuing, another 50,000 South Sudanese are expected to flee to Uganda in the coming months, bringing the total number of refugees to 350,000 by the end of 2016 (UNHCR, 2016: 8).

Uganda's open-door policy has been hyped as being one of the most generous in the world. Through the Settlement Transformative Agenda, local communities are part of the support system for refugees. The host communities' goodwill is harnessed - food is shared, goods are traded as communities are made to feel included in the noble cause of hosting those displaced by manmade or natural disasters. Under the Refugees Host Communities Programme, at least 30 per cent of interventions must focus on host communities and 70 per cent on refugees. This is essential, community is poor and has suffered conflicts and civil war yet they have accepted the refugees without fear of depleting resources.

Like Uganda, **Ethiopia** has a very high stake in this crisis. It also has economic interests in trade and has infrastructure in the area. Ethiopia believes that Uganda's military intervention has created harmful regional dynamics, endangering the mediation efforts of IGAD, of which Uganda is a member. Ethiopia has sought to play a balanced but highly visible role in these mediation efforts (ISS, 2014:1).

Ethiopia is the IGAD chair, and there is a widespread perception that Addis Ababa is the driving force behind the mediation and that it carefully protects this role. The Gambella state borders with Ethiopia and is inhabited by the Anyuak and the Nuer. The Nuer in Ethiopia has joined the war in support of their kinsmen in South Sudan. The Nuer dominates that SPLA-IO. Ethiopia hence prefers to stay neutral to avoid insecurity in its borders. (Crisis Group Africa Report, 2015: 9). The

¹² Revised South Sudan Regional Refugee Response Plan January – December 2016, <http://bit.ly/2h4YPzk>, accessed 25 November 2016.

¹³ *Revised South Sudan Regional Response Plan, January-December 2016*. UNHCR.

year 2016 has seen consistent and high numbers of new refugees from South Sudan. In Ethiopia, more than 280,000 refugees from South Sudan have sought asylum, the vast majority of them in the Gambella region. This includes the pre-December 2013 caseload of about 54,000 refugees. By the end of 2016, it is estimated that the total number of South Sudan refugees in Ethiopia will be 290,000 (UNHCR, 2016: 7-8).

Kenya. Nairobi's South Sudan policy is guided by the desire to maintain stability necessary to secure its economic interests and growing diplomatic profile in the region and beyond. In addition, many current and former officials have significant investments in South Sudan. In Kenya, more than 103,000 refugees from South Sudan have sought asylum, the vast majority of them in the Kakuma region. The total number includes South Sudanese refugees who were in Kenya prior to the end of the 2013 conflict. It is estimated that an additional 5,300 South Sudanese could seek asylum in 2016, bringing the total number of refugees in Kenya to 108,500 by the end of 2016 (UNHCR, 2016:8). The Kakuma camp, in the north-western part of Kenya, home to hundreds of thousands of South Sudanese refugees escaping conflict and hunger is anticipating to receive more refugees as renewed fighting back in South Sudan continues.

New countries have come on board to protect and assist South Sudanese refugees. For the first time, the Central African Republic (CAR) and the Democratic Republic of the Congo (DRC) received refugees from South Sudan, as conflict and insecurity spread to new areas of the country. In the Central African Republic, since mid-December 2015, more than 4,000 refugees from South Sudan have sought asylum, the vast majority of them in the Bambouti¹⁴. As per the revised 2016 South Sudan Regional Response Plan Report of 2016, the UNHCR estimates that by the end of 2016, the total number of refugees will reach 10,500. The revised 2016 South Sudan Regional Response Plan also projects that, in the Democratic Republic of the Congo, more than 20,900 refugees from South Sudan have sought asylum since mid-December 2016, the vast majority of them in the Haut-Uele region, and more particularly in Dungu. By the end of 2016, it is estimated that the total number of refugees in will reach 20,000.

Sudan is hosting at least 400 000 South Sudanese refugees who fled a brutal civil war that erupted in the world's youngest country after it broke away in 2011¹⁵. In Sudan, 248,000 refugees from South Sudan have sought asylum, the majority of them in White Nile and South Kordofan. This number includes some 82,000 newly arrived South Sudanese since the beginning of 2016. Based on current trends, an additional inflow of some 24,000 South Sudanese is expected in Sudan by the end of 2016, bringing the total number of South Sudanese refugees to 273,000 by the end of 2016 (UNHCR, Revised 2016 Regional Response Plan 2016: 8).

