

One year on, South Sudanese living in the North still lack fundamental rights and freedoms

In our third post reflecting on South Sudan's first year as an independent nation, LSE's Charles Majinge argues that there needs to be a stronger international focus on the erosion of fundamental rights of the South Sudanese living in the North.

In July 2011, South Sudan officially declared its independence after its people voted en masse in a referendum which reaffirmed their quest for independence. In this post, I examine the impact of this historic act on the protection of fundamental rights and freedoms for Southerners still residing in the North.



South Sudanese prepare to board a flight to leave Sudan

Over the past year, the international community has been preoccupied with addressing the conflict between North and South especially in the oil-rich Abyei region and other hotspots like South Kordofan. However, in this piece, I argue that the independence of South Sudan has had a profound impact on some fundamental rights and freedoms of Southerners residing in the North. There is, therefore, a compelling need for the international community to devise both short and long-term plans to address these challenges.

After independence, all Southerners in the North were declared foreigners and treated as such and required to comply with all the requirements for foreigners who visit or reside in Sudan. In effect, they became aliens in a country they called their home until July 2011. For example, they were forced to rely on the goodwill of the international community through the UN's refugee agency (UNHCR) and the International Organisation for Migration (IOM) to airlift them to their new country.

However a pertinent question is where did these people go once they arrived in South Sudan? While a few had relatives already residing in the South, the majority had never set foot in the region before so they automatically became internally-displaced persons (IDPs) – a status which consigned them to IDP camps where they rely on hand-outs from international humanitarian organisations to survive.

Another affected area has been property ownership as foreigners are not guaranteed this right automatically. For Southerners to legally own property in the North, they must acquire formal legal authorisation to do so. However, this requirement is not only difficult to comply with given the current hostility between the two countries, but many of the common people affected were in informal sectors whose property was unregistered, making it unlikely that they would qualify for government evaluation and recognition. As a result, many have had to confront the stark choice of

either selling their properties below market value or leaving them behind altogether. The unpleasant reality is that the majority chose the latter.

Some who chose not to relocate for reasons such as their children's education or physical disability are unable to get jobs or benefit from health services reserved for Sudanese citizens. Indeed, many who were employed in the public and private sectors had their contracts terminated after July 2011. In addition, students registered in schools, colleges and universities were required to move to the South where comparable facilities hardly exist.

There is no doubt that independence has come at a price. The international community has an obligation to ensure that a disproportionate burden is not placed on people, especially the most vulnerable groups in the society such as children, the physically disabled or the elderly. In other words, the outcome of independence should cause the least disruption possible in the lives of the "newly independent people".

Admittedly, the international community expects that these issues will be addressed in the general framework of "post secession issues" under the leadership of former South Africa President Thabo Mbeki who chairs the AU High Level Panel on Sudan (AUHLP). However, it is evident that the Mbeki Panel is dealing with multiple issues which characterise the deteriorating relationship and the growing mistrust between these two countries resulting from the decision of South Sudan to close oil production facilities critical to both countries for their economic development.

The international community, through the United Nations and the Office of the High Commissioner for Human Rights in particular, should undertake measures to remind and assist Sudan to honour its human rights obligation towards Southerners who are within its territory. The government of Sudan should give an unequivocal commitment to respect fundamental rights and freedoms such as the right to property ownership and freedom of movement. Although, ultimately, Southerners will have to move to their new country, the Sudanese government should not impose arbitrary deadlines for their departure.

Rather, it should put in place measures to ensure that while Southerners are in its territory, their human rights are respected and they are accorded full compensation for their legally-acquired properties when necessary. While, the international community should continue to have faith and support the work of the Mbeki Panel to address post-secession issues, it is evident that some of the current challenges facing Southerners in the North cannot wait until the Mbeki Panel brokers an agreement, given the urgency and desperate nature of the challenges and people involved.

July 6th, 2012 | [Human Rights](#), [International Affairs](#) | [0 Comments](#)
