

**T.C. KOCAELİ ÜNİVERSİTESİ  
SOSYAL BİLİMLER ENSTİTÜSÜ  
ULUSLARARASI İLİŞKİLER ANABİLİM DALI  
ULUSLARARASI İLİŞKİLER BİLİM DALI**

**REFUGEE PROBLEM IN TERMS OF INTERNATIONAL  
HUMAN RIGHTS (CASE OF REFUGEES IN SUDAN)**

**YÜKSEK LİSANS TEZİ**

**Shima ISMAİL**

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## INDEX

INDEX .....	I
ÖZET.....	III
ABSTRACT.....	IV
APRIVIATIONS.....	V
MAPS LIST.....	VIII
FIGER LIST.....	IX
TABLES LIST.....	X
INTRODUCTION.....	1

### FIRST CHAPTER

#### 1. REFUGEES CRISIS

1.1. WHO IS THE REFUGEES.....	7
1.2. THE BEGINNING OF REFUGEES CONCEPT .....	9
1.3.THE MAIN REFUGEES CRISIS IN THE 21st CENTURY.....	11
1.3.1. The Syrian Refugees Crisis .....	12
1.3.2. The South Sudan Refugees Crisis .....	17
1.3.3. The Rohingyas Refugees Crisis.....	23
1.3.4. The Afghan Refugees Crisis.....	27
1.4. THE MOST HOSTED COUNTRIES .....	35
1.4.1. Turkey.....	36
1.4.2. Pakistan.....	39
1.4.3. Uganda.....	42

### SECOND CHAPTER

#### 2. THE LEGAL AND INSTITUTIONAL FRAMEWORK OF THE INTERNATIONAL REFUGEE PROTECTION SYSTEM

2.1. THE INTERNATIONAL HUMAN RIGHTS LAW .....	48
2.2. INTERNATIONAL HUMANITARIAN LAW .....	52
2.3. INTERNATIONAL REFUGEE LAWS .....	60
2.3.1. The 1951 Refugee Convention and 1967 Protocol .....	60
2.4. THE REFUGEES PROTECTION MECHANISM AND HOW IT EVOLVED BY THE TIME .....	64
2.4. 1. The United Nation High Commissioner for Refugees (UNHCR).....	74

## **THIRD CHAPTER**

### **3. THE REFUGEES SITUATION IN SUDAN**

<b>3.1. THE PROFILE OF SUDAN .....</b>	<b>78</b>
3.1.1. Location .....	78
3.1.2. Population .....	80
3.1.3. History .....	81
3.1.4. The Economy of Sudan.....	114
3.1.4.1. Sanctions Imposed On Sudan .....	118
<b>3.2. HUMAN RIGHT SITUATION IN SUDAN .....</b>	<b>123</b>
3.2.1. Sudanese National Commission for Human Rights .....	128
3.2.2. Human Right Violations in Sudan .....	131
3.2.3. The ICC and Al-Bashir .....	135
<b>3.3. THE REFUGEES LAW IN SUDAN .....</b>	<b>137</b>
3.3.1. Commission of Refugees-Sudan.....	140
<b>3.4. THE SUDANESE-EUROPEAN AGREEMENT ON REFUGEES .....</b>	<b>142</b>
<b>3.5. NOWADAYS REFUGEES IN SUDAN .....</b>	<b>145</b>
3.5.1. Eritrean .....	152
3.5.2. South Sudanese .....	159
3.5.3. Syrian.....	170
<b>CONCLUSION.....</b>	<b>175</b>
<b>REFERENCES.....</b>	<b>180</b>
<b>RESUME.....</b>	<b>204</b>

## ÖZET

Mülteciler, dünyanın en savunmasız kesimleri arasında yer alıyor. Yirmi birinci yüzyılın başından beri, devam eden siyasi çatışmalardan ve doğal afetlerden farklı sorunlar nedeniyle mülteci göçü büyümeye devam etti. Mülteci" teriminin uluslararası hukukta özel bir anlamı vardır,1926'da mültecilerin ilk resmi tanımının belirtildiği gibi, ancak bunun için en yasal tanım, 1951 Mülteci Sözleşmesinin tanımıdır.

Sudan, birçok Afrikalı mültecinin favori yerlerinden biri olarak kaldı, çünkü Sudan'ın genişleyen sınırları ve coğrafi konumu, ülkelerindeki çatışmalardan kaçmalarına yardımcı oldu. Sudan'daki mülteciler sadece Afrika ülkelerinden gelenler değil, 2010'un sonlarından bu yana bölgedeki güvenlik koşullarını takip eden Arap ülkelerinden çok sayıda mülteci aldı. Sudan'daki mültecilerin sayısının yaklaşık iki milyon mülteci olduğunu tahmin ediliyor, Güney Sudan ve Suriyeli mültecilerin en büyük iki grup haline geldiği yerlerde, Sudan onlara kültürel mirasına dayanan açık bir politikada belirtiliyor.

Bu çalışmada, Sudan'daki mültecilerin durumu uluslararası insan hakları hukuku kapsamında analiz edilmiştir. Birinci bölümde, mültecilerin tanımı ve tarihçesi, yirmi birinci yüzyılın en büyük mülteci krizleri ve dünyadaki en ev sahibi ülkeler ele alınmıştır. İkinci bölümde, uluslararası mülteci koruma sisteminin yasal ve kurumsal çerçevesi ile mültecilerin korunmasına ve gelişmesine yönelik mekanizmalar incelenmiştir. Çalışmanın son bölümünde, Sudan'daki mülteci statüsü, Sudan'daki mülteci koruma mekanizmaları ve Sudan'daki mülteciler tartışılmaktadır. Ayrıca, üçüncü bölümde, Sudan'daki insan hakları durumu ve buna yönelik ihlaller ve Sudan-Avrupa Mülteciler Anlaşması da tartışılmıştır

### **Anahtar Kelimeler:**

Uluslararası İnsan Hakları Hukuku, Uluslararası Mülteci Hukuku, Mülteci Krizi, Sudan ve Sudan Hükümeti.

## **ABSTRACT**

Refugees are among the most vulnerable segments of society in the world. Since the beginning of the twenty-first century, refugee migration has continued to grow due to issues that differ from continuing political conflicts and natural disasters. The "refugee" term has a particular meaning under the international law, as the first official definition of refugees was mentioned in 1926, but the most juristic definition for it is the definition of the 1951 Refugee Convention.

Sudan has remained one of the favourite destinations of many African refugees, where Sudan's expanded borders and geographic location have helped them to flee from conflicts in their countries. The refugees in Sudan are not limited to those coming from African countries, where Sudan has received a large number of refugees from Arab countries following the security conditions in the region since late 2010. The number of refugees in Sudan estimated around three million refugees, where South Sudan and the Syrians refugees became the two largest groups of them, as Sudan treats them with an open-door policy based on its cultural heritage.

In this study, the situation of refugees in Sudan was analyzed under international human rights law. In the first part, the definition and the history of refugees, the major refugee crises of the twenty-first century and the most host countries in the world have been addressed. In the second part, the legal and institutional framework of the international refugee protection system and mechanisms for the protection of refugees and its development were examined and flowed. In the latter part of the study, refugee status in Sudan, refugee protection mechanisms in Sudan and refugees in Sudan are discussed at present. In addition, in the third chapter, the human rights situation in Sudan and the violations against it and the Sudanese-European Agreement on Refugees were discussed.

### **Keywords:**

International Human Rights Laws, International Refugee Laws, Refugee Crisis, Sudan and Sudanese Government.



## ABBREVIATIONS:

ACJPS	: African Center for Justice and Peace Studies
AMRS	: Management and Repatriation Strategy for Afghan Refugees in Pakistan
ARSA	: Arakan Rohingya Rescue Army
BNP	: Baloch National Party
CARA	: Control of Alien Refugees Act in 1960
CAT	: Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CCDH	: Consultative Council for Human Rights
CEDAW	: Convention on the Elimination of All Forms of Discrimination Against Women
CERD	: Convention on the Elimination of All Forms of Racial Discrimination
CPA	: North /South Comprehensive Peace Agreement
CRC	: Convention on the Rights of the Child
CRPD	: Convention on the Rights of Persons with Disabilities
CRRF	: Comprehensive Refugee Response Framework
DAR	: Development Assistance for Refugees for Uganda Self Reliance Strategy
ELF	: Eritrean Liberation Front
EUTF	: EU Emergency Trust Fund for Africa
FNP	: Federal Nationalist Party
GNU	: Government of National Unity
GoSS	: Government of South Sudan
HRW	: Human Rights Watch
ICC	: International Criminal Court
ICCPR	: International Covenant on Civil and Political Rights
ICEM	: International Commission on European Migration
ICESCR	: International Covenant on Economic, Social and Cultural Rights
ICJ	: International Commission of Jurists
ICRC	: International Committee of the Red Cross
IDPs	: Internally-Displaced Persons
IGCR	: Intergovernmental Committee on Refugees
IGO	: Geneva-based Inspector General's Office
IHL	: International Humanitarian Law

IHRL	: International Human Rights Law
IM	: Islamic Movement
IOM	: International Organization for Migration
IRO	: International Refugee Organization
ISIS	: Islamic State of Iraq and Syria
İŞKUR	: Turkish Employment Agency
JEM	: Justice and Equality Movement
KPA	: Khartoum Peace Agreement
MoLSS	: Turkish Ministry of Labor
MoU	: Memorandum of Understanding with the Government's Commissioner of Refugees (COR)
MSF	: Geneva-based Médecins Sans Frontières
NCP	: National Congress Party
NIF	: National Islamic Front
NISS	: National Intelligence and Security Service
NLD	: National League for Democracy
NISS	: National Intelligence and Security Service
OAU	: The organisation of African Unity
OCHA	: United Nations Office for the Coordination of Humanitarian Affairs
OFAC	: Office of Foreign Assets Control
OPCW	: Organization for the Prohibition of Chemical Weapons
PDPA	: People's Democratic Party of Afghanistan
PKK	: Partiya Karkerên Kurdistanê
PoR	: Proof-of-Registration cards
ReHoPE	: Refugee and Host Population Empowerment Strategic Framework
RPF	: National Rohingya Front
SAFRON	: Minister for States and Frontier Regions Division in Pakistan
SDNs	: Specially Designated Citizens
SFA	: Syrian Free Army
SHRO	: Syrian Human Rights Observatory
SLM	: Sudan Liberation Movement
SNHR	: Syrian Human Rights Network
NCP	: Sudanese National Congress Party
SPLM /A	: Sudan People's Liberation Movement/Sudan People's Liberation Army