Centralisation of decision-making at the HoS level and related lack of institutionalisation within IGAD has been and remains problematic. A huge oversight was IGAD negotiating only with the elites mainly the SPLA and SPLA-IO leaving out the local armed groups, religious leaders, civil society and traditional authorities. Hence IGAD missed out on important complexities of the local

¹⁴ Bambouti is a place with a very small population in the state/region of Haut-Mbomou, Central African Republic which is located in the continent/region of Africa. <http://bit.ly/2lqPIYN>. Accessed 8 December 2016

¹⁵ S Sudan hosting 400 000 refugees. <http://bit.ly/2heH9zp>, Accessed 9 December 2016.

culture and politics. IGAD turned down the expertise and advice of the Troika and the EU on suspicions of their involvement and influence in the conflict.

However, a multi-stakeholder approach was accepted. The “multi-stakeholder” process brought together representatives from opposition political parties, faith-based groups and civil society. IGAD, largely comprised of member states where political debate is held within the ruling party, not civil society, “is ill-equipped to manage a process that includes opposition parties, civil society, traditional authorities and faith leaders, despite good-faith efforts.” The government limited the position of civil society to observation (Crisis Group Africa Report, 2015: 18-19).

To overcome these challenges, the government announced a revised, expanded mediation – “IGAD-PLUS”.

IGAD-PLUS was announced in March 2015 following fifteen months of unsuccessful mediation under IGAD. IGAD-PLUS members include the African Union (AU), UN, European Union (EU), the Troika (U.S., UK and Norway), China and the IGAD Partners Forum (IPF). The IGAD-PLUS approach to the mediation is shaped by two factors: firstly, that the parties are unwilling to come to an agreement without pressure, and secondly, that IGAD would need to call on the weight of the wider international community to exert the necessary pressure in a coordinated manner (Crisis Group Africa Report, 2015: 4-5). The IGAD-PLUS formula, involving all the regional and international countries and organisations that have leverage on the two parties, is viewed as the last resort in resolving the conflict.

Recommendations for Action

James Hathaway (2007) is a proponent of responsibility-sharing as a global solution to the refugee crisis and contends that the existing legal framework, under the 1951 convention, is adequate and contains guidelines and procedures for international cooperation in refugee protection. What is lacking is the implementation. Responsibility-sharing, according to James Hathaway, should include both financial commitments and “accepting persons through agreed quotas for resettlement.” All states should participate in this global crisis and the UNHCR should carry out the international administration, making refugee status determination more effective.

However the challenge of responsibility sharing is that refugees are concentrated in the global South hence making the burden greater in that area. The need for funding and sharing the responsibilities on refugees stand out. The South Sudan refugees and asylum seekers are in a highly precarious situation. The conflict has taken long to end, hence the need for longer term solutions. The specific recommendations are;

- i. Identifying and addressing as early as possible the drivers and triggers of displacement related to conflict and persecution in order to prevent the need for persons to flee, or the need to move onward. There is need to take rapid action to prevent situations from becoming protracted. Locally-led initiatives to address the deep-rooted ethnic divisions should be supported by national and international actors. While not viewing the conflict along purely ethnic lines, there is still a need for recognition that the manipulation, or

instrumentalization, of ethnicity has created devastating ruptures at a local level. Therefore there is a need for multiple, locally-led initiatives that will allow these deep-seated divisions to be addressed. Ultimately, however, local disputes cannot be resolved if the broader governance structure is not reformed (International Refugee Rights Initiative, 2014: 7).

- ii. **End the conflict.** The region and AU should accelerate the mediation process to stop the conflict and ensure a return to calm and normalcy in South Sudan. Mediation has taken a long time, with IGAD's fifteen months of mediation unable to achieve results. The HoS should commit to the peace process and set aside their political and economic interests in the country. In any case, a peaceful South Sudan will be of immense benefit in terms of trade and other businesses in the region.
- iii. **South Sudan's leadership needs to be held accountable.** All actors involved in bringing about a national solution to the conflict – including the Intergovernmental Authority on Development (IGAD), the African Union, the United Nations and key international partners – must ensure that any peace agreement includes provisions on accountability. South Sudan's new leadership has failed to transition from a rebel group to a democratic government and instead is perceived to be nepotistic and corrupt. Therefore, there is an urgent need for good leadership that confronts and reverses the country's legacy of injustice and partisanship, and replaces it with a state that ensures that all South Sudanese have equal legitimacy to belong at both a local and national level. In particular, it is important that those involved in seeking an end to the current violence ensure that any deals reached do not simply re-distribute power to those who have already failed in this regard (International Refugee Rights Initiative, 2014: 6).
- iv. Many African countries are shouldering the responsibility of hosting refugees and this is putting their financial resources under stress. It is imperative that States use their capacities to find adequate and collective solutions for refugees, as proposed by the 2016 New York Declaration on the Large Movements of Refugees and Migrants, drafted by the United Nations.
- v. **Quota system for refugees.** Following James Hathaway (2016), the quota system of sharing refugees needs to be actively considered in the region and beyond. UNHCR should play the administrative role in the reception centres documenting the refugees, skills, needs and preferred destination. UNCHR should thereafter distribute refugees in terms of their preferences. As in the case of Yumbe in Uganda, the refugees settled well because their way of life (economic activities) and culture is not too different from the host community. The language might also be similar. Refugees with a rural background may settle well in a rural setting where their lives are not disrupted but can continue as if they are at home. The same applies to those from urban settings who had jobs in their countries. The four stable neighbouring countries need to come up with the relevant strategies and policies for hosting refugees. The AU member countries could also host some of the refugees.

