



Evaluation of UNHCR's
returnee reintegration
programme in
Southern Sudan

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PDES/2008/05
September 2008

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Summary of findings and recommendations

Background

In early 2008, UNHCR launched consultations with its Executive Committee (ExCom) on a new Policy Framework and Implementation Strategy regarding UNHCR's role in support of the return and reintegration of displaced populations. This updated reintegration policy includes a commitment by the agency to undertake "both real-time and retrospective evaluations of its major reintegration programmes".

In line with this commitment, UNHCR's Policy Development and Evaluation Service (PDES), in consultation with the Africa Bureau, commissioned an evaluation of UNHCR's reintegration programme in South Sudan and Blue Nile State (hereafter referred to as 'southern Sudan'), with the aims of:

- a) Providing an independent assessment of the effectiveness and impact of UNHCR's operations in supporting the sustainable reintegration of returning refugees and (where relevant) IDPs in southern Sudan 2005-2008;
- b) Making recommendations for the future orientation of the southern Sudan reintegration programme, analysing and taking into account any constraints and opportunities identified; and
- c) Analysing the extent to which UNHCR's reintegration policy framework is relevant and applicable in the Sudan context, and to recommend any adjustments which should be made to the revised policy framework in view of the southern Sudan experience.

This evaluation report is based on a mission to Sudan undertaken between 3 and 20 May 2008. The evaluation team consisted of Mark Duffield (Professor of Development Politics at the University of Bristol, UK) and two UNHCR staff members: Khassim Diagne (Senior Advisor for IDP Operations, Division for Operational Support) and Vicky Tennant (Senior Policy Officer, Policy Development and Evaluation Service). The team visited Khartoum, Damazin and Kurmuk (Blue Nile State), Yambio (Western Equatoria), and Juba, Yei and Kajo Keji (Central Equatoria). As such, the evaluation concentrated on locations where UNHCR has been undertaking reintegration work for some time, rather than current areas of high return such as Eastern Equatoria, to which the focus of the operation has shifted more recently.¹ The team met with staff from a number of UN agencies (including military and civilian staff of the UN Mission in Sudan, UNMIS), local and international NGOs, government officials, and held focus group meetings and individual interviews in a number of returnee communities. The team also conducted interviews at UNHCR Headquarters with a wide range of individuals currently or previously associated with the operation. Initial evaluation findings were presented to UNHCR staff in Juba and Khartoum in May 2008 and to UNHCR Headquarters staff on 9 June 2008.

¹The evaluation does not cover UNHCR's programme of support to approximately 16,000 refugees in Southern Sudan.

Summary of findings

UNHCR has achieved a major success in southern Sudan in supporting the voluntary repatriation of more than 135,334 refugees between late 2005 and May 2008. This represents a significant achievement, involving Tripartite agreements with five neighbouring countries and, at one time, the simultaneous operation of four repatriation corridors. Despite security problems resulting from the activities of the Lords Resistance Army (LRA) and other armed groups, the widespread presence of mines and UXOs, and significant logistical challenges, the organised return process has taken place in conditions of safety and dignity. The operation, moreover, has resulted in the closure of refugee camps in the Central African Republic (CAR), Democratic Republic of Congo (DRC) and Ethiopia.

Despite an unpredictable funding base, which has significantly constrained operational planning, UNHCR has also made a solid contribution to the early reintegration of returnees in their areas of return through appropriate and effective support. With a focus on community-based social services, this work has benefited both refugee and IDP returnees, as well as receiving communities. In terms of the message that such work sends, together with the information that UNHCR has disseminated, this has arguably provided an important pull-factor in the decision making of the many spontaneous returnees.

UNHCR's contribution to return and reintegration should also be judged as a significant part of a joint effort that has variously overseen the return of possibly two million people to South Sudan since 2005 without an immediate crisis occurring. These achievements are reflected in the positive feedback regarding UNHCR that the evaluation team widely encountered among the government officials, UN agencies, NGOs and beneficiaries with whom it met.

Despite these positive findings, the evaluation team found that regarding reintegration, more could have been done, and it could have been done better. The reasons for these shortcomings do not lie in a lack of planning, oversight or commitment, but arise more from the inevitable pressure of maintaining, once started, a large return operation, and from constraints such as the limited presence of partners, staffing turnover and unpredictability of funding.

The South Sudan programme has tended to focus on repatriation and maintaining the numbers of returnees, while giving less emphasis to reintegration. The various reasons given for this included the overriding demands of a large logistical operation to internal and external pressure for visible achievements.

The reintegration work completed, in particular the construction or refurbishment of school buildings and primary health facilities and support to basic services in refugee return areas, while largely still functioning is of uncertain sustainability. Like many other agencies, UNHCR eschews recurrent costs such as salaries and drug supply. In the absence of other partners willing to take this on, or capacity on the part of the Government of South Sudan to play an effective role, basic services have a tenuous future, especially in more isolated rural areas.

An insecure funding base has tended to undermine strategic planning. Shortfalls have often meant going forward with only part of a plan, or made it necessary to cut short ongoing commitments. This has compounded problems arising from the

scarcity of implementing partners and has complicated working relations with other agencies.

There remains a lack of clarity regarding UNHCR's responsibilities for IDPs. Despite an early commitment to assume a leadership role within the broader collaborative effort for IDPs in Greater Equatoria and Blue Nile State (including accountability for assessing needs, meeting basic assistance and protection requirements and monitoring and reporting), these were effectively avoided in favour of ad hoc inclusion of IDPs within community-based reintegration projects within areas of refugee return. UNHCR's uncertain engagement with IDPs forms part of a broader collective failure to adequately address the needs of returning IDPs (who outnumber refugee returnees by almost eight to one) and of those who remain displaced.

Protection has been insufficiently incorporated within the reintegration operation. Despite strong initial inputs on key issues such as land and property, and the development of community-based protection mechanisms, these have been gradually de-prioritised as the repatriation operation gained momentum. Returnee monitoring has produced some valuable outputs, notably a village assessment database, but has been adversely affected by interrupted partnerships, weakness in strategic analysis and insufficient links with programme planning. The office co-leads the Protection Working Group, which in certain field locations has led to constructive joint interventions, however on the whole, this leadership role has been insufficiently asserted.

UNHCR's overall contribution to coordination and strategic partnerships on reintegration has been uneven. The Office has made solid contributions to joint strategy development on return and reintegration, including active participation in the UN/World Bank Joint Assessment Mission conducted in 2004-2005, and engagement in return and reintegration working groups at Khartoum, Juba and state level. Of particular value was the secondment of a senior staff member to the Return, Reintegration and Recovery (RRR) section of UNMIS, which helped to engineer a shift from a focus on returns to a more strategic reintegration framework. Nonetheless coordination of the inter-agency contribution to reintegration as a whole remains problematic.

Key recommendations

1. This evaluation strongly endorses a continued UNHCR presence in southern Sudan until at least 2011, with a continued focus on support to the reintegration process. Given the extremely weak nature of the state in South Sudan, not only is continuing transitional support important, but premature withdrawal could also have serious humanitarian consequences. Assuming that organised repatriation is completed in 2009, the reintegration programme should be continued until at least 2011. An immediate priority should be to address the mismatch between the number of refugee returns and the level of reintegration support to basic services in Eastern Equatoria and other areas of recent return.
2. Consideration should be given to a strategic reorientation of the reintegration operation for the period 2009-2011, with a particular focus on supporting the establishment of a viable system of national protection by ensuring that returnee interests and reintegration support are built into national protection

policies and strategies, including reconstruction and development programmes. Consideration should be given to further secondments to national institutions. Support to this process should be provided through linkages with international development partners.

3. A strategic reorientation should be based on an assessment of realities on the ground. Accordingly, linking the design of reintegration projects with returnee monitoring and analysis of the evolving context is key. In this respect, the link between refugee and IDP return and unplanned urbanisation is of particular relevance. In this context, the office should review how it might contribute most effectively to supporting reintegration in urban areas.

4. Such a strategic reorientation also requires a shift in the relative priority accorded to repatriation and to reintegration. To date, resource allocation decisions have prioritised return movements over reintegration. It is recommended that as the large-scale return movement reaches an end, there should be a shift of focus, with a significantly higher proportion of resources allocated to the reintegration programme. To facilitate this, consideration should be given to alternative methods for assisting returns, for example, through a more extensive use of cash grants for transport where feasible and appropriate.

5. As the return and reintegration operation moves into a new phase, the provision of targeted support to enhance livelihoods opportunities, in conjunction with available partners, should be considered. In this respect, given UNHCR's comparative logistical advantage it may be worth considering a number of one-off strategic inputs that exploit UNHCR's comparative logistical advantage. This might include, for example, road and other infrastructural repairs or support in areas of smallholder agriculture to facilitate access to urban markets.

6. Resources permitting, the Office should define and undertake a more decisive engagement in relation to protection and solutions for IDPs. Should an organizational commitment be made to allocate additional resources, the office in Juba may consider taking a decisive engagement for IDPs in Eastern and Western Equatoria. This should involve a committed and predictable contribution to IDP reintegration, and analysis and engagement on local integration.

7. Protection should be brought more decisively to the centre of the reintegration operation. Particular attention should be given to the analysis of returnee monitoring data and other data gathered to date, and the incorporation of findings into programme design. The gender dimensions of the return and reintegration process and the phenomenon of ongoing mobility and split households appear to have been largely unacknowledged until now, and merit particular attention in this respect. Returnee monitoring should be prioritised and systematised, and the potential to involve national partners investigated.

8. Protection interventions should focus on the establishment of national capacity. In this respect, there should be a shift from delivering training to a broad range of actors to more sustained programme support to specific stakeholders for the development of key functions. At community level, this might involve support for community-based protection networks and co-existence initiatives, and at institutional level, strategic partnerships with the Human Rights Commission, the South Sudan Law Society, or a national NGO.

9. UNHCR should reaffirm and prioritise its role on land and property, particularly on securing access by returnees to formal and informal restitution mechanisms, public awareness-raising on land rights and pursuing land-related obstacles to IDP and refugee return. Other areas of strategic interest include land demarcation in urban areas. Consideration should be given to a joint project with UN Habitat and other partners.

10. The Office should consider developing a programme of support to enable returnees to access personal documentation, including national ID cards and recognition of foreign birth and education certificates.

11. UNHCR should promote a coherent framework which links refugee and IDP reintegration with the reintegration of ex-combatants, encouraging a community-based approach which promotes social reintegration and maximises economic and other opportunities for the entire community.

12. The Office should embrace the culture change in the funding architecture and position itself to access pooled funding and transitional funding mechanisms. In the immediate future, this will require that UNHCR develops strategic proposals on transition issues for submission to the Sudan Recovery Fund.

1. Operational context

1. The concept of 'reintegration' in the context of South Sudan does not fully capture the situation in question. For most of the time between independence in 1956 and today, South Sudan has been the site of a regionalised civil conflict. The effects of the last civil war (1983-2005), moreover, were more widespread than the first (1955-1972). The most recent conflict is widely quoted as accounting for two million dead, four million internally displaced (mostly to northern Sudan) and around 500,000 refugees in neighbouring countries. With the coming of peace and large-scale return, not only have displaced and refugee populations been changed through their experiences of movement and exile, those that remained have similarly had to adapt. At the same time, rather than being wholly distinct communities, ties of kinship and reciprocity often interconnect those that stayed and those that left. In this context, reintegration is not 'reconstruction' in the sense of putting back together a condition that existed in the past; everything has changed. It is useful to see return and reintegration in South Sudan as part of a new and emerging situation. Important in this changed environment is a nascent state and, given the years of war and martial law, the possibility of a new citizen-state relationship. Lest policy makers slip back into established patterns, the novelty of this unfolding situation needs to be constantly stressed.