SRS	: Self-Reliance Strategy
SSAR	: Multi-Year Solutions Strategy for Afghan Refugees
STA	: Settlement Transition Agenda
TurkStat	: Turkish Statistical Institute
UDHR	: Universal Declaration of Human Rights
UN	: United Nations
UNAMID	: United Nations–African Union Mission in Darfur
UNCAT	: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
UNHCR	: Office of the United Nations High Commissioner for Refugees
UNMIS	: United Nations Mission in Sudan
UNRRA	: United Nations Relief and Rehabilitation Administration
UNRWA	: United Nations Relief and Works Agency
USDA	: Union of Solidarity and Development Association
WIPO	: World Intellectual Property Organization
YPG	: Kurdish People's Protection Units

## MAPS LIST

MAP 1: The Refugees Distribution Map in the World Until the End of 2018.....	12
MAP 2: The Distribution of Troops Fighting in Syria Until 2018.....	14
MAP 3: South Sudan Refugees in Neighbor Countries Data Until May 2019.....	22
MAP 4: Official Borders Map of the Republic of Sudan (U.S. Central Intelligence Agency).....	78
MAP 5: The Distribution of Refugees in the Sudan States Until March 2019.....	147
MAP 6: The East Sudan Refugees Camps Map.....	151
MAP 7: South Sudan Refugees In Sudan until May 2019.....	159
MAP 8: The distribution of South Sudan Refugees in Sudan states Map Until March 2019.....	161
MAP 9: South Kordofan State Refugees Camps Map.....	162
MAP 10: West Kordofan State Refugees Camps Map.....	163
MAP 11: East Darfur State Refugees Camps Map.....	163
MAP 12: South Darfur State Refugees Camps Map.....	164
MAP 13: North Darfur State Refugees Camps Map.....	164

## FIGER LIST

FIGER 1: The Most produces Countries for Refugees in the World Until the End of 2018.....	12
FIGER 2: The Actors of The Syrian Conflict.....	16
FIGER 3: The Most Hosted Countries in The World Until the End of 2018.....	36
FIGER 4: The Number of Refugees in Sudan Until Feb 2019.....	145
FIGER 5: The Monthly Arrival of The Refugees to Sudan Until February 2019.....	146
FIGER 6: The Estimation of The Eritrean Refugees in East Sudan Camps Until JAN 2019.....	152
FIGER 7: The Monthly Arrival of South Sudan Refugees to Sudan Until Nov 2018.....	160

**TABLES LIST**

TABLE 1: The List of The Eritrean Refugees Camps in East Sudan and its Locations.....151

TABLE 2: The distribution of South Sudan Refugees in Affected Sudan states Until March 2019.....161



## **INTRODUCTION**

Refugees are among the most vulnerable segments of society in the world. Since the beginning of the twenty-first century, refugee migration has continued to grow due to issues that differ from continuing political conflicts and natural disasters. The "refugee" term has a particular meaning under the international law, as the first official definition of refugees in the international law was mentioned in the arrangement on the legal status of Russian and Armenian refugees in 1926, but the most acceptable juristic definition of this term is the definition of the 1951 Refugee Convention.

Refugee rights are part of human rights, which are universal standards that ensure that all people in the world enjoy an adequate standard of living. These standards are fair, equal, indivisible and non-discriminatory, as well as inclusive of all aspects of human life, where the importance of these rights lies in their representation of the essence of human dignity. They help to enable the person to develop and use their human qualities, mental abilities and innate talents, to enjoy the full rights attributed to them by the laws, or to benefit from the decisions made against them. They also highlight the importance of these rights as a deterrent to those who have the power, authority or authority to misuse, exploit or abuse the human being, or to affect the human ability, freedom or any of the opportunities that are available to them, and individual's freedom to run their life according to the way they see fit.

For these purposes, the General Assembly of the United Nations adopted the Universal Declaration of Human Rights (UDHR) in 1948 by a vote of 48 states in favour of 58-member states of the UN to it, with 8 abstentions states and 2 states did not vote, as today, 192-member states of the UN have signed it. In addition to that, a number of other international human rights treaties have been developed that have been legally binding for ratifying countries, which has been ratified by more than 100 countries.

The UNHCR issued the United Nations Convention relating to the Status of Refugees in 1951, where it put the juristic definition of the term Refugee and becoming the foundation stone of the international refugee protection system today. In addition,

the United Nations issued the 1967 Protocol relating to the Status of Refugees, where the 1967 Protocol removed the restrictions that the Convention faced for 16 years by adopting it, the 1967 Protocol retained the basic definition of "fear of persecution" of the 1951 Convention, but it abolished the stated time limits and permitted the repeal of geographical requirements, in response to the changing nature of forced migration. The 1967 Protocol was considered to be complete to the 1951 Convention, where the 1951 Convention became a valuable universal instrument for the protection of refugees, thanks to the 1967 amendments.

The ongoing crisis in Syria has contributed to a large proportion of new refugees. One-third of the total increase in the number of refugees in the world in the first half of 2017 was due to an increase in the number of Syrian refugees who increased by 8% to reach 6 million refugees compared with the end of 2016, making Syria the largest refugee state in the world. Most of the Syrian refugees are in Turkey, where about 336,500 Syrian refugees were registered during the first six months of 2017, bringing the total number to 3.2 million. In addition to granting asylum to 72,600 Syrian refugees in Germany, bringing the total number to 458,900 refugees, almost double the number compared to the middle of 2016. A very large number of Syrian refugees still live in other countries such as Lebanon (995,800), Jordan (654,600), Iraq (242,600), Sudan (110,000) and Egypt (122,800).

The largest increase in the percentage of refugees was from Southern Sudan with the continuation of the armed conflict, it increased to 37%, which 520,900 new refugees added to the total number of refugees from southern Sudan. Refugees from southern Sudan are divided into Uganda, with 981,200 registered refugees after an increase of 341,800 new refugees, as well as large numbers of arrivals from southern Sudan to all of Sudan (407,000), Ethiopia (380,800) and Kenya (105,800).

By mid-2017, the number of Afghan refugees rose slightly to 2.6 million. Most of them are in Pakistan (1.4 million) and the Islamic Republic of Iran (950,400). Although the number of Somali refugees since the beginning of 2017 has dropped slightly to less than one million to reach about 989,600, Somalia is the fourth largest country to flow to the world's refugees after both Syria, southern Sudan and



Afghanistan, respectively, where Somali refugees are present in Kenya (289,600), Yemen (256,300) and Ethiopia (251.200).

Millions of people leave their countries each year and go to other countries to save their lives, according to the UNHCR, countries with low GDP per capita absorb a large number of refugees in the world and are disproportionate to other countries. UNHCR said that at the beginning of 2010, developing countries hosted some 8.3 million refugees, equivalent to 80% of the total refugee population in the world, while there most of the ten countries that have hosted the largest refugee population in Africa, Asia and the Middle East, where most of them are classified as least developed countries.

Although Turkey one of the four countries that applied the refugee definition only to those from Europe, Turkey considers as the world's largest country in hosting refugees according to UNHCR reports, it has shown great openness with respect to the refugee file, where Turkey hosts about 3.6 million registered Syrian refugees with a steady increase in their numbers through new arrivals and births by about 1,000 people/day since the beginning of the Syrians crisis in early 2011 until the end of May 2018, in addition to more than 365,000 registered refugees from different nationalities which as Afghans, Iraqis, Iranians, Somalis and other nationalities.

Besides Turkey, Pakistan considers as the second-largest country in the world in terms of the number of hosted refugees, where Pakistan currently hosts an estimated 1.4 million refugees, mostly Afghans, according to UNHCR reports, although this number increased by 3% over 2017 due to an increase in the number of newborns. Even though Pakistan was not among the 147 countries that signed the 1951 Refugee Convention or its 1967 Protocol, where Pakistan dealt with a large number of refugees during different periods of time, some of them even before the formulation of the 1951 Refugee Convention.

The international community used to classify the situation of human rights in Sudan as a complicated and always dealt with it by expressing frequent concern, without even raising or lowering the level of challenges. The meetings of the Human Rights Council in Geneva turned into an annual gathering between the opposition and

the Sudanese government. In turn, into a mere point of view, or a debate that each party is trying to win at any cost.

Sudan has ratified and acceded to many international and regional conventions, which are concerned with human rights and fundamental freedoms, to constitute an important legal reference to its international obligations emanating from those conventions, especially in the field of human rights and international humanitarian law, the rules of which govern the protection of human rights in times of armed conflict from be violated by the parties to the conflict, in addition to that, the article 27 paragraph 3 of the 2005 Constitution of Sudan states mentioned that.

Sudan joined the four Geneva Conventions of 1949 on the protection of victims of armed conflict in 1957, one year after its independence and acceded to the 1977 Additional Protocols thereto, the first on the protection of victims of international armed conflicts and the second on the protection of victims of non-international armed conflicts in 2006.

Despite the scarcity of its potential, Sudan treats the refugees with an open-door policy based on its cultural heritage, in which the values of the hospitality of the guest and the relief of the victim have been embedded. However, the influx of refugees, which reached more than one million refugees in the mid-1980s, led to the thought of organizing their presence, where the citizens were affected by the participation of refugees in basic services in the absence of international aid parity with the magnitude of the problem.