- vi. **Financial responsibility-sharing.** Most refugees are hosted in the global south where resources are scarce and in most cases the countries cannot cope with their own population's social services delivery demands. Yumbe is a case in point. While all the necessary supporting structures are in place, financial resources and the huge inflow of refugees cannot meet the needs of the refugees hence creating sanitation problems leading to disease outbreaks. In this case, through the coordination of the UNHCR and other humanitarian agencies, a needs assessment and budget should be made per hosting community and country and resources should be mobilised from the international communities who are signatories to the 1951 Refugee Convention.
- vii. **Host countries need to guarantee refugees and internally displaced persons access to primary health-care, basic education and employment.** In particular the right to work which is protected by international and regional human rights instruments, as well as many national constitutions, is essential to preserve human dignity and to promote self-reliance amongst the displaced population. African states that are home to a large refugee population do not have adequate resources to provide for the needs of their own population and, therefore, foreign aid should aim at strengthening basic service provision in order to improve services for both nationals and non-nationals.
- viii. Apart from the provision of basic services, such as education and medical care, it is fundamental for donor states and international organizations to fund livelihood interventions and to promote self-reliance, in particular amongst those refugees who have been in a protracted refugee situation for many years.
- ix. **Allow the refugee to decide on destination.** Some refugees may opt for certain destinations based on knowledge and skills they possess on the country of destination and should be given the choice to do so. An example is Syrian refugees who have opted to resettle in Germany. Refugees can help build the economies of the host countries.
- x. **Protection of refugees on trek to refuge countries.** As refugees trek on foot or in trucks to countries or places of refuge, they come across many challenges. For instance, women and children suffer sexual abuse from the attackers they are fleeing. They usually carry very little or no food and may fall victim to starvation or even be taken advantage of on the way or as they reach host communities. More needs to be done by the region and the UN to protect the refugees as they trek to places of refuge.

Conclusion

The South Sudan migration and refugee crisis reveals 'the failure of responsibility-sharing'. Faced with the scope and complexity of displacement in South Sudan, it is clear that there is a huge *imbalance* between the protection and assistance needs of displaced persons, on the one hand, and the capacity of the host countries, on the other. Ethiopia, Sudan and Uganda, due to their proximity, host the largest populations of South Sudanese refugees. The geographic proximity is an imbalanced way of sharing the responsibility of refugees on the African continent. It is for this

reason that many African countries who border refugee producing countries opt to restrict refugees to camps or find ways to prevent or discourage them from accessing their territories.

African countries bear a responsibility disproportionate to their resources to host refugees and migrants. Regional approaches also fundamentally ignore the fact that refugee protection is a shared, global responsibility and international co-operation is fundamental. There is need for commitment to sharing responsibility for hosting refugees more broadly, evenly and fairly, in recognition that responsibility-sharing stands at the core of the international protection regime. We therefore agree with a recent report by Amnesty International that highlights that wealthy countries have shown a complete absence of leadership and responsibility, leaving just 10 countries, which account for less than 2.5% of world GDP, to take in 56% of the world's refugees.¹⁶

South Sudan is involved in the conflict and human rights violations that provoke refugee crises, which means they too, must also be part of the solution. Greater co-ordination between national, regional and international actors is needed to prevent a return to more widespread violence and a new exodus of refugees.

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Appendix

A STORY BY A SOUTH SUDANESE REFUGEE

I am South Sudanese by nationality. I was born on the 12th of December 1992 in place called Nasir, near the border with Ethiopia. This place is occupied mostly by Nuer speaking people and personally, I am a Nuer.

As it is known, South Sudan gained her independence from the former Sudan (Northern Sudan) on the 9th of July 2011. This was after twenty-two years of war with Northern Sudan. We thought that we had achieved lasting peace in our nation but this was not the case. Things turned the other way round and we ended up fighting among ourselves due to a power struggle among our leaders. The war was fought and is still being fought along ethnic lines and Nuers are the main target.

