

In the name of Allah, Most Gracious, Most Merciful



Republic of the Sudan

Ministry of Humanitarian Affairs

**The National Policy for Internally Displaced
Persons (IDPs)-2009**

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1. PREAMBLE

Internally Displaced Persons (IDPs) are Sudanese citizens entitled without discrimination to all the rights, privileges and obligations enshrined in the constitution for every Sudanese, but their humanitarian conditions necessitate extending special assistance to them to help counter these difficult conditions so that they can adapt and adjust to live in dignity, safety and integrity wherever they want to live freely inside the Sudan without violating the rights and obligations of other citizens.

The protection and assistance to IDPs and caring for their rights is first and foremost the responsibility of the State. National and International Humanitarian Aid Partners provide assistance upon request from the State and in accordance to the principles of responsibility, accountability, and transparency and on the basis of Humanitarian Aid principles.

Humanitarian Aid to IDPs must be planned and delivered on a participatory manner including IDP and affected communities. Such Aid should be provided on the basis of rights and obligations through a process aiming at raising public awareness on the problem of displacement and ensuring that the IDPs claim and exercise their rights and achieve durable solutions.

This policy has emerged building on lessons from previous National IDPs Policies and for the purpose of achieving Humanitarian commitments enshrined in the Comprehensive Peace Agreement (CPA), 2005, and other subsequent peace agreements. The INC 2005 and international agreements that Sudan is a signatory has been the major reference for the development of this policy.

This policy applies to all IDPs during all phases of displacement, wherever they are within the boundaries of the Sudan.

2. DEFINITIONS

a) **State**

The Republic of Sudan with its geographical boundaries recognized internationally upon independence in 1956.

b) **Government**

Shall refer to the Government of the National Unity (GoNU), Government of Southern Sudan (GoSS) and State Governments with their Executive, Legislative, and Judiciary

c) Displacement

The movement of a number of individuals of the society regularly or irregularly, speedily or slowly, in large or small groups of population caused by natural disasters or human-made disasters inside the Sudan.

d) Internally Displaced Persons (IDPs)

Persons or group of persons who have been forced or obliged to flee or leave their homes or places of habitual residence, in particular, as a result of natural or human-made disaster and have not crossed the Sudanese border.

e) Return

Refers to the voluntary process of going back to one's place or region from where one fled.

f) Reintegration

Describes the voluntary return of IDPs and building their capacities for social, economic, cultural and political coexistence in their home areas. .

g) Resettlement

Resettlement here refers to the process whereby the displaced persons choose another area to live in other than their original area/region inside the Sudan.

h) Rehabilitation

Rehabilitation here refers to the act of reconstructing the infrastructure in the places that the displaced persons return to and building social, economical and political components through programmes and projects that pave the way for development.

i) Protection

Respect and fulfillment of peoples' rights-this includes IDPs and groups or communities of persons affected by displacement as granted by the INC 2005.

3. POLICY OBJECTIVES

1. Develop Principles that meets IDP rights and needs in conformity with the CPA, other subsequent agreements, INC and international and regional agreements that Sudan is a signatory.
2. Determine the roles and responsibilities of partners involved in the implementation of this policy.

3. Enhancing social life, peace and sustainable development within the IDP and the host communities.
4. Reunifying displaced families and reintegrating them into their original areas or to other places of their choices.
5. Responding to desires of IDPs with regard to voluntary return according to outcomes of surveys.
6. Providing protection and assistance during all phases of displacement.
7. Support IDPs claim and exercise their constitutional and legal rights.

