



No turning back

A review of UNHCR's
response to the
protracted refugee
situation in
eastern Sudan

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Contents

Executive summary	1
Introduction to the review	3
The operational context	5
Key issues and actors	9
Protection, rights and resettlement	15
Standards, self-reliance and development	23
Conclusions and recommendations	33

Executive summary

Eastern Sudan has hosted refugees from neighbouring Eritrea since the late 1960s, making this refugee situation one of the most protracted in the world. Peaking at around 800,000 in 1990, the refugee population currently stands in the region of 80,000, the majority of them living in camps.

As in many protracted refugee situations, UNHCR's room for manoeuvre in eastern Sudan is very limited. The Eritreans are not prepared to repatriate in view of the human rights situation in Eritrea and their opposition to the country's government. While there is a growing interest in resettlement, few of the refugees have access to this solution.

In such circumstances, the only viable solution is that of local integration. And in that respect, the environment is in several respects a favourable one. Most of the refugees who arrived before 2001 have the same ethnicity, language, culture and religion as their Sudanese hosts. Many were born or brought up in Sudan and consider it to be their home. While the refugees continue to be assisted by UNHCR, food distribution has been reduced and many refugees appear to have found a way of sustaining themselves, often by means of agriculture or informal labour. Some have even managed to acquire Sudanese identity documents.

While the refugees are under no pressure to return to their country of origin, and while Sudan has kept its borders open to a significant influx of new arrivals from Eritrea, the government in Khartoum has not been prepared to offer the long-term refugees the option of naturalization and citizenship. At the same time, the Eritreans are confronted with legal obstacles that prevent them from owning land and property, which place constraints on their freedom of movement and which make it difficult for them to enter the formal labour market.

This review suggests that UNHCR should pursue a three-pronged approach to the refugee situation in eastern Sudan. First, the organization should advocate on behalf of refugee rights, so as to limit and ideally remove the restrictions that are currently placed on the Eritreans. As a longer-term objective, UNHCR should encourage the government to provide refugees with access to Sudanese citizenship.

Second, UNHCR should continue to promote sustainable refugee livelihoods with the ultimate goal of enabling the refugees to become self-reliant and to live without assistance. As those objectives are achieved, the camps should be decommissioned and integrated into national service-delivery structures.

Third, given the high levels of poverty and low levels of development in eastern Sudan, UNHCR must link its humanitarian activities to long-term aid and investment strategies that are designed to bring robust growth to this neglected part of the country, thereby allowing both refugees and their local hosts to enjoy improved levels of human security.

Introduction to the review

1. In December 2008, the High Commissioner launched a Special Initiative on Protracted Refugee Situations, intended to promote durable solutions and improved living conditions for the world's growing number of long-term refugees.
2. As a part of this initiative, the High Commissioner requested UNHCR's Policy Development and Evaluation Service to review the organization's progress in addressing a number of protracted refugee situations around the world, including those in Bangladesh, Croatia and Serbia, Tanzania and eastern Sudan.
3. The current review of UNHCR's response to the protracted refugee situation in eastern Sudan was undertaken by a three-person team of evaluators with knowledge of the region, relevant language skills and experience in the analysis of protracted refugee situations. The team's Terms of Reference are annexed to this report.
4. The methodology employed by the team included a desk review of relevant programme documents and secondary literature, an analysis of the eastern Sudan programme in UNHCR's *Focus* database, interviews with key actors in the Africa Bureau and staff members who had previously served in the area, as well as a two-week mission to Khartoum and eastern Sudan in the second half of May 2011.
5. While in the field, the evaluation team undertook site visits to the majority of eastern Sudan's refugee camps. The team was also able to meet with a wide range of stakeholders, including staff members from UNHCR, the UN and other international humanitarian and development organizations, representatives of central and local government, donor states and the NGO community, as well as refugees, asylum seekers and local residents.
6. The evaluation was undertaken in accordance with UNHCR's evaluation policy, as well as the UN Evaluation Group's Norms and Standards for Evaluation in the UN System. While the evaluation team endeavoured to interview and interact with a broad cross-section of the refugee population and to respect the principles of Age, Gender and Diversity Mainstreaming (AGDM), security restrictions limited the extent to which the team had free and unmonitored access to UNHCR's beneficiaries.
7. The evaluation team wishes to express its gratitude to all of those people who contributed to and facilitated this review, especially staff members of UNHCR's Regional Bureau for Africa, the Branch Office in Khartoum and, most of all, those in the Kassala Sub-Office. The team is also grateful to those individuals who provided comments on a first draft of this report.

The operational context

8. Eastern Sudan has hosted refugees from neighbouring Eritrea (formerly a province of Ethiopia) since the late 1960s, making this refugee situation one of the most protracted in the world. The size of the refugee population has fluctuated considerably over the past 40 years. Peaking at around 800,000 in 1990¹, it currently stands in the region of 80,000. Approximately 67,000 of this number fled to Sudan before 2001.²

9. While significant numbers of Eritrean refugees are known to have taken up residence in urban areas, primarily in eastern Sudan but also in the capital city of Khartoum, most are to be found in camps in the Gedaref, Kassala and Red Sea states. They are amongst the poorest parts of the country, characterized by low levels of rainfall, chronic food insecurity, poor development indicators and limited support from central government.

10. Already adversely affected by conflicts within and between the neighbouring states of Eritrea and Ethiopia, eastern Sudan experienced considerable turmoil between the mid-1990s and 2006, when rebels of the Eastern Front pursued a low-intensity campaign in protest against the region's alleged marginalization by central government, the unequal distribution of the country's oil revenues and the international community's focus on the situation in Darfur. Thus in addition to its large and longstanding Eritrean refugee population, eastern Sudan is also home to an estimated 180,000 internally displaced people.

Eastern Sudan's refugee population, November 2010

Nationality	Number	%
Eritrean	75,572 ³	94.6
Ethiopian	4,197	5.3
Somali	46	0.1
Sudanese	28	0.0
Other	4	0.0
Total	79,847	100.0

¹ This number refers to Ethiopian/Eritrean refugees in Sudan as a whole, although most of them were located in the east of the country.

² For an excellent introduction to this situation, see D. Bartsch and M. Dualeh, 'The protracted refugee situation in eastern Sudan', Middle East Institute: Refugee Cooperation', 2011

³This figure excludes refugees living in decommissioned (unassisted) camps

Colonialism and conflict

11. The history of the refugee situation in eastern Sudan is a long and complex one. In geographical and ethnic terms, Eritrea can be roughly divided in two parts: first, the central highlands, inhabited mainly by Tigrinya-speaking peoples with a traditionally agricultural but increasingly urban background, mainly adhering to a brand of Christianity that incorporates Orthodox and Coptic rituals; and, second, the coastal and western lowlands, inhabited by a variety of ethnic groups speaking languages such as Tigre, Afar and Arabic. The lowlanders are predominantly Muslim and have a pastoralist or agro-pastoralist background.

12. Eritrea and Ethiopia were affected very differently by the process of colonial expansion. Eritrea was governed by Italy for a 50 year period that began in 1890 and ended with Italy's defeat in the Second World War. By way of contrast, Ethiopia was occupied by Italy for just five years, from 1936 to 1941.

13. While this experience gave rise to a strong sense of Eritrean distinctiveness, in 1952 the territory was ceded to Emperor Haile Selassie of Ethiopia, an ally of the victors in the Second World War. Eritrea became an Ethiopian province, but within a few years a secessionist movement, the Eritrean Liberation Front (ELF) had been established to contest this arrangement. Consisting primarily of Muslim lowlanders, the ELF launched a guerrilla war against the Ethiopian authorities.

14. After the Ethiopian revolution of 1974, Haile Selassie was replaced by a military junta (or Derg) led by Colonel Mengistu Hailemariam. Hopes were high in Eritrea that the province's autonomy would be restored, but instead the Derg reinforced Haile Selassie's centralist policy. This led to a radicalization of the highland peoples, who in 1972 established a new secessionist movement, the Eritrean Peoples Liberation Front (EPLF).

15. By 1981, after an internecine civil war with the ELF, the EPLF had established itself as the dominant secessionist movement and intensified its struggle against Ethiopia. As a result, what had been a trickle of refugees from Eritrea to eastern Sudan became a major influx. In the period from 1971 to 1980, the number of Eritrean refugees (still technically considered to be Ethiopians) in Sudan leapt from 55,000 to over 410,000.