Therefore, Sudan has adopted several refugee policies, beginning with the relief phase and then the development phase for the self-reliance of refugees through the establishment of a number of projects as an income source, as well as a number of programs in the framework of integrated development to compensate refugee-affected areas. Besides that, between 1986 and 2007, Sudan concluded a number of tripartite agreements with a number of countries in the field of voluntary repatriation, UNHCR and the state of origin, according to which a number of refugees returned to their country.

In 1974, Sudan has enacted its own asylum and refugee law, which consider as the first national law for the regulation of asylum, wherein 2012, the National Assembly in Sudan approved a draft law regulating the asylum for the year 2012. At the same year also, the National Human Rights Commission was established by a presidential decree as the Constitution of the Transitional Republic of Sudan in 2005 stipulated it, where the law governs the work of the Commission was summarized in 2009, but the law did not make it mandatory to follow the Committee's recommendations.

Despite the accession of Sudan to many international and regional human rights instruments, many of the laws in Sudan need to be amended to comply with these charters and become more practical in practice. For example, the Penal Code has neglected some of the provisions contained in international conventions of the general principles of international humanitarian law.

Sudan's extended borders and geographical location contributed to the arrival of hundreds of thousands of refugees from neighbouring countries following its independence in 1956, where the first group of refugees arrived in Sudan were Congolese (DRC / Zaire) who fled the war in their country in 1965, the number of which then nine thousand refugees, whereof whom 200 remained in Sudan according to government statistics.

Followed by the arrival of refugees from Ethiopia and Eritrea in 1967, during the reign of Emperor Hellaslasi (1930-1974), they continued to arrive in the time of his successor Mencesto Haile Meriam (1974-1991), where the number of refugees in Ethiopia reached 830,000 as tens of thousands of them remained in Sudan according to government statistics.

Ugandan refugees began their flow into Sudan in 1972, during the reign of President Idi Amin (1971-1979) and continued until 1985, with some 259,000 refugees, most of whom returned home. In Chad, over the past 30 years, political conflict, drought and persecution have forced them to a flight to Sudan, and even after stability, they have preferred to remain in Sudan, where the government estimates that there were more than 8,500 refugees at the time.

However, after the political situation developed in many parts of the world, the citizens of South Sudan and the Syrians became the two largest groups of refugees in Sudan. According to the latest estimates, the number of refugees in Sudan exceeds three million refugees, which includes nearly two million refugees of different nationalities, which made Sudan be among the list of the countries that embrace the largest number of refugees.

### **The purpose of the study**

The practical importance of the thesis is based on centralizing on the refugee's situation under international human rights laws and the International Refugee Laws and its effects on the refugee crisis. The main aim has a twofold structure, On the one hand, the thesis seeks to analyze how international human rights laws dealt with the refugee's crisis and how it works on solving it. On the other hand, the thesis based on highlighting the refugee's situation on Sudan and it attempts to analyze the compliance of the Sudanese Government to international human rights and the International Refugee Laws in dealing with the refugee crisis.

A number of research questions were identified in order to facilitate the study process and achieve the objectives:

1. What was the concept of asylum and what was its history?
2. What is the relationship between human rights and refugee rights?
3. What is the extent of Sudan's compliance with international human rights standards?
4. How can Sudan's human rights policy influence refugee status?
5. Has the Government of Sudan worked to exploit the refugee crisis for other purposes?
6. Is Sudan prepared to host that number of refugees?

## **FIRST CHAPTER**

### **1. REFUGEES CRISIS**

#### **1.1. WHO IS THE REFUGEE?**

Refugees are among the most vulnerable segments of society in the world. Since the beginning of the twenty-first century, refugee migration has continued to grow due to issues that differ from continuing political conflicts and natural disasters. 'Refugee' term is used generally to point out to a person who leaves his/her country and seeks refuge, asylum and residence in another country for reasons of war, ethnic, religious, sectarian or other armed conflict or for political reasons related to his/her beliefs, which causes him/her to leave, And sometimes for economic reasons related to the spread of poverty, the lack of the labor market, the deterioration of the living situation and the impossibility of living without resources. Most of them cannot return home or they afraid to do so.

The word refugee in the English dictionary is a noun means "*a person who has been forced to leave their country in order to escape war, persecution, or natural disaster*" (Oxford Living Dictionaries). According to the Office of the United Nations High Commissioner for Refugees (UNHCR) "*anyone who has been forced to flee his or her country because of persecution, war, or violence*" can be called a refugee (UNHCR Definition). While, E. Shacknove said that, "*a refugee is a person fleeing life-threatening conditions*" (E. Shacknove,1985).

The "refugee" term has a particular meaning under international law, The first official definition of refugees in the international law was mentioned in the arrangement on the legal status of Russian and Armenian refugees in 1926, where it defined them as "*Any person of Russian and Armenian origin who does not enjoy the protection of the Government of the Union of Soviet Socialist Republics and who has not acquired any other nationality*", while the 1928 arrangement included the definition of new groups that were newly included in the protection, such as Turkish,

Assyrian and Assyro-Chaldean. Both definitions were formulated by country of origin or ethnic group, the asylum seeker had been deprived of "protection" by his former Government or successor, and no other nationality had been the principal element of both definitions (Vukas, 1972. p 145-146).

But the most acceptable juristic definition of this term is the 1951 Convention definition, which defines a refugee in the second part of the first article as follows: *"every person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it"* (UNHCR, 2010).

Many jurists considered that the definition of the 1951 Refugee Convention for refugee term was too narrow for their current situation, where it imposes time and geographical constraints, it also did not include some important issues, for example, internally displaced persons due to natural disasters or victims of civil war, economic migrants, nor did it include a specific definition of persecution. The document did not mention any difference between male and female persecution, distinguish between private and public persecution as violence against women is not mentioned. These criticisms led to more extensive legal definitions of the refugee term such as

- The organization of African Unity defined the refugee in the first article of the 1969 Convention governing the Specific Aspects of Refugee Problems in Africa as *"everyone because of any external aggression, occupation or foreign domination, or events that seriously disturb public order in their own country and make them forced to leave their place of residence in order to seek shelter elsewhere outside their country of origin"* (OAU Convention, 1969). The definition also includes part of the 1951 Convention definition (Sharpe, 2018).
- The Cartagena Declaration on Refugees defined the refugee in the third paragraph on the conclusions as *"persons who have fled their country because their lives, safety or freedom have been threatened by generalized*

*violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order".*

## **1.2. THE BEGINNING OF THE REFUGEES CONCEPT**

According to Leo Hornak, the "refugee" is a modern term in the English language but originates in Latin, specifically the French verb: *réfugié*. It began to be used in the 17th century when a large number of French immigrants, known as the Huguenots, fled the religious persecution in their country where they were Protestants who felt disabled to follow their faith under the Catholic monarchy in France (Hornak. 2017).

In the sixteenth century, the state and the crown in France were in line with the Roman Catholic Church. The reformation in the state started with the arrival of John Calvin's ideas, Calvinism penetrated all strata of society, especially those of educated nobility and craftsmen in cities. At that time no province became clearly Protestant, but the ideas of Calvin, the new translations of the Bible and the organization of gatherings spread very rapidly. By the middle of the sixteenth century, 300,000 French followers of the Calvin reformed religion.

The first civil war in France, known as the French Wars of Religion, that lasted more than a hundred years started on March 1, 1562, when the Duke of Guise Francis stopped in Wassy to attend mass, he found a group of Huguenots worshipping in a barn, Francis ordered the massacre where around 63 of Huguenots killed, they were all unarmed and unable to defend themselves.

In 1598 Henry IV, who was a Protestant before becoming the king of France, issued the Edict of Nantes which granted limited tolerance to Protestantism within France. The Edict contained several detailed provisions, for example, protecting the French Huguenots from the Inquisition when they travelling to other countries, establishing Catholicism as a state religion, the Protestants pushing the pillars of the Catholic Church, following the rules of Catholic marriage and respecting Catholic holidays.

The Edict of Nantes laid down a weak coexistence between the majority of Catholicism and the minority of Protestant. In addition to allowing the simultaneous tolerance of both Protestant and Catholic religious practices, the Edict established a series of institutions and regulations aimed at protecting both communities.

After decades of civil religious war, the Edict was a good opportunity for both of them to reshape French society through political reconciliation and religious tolerance, creating places of worship for all religious communities and allowing Protestants to form their own religious institutions. The Edict was to reintegrate Protestants and Catholics into French society and the means by which their roles could be balanced around the world and focused on the social and political implications of the religious practice (Churchich, 2013).

By time Huguenots became loyal to the French crown, but in 1685, Louis XIV, Henry IV's grandson, abolished the Edict of Nantes, where some nobles advised him that the presence of a minority of religious Protestants constituted a threat to the absolute power of the King, which gradually eroded Huguenots' privileges. In the sixties of the sixteenth century, began the intimidation of Protestants and persecution them in certain parts of France, and in the same year the Protestant faith was declared illegal in the predominantly Catholic France the thing that made large numbers of Protestants leaving France, France found itself in worse conditions with the Protestant countries around it.

On November 7, 1787, Louis XVI signed the Edict of Versailles known as the Edict of tolerance, which brought freedom of worship for Protestants and reduced the religious discrimination. Two years later, the French Revolution and the proclamation of human rights and citizens gave full religious freedom to all citizens.

Tens of thousands of the Hughesnet left France and settled in various parts of non-Catholic Europe such as the Netherlands, Germany, Russia, Switzerland and the Scandinavian countries, also they settled in colonies in America and South Africa, but England was one of the most popular destinations. Britain was a clear opportunity for refugees from Catholic persecution in France as a leading Protestant state.