2. Sudan presents a demanding operating environment. Building upon the *de facto* wartime partition of north and south under Operation Lifeline Sudan (OLS), the Comprehensive Peace Agreement (CPA) is based upon a 'one country, two systems' prescription. This division is evident in the governance of aid. The north has the appearance of a strong state able to manage aid agencies and donor governments. Sovereignty in the south, however, is more akin to a weak or fragile state that, comparatively, is dependent upon UN agencies and NGOs to deliver a 'peace dividend' of basic services. In order to do this, new collective funding mechanisms, increasingly aligned to the Government of South Sudan's (GoSS) budget sector priorities, have emerged. Compared to more traditional forms of bilateral aid and subcontracting to NGOs, these pooled funds with their emphasis on integrated planning and implementation, represent a major cultural change in the governance of aid. In fulfilling its commitment to reintegration, understanding and adapting to this new environment is crucial for UNHCR.

3. In addition to the north-south two systems singularity, Sudan is unique in having two UN missions within its borders: the UN Mission in Sudan (UNMIS) overseeing the CPA, and the African Union/UN Hybrid Operation in Darfur (UNAMID). While the ongoing crisis in Darfur justifiably occupies the headlines, given the decades of strife, achieving peace in South Sudan was an historic event of great importance; maintaining it is vital for the stability of the country as a whole. In many respects, the CPA was far from 'comprehensive'. A number of important issues, for example, land law, the demarcation of the north-south boundary and the governance of the transitional areas, still require resolution. As the recent bloodshed in Abeyi suggests, in the transitional areas at least, the peace is still fragile. While there are grounds for cautious optimism, given the serious work remaining, it cannot be taken for granted that the CPA process will hold. At the same time, the upcoming elections and, especially, the 2011 referendum on whether or not South Sudan should

secede from the north, have major implications for regional security. The successful reintegration of the returnees is – and will remain – an important contribution to maintaining stability.

4. In this environment, the return of IDPs and refugees is itself highly politicised. While it is evident that return is a popular choice, it is also driven by the need to establish political constituencies. Given the importance of population figures for future resource allocation under the CPA, for example, the local pressures around getting people back in time for the recent census were evident. While the number of refugee returns will tail off in 2009, the planned elections and eventual referendum in 2011 are likely to maintain political demands in the south for the continuing return of IDPs from the north. The whole issue of population numbers will remain a contentious subject in north-south relations.

5. Estimates suggest that almost half of Sudan's four million IDPs (itself an estimate) have returned to South Sudan. The clear majority of these returnees, around 90 percent, came back unassisted. Refugee figures are more certain. From small beginnings in 2005, out of the 418,000 refugees registered in neighbouring countries (as of December 2004), 286,334 had returned by the end of May 2008. Of these, 47 percent (135,082 people) had participated in organised and assisted self-repatriation. While there are overlaps, broadly speaking, IDPs and refugees have returned to different geographical areas. Reflecting their origins, refugees have returned to the southern and eastern border states of South Sudan, especially greater Equatoria and Blue Nile. IDPs have largely returned to the transitional areas, such as Southern Kordofan, together with southern Sudan's more northern and central states like Northern Bahr el Ghazal, Jonglei and Warrap. Since UNHCR has mainly focused its attention on areas of refugee return, this geographical distribution is significant. The border states of South Sudan, especially Western and Central Equatoria, are widely regarded as having escaped the worst effects of the war and, relatively speaking, having lower poverty levels and less food insecurity. Consequently, much of UNHCR's area of operation is regarded as 'non-strategic' by many aid agencies and donors. Coupled with fact that the states concerned are huge, this translates into little aid agency presence in the main areas of refugee return. This has challenged ideas of reintegration based on the '4Rs' framework², which envisages early collaboration and joint planning with reconstruction and development partners in areas of return, and in some locations has resulted in difficulties in identifying suitable implementing partners.

6. Reintegration activities implemented by UNHCR have created an important pull-factor for both spontaneous and assisted returnees. However, the decision-making process is more complex than this might suggest, and many refugees originating from areas of high reintegration investment have thus far still not elected to return. This highlights that repatriation movements are not necessarily linear or orderly in nature, and are sometimes momentum-driven, governed by joint decisions of communities or extended families.

7. The southern Sudan context also challenges the assumption that reintegration is successful when returnees return back to, and remain, in their

² The 4Rs framework - Repatriation, Reintegration, Rehabilitation and Reconstruction - was set out in UNHCR's *Framework for Durable Solutions for Refugees and Persons of Concern*, issued in 2003. It was further elaborated in UNHCR's *Handbook for Repatriation and Reintegration Activities*, 2004.

(mainly rural) areas of origin. Given the lack of basic services in rural areas and problems of communication, with hindsight this was an unrealistic expectation. Displaced populations in Sudan exhibit a wide range of survival strategies, including dividing families between locations or keeping some children in education in countries of asylum. At the same time, displacement for both IDPs and refugees has had an urbanising effect. Most IDPs were exposed directly to urban life through displacement to Khartoum and other cities. For camp-based refugees, the exposure was indirect, in terms of the services to which they had access. Predicted by some,³ the process of return appears to be connected with an unplanned, widespread and, in places, potentially destabilising process of urbanisation in South Sudan. This process is not necessarily a failure of reintegration as such. It is only a failure if future policy fails to take into account what is now the new reality on the ground. Similarly, rather than judging 'sustainability' in terms of whether a UNHCR project is still functioning years later, it is perhaps better to examine whether, using the interim reintegration support provided, returnees have succeeded in re-establishing productive and dignified lives in their home countries.

³ Wakely, Patrick, Tom Carter, and Kate Clifford. *Southern Sudan Urban Appraisal Study*, UNDP, August 2005.

2. Evolution of UNHCR's engagement

8. UNHCR's re-engagement in South Sudan began with the deployment of an emergency team in December 2003, as peace negotiations in Naivasha gained momentum and the conclusion of a peace agreement appeared imminent. UNHCR had not been part of Operation Lifeline Sudan (OLS), and so had to re-establish its presence in an extremely challenging environment after a decade of absence. A regional repatriation and reintegration operations plan was completed in January 2004 that estimated the total number of Southern Sudanese refugees in seven neighbouring countries as just over 531,000.⁴ On the assumption that a peace agreement was on the verge of being signed, it was anticipated that some 150,000 refugees might opt to return in the course of 2004 and 2005. However, it soon became clear that this estimate was extremely optimistic. It was not until January 2005 that a peace agreement was concluded, and only by December that year were conditions assessed sufficiently conducive to enable assisted repatriation to commence.

9. One senior staff member has described UNHCR in southern Sudan as operating "...on a shoestring" throughout 2004. By summer 2004 there were only four international staff members deployed on mission in Rumbek, Juba, and Yei. The operation began to scale up at the end of the year as international staff were assigned under the Fast Track postings process. By mid 2005, there were some 65 staff on the ground, with additional field offices established in Yambio in Western Equatoria and Kajo Keji in Eastern Equatoria and Malakal. By the end of 2006, twelve offices were operational, with 42 international and 139 national staff members on the ground. The operation faced huge challenges, not least the task of organising a repatriation operation in a region of Sudan with (at the time) just six kilometres of paved roads, and where much of the territory is inaccessible during the wet season covering six months of the year. Until June 2005, there was still no direct access between SPLA-controlled Rumbek (accessed from Nairobi) and government-controlled Juba (accessed from Khartoum). The widespread presence of mines and UXOs, LRA attacks and the activities of other armed groups resulted in severely restricted access and delayed the opening of certain repatriation corridors. As the operation expanded in 2005, ongoing change and reorientation was required.

10. The operation for 2005-2006 was framed around a modular approach, with a strong focus in the first six months on creating conditions conducive to return through small-scale community-based reintegration projects in areas of greater Equatoria and Blue Nile State. A protection strategy was developed covering components such as returnee monitoring, institutional capacity-building, reconciliation, and land and property issues. During the rainy season in the second half of 2005, there was a focus on establishing logistics capacity, including way stations, transit centres and asset procurement, to enable the start of organised repatriation in late 2005. At the same time, there was a continued focus on reintegration activities, including protection interventions, designed to enhance local

⁴ The total number of Sudanese refugees was estimated at 602,231, including newly-arrived refugees from Darfur in Chad.

absorption capacity.⁵ Working partnerships were established with agencies such as UNICEF (education, water and sanitation), FAO (seeds and tools) and WFP (food), and 18 implementing partners were identified. Nonetheless, these partnerships were – and continue to be – impeded by the geographically limited presence of most agencies and NGOs, for whom the areas of refugee return in greater Equatoria were not necessarily a priority. The Office also made concrete contributions to the development of broader humanitarian and recovery strategies, for example, through participation in the UN/World Bank-led Joint Assessment Mission in 2004-2005, for which UNHCR co-led the displacement sector. UNHCR's commitment to collaborative modes of working was nonetheless to some extent undermined by a lack of clarity over its role in relation to IDPs. This is discussed separately.

11. The initial focus of UNHCR's reintegration activities was in Western Equatoria, where security-related access was initially better than elsewhere and where significant numbers of spontaneous returns were recorded in 2004 and 2005. More than 100 community-based reintegration projects and protection interventions were implemented through agreements with partners concluded in 2005. As the assisted return process gathered momentum, new repatriation corridors opened as security improved. Consequently, the focus of the operation gradually moved east, initially to Central Equatoria and in 2007 to Eastern Equatoria. However, the presence of the LRA and other armed groups still required a high degree of flexibility. For example, a deterioration of security conditions in Tambura necessitated the temporary relocation of staff to Yambio in 2007.

12. Two important factors intervened in 2005 and 2006 resulting in a shift of emphasis away from the initial strong focus on reintegration (including its protection components). First, the operation encountered a funding shortfall in 2005 that necessitated critical prioritisation decisions. Second, with the start of voluntary repatriation movements at the end of 2005, there was an emerging focus within UNHCR (and some donors) on measuring the success of the operation through the number of UNHCR-assisted returns. The return process also took on an increasingly political dimension as GoSS sought to encourage repatriation as a visible endorsement of the CPA, and to promote as many returns as possible in time for the census in early 2008. While the rate of return continued to increase, the uncertainty over funding for protection and reintegration compelled the programme to undergo constant reorientation. This process was not uncontroversial – a number of staff questioned whether UNHCR had in fact raised expectations by setting unrealistic targets for return, which it was then obliged to strive to meet, and had not sufficiently engaged in advocacy to support its reintegration work, including its protection components.

13. As the repatriation operation expanded to include new return corridors, difficult decisions had to be made regarding the closure of existing offices, resulting in the cessation of operations in Western Equatoria just one month after the last convoy had returned in August 2007. The current focus of the southern Sudan operation is on voluntary repatriation from Uganda, Kenya and Ethiopia to Eastern Equatoria and Jonglei states, and to a lesser extent, to Blue Nile and Upper Nile.

⁵ See *Sudan Situation Post Comprehensive Peace Agreement – Outline for UNHCR 2005/2006 Plan of Action*, January 2005

3. Community-based reintegration

14. As noted above, UNHCR's initial planning for the return of refugee and displaced populations to South Sudan prioritised the importance of successful reintegration. Reflecting established policy, a community-based approach was adopted that included returning refugees, IDPs and host communities. In the case of Sudan, given the dearth of basic services in rural areas, the overall approach was to try to match the help given to communities in returnee areas with the sort of services refugees received in countries of asylum. While a wide range of community-based training, livelihoods support and co-existence programmes was initially envisaged⁶ and to some extent undertaken, in practice reintegration has mainly translated into CBRPs focusing on the construction or rehabilitation of schools, medical facilities and community boreholes, as well as on sanitation. While there are some exceptions, including the rehabilitation of several town hospitals and the ongoing Teacher Training Initiative in Juba and Aweil, most of this reconstruction effort has gone into the primary or basic levels of service provision. Like most donors and aid agencies, it also focused on capital rather than recurrent costs. As a humanitarian agency, UNHCR was aware that its role in reintegration was necessarily time-limited. Consequently, this work was understood in terms of UNHCR's ability to mobilise and involve other more development-oriented organisations through a 4R's-type framework.