16. In March 1988 the EPLF decisively defeated the Ethiopian army, leading to the downfall of the Derg three years later. The outflow of refugees continued unabated, with refugee numbers in Sudan increasing from 488,000 in 1981 to a peak of approximately 800,000 in 1985 and 1990. As well as growing in size, the socio-cultural composition of the refugee population was also changing. In the 1970s, the refugees were mainly Muslims from the rural lowlands, while in the 1980s the majority were Christian highlanders from both rural and urban areas.

17. In May 1991, the EPLF took control of Asmara, the Eritrean capital, just a few days before the Ethiopian Peoples Revolutionary Democratic Front (EPRDF) whose largest component was the Tigrean Peoples Liberation Front (TPLF) marched into Addis Ababa, bringing 17 years of Derg rule to an end.

18. The struggle to establish an independent and united Eritrea, at peace with Ethiopia, seemed to have been realized at this point, given that the EPRDF had already agreed to such an outcome in US-brokered talks. Further hopes were raised

by an April 1993 referendum in which 99.8 per cent of Eritrean voters opted for independence, rather than autonomy within Ethiopia. Eritrea was subsequently admitted to the United Nations as a member state and opened an embassy in Addis Ababa.

Refugee and repatriation trends

19. In this relatively optimistic context repatriation from Sudan began in earnest, first to Ethiopia, with 51,000 returns in 1991 and then to Eritrea, with 70,000 returns in 1992. But in subsequent years the scale of repatriation to Eritrea decreased dramatically, only 36,600 people returning between 1993 and 1999. Meanwhile, the number of Eritrean refugees in Sudan, which had decreased from 500,000 in 1991 to 282,000 in 1995, increased again to 342,000 in 1998 as a result of growing human rights problems in their country of origin.

20. The situation took an even bigger turn for the worse in 1998, when what appeared to be a minor border dispute between Eritrea and Ethiopia escalated into all-out war. The new conflict caused an estimated 70,000 casualties on both sides (mainly among the military) and displaced hundreds of thousands of people. A ceasefire and peace agreement was finally established in 2000, although relations between the two states have remained very frosty since that time.

21. The end of the struggle for Eritrean independence and the termination of the border war prompted UNHCR to invoke the Cessation Clause in relation to refugees who had fled as a result of those events. UNHCR guidelines issued in February 2002 allowed individual refugees to retain their status if they could demonstrate a continuing need for international protection. At the same time, the guidelines claimed that cessation would “add momentum to the ongoing voluntary repatriation exercise.”

22. In practice, however, this expectation was not realized. While more than 50,000 refugees returned to Eritrea in 2000, compared to just 1,200 the previous year, repatriation figures now began to decrease again. There were just 19,100 returns in 2002, 9,400 in 2003 and a similar figure in 2004. Since 2005, returns have come to a halt.

23. An explanation for this trend was provided in an official UNHCR position paper released in 2004, which concluded that “the human rights situation in Eritrea has seriously deteriorated in the past two years ... with regard to the treatment of opposition political groups and movements, freedom of expression, freedom of religion, arbitrary detention ... and the treatment of draft evaders.” Against this background, the paper strongly argued that Eritrean asylum seekers should not be returned to their country of origin and should at least be granted complementary forms of protection.

24. This assessment was reiterated in UNHCR’s eligibility guidelines for Eritrean asylum seekers, issued in April 2011. More specifically, the guidelines made reference to the one-party nature of the Eritrean state, the absence of elections, official control of the media, indefinite military conscription and severe constraints on NGOs. The guidelines also identified a number of groups who were at particular risk and whose claims to refugee status should receive “careful consideration.” These

included members of the opposition, ethnic and religious minority groups, as well as journalists, trade unionists, gays, lesbians and victims of trafficking.

25. As a result of these conditions, the number of Eritrean asylum seekers entering Sudan has grown quite dramatically, from around 1,000 in 2003 to almost 33,000 in 2008, with a somewhat smaller figure (between 22,000 and 25,000) in 2009 and 2010. Despite these many arrivals, the total number of Eritrean refugees in Sudan, which stood at 108,000 in 2003 and increased to 150,000 in 2006, actually decreased to 113,000 in 2009. This trend cannot be explained in terms of repatriation, as returns have been negligible for the past five years. Nor can it be explained in terms of resettlement, given the very limited number of Eritreans in Sudan who have been able to benefit from this solution.

26. On the basis of the most recent evidence collected by UNHCR in the field, it seems clear that the recent reduction in refugee numbers is primarily the result of onward movements, both to urban areas of Sudan but also to other countries and continents, including Egypt, Israel, Europe and beyond.

27. An earlier route from Sudan to Libya and the Mediterranean coast appears to have been effectively closed by the crisis in the latter country. Eastern Sudan is thus affected by a particularly longstanding refugee situation, a significant influx of new asylum seekers and has also become an important area of transit for people wishing to move further afield.

Key issues and actors

28. UNHCR's programme for Eritrean refugees in eastern Sudan is one of the organization's oldest, dating back to the 1970s. Since that time, UNHCR has spent some \$800 million on the operation, a figure that excludes the substantial expenditure of other humanitarian organizations, development agencies and donor states.

29. UNHCR's activities in eastern Sudan have gone through four principal phases:

- a large-scale emergency operation, launched at the time of the initial Eritrean influx in the 1970s;
- the 1980s, when UNHCR's primary objective was to promote refugee agriculture and self-reliance;
- the 1990s, when UNHCR promoted and organized a large-scale repatriation to Eritrea, with the hope of implementing an 'exit strategy' in eastern Sudan; and,
- the current period, characterized by a renewed effort to promote self-reliance and durable solutions amongst the 'old caseload' refugees, while simultaneously striving to cope with the new influx of refugees from the Eritrean highlands.

30. For much of the past 40 years, and especially in the mid-1980s, when the refugee population peaked at around 800,000, the eastern Sudan programme had a very high profile within UNHCR. With the passage of time, however, as well as the steady decline in the size of the refugee population and the ascendancy of UNHCR operations in Darfur and South Sudan, the programme in eastern Sudan became a relatively low priority for both UNHCR Headquarters in Geneva and the Branch Office in Khartoum.

31. The High Commissioner's Special Initiative on Protracted Refugee Situations, together with a number of other recent developments examined in this report, has, in the words of one staff member, "acted as a wake up call." Eastern Sudan is once again under the spotlight, with a growing local, regional and international recognition of the need to find durable solutions for the longstanding Eritrean refugee population who are resident in that part of the country.

Obstacles to solutions

32. Why has the Eritrean refugee situation in eastern Sudan persisted for such a long period of time? There is no single answer to this question, as a number of different and interlinked factors have contributed to this outcome.

33. First and most obviously, in recent years conditions have not been conducive to the voluntary repatriation of Eritrean refugees as a result of the authoritarian nature

of the Eritrean state and its conflictual relationship with Ethiopia and other states in the region.

34. While some of the older refugees continue to dream of an eventual return, repatriation is not regarded as a practical objective by the vast majority of refugees, especially those who were born in Sudan and those who are associated with groups opposed to the government. While their profile might be different, the continued influx of young Eritrean highlanders, many of them escaping from punitive forms of military service and state employment, acts as a further disincentive to repatriation amongst the older refugee population.

35. The protracted nature of the refugee situation in eastern Sudan can also be explained in relation to the country of asylum. According to this analysis, the Sudanese state has perpetuated the refugee problem by means of its unwillingness to offer local integration and citizenship to the Eritrean refugees, despite the fact that they are very closely related to their local hosts in ethnic, cultural, linguistic and religious terms.

36. With respect to the Sudanese state, a more specific institutional constraint in the search for solutions has been the role played by the Sudanese Commissioner for Refugees (COR). Established in 1967 as a branch of the Ministry of Internal Affairs, COR plays a dominant role in relation to refugee matters. Fully funded by UNHCR throughout its long history, COR exercises a very strong influence over the refugee programme in eastern Sudan by virtue of the fact that it is a co-signatory to all of UNHCR's sub-agreements.

37. Significantly, COR has played no role in the large-scale humanitarian emergencies and displacement crises in Darfur or South Sudan. With the exception of its Headquarters in Khartoum, all of COR's offices, personnel and other assets are concentrated in the east of the country. According to many commentators, COR's institutional interests lie in perpetuating - rather than resolving - the Eritrean refugee situation. Elders within the refugee community (normally appointed by COR) appear to have aligned themselves with COR on this matter, their principal concern being to maintain the flow of food and other humanitarian aid into the refugee camps that they help to administer.