A relatively small number of refugees arrived in 1685, but the large numbers arrived in 1687, as the jobs that could be found in English towns were the attractions of the refugees. The British appreciated French fashions and they welcomed the new technologies that the refugees brought with them and their willingness to work hard. The refugees were craftsmen who worked in textiles, silver makers and watchmakers, and worked directly in agriculture, from them also there were clerics, doctors, merchants, teachers and nobles.

Over time, they were assimilated into British society and became the most known figures in British culture and politics. Some of them went to Russia where they were able to find customers in the czar's court (Lewis, 2018. Huguenot Society, 2018. Gwynn, 1985).

### **1.3. THE MAIN REFUGEES CRISIS IN THE 21st CENTURY**

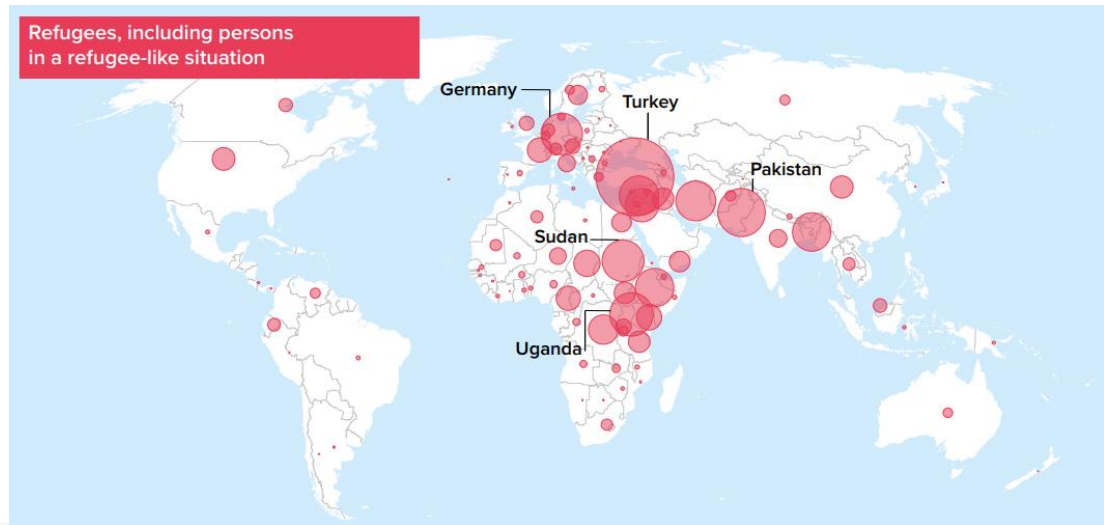
Since the beginning of this century, the problem of refugees has not only been in Europe but has become a global crisis that has affected most countries in the world. Every day a number of people in the world make the decision to leave their countries in search of a better and safer life, to escape human rights abuses such as torture, persecution, armed conflict, crisis, violence or even natural disaster.

Recent statistics from the UNHCR have revealed a worsening refugee crisis in the world, with a record number of refugees in the world in 2018, with more than 70 million registered refugees, this number remains substantially lower than the actual number of refugees from their homes or asylum seekers (UNHCR, Global Trends, 2018).

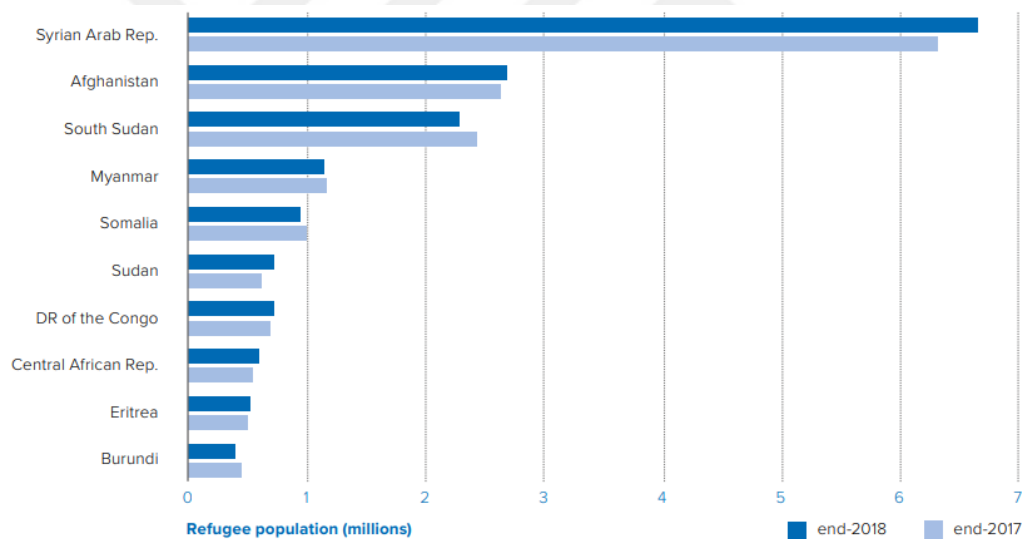
The report pointed out that the number of refugees in the world almost doubled in the last ten years, reaching about 43.3 million in 2009, rising to 70.8 million by the end of 2018, half of them children, to be the highest number recorded in nearly 70 years, explaining this increase occurred between 2012 and 2015 after the Syrian crisis.

The report also noted that this rise reflects the international failure to resolve conflicts in a number of countries, in which citizens are forced to flee the unstable situation, as the developing countries are bearing the burden of the global refugee crisis

by hosting most of the refugees (UNHCR, Global Trends, 2018). ( Map 1, Figer 1)



Map 1: The Refugees Distribution Map in the World Until the End of 2018 (UNHCR, Global Trends, 2018).



Figur 1: The Most produces Countries for Refugees in the World Until the End of 2018 (UNHCR, Global Trends, 2018).

### 1.3.1. The Syrian Refugee Crisis

The beginning of the so-called Arab Spring and its success in the displacement of many regimes were in power for a long-term in countries such as Zine El Abidine Ben Ali regime in Tunisia and Hosni Mubarak regime in Egypt were the inspiration and hope of the pro-democracy activists, which led later to ‘*the greatest humanitarian crisis in a generation*’ (Power, 2015). The protests began to call for a change of regime

in March 2011 in the southern city of Daraa following the arrest and torture of some teenagers who painted revolutionary slogans on a school wall.

These protests faced stern measures taken by the Syrian army against them as security forces opened fire on the demonstrators, killing several of them which led to more protests in the streets. The unrest has sparked nationwide protests demanding the resignation of President al-Assad, which has been faced with the same rigour by the army. The spread of unrest and intense repression has made the opposition supporters carry arms first to defend themselves and then later to rid their areas of the security forces. Against what he called "foreign-backed terrorism", Assad vowed to crush it.

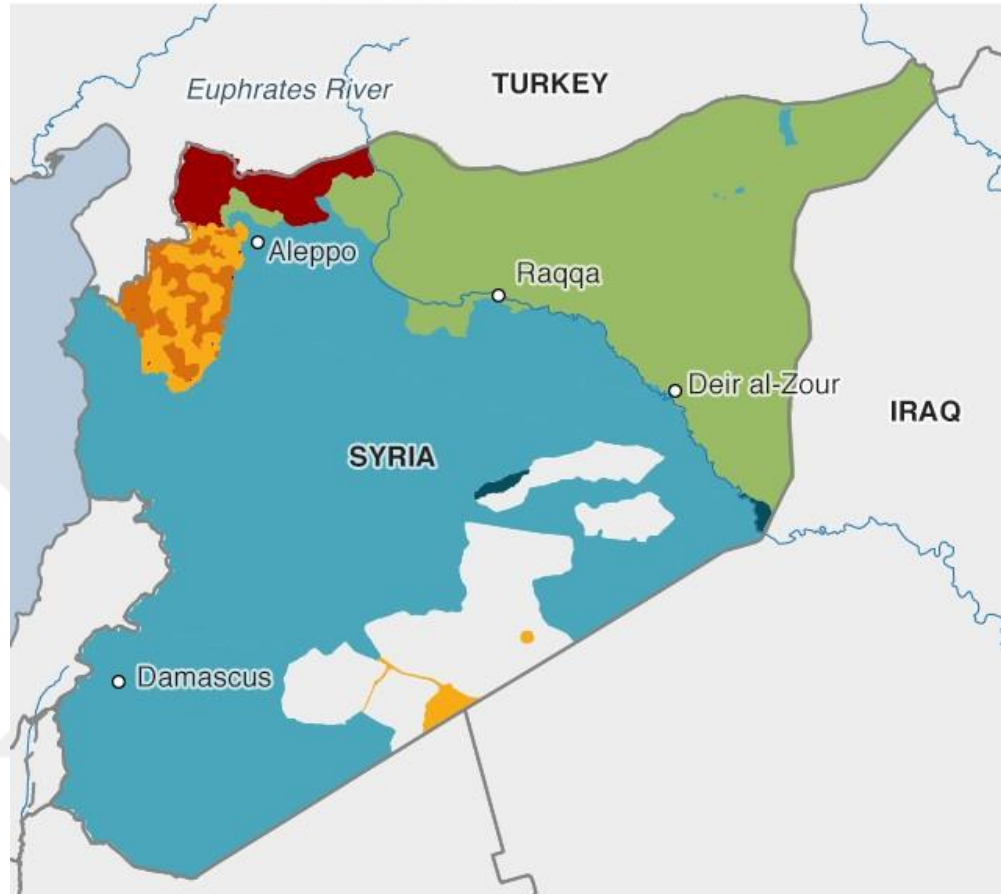
As a result of these protests, the country plunged into a civil war, in which Syria was divided into complex battles between the government and rebel groups as well as foreign supporters. Since the conflict began, many rebel groups have joined the fighting in Syria and sometimes they have fought among themselves. One of these groups is the Syrian Free Army (SFA), which is a group formed by dissidents from the Syrian army and civilians in 2011 supported by the United States, Turkey and many Gulf states. The Islamic State of Iraq and Syria (ISIS) emerged in the scars of fighting in northern and eastern Syria in 2013 after its invasion of large parts of Iraq.