15. UNHCR's contribution to early reintegration through its CBRP activities has been impressive. Through partner agencies, around 230 CBRPs have been completed in South Sudan, mainly in the greater Equatoria region. In the areas visited, almost all of the facilities constructed or refurbished by UNHCR appeared to be working. In terms of education, this effort has helped support the significant increase in school enrolment, including girls, that has occurred since the signing of the CPA. The same is true in terms of the relative improvement of health facilities. The team was particularly struck with the effectiveness of UNHCR's contribution to the refurbishment of the town hospitals in such towns as Kurmuk, Yei, Yambio and Kajo Keji. This has mainly involved ward refurbishment, equipment, drug supply and the time-limited employment of key clinical staff. This support has helped get what were defunct institutions running again and has given confidence to returnee and host communities alike. Undoubtedly, apart from increasing the availability of services, the CBRPs have given an important moral and political boost to the return programme.

16. Despite these important and positive achievements, however, it is questionable whether, due to factors largely out its control, UNHCR's reintegration work in South Sudan is sustainable. UNHCR field staff are aware of the problems; indeed, the main difficulties have been understood for a while.⁷ Taken together, these problems seriously challenge the 4Rs-type assumptions underlying the initial planning for South Sudan. As one respondent put it "*...the dreams have been overtaken*

⁶ UNHCR. January 2004. Regional Operations Plan for the Repatriation & Reintegration of Sudanese Refugees. Geneva: UNHCR.

⁷ UNHCR et al. December 2006. Inter-Agency Mission 'Education in Reintegration' Southern Sudan: 27 November - 8 December 2006. Geneva: UNHCR - GTZ - JICA.

by reality". UNHCR is unable to do much, for example, about the lack of government capacity. Rather than making sustainability an aim in itself, it is perhaps better to concentrate on those interim measures that will feasibly enable returnees to re-establish their lives.

Lack of suitable partners

17. South Sudan is a vast territory where lack of infrastructure, social services and a low level of material development is near universal. Moreover, despite the huge aid apparatus visible in Juba, its presence on the ground is very thin. While an NGO or UN agency, for example, may claim to be working in a particular state, the reality is often that of a limited presence in a couple of districts in an area the size of the Czech Republic. These districts, moreover, are inaccessible, except by air, for six months of the year. At the same time, the main area of UNHCR's activity, especially greater Equatoria, is not generally seen as a priority region by other organisations, including UN agencies. In a pattern established under OLS, most agency and donor attention is focused on South Sudan's central and northern states, which are regarded as more impoverished, and having borne the brunt of the war. In comparison, Western Equatoria, classed as Green Belt within South Sudan's food economy matrix, appears relatively prosperous. A similar dearth of partners exists in the return areas in the southern part of Blue Nile State. Here the security situation and difficulty of international NGOs getting operational clearance from Khartoum is a contributing factor. A lack of partners, or at best a limited selection of them, has made it difficult for UNHCR to implement the range of reintegration activities initially envisaged, and in those locations where other agencies are not present, has impeded the development of an integrated approach as envisaged under the 4Rs framework. Those NGOs which are present also often have very specific areas of expertise, which on occasion, has meant NGOs have been contracted having little or no experience of the work involved. As with lack of government capacity, the scarcity of available partners also reinforces the difficulty of achieving sustainability in reintegration work. Sometimes UNHCR has had to become more directly involved in CBRP activity than anticipated. Issues of quality control have also arisen. The challenges of coordination and developing strategic partnerships are discussed further below in the section headed 'Coordination and Strategic Partnerships'.

Changing operational priorities

18. As noted above, from 2006 onwards, the operational focus on creating conditions conducive to return tended to decline in favour of maximising the number of assisted returns. In South Sudan, reintegration interventions were initially focused in Central and Western Equatoria, to where organised returns from the Central African Republic (CAR) and Democratic Republic of the Congo (DRC) began in December 2005. As the return flow to greater Equatoria gathered volume, the centre of gravity of the operation moved east, with most organised returns currently taking place in Eastern Equatoria. This eastward shift, occurring in tandem with a substantially increased rate of returns and a concomitant decline in the resources allocated to reintegration, has produced a mismatch between the location of CBRPs, returnee affected communities and the timing of reintegration work. As of May 2008, just over a half of all the CBRP's in South Sudan are in Central Equatoria which has received about 22% of organised refugee returns. In contrast, Eastern

Equatoria has received about 35% of organised returns but has less than a fifth of the CBRPs.⁸ Moreover, whereas reintegration support began in advance of returns in the west, not only is reintegration in the east occurring at a reduced scale, what exists is being done retrospectively. As one UNHCR respondent put it “...returns and reintegration do not match”. Currently, this situation is to some extent mitigated by a significant level of targeted support for reintegration from a number of donors including the Bill and Melinda Gates Foundation and the Government of Japan, but on the whole the result is that a successful voluntary repatriation operation, conducted in an extremely challenging context, is not currently being supported by adequate inputs on reintegration.

19. The abrupt closure of UNHCR’s operation in Western Equatoria is a good example of the negative impact of the unpredictable funding environment (necessitating uncomfortable prioritisation decisions) on reintegration work. In collaboration with an international NGO, and in negotiation with the local authorities, UNHCR initiated a number of CBRPs prior to the beginning of organised returns from CAR and DRC. However, the Yambio office was abruptly closed in August 2007 within weeks of the last convoy arriving. For many, this was premature and undermined the investment that had been made in reintegration. Indeed, since closure no proper follow up work has taken place. Moreover, it would seem that an NGO partner in school reconstruction work also left one of the districts soon after, leaving projects unfinished. In areas such as Western Equatoria, where few other aid agencies are working, UNHCR’s decisions can impact upon whether they stay or not, thus compounding the difficulties of reintegration.

Weak government structure

20. The main threat to the sustainability of reintegration in South Sudan, and indeed to all recovery and development activities, is the weak to non-existent presence of government competence. While there are a few exceptions, the general pattern of donor and NGO supported recovery has been to focus on capital investment, equipment and, especially, training while avoiding recurrent costs such as salaries, essential supplies and maintenance. The assumption is that these costs can be generated by the project itself or, alternatively, once facilities such as schools or health centres are up and running the government will take over responsibility. Similar to the expectation that partners will be available, in South Sudan this assumption has repeatedly been shown to be wide of the mark.

21. The Government of South Sudan (GoSS) has its origins in a military opposition movement. While residual traces of an earlier civil service exist in the major towns, such as Juba, elsewhere it has disappeared. Indeed, outside of the towns effective governance is through tribal and customary structures. GoSS is a fragile state; while political will exists, capacity is severely limited. Government finances, for example, are problematic. Most of the budget comes from oil revenues administered by the northern government. Nearly half of it is consumed by the military. Much of the remainder goes to support salaries within Juba’s over-staffed central ministries leaving little for the states. Since there is no proper banking

⁸ UNHCR. 31 May 2008. *Organised Returns by Country of Asylum, destination, sex and age group from 01/12/05 to 31/05/08*. Juba: UNHCR & December 2007. *Compendium of UNHCR Activities in Health, Water/Sanitation, Education and Capacity Building Sectors: January 2005 - December 2007*. Juba: UNHCR.

system, even between ministries money transfers is often in the form of cash. States experience long delays in receiving central subventions. Lacking an effective tax system, they are permanently short of revenue and unable to make good the constant shortfalls. Added to the absence of proper public sector employment rolls, the result is long delays in the payment of salaries, only part payment when money does arrive and the inability to provide incentives to keep skilled personnel in the countryside. Many health workers and teachers are unqualified, or lack the necessary documentation. At the same time, essential supplies such as drugs and educational materials are limited, intermittent or absent altogether.

22. Because of these problems, over much of South Sudan, local authorities are attempting to implement the CPA's peace-dividend through the often time-limited or financially contingent activities of aid agencies. Health care, for example, is more or less monopolised by international NGOs. Moreover, their limited geographical spread was established during the war under OLS. While UNHCR's reintegration projects appear to be working, at least in the areas visited, it is important to unpack what 'working' means in this context. In the hospitals, health facilities and schools visited staff were either unpaid, or only partly paid, while essential supplies were limited or absent. In effect, most were working on a voluntary basis. Due to overcrowding, even newly built school buildings were inadequate and lacked basic equipment. Since WFP does not operate a school feeding programme in South Sudan, owing to the distances that many had to walk, children were going throughout the day with nothing to eat. Primary health centres lacked bedding, basic reagents, dressings, essential drugs, wall clocks or birthing kits. The only thing in some measure of supply was the patience and goodwill of those trying to staff these facilities. One wonders, however, how long this will last.

Dangers of reversal

23. UNHCR has successfully managed a major refugee return operation to southern Sudan. Although about two million people might have returned to southern Sudan, the clear majority unassisted, there has been no humanitarian disaster. However, as one NGO respondent put it "*...we're still in the first flush of post-war enthusiasm; all the problems lie ahead*". There is a danger that what, up until now, has been billed as a successful return programme could easily turn sour.

24. It has been more difficult, for example, to establish basic services in remote rural areas compared to towns and their immediate environs. In these circumstances, the return of refugees and IDPs is interconnected with an accelerating process of unplanned and often chaotic urbanisation. The situation in Yei is a good example. According to the local authorities, the population of the town has increased almost four-fold in the space of three years to about 250,000 today. Some 20% of the organised returnees coming through Yei - about 5,500 out of total of 27,600 - are reported to have decided to stay in the town rather than proceeding to their homes. One can assume a similar trend among the much larger number of undocumented spontaneous returnees. At the same time, many of those that have returned to rural areas are drifting back to the town due to its relatively better services and employment opportunities. Yei hospital, for example, which is reliant upon NGO support, is daily treating between 150 and 200 outpatients. Up to half of these would not be there if rural medical services were working effectively. The settlement of unoccupied areas around the town is outstripping the capacity of the local authority

to plan and demarcate the land. This is exacerbating land and property tensions, communal rivalries and problems of water supply. For the last two years, epidemics of measles, cholera and meningitis have been recurrent. In these circumstances, the town authority uses the limited resources it has to try to keep the town clean. While unplanned urbanisation has attracted attention in Juba, the same process appears to be occurring throughout southern Sudan.

Future orientations

25. In terms of the immediate situation, there is a need to successfully complete the process of organised refugee return, for example in Eastern Equatoria, together with supporting CBRPs. In particular, the mismatch between the number of returnees and the number of projects implemented in Eastern Equatoria should be redressed.

26. It is also crucial that UNHCR support to the reintegration process through CBRPs is maintained in the mid term. Assuming repatriation is completed in 2009, the evaluation team would recommend continuation of the reintegration programme until at least 2011.

27. At the same time, it is recommended that the CBRPs be re-oriented in two respects. First, a shift to livelihood support could be considered. Rather than a small-scale developmental framework, for example, support for micro-credit schemes, this would rather be from a strategic approach better suited to UNHCR's technical expertise and logistical reach. This could include, for example, road and other infrastructural repairs in areas of smallholder agriculture to help maximise access to urban markets and reduce South Sudan's urban reliance on imported food.

28. A strategic reorientation should also involve working with the realities on the ground. Here, linking the design of reintegration projects with returnee monitoring and analysis of the evolving context is key. In this respect, there is a need to adjust programmes to respond to the process of urbanisation described above. The complexity of people's migration and survival strategies is something that still largely eludes aid agencies. Urbanisation is not necessarily a failure of reintegration. It can also be part of a reworking of rural-urban relations with the emergence of new livelihood strategies. In this context, the office should review how it might contribute most effectively to supporting reintegration in urban areas, as part of an integrated approach which seeks to facilitate the restoration of livelihoods and services in rural areas whilst also reflecting the reality of urban returns. Urban land and property issues, which are discussed further below, and in which UNHCR has already made a good start, would warrant further attention in this respect.