38. Finally, there is considerable evidence to suggest that UNHCR has played some role in the perpetuation of the refugee situation in eastern Sudan. According to one critical and unpublished report, commissioned by UNHCR itself:

The internal factors which have visibly affected the operation in eastern Sudan include UNHCR's recurrent financial crisis; lack of consistent long-term vision compounded by a lack of institutional memory; changes of senior management without effective accountability, bringing about frequent changes of direction ... Disregarding the history of the operation has invariably led to repeated reinventions and ultimately the waste of opportunities and resources.⁴

⁴ R. Ek, 'UNHCR's operation in eastern Sudan, 1967-2009: lessons learned', UNHCR, March 2009

39. The same report also draws attention to the fact that the relationship between UNHCR and COR, two of the most visible and well-resourced organizations in eastern Sudan, has often been problematic, not least because of the mutual dependence of the two entities. "Inter-organizational conflicts and inter-personal dynamics," it says, "have frequently diverted attention from the core objectives of the operation. Administrative and budgetary conflicts between UNHCR and COR have deviated their attention from the goal of achieving durable solutions."

40. In recent years, and in part because of the difficulties described above, UNHCR has sought to establish closer working relations with the state-level authorities in eastern Sudan, particularly the Governors in Gedaref and Kassala, where most of the refugee camps are located. Elected by means of a popular vote, their legitimacy is partially dependent on the extent to which they can deliver tangible benefits to their constituents. They are consequently important partners in UNHCR's current effort to promote development in and around eastern Sudan's refugee camps.

41. COR appears to be wary of such evolving partnerships, however, a situation exacerbated by the fact that UNHCR has recently made a partially successful effort to limit COR's role in certain sectors of the refugee programme, such as water and sanitation. Even so, COR retains significant influence and continues to be responsible for the administration of the camps, to play a role in the protection function and to be responsible for education and food distribution.

Partnerships

42. With the exception of UNHCR, the international presence in refugee-populated areas of eastern Sudan is a very modest one. WFP continues to play an important role in refugee assistance and works closely with UNHCR, although its prominence has been reduced by the diminishing size of the refugee population since its peak in 1990, coupled with a more recent decision to establish a targeted rather than a general food distribution programmes for the Eritrean refugees.

43. UNDP and FAO are more recent arrivals in the area but are yet to scale up their activities. The former agency has established a rule-of-law project which involves refugees, and is also establishing a closer partnership with UNHCR by means of the Transitional Solutions Initiative, which is examined later in this report. The latter organization has become involved in a range of activities that are relevant to UNHCR's self-reliance activities, including, for example, animal husbandry and agricultural extension services. But FAO's engagement with the refugee population remains a limited one.

44. International NGOs are generally excluded from eastern Sudan and in recent years have not played significant role as partners in the UNHCR programme. Bilateral donors have a growing interest in the area, but generally do not enjoy a particularly comfortable relationship with the central authorities, like other outsiders, have to navigate the complex security regime maintained by the Sudanese state. Indeed, in the course of the evaluation mission, a high-ranking and Khartoum-based development official from one European state was obliged to leave Kassala the day after her arrival because she apparently did not have all of different permits required to stay in the city.

45. As a result of these circumstances, UNHCR's efforts to provide eastern Sudan's refugees with protection, assistance and solutions rely on a limited number and range of partners, most of them national entities and some of which bring only a modest capacity to their operational activities. Those partners are:

- the Forest National Corporation (FNC), which implements tree-planting, agro-forestry and environmental awareness activities, including the introduction of energy saving stoves;
- the Sudanese Red Crescent (SRC), which implements vocational training, income-generating and health activities in some of the refugee camps;
- the Agency for Cooperation and Research in Development (ACORD), which also implements income-generating and self-reliance activities, particularly in the forms of micro-finance and micro-loans;
- the Sudan Open Learning Organization (SOLO), which implements adult literacy training activities and some income-generation management training;
- the International Union for the Conservation of Nature (IUCN), which undertakes capacity-building for environmental management;
- El Sugya, a Sudanese NGO which since 2008 has implemented water and sanitation activities that were previously undertaken by COR; and,
- Human Appeal International, which implements health activities in a number of the camps.

Joint solutions strategy

46. Despite the tensions that have been generated by UNHCR's efforts to limit the size and role of COR and to establish partnerships with other actors, the two organizations were able to formulate a Joint Solutions Strategy for the Eritrean refugee population in September 2007.

47. As this document recognized, such a strategy was needed to take advantage of the opportunities opened up by the East Sudan Peace Agreement (ESPA), which the previous year had brought an end to the Eastern Front's insurgency. The strategy also acknowledged that a growing proportion of the Eritrean refugees had either been born in Sudan or had lived there for most of their lives, that they shared many socio-economic and cultural traits with the host community, as well as common development interests.

48. Based on such understandings, the Joint Solutions Strategy included a number of key components, including:

- registration and profiling, including a verification of the numbers and physical presence of the Eritrean refugees;

- the development of an asylum system and building COR's capacity to carry out refugee status determination (RSD) to international standards;
- the amendment of the 1974 Asylum Act so as to give refugees additional rights in relation to work and property;
- improved service delivery, particularly in the water sector, which was supported by a special allocation of \$1.2 million by UNHCR; and,
- a renewed search for durable solutions, with particular emphasis on self-reliance and local integration, including facilitated access to Sudanese citizenship, as well as the introduction of a resettlement programme targeting 10,000 to 20,000 refugees over the period 2009-2011.

49. In principle, the Joint Solutions Strategy remains an active agreement between UNHCR and COR. In practice, however, UNHCR's Kassala office has played a leading role in the effort to attain the last of the objectives listed above. The approach formulated by the office includes:

- decommissioning and terminating direct assistance to eight of the twelve active camps within the next three years and consolidating the refugee population;
- integrating the decommissioned camps into national systems, based on closer cooperation with state-level authorities and line ministries;
- limiting COR's role in the provision of direct assistance;
- using assistance programme to supporting refugee livelihoods;
- advocating on behalf of refugee rights, including that of citizenship;
- using resettlement in a strategic manner in the hope of creating space for local integration; and,
- bringing developmental and area-based aid to refugee-populated areas.

50. The evaluation team was impressed by the coherent and comprehensive nature of this approach, and considers that it should be given full support by the Branch Office in Khartoum, the Africa Bureau and other entities at UNHCR Headquarters.

Donor states

51. Donor states constitute another set of important stakeholders in relation to eastern Sudan. A number of those states have had a longstanding engagement with the Eritrean refugee situation, even if their relationship with the authorities in Khartoum has been clouded by concerns over Sudan's political trajectory, its human rights record and the humanitarian consequences of the conflicts in other parts of Sudan.

52. Donor states have a number of general interests in relation to eastern Sudan. They acknowledge the risk that aid and development resources might now be diverted to the newly independent country of South Sudan and are concerned that if eastern Sudan does not benefit from a robust development process, then a renewed insurgency might take place, adding to the existing volatility of the Sudan - Eritrea - Ethiopia border area.

53. At the same time, they would like a resolution to the protracted refugee situation in eastern Sudan, a situation which has absorbed millions of dollars in humanitarian assistance, but which has brought relatively few long-term dividends for either the Eritreans or their local hosts. Both continue to experience very low levels of human development and human security.

54. The renewed interest of donor states in eastern Sudan has had a number of important manifestations in relation to the UNHCR programme in eastern Sudan. First, a number of those countries have established a Khartoum-based group known as 'Friends of the East', so as to coordinate and strengthen their aid to the region. Second, one leading donor state has provided funding to a joint UNHCR-UNDP venture known as the Transition Solutions Initiative (TSI), which is intended to address the Eritrean refugee situation from a developmental perspective. And third, an International Donors and Investors Conference for East Sudan has been convened, led by the government of Kuwait. These initiatives will be examined in more detail later in this report.

Protection, rights and resettlement

55. The government of Sudan has maintained a generous and generally open-door policy to refugees, despite its limited resources, despite the asylum fatigue that has spread across much of the contemporary world, and despite the fact that large-scale refugee influxes from Eritrea, Ethiopia and other neighbouring countries have affected the country in an uninterrupted manner for the past 40 years.

56. In recent months, however, a number of reports have been received with respect to the expulsion of Eritrean asylum seekers from the east of the country, apparently undertaken by agencies within the Sudanese security establishment. UNHCR has placed its concern on record with respect to these incidents.

Recent arrivals

57. An immediate challenge for UNHCR in eastern Sudan is to give due attention to the protection of new and recent arrivals from Eritrea, while at the same time continuing to pursue the search for solutions for the longer-term refugee population.