It all started in December 2015 when there was supposed to be an election. The contest was between Salva Kirr (who was and still is the president) and Dr. Machar (who was the Vice President and is currently the rebels' leader). Mr. Kirr knew that there was a high chance of Dr. Machar defeating him in the contest since him, (Machar), was more popular. Therefore, Kirr mobilized his Dinka community to take up arms against the Nuer community. He gathered some youths and took them to a place called Luri in the bush for training as militias.

After the training, they were deployed by Kirr and the first target was Dr. Machar's home where they tried to assassinate him, but luckily enough they did not succeed, as Machar was able to escape. The soldiers then embarked on a killing mission and their target was the Nuer people. This is why I fled my home area of Nasir and sought refuge in one of the United Nations' camps, from where I managed to get into Kenya.

The journey to the camp and to Kenya was not an easy one. On many occasions we were attacked by the Sudan People's Liberation Army (SPLA) soldiers and missed death by a whisker. I remember one day when on our way to the UN camp together with my brother and four cousins, we were caught by some SPLA soldiers. It was early in the morning and the rebels were conducting their regular patrols in the bush looking for Nuers. They asked us whether we were Dinkas or Nuers and when they found out that we were Nuers, they asked for our phones and money. After we handed over these items to them, they started firing at us. We begged them to spare our lives since we were innocent civilians, but this fell on deaf ears and they responded by saying that they have no peace with Nuers and therefore they could not negotiate with us. They shot at us and killed my brother alongside my two cousins. I was lucky to survive the shooting, together with my two cousins, albeit with bullet wounds. We spent that day in the bush and the night too. We trekked a long distance before we got to the UN camp in the morning the following day.

The time between the shooting and when we got to the camp forms the most terrible part of my life. We spent the whole time without food and water despite the fact that we had been injured. We hardly slept and the few hours we did, it was in trees. This was in fear of attack by the SPLA soldiers. But by God's grace, we managed to get to the UN camp. In the camp we received some treatment for the bullet wounds we had sustained. We stayed in the camp for three weeks.

Life in the camp was more hell. The amount of food we were getting in the camp was too little and we usually survived on one meal a day. There was also the problem of a water shortage. This was due to the high number of people in the camp. The tents in the camp were not enough and we were always congested in the camps. The SPLA tried to attack the camp at one time, but their attack was thwarted by the UN forces guarding the camp.

One day, the government of Kenya decided to evacuate its civilians who had been caught up in the crossfire and who were spending life in the camps. I saw that as an opportunity to get out of the camp. As Kenyans were being evacuated, I got onto the bus that was being used to ferry them to the airport. My brother was working at the airport and I knew he would arrange my flight to Kenya since he had helped many of my village mates fly out of South Sudan. Lucky enough, when we got to the airport, he organized my travel logistics with one of his friends in the UN and a Commander in the UN Forces. As Kenyans were being taken back home, I used that opportunity and that is how I got to Kenya. Upon arriving in Nairobi, I met my cousin at the airport. He had been informed that I was on my way to Kenya and therefore he was waiting for me in the airport. I did not have relevant travel documents but I was allowed to leave the airport's clearance area after parting away with some few dollars as a bribe. I was taken to the hospital upon arrival. My cousin took me to his house in one of the estates within Nairobi and the following day he took me to a private hospital where I was treated for my wounds.

Later, I relocated from my brother's house when I joined college and moved to a new place which is in close proximity to the college. I am currently taking a course leading to the awarding of a Diploma in Procurement from a University in Kenya. My life has never been the same since I left home. I live here in Nairobi, Kenya, with my fellow refugees. All Sudanese refugees live in a place called Kasarani in the environs of Nairobi. The authorities in Nairobi and the Kenyans in general are very hospitable. It's out of their hospitality that I managed to join college.

I usually survive on the funds which my brother sends me. He works with the United Nations and out of his salary, he usually send me a little money which keeps me going. I also work in a certain company in Nairobi where I am paid some money, however small, which, combined with what my brother sends me, helps me to survive. I also have a small shop in our estate where I have employed someone. It helps me pay my rent and do my shopping. I thank God for it.

In relation to the whereabouts of the rest of my family, my parents were killed when the war broke out and we fled the war with my only brother and four cousins. But they were shot dead along the way. I don't know about my extended family members, but what I know is that my nuclear family members are all dead by the hands of the SPLA soldiers.

The experience in a war torn country is not a nice thing and I did swear that I will never go back to South Sudan unless Salva Kiir (our president) and his groups leave power. I wonder why IGAD, AU, US and the entire world cannot see the truth and still want to believe the lies and support the killers (Kiir's government). They should see the suffering in South Sudan.