Other groups also joined the fighting in Syria include the Jabhat Fateh al-Sham, the Iranian-backed Hezbollah, and the Syrian Democratic Forces, which are dominated by Kurdish People's Protection Units (YPG). By mid-2011, around 300 Turkish refugees had crossed the Turkish border as the first refugees (Al-Rifai, 2017). (Map 2)

Dec 2018



- Kurdish forces
- Turkish-backed Syrian rebels and Turkish military
- Syrian government
- Jihadist forces
- Syrian rebels
- Islamic State group



Map 2: The Distribution of troops fighting in Syria until 2018 (Marcus, 2018).

According to Human Rights Watch (HRW), more than 470,000 people have been killed in the conflict since its inception. The expansion of the fighting and its escalation has led to a humanitarian crisis, with an estimated of the displaced persons as more than 5 million externally, more than 6.1 million asylum seekers and more than 7.6 million are internally displaced. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) has estimated that around million people living in the besieged areas by government forces and deprived of the necessary assistance for life and humanitarian assistance, most of the besieged areas located in the eastern Ghouta (HRW, Events of 2016).

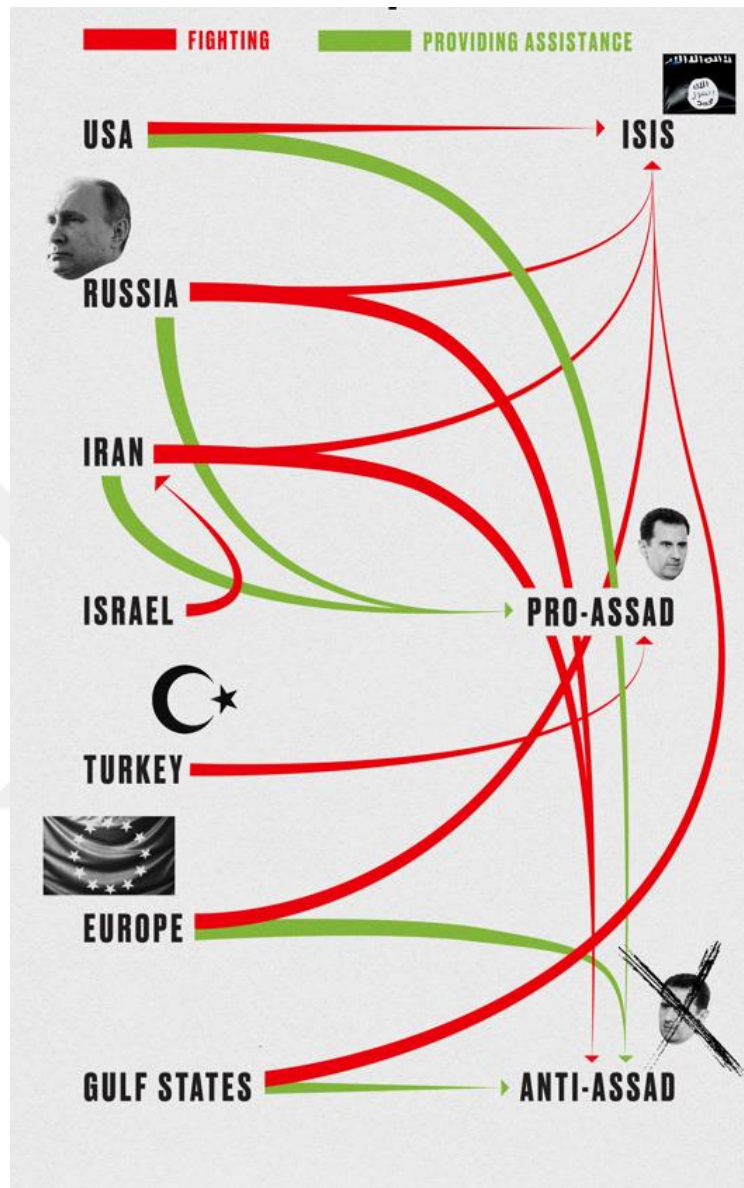
Since the beginning of the revolution, more than 117,000 people have been missing or disappeared by government forces. Thousands have been killed in detention, where torture, ill-treatment, arbitrary detention and enforced disappearance are widespread in detention centres in Syria. In 2017, the Syrian Human Rights Network (SNHR) documented more than 4,252 individual arbitrary arrests, most of them by government forces. More than 80,000 people are still missing (HRW, Events of 2017, p 515 - 524).

The Syrian Human Rights Observatory (SHRO) documented the death of 353,900 people by March 2018, including 106,000 civilians. The statistics did not include 56,900 people who said they had lost and were presumed dead. The group also estimated 100,000 deaths that were not documented. In addition, the war left 1.5 million people with permanent disabilities, including 86,000 missing limbs. The war has displaced at least 6.1 million internally displaced Syrians and 5.6 million others externally, 92% of whom now live in neighbouring countries such as Turkey, Jordan and Lebanon. The United Nations estimates that 13.1 million people will require some humanitarian assistance in Syria in 2018.

Human Rights Watch recorded at least 22 airstrikes using incendiary weapons in 2017 as Syrian government forces continued to use chemical weapons, including the nerve gas sarin, repeatedly since late 2016. The report of the UN-appointed Commission of enquiry concluded that "the Syrian air force used sarin in Khan Sheikun in Idlib province. The UN Security Council called for the implementation of the 2012 Geneva Statement, which envisages the formation of a transitional board "formed on the basis of mutual consent". But 9 rounds of UN-brokered peace talks have made little progress. Assad appeared unwilling to negotiate with the opposition, while the opposition insisted Assad step down as part of any settlement (BBC, 2018).

The war has become more complicated and deadlier over time and with the intervention of the outside parties, leading to an unknown future for Syria, where decisions about it are taken very far from the Syrian borders ( Fig 2 ). Russia is an indispensable force in resolving the situation in Syria, where Moscow has close relations with all the main actors in the conflict (Syria, Iran, Turkey and Israel except

for the United States), it is also playing an increasing role in mediating some sort of understanding between them. In addition to the Russian's support for the Assad regime.



Figur 2: The Actors of the Syrian Conflict (Calamur, 2018).

The United States justifies its presence in Syria because of ISIS as the U.S. envoy to the anti-isis coalition Brett McGurk said. But in reality, the United States is also pursuing other interests there, including containing Iran's influence and punishing the use of chemical weapons. Iran has been in Syria to protect the Assad regime. Where Syria has been an ally of Iran since the Islamic revolution in 1979 and the only Arab country that supported Iran during its war with Iraq in the 1980s. In addition, Iran is

exploiting the strategic value of Syria, as Syria is a barrier against any military action by Israel or any other Western country, in addition to that Iran can also arm Hezbollah from Syria.

For years, Syria's border with Israel has been relatively calm, despite Israel's poor relationship with Assad's family. But Iran's growing influence there has created a sense of alarm in Israel, fearing Iran will establish permanent military bases inside Syria. Resulting in Israel's military intervention inside Syria dozens of times during the conflict, including attacks on a military base operated by Iran and its proxies. Israel could have accepted Assad's survival in power if it was not accompanied by Iran's presence inside the country.

At the beginning of the Syrian conflict, Turkey strongly opposed Assad and supported opposition groups, including the Islamists. But the rise of the Kurds to face one of the unintended consequences of the Syrian conflict, where some Syrian Kurds are allied with the PKK, a group operating inside Turkey that considers a terrorist organization in Turkey. As a result, Turkey sent its troops quickly across the border and seized the town of Afrin as the olive branch began (Calamur, 2018).

The internal armed conflict in Syria led to economic and social disintegration, which affected human geography. According to UNRWA, much of the infrastructure, national wealth and economy have been wiped out. Total economic losses since the beginning of the conflict until the end of 2014 have been estimated at \$ 202.6 billion. The unemployment rate rose from 14.9% in 2011 to 57.7% by the end of 2014, with 3.72 million people unemployed, 2.96 million of whom lost their jobs during the conflict (UNRWA, 2014).

### **1.3.2. The South Sudanese Refugee Crisis**

The In 2005, the government of Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army (SPLM /A) signed the North /South Comprehensive Peace Agreement (CPA) the result of more than two and a half years of negotiation to end the longest and bloodiest civil war, which has lasted more than 40 years. The CPA listed several points, the most important of a permanent ceasefire, 6 years of interim period with democratic elections by 2009, autonomy for the South

Sudan followed by a self-determination referendum for the South, and power-sharing government including the rebels in Khartoum, which aims to share power and wealth and end political and economic marginalization in the south and ensure its representation in the federal government commensurate with its population (The Comprehensive Peace Agreement, 2005).

The anticipation that John Garang would remain the leader of the SPLM/A as well as be nominated as the head of the Government of South Sudan (GoSS), and the first vice-president regarding the power-sharing between Government of National Unity (GNU) with the National Congress Party (NCP) during the interim period was set as a condition for signing the convention.

The crisis in southern Sudan is rooted to the unresolved tensions within the SPLM/A during the 1990s and the incomplete integration situation of the opposition factions into the military in 2005 and after the signing of the CPA. The last split in the SPLM was not its first split. Historically, the movement suffered from several divisions. Ananiya II was born in the village of Itang in the 1980s as the first attempt at an internal coup.

This split resulted in the delay of the SPLM's progress for a number of years, preoccupied with internal fighting to reorganize itself over its constituent goals. The dissident group ended up joining the ranks of Sudan's general army in Khartoum as "friendly forces" after the liberation of the Belva base in 1984 and fighting soon began alongside it and against the SPLM/A.