58. The arrival of some 100,000 Eritrean asylum seekers in eastern Sudan in the past three years has attracted relatively little international attention. While this is to some extent because the situation has been overshadowed by humanitarian crises elsewhere in the world, it also derives from the fact 70 per cent of the new arrivals are thought to leave eastern Sudan within three months, and they are consequently not congregated in large and visible camps.

59. Some 97 per cent of the Eritrean asylum seekers who arrive in eastern Sudan are recognized as refugees in an accelerated RSD process that is undertaken by COR with training and support from UNHCR. The few Eritreans whose claims are rejected are normally allowed to stay on humanitarian grounds. Given this high recognition rate, and in view of the fact the RSD process is generally cursory and carried out by underqualified personnel, there would appear to be a logic in moving towards a group-based and prima facie approach to refugee status determination.

60. UNHCR's recently issued guidelines are rather ambiguous on this point. On one hand they state that "claims by asylum seekers from Eritrea should be considered individually on their merits according to a fair and efficient ... procedure." On the other hand, the guidelines add that "in countries where Eritrean asylum seekers have arrived in large numbers, represent a discernible and similar pattern in the nature of their claims ... and where refugee status determination on an individual basis would exceed local capacities, the adoption of group-based protection may be appropriate."

61. Apart from RSD, the current influx from the Eritrean highlands poses a number of other protection challenges: abuses associated with trafficking and smuggling across the Eritrea-Sudan border; the high risk that new arrivals will become victims of sexual and gender based violence in the course of their flight, while they are staying in a camp in eastern Sudan and during their subsequent onward journeys; allegations that asylum seekers are required to pay bribes at every stage of the

arrival, reception, registration and RSD process; and the abduction of asylum seekers and refugees whose release is dependent on the payment of a substantial ransom.

62. Perhaps the most disturbing protection issue associated with the recent Eritrean influx relates to the situation of unaccompanied children, some 3,000 of whom have arrived in eastern Sudan, but of whom only 200 remain. As the number of 'legal departures' from the camps is very small (just 43 in 2009 and 68 in 2010) the vast majority of those who go missing are ominously referred to as 'disappearances'.

63. UNHCR has taken the commendable initiative of hiring an expert consultant to study the issues of trafficking, smuggling, onward movements and disappearances in eastern Sudan. But the organization's ability to monitor (let alone address) such abuses continues to be very limited in relation to the scale of the protection problems that exist.

Socio-economic integration

64. Most of the longstanding Eritrean refugees residing in eastern Sudan are Tigre and Arabic-speaking Muslims, belonging primarily to the Beni-Amer tribe. They are difficult to distinguish from the host population, the majority of whom are also Tigre and Arabic-speaking Muslims from the Ben-Amar tribe.

65. The close links between refugees and the local population have been reinforced by the length of time the Eritreans have lived in Sudan, some 60 per cent of them having been born in their putative country of asylum. As one refugee woman told the evaluation team, "Sudan is now our home country, our children feel Sudanese, and most of the young generation do not speak Tigrinya" (the dominant language in Eritrea).

66. In view of these linkages, it was not surprising that refugees, local residents, government officials, NGOs and a range of other stakeholders all confirmed that the Eritrean and Sudanese populations enjoy a harmonious and even symbiotic relationship, although inter-marriage appears to be very rare.

67. In their efforts to establish livelihoods, for example, refugees make extensive use of local land and frequently find employment in the informal labour market. At the same time, the host community has access to some services in the camps, particularly water, health and education, and has thus benefited in certain respects from the presence of refugees and the agencies that support them. The extent of the socio-economic integration process is further illustrated by the fact that some refugees have chosen to remain in areas where camps have been decommissioned and where residents are therefore obliged to rely on local services.

68. During a site visit to Wadi Sherif, where refugees live on one side of the road and Sudanese live a few metres away on the other, it was very difficult for the evaluation team to see any discernable differences in the way of life or living standards of the two groups. It is recommended that UNHCR to conduct or commission some systematic research on this matter so as to confirm or refute such impressions.

69. While the longstanding refugees and their hosts may enjoy a symbiotic relationship, local perceptions are generally much less positive with respect to the more recent arrivals from Eritrea, many of whom are young, male, Tigrinya-speaking

Christians, travelling without their family members and adhering to a very different set of social norms.

70. Some COR officials, for example, said that the practices they engage in, such as drinking alcohol (which is officially banned in Sudan), gambling and making advances to young women are potential sources of tension within the Eritrean population. It is for this reason that both COR and UNHCR favour a greater degree of physical segregation between the older and newer refugee groups in locations such as Shagarab, where they live in close proximity. This evaluation supports such an approach.

Refugee rights

71. While eastern Sudan's longstanding Eritrean refugee population enjoys a relatively high degree of social and economic integration, to what extent is that situation replicated in terms of access to rights? A clue lies in a statement made by one refugee, who told the evaluation team, "the Sudanese are less constrained in their lives."

72. Article 9 of the Asylum Act, for example, stipulates that, "no refugee shall own land or immovables in the Sudan." This prohibition is a significant one in the context of the rurally-based and agriculturally-oriented economy, and was said by many refugees to be the principal way in which they are distinguished and disadvantaged in relation to the local population. At the same time, it must be acknowledged that refugees are often able to gain access to land, whether by means of renting, leasing or sharecropping.

73. A second constraint relates to the issue of freedom of movement, and more specifically to Article 10 of the Asylum Act, which states that "no refugee shall exercise any political activity during his presence in the Sudan and he shall not depart from any place of residence specified for him." The penalty for contravening the latter provision is "imprisonment for not more than one year."

74. Some refugees reported that the practice of the authorities is considerably less restrictive than this law might suggest, and that it is not unusual for Eritreans with COR identity cards to move beyond their specified place of residence in order to trade, engage in informal labour or to visit relatives in other camps.

75. Teenage refugees (described as being "out of control" by one elder) may venture to Khartoum to work in restaurants and other menial jobs, while some Eritreans appear to move backwards and forwards between their countries of asylum and origin, despite the controls that exist on both sides of the border. Other refugees, however, stated that leaving the camps without prior authorization is a risky enterprise and can lead to difficulties with the authorities and security services.

76. A third legal constraint is to be found in the application of Article 14 of the Asylum Act, which addresses the issue of "permission for refugees to work." Paragraph 1 of this Article states that "no refugee shall be permitted to work in any job, industry or business relating to the security of the country or national defence." This is standard practice in many countries around the world and is commonly applied to all foreign nationals, whether they are refugees or not.

77. Paragraph 2, however, complicates the situation by also requiring refugees to obtain a permit from the Department of Labour if they wish to work in sectors unrelated to national security and defence. The process for obtaining these permits is complex and expensive, and as a result, most refugees opt for work in the informal sector, sometimes for lower wages than are paid to Sudanese citizens.

78. Irrespective of any progress (or lack of progress) made in relation to the issues of naturalization and citizenship, examined in the following section, UNHCR should continue to advocate on behalf of refugee rights with the aim of loosening the legal constraints which are currently placed on the refugees.

Naturalization and citizenship

79. As indicated in the previous section, the longstanding Eritrean refugee population in eastern Sudan enjoys a relatively high degree of integration in local society, but in terms of their access to rights are confronted with several disadvantages which can only be partially overcome by informal understandings, social connection and liberal interpretations of the law.

80. This situation is compounded by the fact that the refugees are generally deprived of access to naturalization and citizenship. That is of some significance in a protracted refugee situation where, because of the obstacles to voluntary repatriation and the very limited availability of resettlement places (discussed in the following section), local integration in its full and de jure sense is central to the search for durable solutions.

81. Naturalization in Sudan is regulated by the Nationality Act, last amended in 1974. In principle, citizenship by means of naturalization is available to everyone “of full age and capacity, [who] has been domiciled in the Sudan for a period of ten years immediately preceding the date of the application ... has an adequate knowledge of Arabic language ... is of good character and has not previously been convicted of a criminal offence, [and] if he is a national of any foreign country [has] renounced and divested himself of the nationality of that country.”

82. According to this law, naturalization and citizenship should in principle be available to eastern Sudan’s longer-term refugee population, the majority of whom actually or potentially fulfill the criteria set out in the preceding paragraph. According to a paper commissioned by UNHCR in 2009, however, living in Sudan as a refugee and being recognized as such by the authorities does not constitute ‘legal residence’, making it impossible for Eritreans to meet the requirements of the Nationality Act.

83. In terms of policy rather than law, moreover, government officials interviewed by the evaluation team, particularly COR personnel in eastern Sudan, stated that the grant of citizenship is the sovereign prerogative of the central government in Khartoum, which is currently not in favour of naturalizing the refugees. This position, according to some commentators, is associated with official concerns about the changes that naturalization would bring to Sudan’s ethnic demography, as well as its interest in maintaining a working relationship with Eritrea, a small but tenacious country which has demonstrated a consistent willingness to confront and destabilize its larger neighbours.

