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Leveraging cross-border cooperation: a durable solutions approach to the South Sudan displacement crisis



Overview

People in South Sudan have experienced decades of forced displacement and cross-border mobility, resulting in families split across the country and neighbouring Sudan, Kenya, Ethiopia and Uganda. As of 2021, more than four million South Sudanese citizens were displaced either internally or internationally. Over the past four years, over 500,000 refugees and over 1.1 million internally displaced persons (IDPs) have returned to their habitual residence.

This policy brief discusses long-standing traditions of cross-border mobility in the region and existing efforts towards regional cross-border cooperation at the policy and programming level. We propose a way forward through harmonisation of policies among national governments, reorientation of border policy to facilitate safe movement rather than securitisation, and more flexible funding mechanisms with longer time horizons.

Research Approach

This policy brief builds on the key findings of *South Sudan's decades of displacement: Understanding return and questioning reintegration*, a study developed in a partnership between the Research and Evidence Facility (REF) – funded by the European Union Trust Fund (EUTF) – and Samuel Hall, a social enterprise dedicated to migration and displacement research. Over 1,000 respondents were interviewed for this study between December 2021 and February 2022. Research locations included Juba, Kajo Keji, Wau and Malakal in South Sudan; refugee hosting areas in Gambella and Benishangul Gumuz in Ethiopia; Kakuma and Kalobeyei in Kenya; and Bidi refugee settlement and Kampala in Uganda.

Framing cross border mobility: decades of transnational lives

South Sudan's borders are porous, and the country has a longstanding tradition of cross-border mobility. For decades, communities have lived across a number of territories in South Sudan, Sudan, Ethiopia, Kenya and Uganda, and the livelihood strategies of South Sudanese have relied on transnational movements and connections. To date, mobility is a major coping strategy in South Sudan, with transnational networks helping people access information and support that governments may not provide. Refugee hosting countries also provide access to services, such as healthcare, otherwise unavailable in South Sudan, where the healthcare system is one of the sectors entirely dependent on the support provided by international agencies. As the quality of healthcare is better in hosting countries, the result is cross-border movements to access medical care - as seen in our study of movements from Kajo Keji in South Sudan to Uganda.

As suggested by the available literature and confirmed through the study's findings, South Sudanese refugees and IDPs engage in 'circular' and 'back-and-forth' returns. These mobility strategies often reflect a 'grey' period during which displaced people regularly move

between different contexts before settling more permanently, thereby creating their own – often unassisted – durable solutions (Huser et al, 2019).

Hence, return migration must be understood in relation to these broader mobility patterns. Decisions to return, and indeed the returns process as a whole, are often gradual ones that take place over time, rather than being one-off events (Hovil, 2010). In other cases, they reflect the continuation of ongoing livelihood strategies that have for decades relied on transnational movements and connections that pre-date the conflicts that caused displacement in the first place (Harild et al, 2015).

Understanding migration patterns and dynamics in the region needs to be the very first step in the development of durable solutions to the South Sudanese displacement crisis. A fourth durable solution - cross-border mobility - can be envisaged, in line with people's practices and preferences.

Cross border coordination to address key needs at the border

Basic needs are largely left unmet at the borders of South Sudan, with services such as water, sanitation and safe accommodation lacking or not adequately provided. Alongside that, security actors and agencies involved in border management tend to understand migration as presenting security risks and enforce migration policies along these lines, as instruments to solve the 'problem' of migration.

Cross-border coordination, both on the policy and programming levels, can help shift away from this kind of migration management and move towards a migrant-centred approach, potentially addressing the securitisation of the borders.

In terms of programming, coordination between neighbouring states is needed to ensure that resources are mobilised to provide basic services at the borders and build the capacity of humanitarian, development and security actors involved in border management. Alongside this, cross-border coordination can enable a more effective information flow, that

will in turn allow migrants, and those considering return in particular, to access accurate and updated information on the services available in South Sudan.

Refugee-hosting countries, the South Sudan government, and humanitarian and development actors should engage in transnational discussions about what facilities and services are needed at the border, and responses to these needs should be integrated into national and regional migration frameworks. As stated by a representative of the Intergovernmental Authority on Development (IGAD):

Bring the border administrative regions of South Sudan and the border regions of Uganda to really speak and share with each other so that they are already about to have joint programming at that point, and kind of already address the mobility needs within the displacement context.

Cross border linkages to plan for return and to support reintegration

The study finds that community networks are key to safeguarding and improving access to protection mechanisms, and that community decisions still largely determine the ‘when and where’ of a move. These community networks are complex and extend across considerable distances, connecting people in South Sudan with members of their communities and extended families who are displaced throughout the country or who have sought refuge in neighbouring countries (Gidron & Carver, 2022).

Civil society and community-based organisations rely on cross-border linkages and visits to inform the viability of return, and the possibilities of reintegration. Churches have created branches in the settlements, including abroad in Uganda, and religious leaders have undertaken cross-border movements as well, providing a link to refugees and returnees across locations. This led a Ugandan civil society representative to claim that “repatriation without the support of the churches is very unlikely”. The cross-border link with the Anglican Church of Uganda was reported by

other key informants as one of the keys to community dialogue, peace and reconciliation programmes, which can be planned before return.

Community and religious leaders have a significant role when deciding on return. Community members spoke openly about the many instances of failed reintegration of South Sudanese refugees. Relying on community networks and key community actors is extremely important to triangulate information and verify sources.