4: **THE REFERENCES**

1. The Interim National Constitution (INC) of the Republic of Sudan 2005 is the main reference used to solicit the guiding principles and the overall objectives of this policy. (*article 27, contains all the international and regional agreements that have been signed by Sudan*).
2. The following references shall be used for the purpose of the operational framework of the policy which includes:-
 - a. The National Five Years Strategic Plan 2007- 2011.
 - b. The Voluntary Humanitarian Work Act 2006.
 - c. The Comprehensive Peace Agreements (CPA) and the other peace agreements
 - d. Report of the Joint Assessment Mission (JAM) - Sudan needs for the post-peace phase the seventh matrixes of social protection.
 - e. A Joint Humanitarian Aid Commission and Sudan Relief and Rehabilitation Commission Policy Framework for Return of Displaced persons in a post-conflict Sudan, 2004
 - f. The National Policy for IDPs and returnees for the year 2002.
 - g. Recommendations of the National workshop on Displacement that was organized by the Ministry of Humanitarian Affairs in collaboration with specialized UN Agencies and the national NGOs, September 2002.
 - h. Recommendations of the first National conference on IDPs, 1990.
 - i. The IDP policy in the Sudan issued in 1988 by the Council of Ministers resolution no. (310).

5: **PRINCIPLES**

a) **Basic Principles on IDP rights:**

These are the collective principles which focus on the needs of IDPs and guarantee them all the rights to live in peace dignity and freedom on all phases of displacement. These principles cover all phases of displacement as follows:-

Pre Displacement

1. The state will provide preparedness measures in areas most vulnerable to disaster to prevent, mitigate and timely respond to disasters when unfold.

During Displacement

2. Develop plans, programs and projects which respond to needs of IDPs with participation of IDPs, affected groups and communities, international and regional Institutions, without violating national sovereignty and ownership considering that displacement is an internal phenomenon that requires cooperation of the State and International Community for providing humanitarian aid.
3. Any IDP in the State has the right of free movement, the right to choose the place of settlement. IDPs have the right to move freely inside the camps and to leave them without restriction.
4. The state will work to fulfill the rights of IDPs, group of persons and affected communities and will assist them to live with dignity and security, in accordance with National standards.
5. Humanitarian aid presented to IDPs should follow 'Do No HARM concept'.
6. Aid should be provided to the most vulnerable IDPs with special consideration to women and children and should be presented without discrimination or division considering host communities.

During Settlement

7. The State shall provide the required protection for IDPs considering that they are citizens who are forced to leave their homes because of natural disasters or human made disasters, so they are citizens whose dignity and other rights should be protected by the State and their issues should be resolved.
8. The State shall provide police services to IDPs as well as maintaining security and orderliness in IDPs communities and the other communities which host them. In addition local authorities should protect them against any aggression during displacement in their original or resettlement areas.
9. The State shall facilitate procedures of obtaining identification documents and papers for IDPs such as ID and Lands possession certificates which they possess so that they can exercise all their rights secured by the Constitution.
10. The State shall support the IDPS and help them earn their living; develop their skills to participate in development, settlement and building of Peace. IDPs have the right to work and the State must include them in the productive circle again
11. The State shall provide basic services to the IDPs such as food, health, water and sanitation, housing and education.

12. The State will support rehabilitation and development programmes designed for IDPs and encourages promotion of relation between IDPs and host communities.
13. As for options available to IDPS the State will endeavor to achieve all options which include voluntary return to their places of origin or integration in the host community or resettlement in production areas to attain social and economic equality and environment balance where IDPs have the right to choose freely to come back to their places of origin or resettle freely in any other place inside the State.
14. Reducing relief dependency and encourage self reliance.
15. Adopting concept of balanced development and sustainable rural development to tackle displacement issues particularly those who were displaced due to natural disasters.
16. Spreading social peace culture, reviving social and heritage activities, giving concern to youth in all fields, caring people with special needs and creative persons and cooperating with all specialists of IDPs work.
17. Aid provided to IDPs should not raise conflicts, tensions or division and should not discourage self- dependency.
18. Humanitarian aid should be directed to raise capacities and capabilities of IDPs.