84. In this respect, however, there seems to be some divergence between central policy and local practice. According to many stakeholders interviewed by the evaluation team, including refugees, it is possible for Eritrean refugees to acquire Sudanese identity documents by informal means, if they have the connections and resources to do so. Indeed, in a formal meeting with the Gedaref state authorities, a very senior official readily stated that “at least 60 per cent of Eritrean refugees in the state have obtained Sudanese documentation.”

85. This statement was hotly disputed in a subsequent meeting with COR, which argued that even if it is possible for the refugees to acquire Sudanese citizenship in this way, the proportion who have done so is actually much smaller. Whatever the real percentage, it seems clear that a significant number of longstanding Eritrean refugees have been able to acquire some kind of association with the Sudanese state. But neither the Eritreans nor COR have an interest in revealing the actual figure or the names of the people concerned.

86. With respect to the refugees, their interest is to simultaneously enjoying the rights associated with citizenship while at the same time accessing the assistance afforded to refugees. As far as COR is concerned, any reduction in the number of refugees as a result of naturalization would entail a corresponding cut in the organization’s budget and staff, an unwelcome development at a time when the Sudanese civil service is already undergoing a significant restructuring and downsizing exercise.

87. Some UNHCR staff in Geneva and Khartoum are hopeful that the number and identity of those refugees who have acquired Sudanese citizenship by one means or another will be captured in a major civil registry exercise that is being launched with the support of the German government. According to government officials, the campaign will entail the registration of both citizens and foreign nationals, but only the former will be provided with a Sudanese ID card.

88. This is a potentially important development and UNHCR should engage with the Ministry of Internal Affairs, which has responsibility for this exercise, to make sure that the resulting registration database is cross-checked with the list of refugees, so that those who have obtained Sudanese citizenship will be taken ‘off the books’. At the same time, it must be acknowledged that the time-frame for this exercise remains unclear and that it will not resolve the situation of those refugees who have been unable acquire Sudanese citizenship.

89. In terms of formulating effective approaches to the issues of naturalization, citizenship and local integration, there may also be lessons that can be learned from other UNHCR operations. It was therefore of some significance that in a meeting with the evaluation team, the Head of COR in Khartoum expressed an interest in Tanzania, where more than 160,000 long-term refugees from Burundi have been given the opportunity to benefit from this solution.

90. One member of the evaluation team with recent experience of the Tanzania programme explained that an expedited naturalization exercise had been undertaken in that country, with citizenship fees paid by UNHCR and set at a heavily discounted rate of \$50 per adult applicant rather than the usual \$800. This might provide a model for eastern Sudan should the government agree to the naturalization of the Eritrean refugees.

91. In order to meet any concerns that Eritrea might raise with respect to the issue of naturalization, UNHCR might suggest that the option of Sudanese citizenship be limited initially to Eritrean refugees and their descendants who have been resident in Sudan for 20 years or more. At the same time, UNHCR should draw attention to the fact that naturalization is clearly encouraged by Article 34 of the 1951 Refugee Convention, which states that “contracting states shall as far as possible facilitate the assimilation and naturalization of refugees. They shall ... make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs.”

Resettlement

92. The Joint Solutions Strategy of 2007 placed significant emphasis on the role of resettlement, not just as a tool of protection tool but also as a strategic means of promoting durable solutions, reducing the refugee burden on Sudan and providing an incentive for COR to adopt a positive approach towards self-reliance and local integration for the country’s longer-term refugees.

93. In practice, however, the resettlement programme in eastern Sudan has yielded much lower numbers than those envisaged in the Joint Solutions Strategy. Since 2009, less than 2,500 cases have been submitted for consideration to resettlement countries, with just over 900 departures actually taking place.

94. There are now some doubts as to whether the resettlement of a limited number of refugees from Sudan can act as a catalyst for the local integration of those who remain in the country. First, most of the refugees were recognized on a group or prima facie basis many years ago, and their claims would have to be re-examined on an individual basis to ascertain whether they meet the strict criteria of most resettlement countries. It seems likely that many would be rejected.

95. Second, although COR is notionally not opposed to resettlement, any further reduction in refugee numbers would evidently entail a commensurate reduction in COR staff and resources, a scenario which the organization would be unlikely to welcome and might well resist.

96. Third, the vast majority of the older refugee population comes from a conservative Muslim background with very limited prospects for successful socio-economic integration in the major resettlement countries. As they are not confronted with immediate protection risks, the wisdom of prioritizing them for resettlement must be questioned. If, on the other hand, the resettlement programme were to target the younger, most active and entrepreneurial members of the refugee population, then such an outcome would actually make it more difficult for the remaining refugees to attain self-reliance and local integration.

97. It should also be noted that interest in resettlement amongst the longer-standing refugees was until recently very limited. Indeed, some (male) refugee and religious leaders were actively opposed to the idea of resettlement, in view of their familiarity with the way of life in Sudan, their proximity to their places of origin, as well as their fear of exposing women and girls to a western way of life.

98. In recent times, however, interest in resettlement has grown significantly amongst the older Eritrean population, who have been influenced by the attitude of

the newer arrivals and attracted by the possibilities of pursuing secondary and tertiary education, which is extremely difficult in Sudan. Cultural concerns about resettlement also appear to be diminishing, as epitomized by the remark of one refugee that “there are mosques, even in the USA.”

99. Refugee families now appear to be splitting on this issue, with some members (mostly the younger generation) hoping to be resettled and others preferring to remain in Sudan. Underlining the tensions that this can create, one Eritrean remarked that “I would leave Sudan tonight if I could, but I would be going for my children and not for myself.”

100. As a result of the foregoing considerations, this evaluation concludes that the resettlement targets proposed in the Joint Solutions Strategy be revised significantly downwards, to perhaps 5,000 or 7,000 over the next three years (should that number of resettlement slots be available), with priority being given to members of ethnic minorities from the old caseload.

101. At the same time, and in view of the much larger number of refugees who will not choose or be accepted for resettlement, every effort must be made to realize the one solution that remains while voluntary repatriation remains out of the question: self-reliance and local integration. The following chapter turns to this issue.

Standards, self-reliance and development

102. According to a recent World Bank paper, “eastern Sudan remains one of the poorest regions among the northern states of Sudan ... and relatively neglected in political and social investment terms. As a host community to refugees and IDPs, most of the population of eastern Sudan itself suffers from acute poverty and limited development prospects.”

103. Such observations are confirmed by the NGO SOS Sahel, which points out that the residents of the area, refugees, IDPs and Sudanese citizens alike, are all confronted with the same basic problems:⁵

- low levels of rainfall and an increasing incidence of drought;
- increasing competition over an already limited natural resource base;
- growing pressure on limited public services and infrastructure; and,
- a saturated informal economy that is leading to growing levels of unemployment and underemployment.

104. In the same vein, national and UN statistics suggest that eastern Sudan has some of the worst human development indicators in the whole of the country, with high rates of malnutrition and maternal mortality, as well as low levels of literacy, school attendance (especially by girls) and access to clean water.

Standards

105. As mentioned above, the key socio-economic indicators for eastern Sudan are very low, even compared with other regions of the country. In fact, they are substantially lower than those of the refugee population. For example, according to data supplied by the Kassala state Ministry of Health, the under-five mortality rate for the host population is 128/1,000 live births, the neonatal mortality rate is 31/1,000 and the maternal mortality rate is 1,414/100,000. UNHCR statistics for the refugee population demonstrate much lower rates, namely 1.1/1,000, 4.6/1,000 and 92.7/100,000 respectively.

106. With respect to other indicators concerning the refugee population, the statistical data collected by UNHCR indicate that some recent improvements have been taken place in the areas of water supply and sanitation, largely as the result of a special injection of funding made available by the High Commissioner since 2008. On average, with the exception of two camps, the water indicators now meet or exceed Sphere standards, but standards in the sanitation sector remain low.

107. With regards to primary education, the rates of refugee enrollment are quite high, approaching the 100 per cent standard in most camps, with the exception of Shagarab (51 per cent in 2010) and Wadi Sherif, where it was particularly low (27 per cent, largely because most refugees attend a local school in a nearby village).