4. Return and reintegration of IDPs

29. In 2004, when UNHCR began planning its operation for the voluntary repatriation and reintegration of refugees in South Sudan, the organisation also developed a position on internally displaced persons (IDPs). Notes from the planning meetings at UNHCR headquarters stated that in those areas where there was a mixed return of refugees and IDPs, the treatment afforded both categories, as well as other persons in similar circumstances, would be homogeneous. Furthermore, most of the assistance to be provided was to be community-based, aiming at strengthening the reception capacity of the receiving communities, particularly with respect to rule of law and access to basic social services, such as education, health and water, and thus of benefit to all present.

30. The formal arrangement that framed UNHCR's overall role in South Sudan was set out in an exchange of letters in 2005. A letter from the DSRSG/HC/RC to the UNHCR Director of Sudan and Chad operations requested UNHCR, under the coordination of UNMIS RRR, to play "...a key role in assisting return and reintegration of IDPs in areas of substantial refugee return [namely] Western Equatoria, Eastern Equatoria and Blue Nile".⁹ It went on to encourage UNHCR to play "...an important role" in the development of a common protection framework and, in Equatoria and Blue Nile, to be "...a leading agency" working with others to develop and implement community-based recovery programmes. In reply, for the areas identified, UNHCR undertook to "...exercise responsibility for coordinating the activities of agencies involved in IDP return and reintegration."¹⁰ Furthermore, regarding protection, UNHCR would "...assume the coordination of the protection sector", including "...the provision of protection services along routes of return and in areas of IDP resettlement". This included such things as accountability, assessing needs, basic protection and assistance requirements, monitoring implementation and providing information.

31. While the community based reintegration projects have undoubtedly benefited returning IDPs, this strong assertion of leadership on IDP protection and assistance has not been implemented in reality. Neither has it been formally abandoned. This has tended to undermine UNHCR's credibility and leadership. An internal note on the subject dated November 2007 urged the Office to establish a clearly defined, systematic approach to IDP return, reintegration and protection support in 2008. The document argues that the current ad-hoc approach makes financial and operational planning and decision-making difficult. It also results in inconsistencies in the standards and criteria for IDP support.

32. The problem is particularly acute for spontaneous IDP returnees who constitute the bulk of the return movement from IDP camps and settlements in Khartoum and other areas of the north to the southern states. State sponsored return and other organised convoys, largely handled through an agreement with the International Organisation for Migration (IOM), account for only six percent of the

⁹ Letter from Da Silva, Manuel Aranda (Deputy Special Representative of the Secretary-General) to Jean-Marie Fakhouri (Director of Operations, Sudan Situation, UNHCR), 1 May 2005.

¹⁰ Letter from Jean-Marie Fakhouri (Director of Operations, Sudan Situation, UNHCR), to Da Silva, Manuel Aranda (Deputy Special Representative of the Secretary-General), 12 May 2005.

return. There is also a limited south-south return that often goes unnoticed. From interviews conducted with IDP returnees, the evaluation team found evidence that the journey from north to south is fraught with en route protection problems. Some IDP returnees have had to sell their meagre belongings in order to cover the costs of transport after having been disembarked at various points. Others also gave accounts of spending days at way stations where they were told they would get a return package and assistance only to receive nothing.

33. The failure to address IDP return and reintegration issues in a comprehensive manner is a collective responsibility. The coordination framework for managing IDP protection and assistance interventions is described as a “semi-cluster” system where sectoral responsibilities are co-shared between agencies but with no accountability in relation to delivering results. The coordination system has further deteriorated in recent months following a vacuum in leadership within the RRR Section at UNMIS. The latter was tasked to coordinate the response framework. Reportedly, it worked quite well from 2005 through much of 2007 but has been weakened by staff turnover within UNMIS and the fact that the UN mission is not an operational body. A number of NGOs interviewed suggested that UNHCR could take a much stronger role in relation to IDP return and reintegration. It should be also noted that some parts of greater Equatoria have experienced fresh waves of internal displacement due to incursions by elements of the LRA. Due to the deteriorating security situation in the affected areas and difficulties of accessing the affected populations, this displacement has not been properly addressed by the agencies.

34. The conclusion that could be drawn is that perhaps the agencies involved in the IDP return and reintegration programme did not fully realise the magnitude and complexity of the operations that would be needed to assist IDPs. According to one senior agency official interviewed in relation to IDP returns from Khartoum, “...at the start there were good intentions and plans by the agencies but when they realized the numbers and logistical complications involved, many bowed out leaving IDPs in a state of limbo and having to find their own ways of returning.”

35. With the global commitment that UNHCR has assumed in relation to IDP issues and set out in an organisation-wide policy issued in early 2007,¹¹ it is the view of the evaluation team that in 2009 the Office needs to be more predictable and engaged on the return and reintegration of IDPs. This could be achieved through the provision of more protection inputs to the inter-agency efforts especially at the planning stage, taking additional coordination responsibilities on returnee monitoring en route but also in major return areas. This increased involvement should involve a reconsideration of the geographical scope of UNHCR’s engagement, including whether UNHCR presence in Western Equatoria should be reinstated. The continued monitoring of the Congolese refugee caseload might offer an additional solid ground for reconsidering such a reinstatement.

36. While many IDPs have returned to South Sudan, many still remain in the north. As the organized return of refugees will most likely be consolidated and completed in 2009, UNHCR will remain with a robust operational capacity that could be redirected towards the IDP programme where significant protection gaps remain.

¹¹ Policy framework and implementation strategy: UNHCR’s role in support of an enhanced humanitarian response to situations of internal displacement, UNHCR, January 2007,

In so doing, UNHCR could make a significant contribution to the continued monitoring of the consequences of return, the fulfillment of a long standing commitment vis-à-vis the humanitarian community and the consolidation of its position as the prime interlocutor in the search for IDP solutions in South Sudan. In this context, it would also be important to examine the issue of local integration from an IDP perspective. In addressing the complex and longstanding problem of IDPs in Sudan, UNHCR can and should be ready to play a key role.

5. Protection

37. The South Sudan voluntary repatriation operation unfolded within a complex and changing protection environment. Nonetheless, despite many challenges, returnees have generally returned to a secure environment to be favourably received by the authorities and the communities involved. There has been no major protection crisis linked to the return process. Returnees interviewed by the evaluation team almost unanimously believed that they had made the right decision in returning.

38. There are a number of protection concerns, however, that if not addressed, will undermine the reintegration process. These include issues linked to land (particularly in urban areas), personal documentation, recognition of educational and professional certificates, and the complexities of social reintegration at the community and household level. In some cases being absent for two decades, returnees have absorbed a variety of cultural influences, often in urban settings, and speak a range of languages including Arabic, Kiswahili, English and French. A number of localised protection challenges have also emerged, linked to competition over scarce resources, which have sporadically translated into hostility and conflict. The team came across examples of allegations of witchcraft against returnees and accusations that they were bringing HIV/AIDS into the community. Lastly, national protection capacity to address these and other protection concerns, such as sexual and gender-based violence, is still extremely weak, and the transition from international to national protection, which underpins a successful return and reintegration process, remains incomplete.

39. Protection initially featured prominently in the development of UNHCR's voluntary repatriation and reintegration programme in southern Sudan. The Regional Operations Plan developed in January 2004 incorporated an analysis of the protection environment in areas of return and of the profile of the refugee population in the region. It built the voluntary repatriation and reintegration strategy around the key protection-based components of legal, physical and material safety. Guidance on reintegration programming issued to staff in southern Sudan in early 2005 encouraged coexistence projects designed to support reconciliation and conflict mitigation within returnee-receiving communities. In early 2006, the Tripartite Agreements concluded with neighbouring countries set out a legal framework for the protection of rights within the return and reintegration process.

40. In the course of 2005 and 2006, there was an initial push to incorporate protection at the centre of the reintegration operation. Three international protection staff members were deployed to Rumbek (later transferred to Juba) and others to key field offices. A returnee monitoring framework was initiated, and a series of resources developed to support development of national protection capacity. These included an important land and property study commissioned jointly with NRC and FAO. This was subsequently used as the basis for a series of state-level workshops focusing on land and property restitution and traditional conflict resolution mechanisms (six of which were conducted in 2006, and another four in 2007 and 2008). This partnership was subsequently expanded to bring in UNICEF and key national actors such as the newly-established Land Commission. The Office also

initiated the development (in partnership with NRC and IRC) of a comprehensive manual for trainers to support the delivery of community-based protection training at state, county and payam level. In 2006 alone some 65 trainings sessions targeted local authorities, returnee communities and civil society organisations. A number of sub-projects were developed with implementing partners that incorporated protection components, such as mediation and reconciliation initiatives and information and legal advice services for returnee communities. At the same time, protection and community services staff played an important role in the voluntary repatriation operation, in monitoring the repatriation process and identifying and assisting potentially vulnerable returnees in way stations. Protection staff also played a key role in the assisted return of some 5,000 Bor Dinka IDPs to Jonglei in 2006.

41. As the centre of gravity of the operation shifted towards the voluntary repatriation process, this had an important knock-on effect on UNHCR's capacity to develop and implement a comprehensive protection strategy, based on analysis of returnee monitoring funding and other data, within the broader reintegration programme. Resource constraints imposed by the uncertain funding situation and heavy earmarking, coupled with a focus on achieving high return numbers, led to difficult prioritisation decisions and a gradual downgrading of the protection components of the reintegration programme. International protection staffing was reduced at the end of 2006. Two P3 protection officer posts in Juba were cut, and replaced by one P2 position. A number of protection projects were also discontinued, resulting in a loss of momentum and disrupted partnerships. In one example, a six-month investment in establishing an information and legal advice centre with an international NGO in Central Equatoria was lost when the project was discontinued owing to lack of funding. Protection staff found themselves juggling a number of competing priorities. In SO Juba, for example, this included responsibility for the refugee caseload in Western Equatoria, and participating in a proliferation of coordination meetings.

42. Secondees, in particular, from IRC and Austcare, and UNVs have increasingly carried out protection responsibilities. A number of staff interviewed pointed out that owing to the short repatriation season and the focus on achieving high return numbers, for six months of the year, protection staff (especially those in field offices) spend a disproportionate amount of time assisting with convoy movements and monitoring the repatriation process. Taken together, these elements have inhibited a shift to strategic protection programming and resulted in a loss of momentum with respect to UNHCR's overall protection strategy in southern Sudan. This is underpinned by insufficient analysis of the social dynamics of the return process, including the gender dimensions, and of returnee monitoring findings, and by a lack of synergy between the protection and operations functions.

43. Despite these constraints, a number of highly-motivated protection staff continue to make an important contribution on the ground. There has been a particular focus on maintaining and developing the community-based protection training framework referred to above (the manual was revised in 2007), and facilitating the establishment of community protection networks as an outcome of the training workshops. Certain of these networks have proved effective in addressing issues such as mob justice and accusations of witchcraft. However, limited staffing and discontinued partnerships mean that there is a lack of capacity to conduct

sustained follow-up. The number of workshops, whilst impressive given the resources available, was significantly lower in 2007 than in previous years. UNHCR protection and community services staff and/or partners nonetheless also continued to deliver training on a range of protection-related issues such as HIV/AIDs awareness; SGBV; returnee monitoring; peace education; and health and hygiene awareness. In one recent initiative, UNHCR and UNDP co-sponsored a three-day forum for some 140 traditional leaders, judicial and law enforcement officials and local NGOs and civil society representatives, which sought to promote access to justice and examined the interface between the traditional and formal justice systems. UNHCR staff have also contributed to training for prison staff, police, and human rights monitors employed by the South Sudan Human Rights Commission, SSRRC staff and local leaders at the Payam and Boma levels, and a further two state-level land and property workshops were conducted in 2007.

44. In general, however, the awareness-raising activities conducted by protection staff have not been sufficiently complemented by strategic protection projects on issues such as land, documentation and conflict management and mitigation. At the same time, the evaluation team found that UNHCR had not sufficiently asserted a leadership role on protection in South Sudan (this issue is discussed further below under 'Coordination').