The dissident forces caused their dissent from the SPLM into two factors. The first was that the SPLM was under the control of the Dinka tribe and all the dissidents belonged to the Nuer tribe. Hence, the fighting took its ethnic dimension. The second factor was the need for reforms of the military and political structure of the SPLM/A and the revision of the "New Sudan Vision". In 1988, through the Jummar reconciliation process, the dissident group returned to the ranks of the SPLM/A.

In 1987, the second SPLM/A coup took place in which Lt. Col. Kyropino Quentin, on the second axis of the Blue Nile, advocated "reforming" the movement to mobilize fighters from the Bahr al-Ghazal region to support it. But because he was not



sufficiently popular among the Bahr al-Ghazal fighters, his coup, which would have been catastrophic for the movement, failed. He was arrested in an attempt to contain the situation and then ended up hosting in Khartoum.

Another coup took place in mid-1991, when Reak Machar, Lam Akol and Gordon Kong announced their coup in Nasser City, resulting in the creation of a new splinter group, the SPLM-Nasser faction. The 1991 coup was justified by the need for liberation and self-determination for southern Sudan, the reform of democracy in the SPLM, and changes in leadership and structure.

Both William Neon and Corupino Kwainan, SPLM/A officers, agreed with the ethnic logic adopted by Mesharam to rally support for their coup and announced that they would join the coup. These alliances between the dissident groups put the SPLM/A in the situation of having to defend themselves against dissident forces, resulting in the loss of many of their positions and became compressed in small areas in the south.

In 1997, dissident groups signed the Khartoum Peace Agreement (KPA) with the Khartoum regime, which gave them the right to self-determination for southern Sudan and 80% of oil revenues. Over time, the Khartoum regime concealed the agreement and the dissident groups had no choice but to return to SPLM/A (Nganyoufa, 2017).

After the end of the civil war, most of the SPLM leaders put aside their differences to form a united front, to form the government of Southern Sudan, some of whom put themselves in political positions, and attributed to the pressures of increasing responsibilities, the ethnic tensions and political rivalries grew, and corruption spread throughout the nascent government. Three weeks after John Garang's inauguration as First Vice President, two men appeared in unexpected positions of power: Silva car Mayardit, Garang's deputy, took over the leadership of the SPLM party, while Rick Machar, the party's third-highest, became vice-president of the Government of Southern Sudan.

But the death of John Garang in his helicopter crash in southern Sudan on the return flight from a weekend meeting with Ugandan President Yoweri Museveni due

to bad weather or fuel shortages was a blow to the hard-won peace deal, which is still Fragile, which ended the longest civil war in Africa. The death of John Garang gave the opportunity to many figures in the SPLM to assume sensitive positions without prior preparation or experience. Many analysts have argued that if Garang lived, it would be unlikely that any of them would remain in their prime positions, where Garang was clever in transferring his potential rivals and preventing them from establishing themselves in power within the party or army.

In January 2011 southern Sudan votes for the referendum to secede from the Republic of Sudan to appear in 2011 as the newest country in the world, and one of the least developed. More than 2.5 million people were killed during the civil war and around 4.5 million were displaced. The impact of the civil war was not only on human beings, but it also limited the development of basic infrastructure, human capital and official civil institutions.

Despite the abundant natural resources in Southern Sudan, the country's dependence on foreign aid continued to be attributed to the persistence of chronic and intractable humanitarian needs after independence and high-level government corruption that slowed post-war recovery and development to become the largest recipient of humanitarian aid in the world in 2013.

The latest crisis erupted after President Salva Kiir reshuffled the cabinet in 2013, dismissing his then deputy, Rick Machar, and his government. The main goal of it was to remove his political rival after rumours of a coup. Salva Kiir raised widespread anger among SPLM leaders after he said that their time in office had expired. Machar and others accused President Salafiker of becoming increasingly dictatorial. Tension increased after President Salva Kiir accused his deputy, Rick Machar, of plotting a coup d'état and attempting to assassinate him.

As a result of these accusations, the country engaged in violence between loyal factions, where Salva Kiir belongs to the Dinka ethnic group and Machar belongs to the ethnic Nuer group, the thing that turned tensions into an ethnic conflict between the two largest ethnic groups in southern Sudan with a history of bloody hostility.

Riek Machar's dismissal created a new coalition of internal opposition in the SPLM. Where many of the movement's officials were dissatisfied with the situation in which the country was going, they had a sense of dissatisfaction with the lack of development and corruption within the party and the government and the continued insecurity in parts of the country, which made them largely support reforms proposed by Riek Machar and other challenges to the leadership.

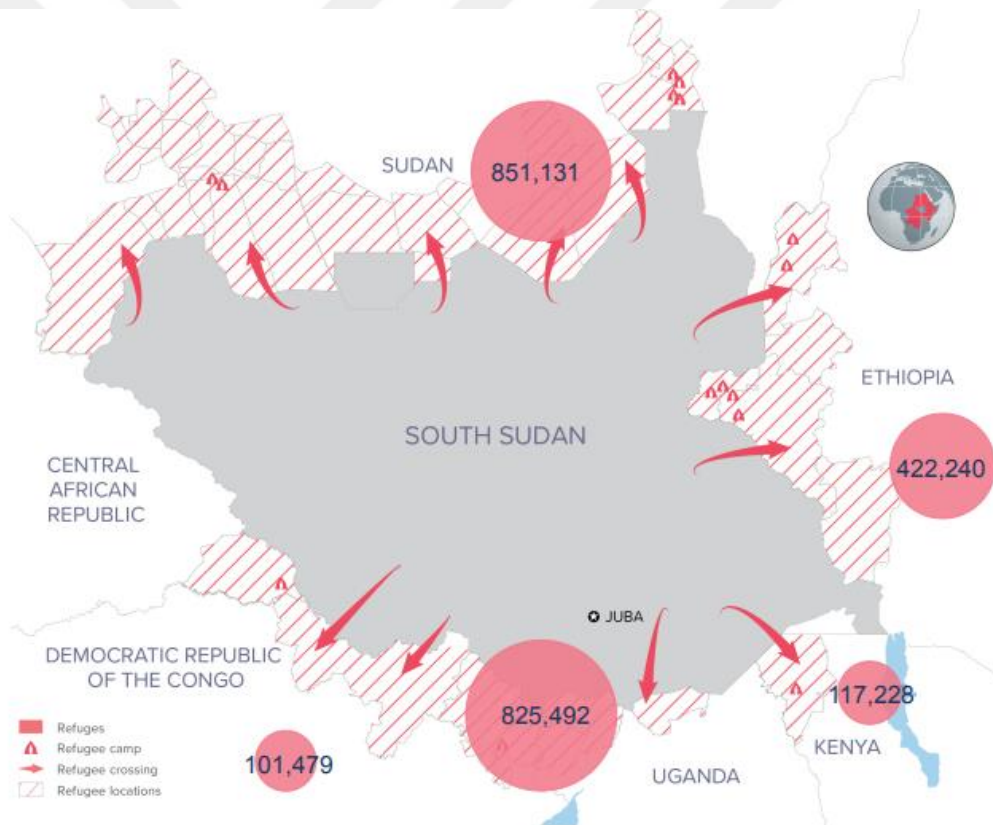
One of the most prominent is the widow of John Garang, Rebecca Nyandeng, who was frank about her dissatisfaction with her husband's successor as SPLM/A leader Salva Kiir. The new coalition held a press conference criticizing Salva Kiir's leadership of the party and the government on December 6, 2013. They spoke at the conference about Salva Kiir's authoritarian behaviour and his policy drift away from John Garang's vision of a "new Sudan" united under a secular state and only the independence of southern Sudan and failure to fight corruption, although many of the opponents themselves, were accused of corruption. They also called for a public demonstration of the opposition on 14 December in Juba.

Following these divisions and bickering between the two sides, fighting between the Nuer and Dinka soldiers has largely broken out within the Presidential Guard, where the Presidential Guard consists of a combination of SPLA veterans and newly integrated Nuer militiamen. The spread of the Fighting among the soldiers in other locations around Juba made Salva Kiir ordering to disarming of the presidential guard on December 15 and announced on television that the coup attempt had been foiled on the following day. Security forces deployed in different neighbourhoods of Juba which target civilians and Political opponents of the Nuer.

Riek Machar called on his forces to drop Salva Kiir the thing that makes the conflict turned to ethnic conflict between the Nuer and the Dinka in the first place. Both sides on the conflict signed two agreements in Addis Ababa to stop it, but both have been repeatedly violated as both sides have accused each other of starting the fighting. Salva Kiir continued to charge Rick Machar with the coup, which Rick denied. Although there was little evidence of an active coup plot, the government failed to provide convincing evidence to prove the coup attempt. Dissident factions also claimed that Salva Kiir planned his dissolution of opponents and Political and

military rivals by recruiting Special Forces from his home country and loyal to him, which is reflected in his decisions (H. Johnson, 2014. p 167 – 174).

According to a Congressional Research Service report of 2016, the United Nations has classified South Sudan as one of four emergencies in the world as well as Syria, Iraq, Yemen and the only one in Africa. UN officials have estimated the death toll has exceeded 50,000 since the conflict began, where both sides have been accused of war crimes but there is no documented death toll. More than 3 million of South Sudan's 11 million people have left their homes to escape ethnic killings since December 2013 between Ethiopia, Sudan and Kenya, with 1.7 million internally displaced, and more than 160,000 people have fled to Uganda, nearly 90% of them women and children, the report said (Blanchard, 2016) (Map 3).



Map 3: South Sudan Refugees in Neighbor Countries Data Until May 2019 (UNHCR, 2019).

Some reports also reported that in 2017, more than 75,000 school-age unaccompanied children entered Uganda, Kenya and Ethiopia. The report also mentioned more than 600 cases of asylum in Europe from southern Sudan from the

beginning of the war until 2016. The United States has also resettled 79 refugees from southern Sudan (Gebrekidan, 2017).