⁵ SOS Sahel International UK, ‘Briefing paper on the humanitarian situation in eastern Sudan’, October 2009

Even so, refugees complain that their children have to travel long distances to attend schools that are overcrowded and which lack basic supplies. Moreover, many young Eritreans drop out of school because they need to work and earn an income or because they are subjected to early marriages. Moreover, in the words of one refugee, “even a secondary education certificate has little value today, so imagine what you can do if you only have a primary certificate.”

108. Most of those who complete primary school are in any case rarely able to afford a secondary education, meaning that their opportunities in life are limited. As indicated in the previous chapter, this hunger for education is fuelling the desire for resettlement amongst the younger refugees, who complain that their parents and elders are insufficiently active in advocating for this solution.

109. An important and recent development in eastern Sudan has been a substantial decrease in the volume of food distributed in the refugee camps, the result of a decision taken by WFP with the agreement of UNHCR. For the older refugee caseload the reduction has amounted to almost 50 per cent, an outcome achieved by moving from a general to a targeted food distribution system based on vulnerability criteria, as well as the introduction of food-for-work and food-for-training initiatives.

110. Although this change of approach was prompted to some extent by donor state fatigue in relation to the refugee situation in eastern Sudan, it was also a strategy designed to promote self-reliance and reduce the ‘dependency syndrome’ which is alleged to affect some members of the refugee population.

111. COR, which plays an important role in the food distribution process, continues to express serious reservations about the new policy and has lobbied for a reinstatement of general food distribution. WFP, however, is insistent that food distribution can be reduced without any adverse consequences for the nutritional status of non-vulnerable refugees, as most have found other ways of acquiring food, both by means of agriculture and by earning an income through casual work. According to some informants, the real beneficiaries of the general food distribution system were the refugee elders, who used their authority to appropriate an unfair share of the assistance being provided.

Self-reliance

112. Throughout the 1970s and 1980s, UNHCR’s approach to the refugee situation eastern Sudan was to promote self-reliance by providing refugees with access to rain-fed and irrigated land as well as seasonal wage-earning opportunities. This strategy, which met with very limited success, was initially interrupted by the refugee influx provoked by the 1984-85 famine in Ethiopia. It was finally brought to a halt when Eritrea gained independence, the Cessation Clause was invoked and UNHCR began to base its activities on the assumption that the refugee situation in eastern Sudan would be resolved by means of large-scale voluntary repatriation. According to one analysis, “By the late 1990s, the original aim of self-reliance and the settlement policy had not only failed but was forgotten as a policy... The settlements were re-labelled camps to better reflect the dependency on care and maintenance that was perceived to have re-emerged.”⁶

⁶ R. Ek, *ibid*

113. Self-reliance is now back on the UNHCR agenda in eastern Sudan, partly because, in the absence of other solutions, it represents the only feasible approach to this protracted refugee situation, and partly because the donor community is unwilling to assist the Eritrean refugees on an indefinite basis. It has also become clear that non-vulnerable refugees are generally able to sustain themselves in a variety of ways, such as renting and leasing land, sharecropping, engaging in seasonal work and informal labour, often in urban areas. Some refugees also receive remittances from Eritrea's very large diaspora population.

114. In common with the vast majority of people living in eastern Sudan, however, the refugees are obliged to live a tenuous existence. Good quality land is in short supply, and in any case can only be farmed by means of a rental agreement, given the restrictions placed on refugees with respect to land ownership and secure tenancy. Refugees also complain that they have very limited access to credit and agricultural inputs (e.g. seeds, fertilizers and tractors), that the isolated nature of the camps and the area's poor infrastructure make it difficult for them to market their produce, and that the best land in eastern Sudan will eventually be taken over by large-scale agri-businesses.

115. Responding to this situation, UNHCR has developed a refugee self-reliance programme which has four main components, the first three of which were reviewed by the evaluation team:

- vocational and skills training, implemented by SRC;
- environmental activities and capacity building, implemented by FNC and IUCN;
- micro-finance, implemented by ACORD; and,
- adult literacy, implemented by SOLO.

Skills training

116. The vocational and skills training programme appeared to be well managed. At several camps, the evaluation team witnessed young people in neat uniforms and well-equipped workshops undergoing vocational and skills training in subjects such as car mechanics, auto-electricity, driving, computer literacy and advanced tailoring. The refugees themselves were universally enthusiastic about the opportunities provided by such courses.

117. At the same time, there are some concerns with respect to this component of the self-reliance programme. The first and main shortcoming is one of size and scope, given that the programme currently targets a small proportion of the total refugee population. A second and related issue is that of the selection procedure. As the demand for these courses easily outstrips the supply of places, on what basis are students selected? Do all refugees have equitable access to vocational and skills training, or is entry to the programme dependent on wealth, social status, gender or social networks?

118. A third question concerns the ability of the labour market (both formal and informal) to absorb all of those refugees who have benefited from such training. According to some interviewees, the sluggish nature of eastern Sudan's economy, the high levels of underemployment found in the population at large, as well as the

disadvantages experienced by people of Eritrean origin, will prevent a good proportion of the refugees from exercising the skills that they have learned. A more detailed analysis of these constraints and the employment outcomes of the programme is now required.

119. At the same time, there is a need to recognize that skills training activities have other and perhaps less evident benefits than providing employment and an income. Visiting a number of projects where refugee women were engaged in activities such as computer literacy, pottery-making, tailoring and the production of sanitary towels, it was very clear that such projects generate a considerable sense of solidarity and dignity amongst the participants, as well as an opportunity to expand their social networks.

Environment

120. UNHCR's environmental activities in eastern Sudan, especially the organization's extensive tree-planting programme, are truly impressive and especially commendable in a location such as eastern Sudan, where the fragility of the natural environment poses a constant threat to human lives and livelihoods.

121. This highly visible programme has three particular benefits:

- it prevents the large-scale deforestation that is sometimes seen in situations where large numbers of refugees settle in an area and proceed to cut down trees for firewood and other uses;
- it provides employment and helps to foster harmonious relations between refugees and the host community, thereby contributing to the long-term objectives of self-reliance and local integration; and,
- it provides tangible evidence of UNHCR's presence and the benefits which the organization can bring to a refugee-populated area, and therefore helps to underpin Sudan's generous asylum policy.

Micro-finance

122. The main pillar of the self-reliance programme in eastern Sudan is a micro-finance initiative implemented by ACORD, an organization which, in the words of one independent consultancy report, "has a long, well-respected experience in eastern Sudan working with refugees, is an excellent partner and is committed to empowering women."⁷

123. ACORD provides a range of different services to the refugees in eastern Sudan, including:

- administrative and technical support to livelihoods committees;
- leadership, book-keeping, saving and credit training sessions for livelihood committee members;

⁷ A. Karim and B. Lippman, 'Self-reliance strategy for refugees in eastern Sudan: draft report', February 2009

- livestock loans of around \$280 to 450 refugees;
- agricultural loans of between \$225 and \$375 for refugee farmers;
- small business loans of up to \$3,000 for around 600 refugees;
- medium-size business loans of \$940 for more than 40 enterprises; and
- loans of \$75 for 610 women in Rotating Savings and Credit Associations.

124. While these initiatives have been well received by the refugees, many of those interviewed expressed the opinion that the size of the loans is too small. Having experienced a substantial reduction in their food aid entitlements, they argue, the loans are insufficient to generate an adequate income and do not allow recipients to benefit from any economies of scale. At the same time (and as with the skills training programme) the scope of the micro-finance programme is very limited, reaching just a small proportion of the refugee population.

125. Similar concerns were voiced by COR personnel, who suggested that there is now a need to assess more carefully the impact and sustainability of the programme. This is a valid suggestion, and it is therefore recommended that UNHCR commission a study of this nature. Adopting an age and gender-disaggregated approach, the study should examine:

- who has qualified for a loan;
- how they have used that money;
- the extent to which such loans have been used for consumption rather than investment;
- the amount of income that has been generated as a result of the loan;
- the rate at which loans have been repaid;
- the way in which ACORD managed the non-repayment of loans;
- whether group loans should be introduced (and if so, how they should be organized); and,
- whether refugees could be incorporated into national micro-finance systems.

126. On the basis of this study, appropriate adjustments should be made to the micro-finance programme.

Development linkages

127. In the words of a recent UNHCR-UNDP paper, “there is now greater recognition that displacement has humanitarian as well as developmental challenges, and that in order to find durable solutions, situation-specific comprehensive approaches would be required, with the engagement of government, humanitarian and development actors with additional bilateral and multilateral assistance.”⁸

128. This recognition is particularly relevant to the protracted refugee situation in eastern Sudan, first, because self-reliance and local integration (in either a de facto or de jure sense) are at present the only viable means whereby the vast majority of Eritrean refugees will be able to find a durable solution or at least improve their quality of life; and second, because however effectively UNHCR’s livelihoods activities are formulated and implemented, they will not lead to sustainable self-reliance unless simultaneous steps are taken to activate a robust process of economic

⁸ Concept note on Transition Solutions Initiative’, UNHCR/UNDP, 2010

and infrastructural growth in eastern Sudan. In the words of one senior UN official in Khartoum, “it will not be possible to resolve the region’s refugee situation unless we also do something to improve its appalling development indicators.”