45. At this critical point in the voluntary repatriation process, and in view of UNHCR's core protection mandate, it is recommended that protection be brought firmly to the centre of the reintegration operation, and a number of key priority protection objectives identified and pursued, with resources mobilised and allocated accordingly.

46. First, it is recommended that the Office prioritises support for the establishment of national capacity on protection as a key activity. So far, this has been done on two levels: first, at community level, through community-based protection trainings, small sub-projects on civil society mobilization, and work with traditional leaders; and secondly, at the national level, through work with the South Sudan Land Commission, the Human Rights Commission (which is however not yet operational) and contribution to training of police, prison officials and other institutions, generally in partnership with the UNDP Rule Of Law programme. It is recommended that this dual focus be retained and strengthened, but that there be a shift from delivering training to a broad range of actors to more sustained programme support to specific stakeholders for the development of certain key functions. At community level, this would include a focus on ongoing support for community based protection networks (and monitoring of their effectiveness and impact) and co-existence initiatives, and at institutional level, this might involve strategic partnerships with (for example) the Human Rights Commission, the South Sudan Law Society or a national NGO on activities of particular relevance to returnees.

47. Second, it is recommended that renewed attention be focused on the issue of documentation. Few people in South Sudan, even those that remained during the war, have ID cards or passports. Returnees who have been back two or more years continue to present their Voluntary Repatriation Forms (VRFs) as evidence of identity. None of those interviewed had obtained national ID cards, which are obtainable only from the Immigration Office in Juba, itself, a sub-office of the

Khartoum government. Few returnees had obtained 'proof of age certificates' on behalf of their children born in exile, which involves the presentation of a foreign birth certificate. These certificates are a pre-requisite for obtaining Sudanese ID. Refugee returnees have additional problems, for example, difficulties in obtaining recognition of foreign educational certificates or qualifications recognised. The evaluation team also encountered non-Sudanese spouses of returnees who, despite relevant provisions in the Tripartite agreements, had not been documented or accorded any formal residency status. This included a Ugandan nurse who had been told that she was not authorised to work. Documentation also emerged as an issue of concern for returnees in the participatory assessments carried out in early 2008 as part of UNHCR's Age, Gender and Diversity Mainstreaming (AGDM) framework.

48. Because most people in South Sudan lack documentation it is often claimed not to be a problem. However, its absence is widely used as a means of discrimination and exclusion. Without ID, for example, it is practically impossible to be anything other than a day-labourer. All other trades require licensing which needs proof of identity. Like community-based reintegration programmes that address the dearth of social services, due to its widespread absence, documentation is a strategic protection issue that involves *all* community members. At the same time, it also has important livelihood implications. In this respect, while access to documentation initially figured as part of UNHCR's regional operations plan, it has not been widely implemented. Similarly, as is usual in repatriation programmes, access to documentation was part of the tripartite agreements concluded in 2006. However, there has been no sustained focus on ensuring that this right can be exercised. At the same time, SSRRC lacks capacity and its role in relation to documentation is unclear. It is recommended that support to returnee communities to access documentation, and advocacy with the GNU and GoSS to support the implementation of the relevant provisions in the Tripartite agreements, be incorporated as an important component of the protection and reintegration strategy.

49. It is recommended that discussions with the SSRRC and other relevant government counterparts be initiated to endorse mechanisms to accelerate issuance of national documentation to returnees, as well as ways to recognise foreign education certificates. Important here is encouragement for GoSS to strengthen the capacity of SSRRC and to clarify its role in relation to the Commission of Refugees (COR). Regarding documentation, decentralised mechanisms should be sought which do not require returnees to travel to Juba for this purpose.

50. Third, it is recommended that the Office reaffirms and prioritises its role on land and property issues, which are central to the return and reintegration process and in southern Sudan have emerged as particular challenge in the urban context (for example, in Juba, Yei and Bor). The continued presence of IDPs in land formerly occupied by refugees (as in the Nimule area), remains an impediment to return in some locations. UNHCR made an important contribution through the land and property study referred to above, and has played a key role in mobilizing other actors with a role to play on this issue. Of particular note are the partnerships established with FAO, NRC and the South Sudan Land Commission (amongst others), the ten workshops conducted in 2006-2008, and recent efforts to secure the engagement of UN Habitat, which has now developed an initial proposal for further activities.

51. As well as this catalytic role, UNHCR should also retain a direct operational engagement on land and property, with a particular focus on securing access by returnees to restitution mechanisms, public awareness-raising on land rights and related issues, and pursuing solutions to land-related obstacles to return for both IDPs and refugee returnees. In this respect, consideration might be given to further discussions with UN Habitat on the potential for a joint project (with continued involvement also from agencies such as NRC and FAO). UNHCR could (for example) consider a secondment to a joint technical support unit and development of sub-projects in line with a common strategy to facilitate access to traditional and formal restitution mechanisms.¹² It is important that UNHCR's efforts in this regard are part of a broader inter-agency effort, and that UNHCR's activities reflect its mandate and expertise.

52. Land and property issues in urban areas should be a key focus. For example, Yei is currently undergoing rapid and disorganised urbanisation which is stretching existing water and health facilities to crisis point. At the same time, land and property issues are being exacerbated as the rate of spontaneous settlement outstrips the capacity of the local authority to demarcate the land. Being able to help with demarcation and, for example, relocating the current SPLA barracks further out of town would considerably enhance the reintegration prospects of returnees. Working with NRC, which has made a good start in framing this problem, together with UN-Habitat, would enable UNHCR to make a strategic intervention combining a number of protection and livelihood issues in the neglected but real process of urbanisation which is taking place.

¹² See Pantuliano, Sara *The land question: Sudan's peace nemesis* (Humanitarian Policy Group Working Paper), HPG/ODI, London, December 2007

6. Returnee monitoring

53. Returnee monitoring in southern Sudan has proven to be a complex and only partially successful endeavour. There is still no coherent inter-agency framework for returnee monitoring, with the result that the system developed by UNHCR and its partners remains distinct from the IDP returnee monitoring framework recently developed by IOM. IDP returnee monitoring is discussed below. The geographical scope of the UNHCR returnee monitoring system is limited to refugee return areas in states in which UNHCR has a presence. Consequently, returnee monitoring in Western Equatoria ceased when the offices in Tambura and Yambio were closed in August 2007. Returnee monitoring has been conducted primarily through implementing partners, and thus has been adversely affected by the unpredictable funding situation. The number of partners has reduced from five in 2006 to three in 2007 and now just one in 2008 (IRC in Blue Nile State).

54. There have also been difficulties with the internal coordination of the returnee monitoring process, with the result that partners have used different methodologies and there is a significant gap in the overarching thematic analysis of findings and translation of this into strategic programmatic interventions. Some interviewees also questioned the extent to which findings had been effectively presented and communicated to refugees in countries of asylum, although there was some evidence of effective use as part of the information campaign targeting IDPs in Khartoum.

55. Despite these problems, there was evidence that returnee monitoring findings were being shared among partners and used to inform interventions at the local level. A number of UN and NGO partners stated that they regularly used UNHCR's village assessments, which are now compiled in a database covering more than 650 locations, in deciding how and where to prioritise their interventions. Partners interviewed in the field reported that returnee monitoring findings were regularly shared at protection and return working group meetings and, where possible, follow up action taken.

56. Nevertheless, where follow-up action is taken, this is primarily in relation to those individual cases where capacity exists, or for one-off problems at specific geographical locations. There were good examples in Borfa village (near Kurmuk in Blue Nile State) of concrete action taken by the UNHCR field officer to address problems identified during returnee monitoring and the AGDM process. In contrast, returnees in several places expressed frustration at the number of assessments they had undergone with no action taken. There is, moreover, insufficient analysis and strategic follow-up on findings at regional level. Whilst IRC has produced a number of good thematic reports on issues such as gender-related protection risks and evictions, these are location specific and based on IRC monitoring findings only. The narrative format of the main reports does not lend itself easily to comparative analysis and it is not possible to extract statistical data that would help measure the reintegration process over time. As such, in the absence of capacity to condense and analyse the salient findings, the potential for the returnee monitoring process to feed directly into programme development is limited.

57. The evaluation team also found that other sources and forms of available information were not being adequately incorporated into the programming process. In general, there was a need for more research into and analysis of the dynamics of return and reintegration. In particular, the analysis of the gender dimensions of the process was absent. Whereas in 2004 the number of adult males registered in countries of asylum exceeded the number of adult females registered,¹³ the number of women in the 18-59 age group returning through the assisted return process exceeds the number of men by some 50%, and in some locations the difference is even more marked. This pattern is also visible in the statistics on female-headed households, which exceed the number of those headed by men by a notable 21%.¹⁴ Interviewees provided a number of potential reasons for this phenomenon: a number of women stated that their male relatives were in the SPLA, or were working in urban areas. Other explanations offered were that some of the men had been killed, or had not yet returned, or had returned in advance without assistance to prepare for the return of the rest of the household. Given the likelihood that some male family members of returnees are SPLA members, there will almost certainly be important links between refugee reintegration and a future Disarmament, Demobilisation and Reintegration (DDR) process. There is clearly a need for more detailed analysis of this phenomenon, which is just one example of the complicated realities of the return process. Others include ongoing mobility and unplanned urbanization that have important implications for reintegration programmes. In addition, the repatriation statistics routinely shared with donors and partners are broken down by country of asylum rather than return destination. There also appears to be no mechanism whereby data on skills or vulnerabilities collected in countries of asylum is routinely shared with offices in areas of return.

58. SO Juba has sought to respond to the problem of uncertain funding by recruiting national UNVs to conduct returnee monitoring. At the time of the evaluation mission, ten UNVs had been budgeted for in 2007 (two for each office) but only four positions had been filled. Particular problems had been encountered in identifying female UNVs. The evaluation team had some concerns about this approach, as it seemed likely that UNVs would tend to be drawn into other activities, particularly during the repatriation season. Indeed, at the time of the mission, none of the four recruited had actually started monitoring activities. At the same time, the limited availability of vehicles and drivers could be problematic. This approach also means that much of the expertise and knowledge built up over the last two years will be lost.

59. As noted above, monitoring of IDP returns has been even more problematic, in part due to the fact that the vast majority are spontaneous. IDP returnee monitoring is conducted by OCHA, and more recently by IOM. It has tended to focus on identifying the numbers of returnees and the areas of return. The lack of adequate data on IDP returnees was criticized in a study of the reintegration process

¹³ The registration data for refugees in DRC, Egypt, Ethiopia, Kenya and Uganda cited in the 2004 *Regional Operations Plan for the Repatriation and Reintegration of Sudanese Refugees* gives a total of 79,574 men and 67,983 women in the 18-59 age bracket.

¹⁴ These percentages are based on data on assisted repatriation from 2005 to 31 May 2008, provided by SO Juba. Between these dates, 27,857 female and 18,669 male refugees in the 18-59 age group returned to Southern Sudan with UNHCR assistance. 19,624 returnee families were recorded as headed by women, and 16,197 by men. This may also mask even greater variations in certain locations. Data collected by SO Yei for 2007 shows almost twice as many females as men in the 18-59 age group (1445/788) returning to the SO Yei area of responsibility.

conducted by the Overseas Development Institute in 2007¹⁵ and although the system has reportedly improved following the partnership between IOM and SSRRC, it still lacks a protection monitoring component. IOM also prepares village assessments in areas of IDP return. These are of a different format to the UNHCR village assessments, however, and so cannot be incorporated in a single database.

60. It is clear that returnee monitoring is central to UNHCR's mandate and should play a crucial role in shaping the reintegration programme. In South Sudan, the process has been only partially successful and has been impeded both by unpredictable funding and by a lack of clarity on how the information gathered is to be analysed and used.