In February 2017 the UN declared a famine situation in 2 of the Southern Sudanese provinces home to 100,000 people. This is the first time since 2011 that the UN has used the term famine, and the second since the UN adopted the IPC scale to determine levels of food insecurity. Around 1.1 million people live in "emergency" areas, which one step from starvation, but people are still dying from food shortages. According to the UN, around 250,000 children under the age of 5 suffer from "severe acute" malnutrition throughout southern Sudan, in other words, if they do not receive treatment, they may die, with about 5.8 million people depended on food aid in 2017.

According to the UN, 967 cases have refused to provide humanitarian assistance to children since the outbreak of the war until December 2016. Several aid workers believe that the government really wants people to starve as they think it is better for children to die from hungry then the dangerous supplies that fall into the hands of enemy soldiers, who can sell them to buy weapons (Panyijiar and Maiduguri, 2017).

Human Rights Watch said in its 2018 report that the parties were involved in crimes described as crimes against humanity, including looting, indiscriminate attacks on civilians, destruction of civilian property, arbitrary detention, detention, beatings, torture, enforced disappearances, mass rape and extrajudicial executions. The report also cited the United Nations' southern Sudan as one of the most dangerous places in the world for aid workers, with at least 83 aid workers killed between 2013 and 2017, prompting some organizations to suspend their operations, which hindered the delivery of aid to the affected areas (HRW, Events of 2017, p 492 – 497).

### **1.3.3. The Rohingyas Refugee Crisis**

Rohingyas are a Muslim ethnic minority estimated at 3.5 million Rohingyas scattered around the world. They considered one of the most persecuted ethnic groups in the world. Rohingya originates in the region in the time period between the twelfth and fifteenth centuries where thousands of Muslims came to the former kingdom of Arakan. Many of them arrived during the 19th and early 20th centuries, during colonial rule as part of British India. During British rule (1824-1948), thousands of them

emigrated to work in both India and Bangladesh as internal migration, where Myanmar was regarded as an Indian province. They estimated around 1.1 million people in Myanmar.

The suppression of the Rohingya Muslims in Burma dates back to the Second World War of 1942 when the Rakhine peoples brutally killed some 5,000 Rohingya Muslims in Minba and the towns of Miruhong (Ahmed, Ziabari, 2012). According to a report by the International Clinic for Human Rights at the Yale Law School in 2015 (K. Lowenstein, 2015), after the independence of Myanmar in 1948, efforts began to deprive Rohingya of citizenship, where the government considered migration during British rule "illegal" as the majority of indigenous people. They viewed the labour migration negatively.

The Citizenship Act of 1948 was introduced, which ironically any ethnicity can obtain citizenship. Where the law mentioned only the original Burma races and did not include Rohingya ethnicity. The law also allowed people whose families had lived in Myanmar for two generations to apply for identity cards. But the situation changed after the military coup in 1962, when the government began giving documents to a smaller number of Rohingya children, refusing to recognize entirely new generations of Rohingya residents.

The government began to demand that all citizens of Myanmar obtain national registration cards in 1974, but the Rohingya minority was not allowed to obtain national identity cards but received foreign identity cards, thus losing their chances of employment and education. As a result of the new citizenship law in 1982, the Rohingya minority became stateless as the law prohibited Rohingyas from obtaining equal citizenship in Myanmar. In addition, the Nationality Act requires a person to provide proof that his family has lived in Myanmar since 1948 to be a citizen, as well as fluency in a national language, which is not the property of many Rohingyas.

Since 1978, the Rohingyas have been victims of waves of mass violence by security forces in Myanmar and groups of Buddhist civilians from Rakhine State. The first ethnic cleansing campaign was carried out by the army in 1978, which called Dragon King Operation, or Naga Min Operation that led by General Ni Win. The campaigners allegedly claimed that their purpose was to expel a group of Rohingya

rebels, the National Rohingya Front (RPF), from the northern Rakhine State. But according to Amnesty International report of 2004 “*scrutinising each individual living in the state, designating citizens and foreigners in accordance with the law and taking actions against foreigners who have filtered into the country illegally*” (Amnesty International, 2004).

The three months of the campaign included widespread rape, arbitrary detention, desecration of mosques, destruction of villages and land confiscation where it directly targeted the Rohingya civilians. As a result, about a quarter of a million Rohingyas fled to Bangladesh searching for shelter, the thing that made the UN High Commissioner for Refugees recognized them as refugees. After negotiations between Bangladesh, Burma and the United Nations, most of the Rohingyas were able to return to Burma but they faced more torture, rape, imprisonment and death.

The second campaign, which known as "Operation Clean and Beautiful Nation" or "Operation Bai Thaya" in 1992 against the Rohingya Solidarity Organization, which was a branch of the RPF for the same purpose, the operation led to further violence and the influx of some 200,000 refugees from Rohingya to Bangladesh again. After the military campaign ended, some returned to Burma, but others remained in refugee camps in Bangladesh (Martin, 2017, p 5).

In 2001, in the same anti-Muslim policy in Burma, many anti-Muslim publications were published in Burma claiming that the Muslim community wanted to define superiority through mating, where Myo Pyauk Hmar Soe Kyauk Hla Tai (or The Fear of Losing One's Race) Widely. According to Burmese Muslims, the distribution of the pamphlets was supported by the Union of Solidarity and Development Association (USDA), a grassroots organization sponsored by the government. In the same period, there have been numerous attempts to eliminate mosques in different parts of the country.

In the same year, tensions between Buddhist and Muslim communities escalated in Tongo following the destruction of Buddhist images in Bamyán, prompting Buddhist monks to demand the destruction of the ancient Hanta mosque in Taungu in response to the Bamyán destruction, but violence began when a group of Buddhists attacked Muslim property, Muslims respond angrily defending themselves and their

property, during this violence 9 Muslims died and then violence spread to neighbouring towns and villages (HRW,2002).

In 2012, violence began again as a result of a story about a 27-year-old Rakhine woman who was raped and killed by three Muslim men in Rohingya. Where there was no confirmation of the story, the clashes take place between the Rakhine and Rohingya Buddhists, which resulted in 29 deaths, 16 of which were Rohingya and 13 of Rakhine, and 30000 displaced. Also, a crowd of 300 Buddhists intercepted a bus carrying Muslim pilgrims from Rohingya and beat 10 of them to death (Markar, 2012).

As a result of the continued Buddhist-led riots, hundreds of thousands of Rohingyas fled to Bangladesh, Malaysia, Thailand and other places in the region and forced 140,000 Rohingyas to enter refugee camps, which the United Nations called "the most persecuted in the world" (Schulz, 2016)

In 2017, Burma's army launched a military campaign in which more than 400,000 Rohingya Muslims from Rakhine state were forced to flee to Bangladesh to save their lives, with the UN human rights chief saying it was "a written example of ethnic cleansing." The campaign was a military response to the Arakan Rohingya Rescue Army (ARSA) attack on government security sites.

The basis of the situation in Burma is that what Buddhist nationalism believes is that the presence of Muslims in their country is an existential threat to the Buddhist nation, which is confirmed by what the Buddhist national editor Maung Thuai Chun said, *"We don't want Muslims to swallow our country. They will not finish with attacking just Rakhine. They will also invade Chin State or Irrawaddy region, then this country will be a Muslim country. It is such a shame for us that the land we inherited from our former generations will be lost in our time."* For that reason, the Buddhist monks and their followers started to give popular support to the army in its brutal campaign against Rohingya Muslims in Rakhine State (Calamur, 2017).

In 2017, the country experienced a major political change with the arrival of Aung San Suu Kyi, where the country became under a democratically elected civilian government led by the National League for Democracy (NLD), which gave little hope to resolve many of the issues the country is facing. However, the military remained



the main authority in the country. The Human Rights Watch report noted that the military continued to block efforts to amend the 2008 constitution, which allows the military to retain power over national security and public administration by controlling the ministries of defence, internal affairs and affairs the border. The report also said some 10,000 people had been displaced from their areas to central Burma, as well as more than 20,000 people fleeing across the border into China (HRW, 2018).

In an article published in the British newspaper *The Independent*, the Army forces were targeting the educated population among the Rohingyas, as it is an old tactic used in cases of genocide to prevent local leaders from speaking out against widespread abuses and violence (Klug, 2018). In early 2018, Myanmar and Bangladesh signed an initial agreement aimed at resettling the Rohingya in Myanmar, which sets up a 30-member working group to oversee the completion of the repatriation of hundreds of thousands of Muslim Rohingya refugees who fled violence in Myanmar in just two years.

The agreement came after Aung San Suu Kyi's government pledged to take measures to stem the flow of Rohingya to Bangladesh and restore normalcy in the Rakhine region, where Myanmar government media reported that a camp of 625 buildings with capable of accommodating some 30,000 people, was being prepared. The agreement raised many questions about whether the Rohingya family would return to Myanmar under the current circumstances and whether Myanmar would accept the Rohingya existence and allow them to live freely. The (UNHCR) has also expressed concern about the deal as it has not been invited to participate in the agreement or to allow full access to the areas to which the refugees will return (*The Independent*, 2018).

#### **1.3.4. The Afghan Refugee Crisis**

The refugee crisis in Afghanistan is one of the oldest refugee crises, dating back decades. In the 1930s, Afghanistan was a poor feudal state, characterized by desert or mountainous terrain, where the power of the landowners lay. At that time, the government was unable to tax the country's top lords or small farmers but relied on limited customs duties instead. Since the beginning of 1842, the Government of Afghanistan has relied on foreign support and as part of the Cold War, Russian and

American aid has paid about 80 per cent of the civilian budget and part of the military budget.

In the 1973 elections, Communists found real support in most cities, winning most of the seats in Kabul before Daoud seized power. But five years after the election, President Daoud realized that the communists had gained great power among the people that thing that made him build relations with the United States, threatening relations with Moscow. President Daoud placed some prominent members of the People's Democratic Party of Afghanistan (PDPA) under house arrest following the mysterious death of a Communist leader who provoked President Daoud's alarm.