Transitional Stage

19. This policy applies equal to all IDPs and Returnees
20. All the various governance levels will endeavor to make sure that IDPs who returned to their places of origin or settled in any other place in State are not subject to discrimination from host communities and IDPs shall have the full rights to equal participation in public affairs.
21. The guiding principles of the representative of U.N General Secretary for IDPs are considered with interpretation in line with the Interim National Constitution of Sudan 2005, customs, norms and Sudanese traditions.
22. Taking into consideration positive lessons of Sudan's experience in IDPs for strengthening national unity, building Sudanese community which characterized by the phenomenon of population move from ancient times and strengthening communication link among various components of the community.

b) Principles guiding work relations among partners:

All partners participating or willing to provide assistance to IDPs to achieve their rights and normalize life to situations before displacement and to live with dignity and security should uphold to the following principles;

1. Provision of assistance through participation and consultation among partners and by involving IDPs and affected communities in the planning, implementation and evaluation of activities and programmes in all phases of displacement.

2. Ensuring that all activities being provided are not causing any harm to IDPs or affected communities or humanitarian workers providing the assistance.
3. Treatment of people provided with assistance with respect, dignity and humanity.
4. Provision of assistance without discrimination due to religion, ethnicity or affiliation and should be provided on the basis of rights and needs.
5. Provision of assistance should not be conditioned or interfaced with political and ideological interest or any other un-declared conditions.
6. Respect to the sovereignty of the State and National laws, customary laws and traditions prevailing in the State.
7. Transparency, excellence and effectiveness in providing the assistance

6: RIGHTS OF IDPs

- a) The rights of IDPs includes, freedom of movement, belonging to a family, access to food, water and sanitation, shelter, health, education, access to documentation, right of possession of property, civil rights, economic and employment opportunities, access to justices and all the rights of citizenship stipulated in the INC.

Derogation

- b) This include situations that are permissible by the constitution to suspend some of the rights partially and temporarily in specific situations that deem necessary for public interest related to safety and security of the people and the State who include IDPs and affected communities.

7: ACTIVITIES and TOOLS.

This is meant to include the activities of monitoring of IDPs rights, effectiveness of humanitarian aid, advocacy, provision of humanitarian assistance, evacuation of IDPs and humanitarian workers in situations of disaster, psychosocial rehabilitation, IDP camps management, capacity building, access to justice, exchange of information, media and public awareness, registration of IDPs, coordination and mobilization of communities to participate in assisting IDPs and safety from danger of landmines and UXOs and any other necessary future activity agreed upon by all partners implementing this policy.

8: OBLIGATION of THE STATE TOWARDS IDPs.

The roles and responsibilities of the State towards displacement include:-

1. Raising public awareness on the Policy, vulnerability and the problems that might result into displacement.
2. Preventing the causes of displacement and minimizing the effects that results from it.
3. Ensuring the upholding of the IDPs rights in accordance to National Laws.

4. Ensuring that adequate resources are allocated to addressing IDP issues.
5. Working in partnership with national and international partners in meeting the needs of the IDPs
6. Ensuring that accurate data is collected and analyzed about the situation and conditions of the IDPs.
7. Supporting sustainable solution to the causes of displacement.

9: MONITORING OF POLICY IMPLEMENTATION

The Monitoring and implementation of this policy and the fulfillment of IDPs rights requires the commitment of all implementing partners to this policy and to the principles of responsibility and accountability and principles guiding work relations.

The High Committee on IDPs would undertake the following duties:

1. Reviewing the policies to cope with different displacement issues' phases.
2. Setting appropriate plans to secure protection and help the IDPs.
3. Identifying the roles of the stakeholders as per the approved plans.
4. Entrust a specialize institution/s to monitor performance of State and non State implementing actors responsible of providing assistance and fulfilling rights of IDPs in accordance to the Constitution.

10: FINAL PROVISIONS

1. Sovereignty belongs to the state and responsibilities towards IDPs are governed by division of roles as per an operational framework integral to this policy.
2. Accountability shall be done transparently according to the results of monitoring and evaluation of the stakeholders' performance.
3. The Humanitarian Aid Commission, representing GoNU and Southern Sudan Relief & Rehabilitation Commission (SSRRC) representing GoSS shall both represent a coordinator and liaison body between the states governments, the ministries, the concerned governmental bodies, the national and international NGOs and donors. Such bodies are responsible for providing technical support to the states, helping in procedures facilitation, signing the agreements, assisting in preparation, execution and assessment of the programs and plans.