61. It is recommended that the Office engages in a stocktaking of the returnee monitoring process to date. This should consist of three components: First, resources should be allocated to compiling and analysing returnee monitoring and other data already available on the return process (such as AGDM assessments, repatriation statistics, project implementation data) with a view to analysing the data and making available key findings in a user-friendly format which can be shared with external partners. Second, the findings need to be reviewed jointly by operations and protection staff with a view to re-orienting or adjusting the reintegration programme where appropriate to reflect the findings and to address the realities of the return process. Third, it is recommended that a review be conducted jointly with partners in the protection and return working groups on the returnee monitoring framework currently used, to assess how useful it is and to identify elements which need adjustment. In this respect, key considerations should be how the information collected is shared and used, the coherence of the framework with other monitoring mechanisms (such as IDP returnee monitoring) and whether this could be enhanced, and how the way in which monitoring is conducted fits with the overall goal of enhancing national protection capacity. In this respect, consideration might be given to identifying a national partner (or network of national partners) to which technical and other support could be provided to undertake field protection monitoring. UNHCR has already had positive experience with a national NGO, the Institute for Promotion of Civil Society in Yei (which conducted returnee monitoring on behalf of an international NGO contracted by UNHCR), and another potential partner (once fully established) might be the South Sudan Human Rights Commission.

¹⁵ Sara Pantuliano, Margie Buchanan-Smith and Paul Murphy: *The long road home: opportunities and obstacles to the reintegration of IDPs and refugees returning to Southern Sudan and the Three Areas* Humanitarian Policy Group, Overseas Development Institute, London, August 2007. Phase 2 of the report is due in 2008.

7. Coordination and partnership

62. Despite its somewhat ambiguous position regarding its role in relation to IDPs, UNHCR has in general engaged constructively in the coordination of return and reintegration, and has contributed positively to joint policy and strategy development, including the 2006 UN Return and Reintegration Policy developed in 2006, the Joint Plan for Returns agreed in 2007, and a Framework Reintegration Strategy which is currently being translated into state-based strategies. UNHCR also participates in key coordination fora including a UN/GNU/GoSS Joint Planning Task Force, the UN Steering Group on Returns, and Return and Reintegration (RR) working groups at Khartoum, Juba and state level.

63. These achievements have to be set against a coordination environment in South Sudan that is complex and, at times, unclear. A key role in the coordination of protection, return and reintegration is played by UNMIS, whose two main civil/political and humanitarian/development pillars translate into more than a dozen specialist sections. These roughly overlap with the mandates and competences of the specialist UN agencies in a non-operational/operational division of labour respectively. This duplication of roles and names is widely seen as significantly multiplying coordination problems and demands while clouding lines of responsibility and adding little to the efficiency of the operation. As one UNHCR interviewee put it, *"Sudan is the Mother of all coordination problems"*.

64. UNHCR has also undertaken coordination responsibilities, particularly in locations where UNMIS has a limited presence. As regards protection, whilst the cluster approach has not been implemented in Sudan, UNHCR has been assigned responsibility for co-leading the Protection Working Group (PWG) in South Sudan, along with UNMIS Protection of Civilians (POC) section. Under this arrangement, UNHCR co-chairs the regional PWG in Juba and state-level PWGs where it is present (eg, Malakal, Jonglei, Kajo Keji). In locations where UNMIS POC is not present, the group is chaired by UNHCR (eg, Demazin, Yei, Kapoeta, Nimule).¹⁶ This carries important responsibilities for facilitating the protection component of the UN and partners Work Plan and prioritizing protection projects for funding from the Common Humanitarian Fund. It provides an opportunity to ensure that projects promoting returnee protection are incorporated within broader protection strategies. While initially there was a significant investment by UNHCR in the PWGs, this role is currently exercised unevenly throughout southern Sudan. In some locations, the PWG was reported to be essentially an information-sharing forum, whereas in others, such as Yei, where it is chaired by UNHCR, participants viewed it as playing a valuable role in informing interventions.

65. UNHCR could also do more to exercise its protection leadership responsibilities at regional level. The secretariat function for the South Sudan PWG is exercised by UNMIS POC and, in practice, UNHCR plays only a supporting role. POC is generally viewed by partners as being an effective advocate for protection in South Sudan, in particular, in securing CHF funding for protection projects. Many of

¹⁶ UNHCR. November 2007. *UNHCR Protection, Return and Reintegration and Interagency Coordination Responsibilities in Sudan*. Khartoum UNHCR.

those interviewed, however, pointed to the problem of the multiplicity of actors working on protection-related matters within UNMIS. These bodies include POC, Gender, Human Rights, Rule of Law and Child Protection. Many of these units mirror the roles of the specialized UN agencies. Despite its vast operational experience and global leadership on protection, UNHCR's involvement in the regional PWG has been essentially in a support capacity. This is due to a number of factors including limited operational capacity in terms of staffing, the priority given to protection within UNHCR's own programmes, effective leadership by POC and the sheer weight of the UNMIS presence. Last, but not least, the protection leadership role has not been sufficiently prioritized by UNHCR.

66. In this respect, it is recommended that UNHCR re-affirms its leadership role in protection, and devotes appropriate time and resources to its coordination function as co-lead of the Protection Working Group. It has been already noted in evaluations of UNHCR's performance within the cluster approach that the protection staff responsible for this function require appropriate profiles, with strong leadership and coordination skills.

67. The coordination of reintegration activities has also been somewhat uneven. UNMIS RRR has overall responsibility for coordination of the return and reintegration process. UNHCR has played an important support role to RRR, most recently through the secondment of a senior staff member. Given that RRR has, on its own account, tended to focus on the coordination of return rather than reintegration, in the words of one RRR staff member interviewed, this secondment *"...helped to change the mentality"*.

68. Under its direction, each state is supposed to have a Return and Reintegration Working Group. In Blue Nile State, UNHCR is sector lead for reintegration within the UN Work Plan. Together with HAC/SRRC it also co-chairs the state Return and Reintegration Task Force. This is not regarded as a particularly effective forum, however. UNHCR participates in return and reintegration meetings where they are functioning, and in some locations the RR and protection working groups have been combined under UNHCR's leadership. A key difficulty in coordinating reintegration is its cross-sectoral nature. There is no single forum in which cross-sectoral reintegration activities can be tabled thus obliging UNHCR to attempt to participate in a variety of sectoral working groups on education, water, sanitation, agriculture, and health. This places a significant burden on staff resources, and reintegration tends to get lost across such a wide range of meetings. As one UN agency put it, *"...nobody is monitoring the services"*. Coordination with government counterparts on reintegration is similarly challenging.

69. In general, the coordination mechanisms in South Sudan appear top heavy and urban biased. In Juba, for example, a common complaint is that its possible to spend all day attending coordination meetings. This creates constant demands on time and the need to prioritise. In rural areas and small towns, however, where the IPs are absent or relatively few, the main problem is the lack of scalability in situations where needs far exceed the ability to respond. The team found evidence that coordination meetings in these circumstances, at best, are exercises in information exchange, while at worst, they are shows of impotence as, through lack of expertise, time and funding, members are unable to effectively respond to the existing information. Related to this problem is the widespread existence of 'survey

fatigue' among target populations. While this has been reported by other investigators (eg, ODI), the evaluation team encountered it in all the communities visited (ie, Kurmuk, Yambio, Yei and Kaja Keji). That is, a growing frustration with seemingly repetitive surveys and focus group discussions organised by a variety of agencies with no follow up or material improvement. It is a lot easier and cheaper to collect information than to act upon it.

70. UNHCR's leadership role is also somewhat undermined by several other factors. The timing of funding, for example, does not always suit the requirements of NGO partners. Moreover, funding shortfalls have meant that UNHCR has had to constantly review its sectoral and implementing strategies to fit the funds available. At the same time, there is a widespread perception that UNHCR is primarily concerned with the logistics of return rather than protection or reintegration. Some NGO partners, for example, expressed the view that once UNHCR arrives in a location, its first priority is to work out the earliest time it can leave and hand over to the government or another agency. There were also feelings that UNHCR is not good at working with partners; for example, preferring direct sub-contracting rather than more co-equal relationships. This combination of timing, clock-watching and aloofness works against good coordination and undermines the authority and leadership that UNHCR could bring to bear, and which many implementing partners would welcome. UNHCR also needs to be more cognisant of the negative effects that its known intentions to scale down can have on the plans of other agencies. Coordination is not so much about deciding who does what and when, it has more to do with the exercise of leadership and, in particular, the ability to set the agenda and define the working environment.

Strategic partnerships

71. A central element of UNHCR's global strategy on reintegration is the promotion of an integrated approach which incorporates strategic partnerships. UNHCR scored some solid early achievements in this respect, and in promoting the incorporation of reintegration within longer-term recovery strategies. The agency made a strong contribution to the Joint Assessment Mission (JAM) process in 2004-2005, co-leading the Social Protection and Livelihoods cluster, which incorporated displacement. This assessment was subsequently used as the basis of the GNU/GoSS report presented at the Sudan Consortium in May 2008, at which 4.8 billion USD was pledged in support of the National Strategic 5-Year Plan (2007-2011). UNHCR has also engaged in the CCA/UNDAF process, which is still under way, and which also incorporates a component on displacement.

72. As noted above, the development of strategic partnerships on reintegration has been inhibited by the limited geographic presence of NGOs and of most UN agencies (including UNHCR). Nonetheless, an extremely valuable and effective partnership was established with WFP for the provision of food assistance to returnees. WFP's support for reintegration should be enhanced in 2008 through a food for recovery programme which in some locations would be linked to UNHCR's CBRPs. The partnership with FAO has been more problematic. Distribution of seeds and tools is crucial to enabling returnee households to re-establish their productive capacity, however in some locations returnees reported that distribution had been significantly delayed and that seeds were of inappropriate quality. UNICEF has proven to be a valuable partner in water, sanitation and education, but again, its lack

of field presence in some locations has inhibited practical cooperation on the ground. UNDP's presence is similarly limited to just a few counties in each of five states in southern Sudan. UNDP is nonetheless implementing a number of valuable projects on rule of law and community based recovery and rehabilitation, and is now scaling up its interventions with additional programmes on youth employment and community empowerment and economic recovery.

73. The experience in southern Sudan has highlighted that a range of strategic partnerships are needed as the reintegration process evolves. In the early phases of return, key partners are likely to be NGOs and others whose inputs are crucial to the initial return and reinsertion process, such as WFP and FAO for the provision of food, seeds and tools. Other kinds of partnership are required to support the reintegration process over the mid to long term, including UNICEF on health and education, UNDP on community recovery and rule of law, ILO on livelihoods and UN Habitat on land and property. However, the key to the reintegration process ultimately lies in the capacity and willingness of the state to reassume (or in the case of South Sudan, to assume) its responsibilities for protecting the rights and interests of its citizens.

74. Partnerships with national authorities and other national protection actors are thus central to reintegration. To date, UNHCR's key partner within the GoSS has been the South Sudan Relief Rehabilitation Commission. While this relationship remains important, SSRRC's capacity remains weak and its role regarding reintegration is unclear. In the meantime, it is important that UNHCR also continues to foster partnerships with line ministries in sectors which have a key contribution to make to reintegration, including those which have a protection role. It is recommended that UNHCR actively seeks opportunities for secondments or other opportunities for technical support to the authorities in South Sudan, and for support to other national protection actors, such as the Land Commission, South Sudan Law Society and South Sudan Human Rights Commission. The current secondment of an education specialist by UNHCR to the Ministry of Education is a positive example.

75. It is also recommended that a focus be maintained on ensuring that returnee interests and reintegration support are built into national policies and strategies – including recovery strategies and national reconstruction and development frameworks where appropriate. Linking with international development partners, such as the World Bank and bilateral development agencies, becomes an important support element to this process, and in this respect, UNHCR has an important technical support and advocacy role.

76. A key challenge relating to strategic partnerships on reintegration is that, in addition to the weak coordination role of UNMIS RRR, there is no central GoSS counterpart to coordinate cross-sectoral reintegration support. The absence of a central co-ordinating body for reintegration is a weakness shared by UN and government systems.