129. Over the past three decades, numerous attempts have been made to bridge the so-called ‘gap between humanitarian assistance and development aid’, both at the global level and in the specific context of eastern Sudan. As indicated earlier, efforts to attain that objective in eastern Sudan were largely put on hold during the 1990s, when the Eritrean refugees were all expected to return to their country of origin. But with the solution of voluntary repatriation becoming increasingly elusive, the past few years have witnessed a somewhat bewildering spate of initiatives intended to link humanitarian assistance with development aid.

130. The SOLSES programme (Sustainable Options for Livelihoods Security in eastern Sudan) was established in 2004 with Norwegian funding. Originally intended to rehabilitate the infrastructure in areas vacated by returning refugees, this initiative adopted a self-reliance and development orientation once it became clear that significant numbers of Eritrean refugees would choose to remain in Sudan.

131. SOLSES was not a great success. According to one rather opaque document, the programme was slow to gain any momentum because it had been confronted with “political and administrative issues” and “initial management obstacles.”⁹ In February 2009, a report commissioned by UNHCR stated that “SOLSES never really got off the ground” and concluded that “at this point in time, SOLSES as a programme does not exist.”¹⁰ The latter assessment is confirmed by an April 2011 ‘Final Report to the Government of Norway’, which indicates that \$5.4 million had been spent on the SOLSES programme, but which says nothing at all about its tangible outputs and impact.

132. In September 2007, as the SOLSES programme was winding down, UNHCR and COR adopted their Joint Solutions Strategy which, as has been noted earlier in this report, included a renewed search for durable solutions and a particular emphasis on self-reliance. To support the formulation and implementation of this strategy, two consultants were engaged by UNHCR, leading to the completion in February 2009 of a ‘Self-Reliance Strategy for Refugees in Eastern Sudan’. Some 65 pages long, this document provided a wealth of data on the situation of the Eritrean refugees and set out 12 key conclusions and recommendations for the consideration of UNHCR and other stakeholders.

133. Just over 18 months later, another UNHCR strategy paper was produced, this time titled ‘Multi-year self-reliance project for long-staying refugees in eastern Sudan’. Requiring some \$45 million in funding over a three-year period, this document was prepared primarily for a December 2010 International Donors and Investors Conference for East Sudan, which was convened in Kuwait and attended by more than 40 countries. Intended to mobilize resources for the improvement of basic services and infrastructure in the area, the conference received more than \$3 billion in pledges, just 25 per cent short of its \$4 billion target. Whether the hopes initially generated by this conference will prove to be well-founded is another matter, however, as the generous pledges made in Kuwait do not seem to have

⁹ ‘SOLSES: final report to the government of Norway’, UNHCR, April 2011

¹⁰ A. Karim and B. Lippman, *ibid*

materialized in practice. According to one interviewee, follow-up to the conference “has been largely at the theoretical level.”

134. At almost the same time as the Kuwait conference, UNHCR was embarking on another venture to bridge the gap between relief and development, this time known as the Transition Solutions Initiative (TSI). According to a TSI concept note, its aim is “to work towards including displacement needs on the developmental agenda for sustainability of interventions for refugees and IDPs and local community members well into recovery and development programming.”¹¹ With respect to eastern Sudan (it is also being piloted in Colombia and Tanzania) TSI has two important characteristics: first, a new partnership between UNHCR and UNDP, and second, a three-year funding allocation of \$5.5 million provided by Norway (apparently undeterred by the limited outcomes of the SOLSES programme).

135. In eastern Sudan, the TSI has been developed to address negative consequences of acute poverty amongst both refugees and host communities. Using an area-based approach in partnership with other key actors (including the World Bank and JICA) the TSI aims to promote self-reliance and sustainable livelihoods in the region as a whole.

136. While it is far too early to provide an assessment of the TSI in eastern Sudan, a number of observations can be made with respect to this initiative.

137. First, UNHCR’s experience in Sudan and other countries suggests that without strong lobbying, donor support and additional resources, UNDP is often reluctant to embark on joint projects that focus on refugee self-reliance and local integration. In this respect, TSI and the Norwegian contribution have played a very useful role. Indeed, the UNDP staff in Khartoum who are engaged in preparing a joint project document with UNHCR readily acknowledged that their organization would not be working in this area were it not for TSI. The relationship between UNHCR and UNDP also promises to be strengthened further by the appointment of dedicated liaison officers in both organizations, albeit at a junior level.

138. Second, the evaluation team’s meetings with donor state, UN and development agency representatives (including senior UNDP staff) suggest that there is a very limited awareness of TSI in Khartoum, with the understandable exception of the focal point in Norwegian Embassy. Indeed, eastern Sudan still seems to come a distant third in the order of priorities set by the international community (including UNHCR), whose Sudan agenda continues to be dominated by Darfur and South Sudan. This is a disappointing situation in view of the establishment of the ‘Friends of the East’, and it is recommended that UNHCR take immediate steps to brief relevant national and international stakeholders about the objectives and institutional arrangements of the TSI.

139. Third, the evaluation team feels that some questions must be raised with respect to UNHCR’s capacity to pursue the TSI and other development-related activities in eastern Sudan, given that the organization also has to manage its ongoing programme for the older refugee caseload and respond to the more recent influx of Eritrean highlanders.

¹¹ UNHCR/UNDP, *ibid*

140. At present, UNHCR does not particularly well placed to meet these simultaneous demands. The Kassala office, for example, has a very modest number of international staff members and limited expertise in relation to livelihoods and self-reliance. Staff members are also obliged to spend many hours on the road each week, travelling between Kassala and the camps, which are spread across a very wide area of eastern Sudan. And while the area has been selected as one of five pilot sites for the High Commissioner's Special Initiative on Protracted Refugee Situations, there is a distinct sense in Kassala that the programme does not receive the attention it warrants, either from Khartoum or Geneva.

141. From a budgetary point of view, the resources allocated by UNHCR to eastern Sudan compete with other 'population planning groups', particularly IDPs in Darfur as well as IDPs and returnees in South Sudan, even though there has been a steady increase in the budget for eastern Sudan since 2010. Furthermore, within the eastern Sudan programme, there has been an increase in the budget dedicated to the self-reliance 'objective' when compared with other objectives in UNHCR's Results Based Framework. In fact, self-reliance went from third place in 2010 (after health and RSD) to first place in 2011 and 2012.

142. However, apart from self-reliance activities which are clearly meant to pave the way for local integration for the longstanding refugees, most of the other activities in this category were actually related to basic humanitarian needs, including for new arrivals. There is no way of identifying funds that are employed for activities of a transitional nature (i.e. benefiting both refugees and host communities, with the ultimate goal of facilitating local integration).

143. This is regrettable, because in theory there is a funding mechanism to capture activities of transitional nature in the new UNHCR budget structure, namely Pillar 3 which, according to one UNHCR document "addresses an area in which UNHCR has joint responsibilities with other United Nations agencies ... covers all longer-term activities to reintegrate returning refugees in their countries of origin or to locally integrate refugees in their country of asylum." Furthermore, Pillars 3 and 4 (the latter covering IDP programmes) should be funded on a 'project basis', i.e. subject to the receipt of additional funds. On the other hand, Pillars 1 (refugees) and 2 (stateless persons) are still to be funded on a programme basis, firewalled from Pillars 3 and 4.

144. From interviews with several staff members in Khartoum and Kassala, it emerged that even when additional funds are received from non-traditional sources, such as Ikea, UNHCR Headquarters insists that these funds are absorbed in the Pillar 1 Initial Budget Target. This not only negates the concepts of additionality and firewalling (merging funds that may go to transitional activities with those intended for basic humanitarian assistance), but constrains the formulation of high-impact projects targeting both refugees and host communities. COR and many stakeholders have repeatedly asked for these types of projects, particularly in the sectors of (secondary) education and agriculture. It would be advisable to include a Pillar 3 budgetary space at least for TSI funds, so that they can demonstrably be used for transitional activities rather than for basic humanitarian assistance.

