



South Sudan. Consultations  
with IDPs for drafting law  
on internal displacement.  
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## South Sudan Building Consensus on the Drafting of a National Law on Internal Displacement

In 2018, the Government of South Sudan undertook a process to domesticate the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), which culminated in “The Protection and Assistance to Internally Displaced Persons Act 2019.” The draft IDP law was pending review by the Ministry of Justice at the time of writing.

One of the most difficult challenges in developing the draft IDP law in South

Sudan was collecting and including IDPs’ views given conflicting political interests surrounding the ultimate formation of the Transitional National Unity Government in February 2020, and the lack of tools to effectively consult IDPs countrywide.

Consultation sessions with IDPs included presentations on existing normative frameworks on internal displacement, which also helped inform their contributions during the process. Consequently, the process

to develop the draft law also enabled IDP participants to share new information with their respective communities. IDPs participating in the process to develop South Sudan's IDP law focused on the need to prevent and respond to sexual and gender-based violence, and to protect IDPs' housing, land and property rights, particularly for women. South Sudan's draft IDP law captures these property rights, complemented by a draft land policy under development as of May 2020.

The process in South Sudan shared many of the same lessons learned as those of Niger, particularly with respect to the importance of including all relevant stakeholders. The development of the draft IDP law was complicated by its linkage to the peace process in South Sudan. In this regard, the technical and financial support from the international community, including the GP20 process, UNHCR, and the impartial guidance from legal expert Prof. Chaloka Beyani were essential to push the process forward under the leadership of the Ministry of Humanitarian Affairs and Disaster Management, with

support by the Return and Rehabilitation Commission and two parliamentary committees.

As in Niger, the South Sudan process showed the importance of establishing a foundation for the process, with an exhaustive legal review being performed early in the process and creating an inter-ministerial coordination body. The process also took advantage of existing international platforms and initiatives, such as GP20, to ensure that the drafting of the IDP law was guided by international standards and frameworks.

With a view to adopting the IDP law, collective advocacy efforts at the time of writing were focused on collaborating with the relevant ministries, such the Ministry of Humanitarian Affairs and Disaster Management, to expedite the Ministry of Justice's review of the draft bill. Once passed, implementation will require standardized, joint data collection and analysis tools to inform multi-sectoral, area-based approaches, which are currently lacking.



South Sudan. Before I took this position, I believed a woman had no right to speak before men. I want to show young girls a different way than I was taught." Salwa Athoo, a 37-year-old internally displaced mother of seven, carries a jerrycan of water through the Don Bosco IDP site in Juba, South Sudan. © UNHCR Elizabeth Marie Stuart | 2020