77. One potential area for partnerships which has not yet been fully explored is the link with Demobilisation, Disarmament and Reintegration (DDR). In the Sudan context, the DDR process envisaged under the CPA is currently some two years behind schedule. Some 40% of the revenue of the GoSS is currently allocated to spending on the SPLA. There are significant obstacles to DDR (not least the uncertain future of the CPA and the contested nature of the border areas), however in the past

few months there has been some progress, with a national policy on the reintegration of ex-combatants adopted in March 2008. In the DDR context, reintegration clearly has important security dimensions.

78. To date, strategies for the reintegration of the displaced and for ex-combatants have been developed largely independently, with the former significantly more advanced. There is nonetheless a significant overlap between areas of refugee return and areas to which ex-combatants will return. A significant area for the first phase of demobilisation, for example, will be Central Equatoria. The relatively high proportion of adult females (as opposed to males) within the returnee population also suggests that a significant number will have male relatives demobilised through the DDR process. As such, it will be important that reintegration strategies for the two groups are coherent and foster coexistence between refugee and IDP returnees, ex-combatants and receiving communities. The process will involve reuniting families at a time of urbanisation and heightened tensions over land, property and livelihoods. The focus of DDR has traditionally been on economic reintegration, however there is clearly a social and psychological component, at both community and household level, to which UNHCR's protection mandate and expertise is particularly relevant. Whilst ex-combatants will receive individual reintegration packages, these will be supported by community-wide programmes which should also benefit returnees and host communities.

79. It is therefore recommended that UNHCR seeks to promote a coherent framework which links refugee and IDP reintegration with the reintegration of ex-combatants, and which promotes a community-based approach which promotes social reintegration and maximises economic and other opportunities for the entire community. At the time of the evaluation mission, there was a proposal for the establishment of a reintegration working group which would bring together those working on both reintegration of ex-combatants and of returnees. This could provide a useful forum to bring together these processes, and to facilitate the development of joint area-based strategies.

8. Financial and human resources

80. Funding of the Supplementary Budget (SB) established for the return and reintegration of Sudanese refugees and internally displaced persons has been problematic. The SB mainly covers the voluntary repatriation aspects of returns from countries of asylum together with reintegration component including all the projects and activities implemented in the areas of return. These include the Community Based Reintegration Projects (CBRPs) discussed elsewhere in this report. In 2005 funds of just 45 million USD were received against an appeal of 76 million, necessitating an emergency application to the CERF for a loan towards the end of the year. Contributions received as a proportion of the total amount appealed for each year were higher in 2006 and 2007, however this was in part due to a reduced overall budget which was arguably in any event insufficient. Although overall funding in 2006 and 2007 was adequate, the reintegration component of the SB has encountered a number of structural problems which need to be addressed if UNHCR is to place reintegration at the centre of its activities from 2009 onwards.

81. A major concern is the unpredictability of funding flows. Large tranches of funding, for example, are often allocated only at the end of the year, thus delaying implementation. This was the situation in 2006, the effect of which was to delay project implementation until well into 2007. More recently, the Office has issued a press release highlighting the low level of funds received for the 2008 programme – some 47 million USD received by July 2008 out of a total budget of 63.1 million. This tendency, coupled with the priority attached to achieving assisted return targets, saw a reduction of the reintegration component of the operation and interrupted partnerships as some reintegration and protection activities had to be suspended. Thus, as the number of assisted returns progressively increased each year, (from 212 in 2005 through to 58,000 in the first five months of 2008), the number and scale of reintegration interventions has fallen. This has resulted in extremely difficult prioritisation decisions having to be made, and has contributed to a constant process of reorientation, which saw the closure of offices in Western Equatoria in 2007 and of Rumbek in June 2008. Partners with whom UNHCR has signed sub-agreements expressed concern over this unpredictability, claiming they could not rely on UNHCR to be able to plan ahead. One NGO in Yei, for example, explained that it would no longer act as an implementing partner for UNHCR due to lack of predictability. Since it is already difficult to find partners in the difficult context of South Sudan, this problem only further complicates matters and undermines the credibility of UNHCR.

82. The funding situation has nonetheless been significantly enhanced by important partnerships with some key private sector and government donors. These have provided a more secure base for reintegration interventions, particularly in the fields of health and education, in locations currently receiving high numbers of returnees. The heavy earmarking of some reintegration projects, while benefiting the reintegration sector as a whole, does however limit flexibility. UNHCR field staff, for example, expressed some frustration at not being able to do much to support livelihood projects in 2008 because money was tightly earmarked for the health and education sectors. While these sectors remain vital, some limited support would have been useful on small income generating projects. Another problem relating to

tight earmarking is that it consumes the budgetary space of the supplementary programme making it difficult to absorb additional contributions.

83. On the authority/management over resources, it is necessary to establish a mechanism with which the resources pertaining to Southern Sudanese refugees/returnees both in the countries of asylum and origin can be managed in a more comprehensive manner. The mechanism should cover the resources not only related to the Supplementary Budget but also to the Annual Budget in the countries hosting the Southern Sudanese refugees. It is more appropriate to manage the resources from both AB and SB perspectives since with the reduction in the number of Sudanese refugees in the countries of asylum as a result of the repatriation, the AB budgets of the countries of asylum for the Sudanese refugees are to decrease. Therefore, there is no way to “juggle” AB and SB budgets according to the funding availability. Such a mechanism is more pertinent when the operation suffers from the chronic funding shortfall and requires a flexible, timely and effective resource (re) allocation.

84. The other funding problems encountered relate to Sudan’s Common Humanitarian Fund (CHF) where UNHCR’s share of allocations has been steadily declining. The evaluation team was told that UNHCR’s reintegration projects are difficult to prioritise because they include sizeable transaction costs that donors don’t usually fund. Also protection activities are viewed as “non life threatening” and generally given a low priority. It should be noted, however, that UNHCR was praised for its advocacy efforts that has enabled some partners in the Protection Working Group to obtain funds through the CHF. Although this money did not come directly through UNHCR, this is a laudable development that contributes to the fulfilment of the protection objectives and activities agreed upon in the Work Plan.

85. In the three years since the signing of Comprehensive Peace Agreement (CPA), international assistance in southern Sudan continues to be largely humanitarian in orientation. Interventions funded through short-term humanitarian mechanisms still account for significant spending in South Sudan. While acute humanitarian needs will persist, donors wish to shift from a relief-orientation to one focused on recovery and longer-term development. Moves are already well underway to establish a Sudan Recovery Fund (SRF). Whereas the CHF was managed by the UNCT, the SRF will be disbursed and prioritised GoSS directed Budget Sector Work Groups. As requests for proposals will be soon announced, it is imperative for UNHCR to come up with strategic proposals on transition issues. Such new integrated funding mechanisms contain new possibilities for supporting reintegration including longer-term funding cycles. The one year programming cycle, for example, puts UNHCR at a disadvantage in relation to accessing resources from the so-called transition and development windows. In relation to the SRF, it might be possible to introduce a three year planning model for the 2009-2011 period. At the same time, however, this would require a willingness by UNHCR to embrace the culture change in the architecture of aid and to move toward more collective forms of project design and implementation.

Staffing

86. The issue of staffing in southern Sudan is summed up in the words of one recently-arrived staff member, who commented that the biggest question was, "...how did this team manage to pull it off?" Ensuring a sufficient complement of staff with appropriate levels of seniority and expertise has consistently presented a major challenge with the result that field staff have consistently shouldered extremely demanding workloads and, in many cases, responsibilities at higher levels than those normally associated with their posts.

87. As the Office had no active presence, a large team of international and national staff, covering a number of locations, had to be built from scratch. Staff on mission filled many key functions, particularly in the early phases of the operation. Some external partners commented on the high staff turnover between 2004 and 2006, arguing that it created continuity problems. Despite the use of the Fast Track mechanism between 2004 and 2006, there were delays in creating and filling posts, which led to significant pressure on those already deployed. This was in part due to the uncertain funding situation, but also due to difficulties in attracting a sufficient number of experienced staff. In 2005 and 2006, at the time the programme was expanding, there was just one Senior Programme Officer and one Programme Officer based in Juba, supported by a newly-recruited programme assistant who required training. The Administrative Officer post in Juba at this time was also filled by a series of staff members on mission.

88. The pressure on staff was exacerbated by extremely challenging working conditions (staff were accommodated in tents in Juba), medical evacuations, and frequent absences on R&R. Staff have worked in an extremely difficult security environment: one international staff member and one local guard were killed in Yei in 2006. Recruiting national staff, particularly women, with appropriate qualifications and skills was also difficult. Despite this, the evaluation team interviewed some exceptional national staff in the course of the mission, and there are numerous examples of national staff keeping operations running when international staff were relocated for security reasons. There has also been an extremely high reliance on UNVs, who have made a major contribution to the operation, particularly in technical fields such as water, engineering, telecommunications, statistics, logistics and site planning. By mid 2007 there were some 34 UNVs and secondees (including two protection officers seconded by Austcare and IRC) deployed throughout South Sudan.

89. Although some feel the staffing situation improved in 2007, this was not apparent with respect to the protection and reintegration functions. Two Protection Officer posts were cut at the end of 2006, with the secondees referred to above providing a much-needed but only temporary boost in capacity. The important post of Senior Reintegration Officer, based in Khartoum, was moved to Juba from 2007 but subsequently discontinued. These cuts appear to have impeded the strategic development of the reintegration programme, including its protection component. Several staff interviewed pointed out that during the dry season, the voluntary repatriation operation acts as a centrifugal force, drawing staff that officially have other responsibilities into its orbit. Whilst this is perhaps understandable given the complexity and logistical challenges of the repatriation process, it would seem that

the impact of this on the protection and reintegration functions has not been sufficiently appreciated and alternative arrangements fully explored.

90. Many partners cited the secondment of a senior UNHCR staff member with significant reintegration expertise as Director of UNMIS RRR for eight months in 2007 and 2008 as a valuable contribution by UNHCR to the coordination and leadership of the inter-agency operation for the return and reintegration of IDPs and refugees. A number of interviewees nonetheless noted that technical expertise on areas such as livelihoods, the impact of return on urban areas, and rural development is lacking within UNHCR (particularly at working level). In order to play a meaningful role on reintegration, there is a need for UNHCR to strengthen its staffing profile in this respect. The same is also true of linked functions such as protection, which in reintegration operations may require specialist expertise on issues such as land and property rights and conflict resolution. These are not necessarily part of the regular UNHCR Protection Officer's portfolio. There is a case for more expert posts open to external candidates in these key functional areas. As noted in other recent evaluations, the need for strong leadership and communication skills is also evident in a field environment where increasing emphasis is placed on cooperative modes of working. Advocacy skills are particularly crucial in voluntary repatriation operations, where the capacity to engage national and other actors is central to a successful reintegration programme.

9. Conclusion

91. The return and reintegration programme in southern Sudan is in a process of organic change. In 2009, organised refugee returns will begin to decline from their 2008 peak. It is now timely to re-examine the dynamics of displacement, protection and reintegration in southern Sudan and to assess how UNHCR's future role within this complex scenario should evolve. Adjusting to the challenges of 2009-2011 will necessitate a process of reorientation which seeks both to consolidate the reintegration support already provided and to address emerging dynamics such as urbanisation, ongoing mobility, and the gender dimensions of the return and reintegration process. Specific recommendations as to how this might be achieved are incorporated throughout the text of this report and summarised in the introductory section.

92. Despite significant constraints, including an unpredictable funding base and an extremely challenging operating environment, UNHCR has made a solid contribution to the early reintegration of returnees in their areas of origin through appropriate and effective humanitarian support. This has enabled the assisted return of more than 130,000 refugees and has arguably provided an important pull-factor in the decision making of the many spontaneous IDP and refugee returnees. The support provided to basic services, including education, health, water and sanitation has in general been timely and appropriate. However, the evaluation has highlighted the difficulties of translating aspirational policy objectives into realities on the ground, particularly in a situation where difficult prioritisation decisions have to be made amidst internal and external pressure to achieve high numbers of returns as a key indicator of a successful peacebuilding process.