Development prerequisites

145. A final and much broader issue concerns the extent to which the prerequisites for a robust development process actually exist in eastern Sudan. In addition to the many other initiatives that UNHCR has taken in order to address the region's protracted refugee situation, the organization has recently engaged with the World Bank in an attempt "to identify opportunities for a more efficient framework of responses to the development needs of refugees and IDPs in East Sudan, within the overall context of peace and economic growth."

146. In practice, however, when the World Bank began to look for those opportunities, it concluded that the challenges and constraints encountered in eastern Sudan were actually of greater significance. In the words of a February 2011 report, "there is no political will from the authorities, at all levels, to work towards the achievement of durable solutions ... and there are presently not the conditions to achieve self-reliance by most of the displaced population, given their location in eastern Sudan, in terms of the natural environment and its capacity to support sustainable agriculture and other urban and rural economic activities."

147. There are certainly elements of truth in this assessment. Eastern Sudan is, for a wide variety of historical, political, institutional, social, economic and environmental reasons, a very difficult context in which to promote livelihoods, self-reliance and development. The region has consistently been deprived of central support, as underlined by the absence of immediate action to underpin the ESPA with the financial support that had been promised during the peace negotiations. And despite having agreed to the Joint Solutions Strategy in 2007, COR's commitment to the self-reliance approach remains somewhat ambiguous.

148. At the same time, there is room for some cautious optimism. The High Commissioner's Special Initiative on Protracted Refugee Situations has provided a new impetus to the search for solutions in eastern Sudan. Donor states (including non-traditional donors in the Middle East) have developed an interest in the area, even of that interest has not yet yielded the anticipated results.

149. Political changes are also taking place in Sudan, offering the potential for the refugee situation and the development process to be addressed in new ways. Sudan's oil revenues have diminished significantly, and as a process of budgetary and institutional reform takes place, the role of COR may become more limited.

150. At the same time, the state authorities and their elected governors are pushing for greater autonomy so that they can maximize the development opportunities available to them and their constituents. UNHCR should seize this opportunity, establishing closer partnerships with those authorities as well as line ministries in Khartoum, which have hitherto played a very limited role in refugee matters.

151. Finally, it will be important for UNHCR to demonstrate that any transitional funding allocated to refugee-related activities is additional not only to UNHCR's humanitarian assistance programme but also additional to the regular development aid received by Sudan.

152. As history has demonstrated, states in Africa and other low-income regions are understandably inclined to prioritize the needs of their own citizens, and wary of any arrangements that might divert development aid to the refugees they have admitted to their territory. If UNHCR can demonstrate that such additionality exists, it will be much better placed to advocate on behalf of the solution of local integration, thereby allowing the refugees to become Sudanese nationals.

Conclusions and recommendations

153. An academic once observed that “the longer a refugee situation persists, the more likely it is to become protracted.” While that statement is essentially tautological, it makes some sense in the case of eastern Sudan, where approaches, attitudes, assumptions and institutional arrangements that have developed over the past four decades continue to act as constraints in the contemporary search for solutions.

154. As indicated in the final section of the previous chapter, however, Sudan is currently changing in a number of ways, and those changes provide an opportunity for UNHCR and its partners to make substantive progress in meeting the objectives of the High Commissioner’s Special Initiative on Protracted Refugee Situations. If this opportunity is to be effectively exploited, however, and if the disappointments of the past are to be avoided, then a number of actions will be required.

- a) In view of the very limited prospect that the longstanding Eritrean refugee population in eastern Sudan will be able to benefit from the solution of voluntary repatriation, and given the equally limited opportunities for large-scale resettlement, UNHCR should continue to pursue the objectives of refugee-self reliance and local integration. As the title of this report suggests, there should be ‘no turning back’ from this objective, even if it encounters resistance from certain stakeholders.
- b) The successful pursuit of refugee-self reliance and local integration in eastern Sudan will demand high-level engagement from UNHCR. In that respect, all organizational entities including senior management, both at HQs and in the field, have important roles to play. Finding solutions for the longstanding Eritrean refugee population must become a higher institutional priority and must not be overshadowed by the organization’s more visible activities in Darfur and South Sudan.
- c) UNHCR’s Kassala office has formulated a coherent and comprehensive solutions strategy for the refugee population in eastern Sudan. UNHCR should give full organizational support for the implementation of that strategy, which includes limiting COR’s role in the provision of direct assistance, decommissioning existing camps on a progressive basis and integrating them into national service-delivery systems.
- d) It is further recommended to transfer to COR and to local authorities the ownership of the fixed assets (guest houses, staff accommodation, offices, workshops) that they are already utilizing in order to avoid incurring recurrent costs such as fuel and maintenance.
- e) The longstanding Eritrean refugee population in eastern Sudan is socially and economically well integrated and in some respects enjoys higher standards than many local Sudanese. At the same time, the refugees are affected by constraints on their freedom of movement, land and property ownership, employment and access to credit. UNHCR should continue to advocate for

these restrictions to be lifted and ultimately for refugees, especially those who have resided in Sudan for the longest length of time, to have access to citizenship and naturalization. These advocacy efforts must be supported through the provision of tangible economic, educational and environmental benefits to the host population.

- f) An unknown proportion of the longstanding Eritrean refugee population is known to have acquired Sudanese identify documents. UNHCR should try to engage with a forthcoming civil registry initiative in order to identify such people and, because they have found a durable solution, to remove them from UNHCR's books. Efforts should also be made to facilitate naturalization through the payment of citizenship fees, making use of UNHCR's recent experience in relation to Burundian refugees in Tanzania.
- g) It seems doubtful that the resettlement of Eritrean refugees from eastern Sudan will play an important strategic role as a catalyst for local integration. While there is a growing interest in resettlement, especially amongst the younger generation, many of the refugees would not be accepted for resettlement and do not seek this solution. Refugee resettlement targets should consequently be modest (perhaps 5,000 to 7,000 over the next three years), targeted at ethnic minorities with protection problems and undertaken in a way that does not have negative implications for UNHCR's self-reliance and local integration strategy.
- h) Younger members of the longstanding refugee population (as well as members of the local Sudanese community) are increasingly hungry for secondary education opportunities. UNHCR should examine whether it can contribute to the development of local capacity in this area. The organization should continue to support vocational and skills training activities but should, in association with its implementing partners, review the size of the programme, the selection process used to identify trainees as well as their employment and livelihoods outcomes.
- i) UNHCR and its implementing partners should also review the size and scope of the micro-finance activities being undertaken amongst Eritreans in eastern Sudan, given the refugees' assertions that the loans provided are too small and do not reach an adequate proportion of their community. To facilitate this task, an AGDM-oriented survey should be undertaken, examining the way in which loans are used and managed, as well as their impact on household incomes.
- j) UNHCR's livelihoods, self-reliance and local integration strategy cannot be expected to be effective unless eastern Sudan is able to benefit from a robust process of economic growth and infrastructural expansion. UNHCR must engage with donor states, development organizations, state-level governments and the central authorities in order to secure those outcomes. There is a particular need to mobilize more awareness of and support for the TSI, to establish a closer relationships with UNDP at both the working and senior levels, and to convince the Sudanese government that refugee-related initiatives such as TSI are based on the principle of aid additionality. The high-level attention given to the TSI by UNHCR must be sustained to translate this initiative into reality.

- k) UNHCR should make use of its Pillar 3 budgetary mechanism to accommodate funds provided by non-traditional donors and to clearly earmark them for activities of a transitional (relief-to-development) nature. In this respect, priority should be given to expanding and equipping secondary schools, supporting agricultural interventions as well as providing more loans and larger loans to refugees. UNHCR's highly successful environmental programme should be continued in view of its many positive outcomes.
- l) While this review was not intended to focus on the situation of the more recent refugee arrivals from Eritrea in eastern Sudan, their situation cannot be ignored. Given the very high recognition rate amongst this group of people and the low quality of the RSD process, consideration should be given to the adoption of a group-based or prima facie approach to status determination. UNHCR should consider whether to separate the new arrivals from the older refugee population and to accommodate them in a distinct camp.
- m) In addition to its efforts in relation to the rights, livelihoods, self-reliance and local integration of the older refugee population, UNHCR is also obliged to deal with a wide range of protection issues associated with the more recent arrivals, including smuggling, trafficking, abductions, onward movements, exploitation and extortion. The Kassala office does not have the capacity or competence to undertake this very wide range of tasks and its staffing should be urgently reviewed if the eastern Sudan programme is to be given the priority that it warrants under the High Commissioner's Special Initiative on Protracted Refugee Situations. The recent appointment of a Senior Livelihoods Officer in Kassala is a first step in the right direction.