Towards policy harmonisation

Pendular movements across borders are essential to nurture a sense of belonging and support within households; however, they occur in a legal vacuum far from the attention of policy makers. At the policy level, there is an overarching need for policy harmonisation and regularisation. Key areas to be prioritised for policy harmonisation include legal documentation, education and health systems across borders.

Lack of legal documentation has been identified as one of the main obstacles experienced by migrants at the borders, and cross-border efforts need to be directed towards harmonising the documentation system and providing alternative identification documents for migrants in need of them.

Ensuring cross-border healthcare is another critical need identified in the study. Cooperation across borders would offer opportunities for healthcare to promote a harmonised public health policy at the regional level.

Similarly, the education systems of South Sudan and neighbouring countries in the region are not well integrated. Education certificates are not consistently recognised, especially between Kenya and South Sudan, and students are often forced to repeat years when they move to a different country. This further delays their progress in the education system and complicates mobility and return decisions. According to a scholar from the University of Juba:

The education policies are still struggling, there is no clear education philosophy and this is causing another problem for return and reintegration. We are using multiple curricula; we have Ugandan curriculum and Ethiopian curriculum. Educationally, we are dividing the refugees. In South Sudan, the trend is that people are going to the private sector.

To overcome these distances and encourage harmonisation of policies and practices across states, discussion fora must be organised at the technical, strategic and community levels. At the strategic level, these conversations should involve high-level government officials and policy makers, while, at the technical level, civil society who operate in corridors should also be engaged, alongside tribal leaders, tribal groups and migrants themselves. The objective of these fora is for regional governments to reach a shared understanding of how borders should be operating in discussion with borderland communities. A model of integrated border management can then be developed on the basis of this shared understanding.

Lastly, cultural groups across borders should be included in this process, and dialogue between them should be facilitated to improve information exchange and discuss options related to return and reintegration.

IGAD's work in the region and efforts to support safe circular migration

IGAD as a Regional Economic Community (REC) is promoting a number of cross-border policies to enhance resilience and promote stability and economic development in the region. IGAD played a pivotal role in setting up

a regional response to South Sudanese displacement and in supporting the implementation of the Comprehensive Refugee Response Framework (CRRF) and the IGAD Support Platform, a mechanism to further support the implementation of the 2017 Nairobi Declaration and Plan of Action.

In 2020, IGAD launched the Solutions Initiative for Protracted Displacement in Sudan and South Sudan with EU and UNHCR backing (UNHCR, 2020). The Solutions Initiative pursues a dual-track approach by supporting both the political process around solutions (Track 1) and government-led solution responses (Track 2). The slowly emerging freedom of movement framework in the IGAD and the East African Community (EAC) spaces can play an important role in empowering displaced South Sudanese to build their own self-reliance and their own solutions through mobility. Strong regional coordination is crucial to making further progress. As an IGAD informant put it:

We need collective solutions to displacement. IGAD member states through the IGAD forum maintain that displacement is a regional collective responsibility. So we promote regional and holistic approaches to solutions and peace in the region.

Defending and expanding the freedom of movement across borders while safeguarding the protection space is not a 'solution' per se but can increase the capacity of the South Sudanese to pursue the translocal and transnational strategies that are such an important part of their lives and livelihoods (Long, 2014).

Key policy recommendations

Government of South Sudan and host countries should:

- Harmonise policies across South Sudan and host countries.
 - Create fora at the strategic, technical and community level aimed at harmonising policies among national governments and encourage the active involvement of local communities.
 - Strengthen cross-border efforts to harmonise educational systems in South Sudan and host countries and increase the chances of young South Sudanese of accessing livelihood opportunities.
 - Recognise the need for specific groups to rely on cross-border mobility to access healthcare systems and invest further in mobile healthcare service provision in South Sudan.
- Invest in mobile healthcare service provision. Where access to health services in the country is not possible, cross-border mobility to access healthcare systems should be facilitated.

Regional and international actors should:

- Integrate provisions for cross-border mobility in regional plans for durable solutions to allow for safe mobility.
 - IGAD should, with support from member states and donors, promote the adoption and implementation of frameworks for the free movement of community citizens. In the long run, such frameworks should also establish concrete avenues to fulfil the right to work.
 - South Sudan and its neighbours should uphold the free movement protocol and establish national legislation and policy to support its implementation.
 - The EU should plan for financing that can support multi-annual, multi-sectoral and regional interventions to support the protection and resilience of the South Sudanese and invest in regional exchanges on solutions.
- In the short term, refugees should be able to move back and forth between host countries and South Sudan for a period of not less than two years without sacrificing their refugee status, so that they may gradually explore the possibilities for sustainable return.

UN agencies, humanitarian and development actors should:

- Identify key challenges and needs at the borders and develop tailored programming to address these.
 - Ensure access to basic services for migrants at the borders and move towards an approach to border management that is focused on facilitating safe movement rather than securitisation.
 - Support the capacity building of all actors working at the borders of South Sudan through the provision of training on the importance of cross-border mobility and policy harmonisation in and across borderlands.
 - Ensure that an effective feedback mechanism for migrants is in place at the borders to better identify priority areas of intervention and assess the impact of current interventions.

Donors should:

- Establish more flexible, multi-year funding mechanisms to facilitate cross-border coordination and safe movement.
- Fund programmes with an integrated cross-border coordination and programming approach to reinforce cross-border livelihoods and cross-border trade links.

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