93. This evaluation strongly endorses a continued UNHCR presence in southern Sudan until at least 2011, with a continued focus on supporting the transition from international to national protection through support to the reintegration process as a key element of UNHCR's protection and durable solutions mandate. Given the extremely weak nature of the state in South Sudan, not only is continuing transitional support important, but premature withdrawal could also have serious humanitarian consequences. The problems associated with sustainability, together with the existing political uncertainty, mean that what has until now been held up by the international community as a successful return programme could easily turn sour. This is not to say that progress is not being made. There have been considerable advances in establishing the administration and structures of governance (line ministries have only been established in Juba in the last 18 months, and a civil service has had to be built from scratch), and in developing a strategic framework for recovery. However, the prevailing vision that UNHCR's inputs on reintegration can be aligned with and eventually incorporated into the programmes of other, more developmental, agencies is not one that can be imminently realised. This objective should continue to be pursued, but within a framework of 'measured disengagement' rather than abrupt withdrawal from returnee areas, counting on others to 'take up the slack' as one partner termed it.

94. The findings of this evaluation support the general principles set out in UNHCR's updated policy framework on return and reintegration.¹⁷ However, it is questionable whether the concept of 'reintegration' adequately captures the conditions in South Sudan. It has a limited ability to describe what is happening on the ground in what is a new and emerging reality. The evaluation has also highlighted that reintegration is not a UNHCR-led process. At best, the agency can make a modest contribution to the reinsertion process - essentially, cushioning the impact of return and providing some basic inputs to open up some initial livelihoods activities whilst the national authorities re-assume - or, in the case of South Sudan - assume their state-citizen responsibilities for returnee communities.

95. More fundamentally, the association of reintegration projects with ideas of 'sustainability' and hence 'development' is problematic. Given the absence of partners in many areas and, importantly, the weak nature of the state in South Sudan, the sustainability of UNHCR's reintegration work, and hence its contribution to a self-reliant model of development, are questionable. However, the sustainability of the reintegration process as a whole should not necessarily be gauged by whether every project implemented by UNHCR is still functioning years later, but rather by whether returnees have succeeded in re-establishing productive and dignified lives in their home countries. Reintegration is not a linear process and UNHCR's modest interventions, which are fundamentally humanitarian in nature, are unlikely to pave the way for development. Nonetheless, without such inputs, and particularly where refugees are returning in high numbers to very specific geographical areas, there is a real risk of humanitarian crisis - successfully averted so far in the case of southern Sudan.

96. The experience in South Sudan has also reinforced the significance of the protection dimensions of the reintegration process. In the reintegration context, the 'gap' to be bridged is not that between relief and development, but the transition between international and national protection. The primary focus should therefore be on linking returnees with national authorities and other national protection actors (including civil society, community and traditional structures) and ensuring that returnee interests and reintegration support are built into national policies and strategies - including recovery strategies and national reconstruction and development frameworks if appropriate. Linking with international development partners becomes an important support element to this process. In this respect, UNHCR has an important technical support and advocacy role. In the South Sudan context, where the government is newly established, supporting the restoration of national protection is particularly challenging, and may warrant a longer engagement than in other operations. A key lesson is that UNHCR must stay engaged in this early transition phase, and that premature withdrawal could have serious humanitarian consequences. Supporting access to national documentation (a very tangible symbol of the relationship between the individual and the state) and to national dispute resolution mechanisms on key issues such as land and property are key elements of a reintegration strategy.

97. The South Sudan experience has also tended to confirm those aspects of the revised reintegration policy which emphasis the need to work with realities, and to

¹⁷ UNHCR. 11 February 2008. *UNHCR's Role in Support of the Return and Reintegration of Displaced Populations: Policy Framework and Implementation Strategy*. Geneva: UNHCR, Executive Committee of the High Commissioner's Programme.

understand what these realities mean in country-specific contexts rather than basing strategies on idealised concepts of return as a reversal of displacement, or trying to develop a 'one size fits all' approach. These realities include urbanisation, complex age and gender dynamics, and the challenges of social reintegration at the level of the family unit. This can only be achieved through solid returnee monitoring and analysis complemented by targeted research, such as the ODI studies commissioned in 2007 and 2008.

Annex I: Terms of Reference

Evaluation of UNHCR's reintegration programme in Southern Sudan

Context

In early 2008, UNHCR launched consultations with its Executive Committee (ExCom) on a draft Policy Framework and Implementation Strategy regarding UNHCR's role in support of the return and reintegration of displaced populations. This updated reintegration policy includes a commitment to undertake "both real-time and retrospective evaluations of its major reintegration programmes".

In line with this commitment, UNHCR's Policy Development and Evaluation Service (PDES), in consultation with the Africa Bureau, will undertake an evaluation of UNHCR's reintegration programme in Southern Sudan.

Since the signing of the CPA in 2005, more than 182,000 refugees have returned to Southern Sudan, along with more than 1.6 million IDPs. Tens of thousands of refugees had already returned spontaneously from DRC and Uganda in 2004. Assisted voluntary repatriation from CAR and the DRC was completed in 2007, and returns from Egypt, Ethiopia, Kenya and Uganda are ongoing. UNHCR's reintegration programme began in 2005 with the deployment of emergency response and the establishment of 11 offices in key return areas. Key areas of intervention have included water, sanitation, health, education and protection. In the course of 2007 the programme was reoriented to focus on Jonglei, Upper Nile and Eastern Equatoria, and activities in Western Equatoria were phased out. The operation has encountered significant constraints, including weak donor interest in the reconstruction process, the extent of the geographical area involved, security, logistics challenges and limited local capacity. The evaluation will aim to capture key lessons from UNHCR's engagement in Southern Sudan to date, to be reflected in recommendations on the future direction of the operation and in suggestions for any adjustments to the updated reintegration policy.

The evaluation will be conducted in accordance with UNHCR's Evaluation Policy (2002), and the finalised report will be placed in the public domain.

Evaluation Objectives

1. To provide an independent assessment of the effectiveness and impact of UNHCR's operations in supporting the sustainable reintegration of returning refugees and (where relevant) IDPs in Southern Sudan 2005-2008.
2. On the basis of this assessment, to make recommendations for the future orientation of the Southern Sudan reintegration programme, analysing and taking into account any constraints and opportunities identified.
3. To analyse the extent to which UNHCR's reintegration policy framework (Framework for Durable Solutions and 4Rs) was relevant and applicable in the Sudan context, and to recommend any adjustments which should be

made to the revised policy framework in view of the Southern Sudan experience.

Evaluation Criteria

The evaluation criteria have been identified with reference to the OECD-DAC criteria for evaluating humanitarian action and elements of UNHCR's reintegration policy framework and other internal guidance. The questions set out below are indicative of the general areas to be covered, but need not all necessarily be addressed in equal depth.

Appropriateness

- Were the activities undertaken an appropriate response to the needs of returnees and receiving communities?
- To what extent was UNHCR able to effectively monitor the protection and general welfare of returnees?
- What was the level of beneficiary / community involvement in project design, implementation, and monitoring?
- Were gender, age and diversity appropriately mainstreamed into project design, implementation and monitoring?

Efficiency

- Were available resources targeted and used in an efficient manner?
- Were interventions appropriately prioritised?

Impact

- What direct and indirect evidence is available that the interventions made a positive contribution to the sustainable reintegration of returnees?
- What systems / indicators were used to monitor the impact and effectiveness of the programmes?
- Did the programme enhance the self-reliance of returnees?
- What was the impact on the key determinants of reintegration as identified in the 4Rs framework:
 - good local governance
 - protection of rights of communities inclusive of returnees
 - improved social services including infrastructure
 - co-existence and confidence building
 - economic revival and livelihood creation
 - improved access to services

(In the absence of baseline data, impact will be primarily assessed on the basis of the level of satisfaction by beneficiaries and their perception of the appropriateness and effectiveness of the programme).

Coverage

- Was geographical coverage based on accurate identification of potential / actual areas of return?
- Was assistance provided in all main return areas? Where UNHCR was not present, were appropriate alternative arrangements made
- Were operations re-oriented where necessary?
- Were beneficiaries correctly and fairly identified and targeted?
- What efforts were made to ensure that projects targeted vulnerable groups?

Connectedness

- Did the programme build on the skills and capacities of returnees developed during displacement?
- Did the programme complement and enhance local capacity?
- Have local authorities / communities been able to sustain the projects initiated?

Coherence

- To what extent have UNHCR's reintegration activities formed part of an 'integrated approach' as envisaged by the 4Rs framework?
- To what extent were the activities undertaken coordinated with other UN, NGO and government interventions?
- Were effective partnerships established?
- To what extent have reintegration activities been mainstreamed into national reconstruction and development strategies?

Specific issues for consideration

- What was the added value of UNHCR's engagement?
- Did the 4Rs and other policy guidance prove to be a useful and relevant framework for engagement?
- What specific lessons can be drawn a) for the future orientation of the Southern Sudan programme and b) for incorporation in UNHCR's revised reintegration policy?

Methodology

Document review

The evaluation team will begin with a review of available documentation. The support of the Bureau and Country Office is requested in sharing relevant documents prior to the pre-mission briefings.

Pre-mission briefings

Pre-mission briefings and interviews will be held in Geneva during the week beginning [8 April]. UNHCR staff to be interviewed will include the Deputy Director of the Africa Bureau, Head of Desk and Senior Desk Officer, reintegration, health and education technical experts within DOS, external relations and fundraising staff, and staff previously deployed to Sudan during the period since the operation started. A telephone conference may be held with RO Khartoum and/or SO Juba to finalise the mission arrangements, and telephone interviews may also take place with former staff.

Field mission

A field mission to Sudan will take place between 3 to 20 May. A draft itinerary is annexed. Briefings and de-briefings will be held in Khartoum and Juba, and visits will be conducted to three field locations, to include one location where UNHCR's reintegration programme has already been phased out. Data collection methods will include interviews with key informants (UNHCR staff, local, regional and national government officials, UNMIS, other UN agencies, NGOs) and focus group interviews with returnees and their communities. Interviews will normally take place without the presence of UNHCR staff (other than members of the evaluation team). It is expected that the evaluation team will use gender-sensitive and participatory approaches to seek the views of beneficiaries. ROK and SOJ are requested to take responsibility for in-country travel and other logistics support, advising on itinerary and potential interviewees, and scheduling interviews and focus group discussions. SOJ is also requested to arrange for the provision of non-UNHCR interpreters in field locations, with costs to be covered by PDES.

Preparation of draft report

A draft report will be prepared and circulated for consultation (target date: 15 June 2008), and a de-briefing on the mission findings will take place at Headquarters. A minimum of two weeks will be allowed for consideration and comments by relevant UNHCR stakeholders (and external partners if appropriate). The evaluation team will be expected to consider and take due account of comments received, but is not obliged to incorporate these in the final report.

Finalisation of the report

The evaluation report should consist of:

- An executive summary and recommendations (country-specific and on draft policy) (not more than 6 pages)
- Main text (to include index, context, evaluation methodology, analysis of findings and conclusions (not more than 30 pages). References to be kept to a minimum, footnotes to be used only where absolutely necessary.
- Appendices, to include evaluation terms of reference, maps, bibliography.
- PDES basic style rules to be followed (to be provided).

The target date for finalisation of the report will be 15 July 2008.

Data collected will be used for the purposes of the evaluation report only, and will not be incorporated in separate research or publications without prior authorisation.

Evaluation Team

The Evaluation Team will be led by Professor Mark Duffield of Bristol University, who will lead the drafting of the report, together with two UNHCR staff members, Khassim Diagne (IDP Advisory Team) and Vicky Tennant (PDES) will also participate.

PDES/vt
28 March 2008

Annex II: Map