The party leaders called for the overthrow of the government of President Daoud, where a small group of communist army officers staged a coup, attacking the presidential palace and killing President Daoud and his family. The coup was transformed into the Saur Revolution, which was also called the April Revolution, which was considered a sign of the birth of the democratic republic of Afghanistan. Two decrees came with the new revolution, the first: the land reform, which means seizure of the land from the owners and then redistribution it; the second was the cancellation of the bride dowry payments, it was a big amount of money and usually, it takes years to pay.

The reforms brought by the revolution were unpopular as they were brutally applied, causing unrest across the country, which the new communist government faced by sending troops to arrest people, leading to further insurgency, leaving them in control of much of the country. Over the next 20 months, by December 1979, only 3 of the 34 districts were controlled (Neale, 2018).

After the coup, Moscow was clearly enthusiastic about the new Afghan regime but was somewhat concerned about the actions of the party that could alienate the Afghan people. Although US relations with the new government led by the PDPA Party were normal, they were not very productive. The United States was concerned about the Afghan regime's direction as it was infiltrated by Soviet advisers. In early 1979, relations between the United States and Afghanistan were strained when some extremists kidnapped US Ambassador Spike Dobbs in Kabul.

The attempt to save him by the Soviets ended with the killing of the kidnappers and the ambassador. The American aid programs for Afghanistan ended and the diplomatic situation of the United States was reduced. In the same year, Soviet-Afghan relations began to be tense as an attack by Afghan rebels on the city of Herat resulted in a massacre in which 50 Soviet officers and their families were killed. Despite the crackdown on Soviet advisers to assassinate them in several places, the Kremlin politburo refused to use the Soviet army in Afghanistan (Collins, 2011).

Soviet leaders initially thought that the war in Afghanistan was just a small intervention. The real purpose of the intervention was an attempt to support the pro-Soviet regime in Kabul, where the Soviet state media asserted that the government of Afghanistan had requested Soviet military assistance in combating the rebellion and the provision of humanitarian assistance. But this intervention turned into a war lasted for a decade of the time, participated in it more than one million Soviet troops, where they took control of major cities and highways.

This intervention was met with a large rejection of the Afghan riots, the thing that led to the appearance of the rebel movements and the Mujahideen Movement, which was supported by the foreigners from Iran, Pakistan, China, and It also got on arms and billions of dollars from the United States, the United Kingdom, Saudi Arabia, and other countries., but the Soviet forces dealt with the rebels and the Mujahideen very harshly, they even destroyed some of the entire villages to prevent them from being safe havens for insurgents (Taylor, 2014). The Soviet-Afghan war lasted for 9 years (1979-1989), as it was part of the Cold War.

The war caused great losses to both sides, causing the deaths of 850,000-1.5 million Afghan civilians, and within 2 years of intervention, more than 1.5 million Afghans became a refugee, mostly in Pakistan, the number of Afghans refugee have grown to nearly 5 million by 1986, the distributor in both of Pakistan and Iran. When Soviet troops withdrew from Afghanistan in 1989 and until 1992, more than 1.4 million Afghan refugees returned to their homes.

During this war, the Taliban emerged from among the ranks of the Afghan mujahideen movement and Islamist fighters who came to resist the Soviet occupation of Afghanistan and were joined by some of the Pashtuns who have studied in Pakistani

religious schools with a secret support by some foreign entities such as the U.S. Central Intelligence Agency, the Pakistani Central Intelligence Agency and the Inter-Services Intelligence Directorate (ISI) in the anti-Soviet war in 1994 but the movement emerged as a major military force and gained control of the capital Kabul two years later (Laub, 2014).

The work in the relief field inside Afghanistan and the Afghan refugee areas of Pakistan was also one of the tasks that welcomed the Arab Mujahideen to Afghanistan, while, the Cold War encouraged the United States to help the Mujahideen Islamic Movement to go to Afghanistan and Pakistan to take part in fighting the Soviets or relief operations there, especially since Washington was living the Vietnamese experience in which the Soviet Union supported the Vietnamese rebels.

Many Arab governments friendly to the United States and feared by the Communist tide have allowed many of their citizens to travel to volunteer and participate in the Afghan war. Saudi Arabia, Pakistan, Egypt and Kuwait were among the most important countries that provided political, economic and military support to the Afghan Mujahideen. These countries provided frequent travel and airline tickets to Peshawar and Islamabad. They also paid relief to Peshawar and Afghanistan for Mujahideen. The US authorities also allowed the opening of 38 centres to collect and send donations for the Afghan Jihad.

Arab magazines specializing in Afghan affairs played a major role in fueling morale and pushing young people to Afghanistan, where they were allowed to be distributed in the Gulf, Sudan and Jordan while fleeing to the Maghreb, Iraq and Syria.

In 1981, the first Arab Afghans arrived in Pakistan was the Palestinian Sheikh Abdullah Azzam, motivated from King Abdul Aziz University in Jeddah to the International Islamic University in Islamabad to organize the recruitment and reception of Arab volunteers through the Office of Mujahideen Services established by Azzam, the number of Arab Mujahideen grew in the hundreds during 1982-1984, and then reached thousands after Osama bin Laden joined the battlefield as Azzam's assistant and financier of the services office, according to a commandment written by Azzam and seen by Al-Jazeera. In May 1986, Dr Abdullah Azzam set up the first training camp for Arab Mujahideen inside Afghan territory, dubbed the lion's den.

After the withdrawal of the Soviet Union from Afghanistan, the Mujahideen Movement continued its fight against the Najibullah government period until they were able to overthrow it by taking over the capital Kabul in April 1992 and announcing the establishment of the Mujahideen government, but deep differences ensued, leading to civil war between their armed factions. After the defeat of the Soviets, the role of the Mujahideen Movement in Afghanistan ended for its supporters. The United States thought of a plan to get rid of the movement risk that was well calculated and was able to do so with the help of Pakistani intelligence (Ati, 2002).

In 1999 some 150,000-people fled their homes following an attack by the Taliban on the Shomali plains. Some 350,000 Afghans were displaced in 2000, some by drought, and others by war. An estimated 900,000 Afghans were internally displaced in the largest cities and towns in Afghanistan in the same period of time. "The country is in a state of acute crisis and its indicators of human development are amongst the lowest in the world" the UN Special Rapporteur on the situation of human rights in Afghanistan said in 2000. The World Food Program also warned in the same year that more than a million Afghans face the conditions of famine, and in some areas, people live by eating grass and locusts (Emery, Ruiz, 2001).

Al-Qaeda first appeared in 1988, when Azzam asked Bin Laden to organize a record of the Arab Mujahideen that included the path of their movement back and forth in front of the fronts, Azzam explained this demand because of the increase in the number of pilgrims to the jihad and the lack of this information represents a problem to the Office of Services in providing support to the Mujahideen Movement in Afghanistan. Azzam launched the al-Qaeda record, on the basis that al-Qaeda included the entire composition of the Ansar, training camps and fronts.

After the assassination of Azzam, Osama bin Laden returned to his hometown in Saudi Arabia. But in August 1990, when Iraqi forces invaded Kuwait, Bin Laden suggested to the Riyadh government supporting the Saudi armed forces with hundreds of Saudi mujahedeen who gained high combat experience in Afghanistan. At the same time, bin Laden warned of the use of foreign forces, especially the Americans, who he described as infidels, in order to defend Islamic sanctities, Despite all the arguments bin Laden has made to defend the point of view, his call and warnings have received

no response of any kind, and the kingdom opened its doors to the US-led coalition forces in early 1991.

Because of the failure of the Saudi authorities to respond to Bin Laden's ideas, he began to demand to boycott US goods and resisting the American presence in the Gulf. The popularity of bin Laden also played a role in increasing the fears of the ruling family in Saudi Arabia about his actions, which led them to increase the pressure on him to the degree that led him to migrate with his small family to Sudan. But before leaving Saudi Arabia, he made several contacts with the banks where he deposited his assets, where he secured them and turned large parts of them into secret places which helped him later in supporting al-Qaeda financially.

Osama bin Laden arrived in Sudan at the end of 1991 and was received by Dr Hassan al-Turabi, the spiritual leader of the ruling regime and leader of the Islamic National Front. Bin Laden quickly summoned large numbers of Arab Afghans, met Ayman al-Zawahiri again and began to form the military wing of the al-Qaeda organization.

Before moving to Afghanistan, al-Qaeda worked in the early 1990s in Sudan to move its headquarters and about 12 training camps to Afghanistan in 1996. Al Qaeda carried out several operations inside and outside Afghanistan but was the most prominent during the September 11 attacks on the United States, where hijacked planes were used to attack the World Trade Center and the Pentagon and killed around 3,000 people.

Osama bin Laden sequenced in the declaration of his responsibility for the attacks that targeted the World Trade Center and the Pentagon. After the attacks, specifically on 16/9/2001, Bin Lan issued a printed statement in which he expressed surprise at accusing America to him and to al-Qaeda of being behind the attacks. He confirmed that he did not carry out this work and expressed his conviction that those who carried out is carried out with self-motivation (BBC, 2001).

Three months after the Sept. 11 attacks, bin Laden described the attacks in a video broadcast with "a blessing attacks". He said it was launched "against global infidelity and against the head of America's infidelity" and pointed out that the events

of September 11 were only a reaction to injustice which is practised "on our children in Palestine, Iraq, Somalia, South Sudan and elsewhere, as in Kashmir and Assam"(Transcript of Osama Bin Laden Videotape, 2001).

A year after from the attacks, al-Qaeda leader touched on the events of September in a videotape broadcast on 10 September 2002 by Al-Jazeera, in which he publicly claimed his responsibility in the US attacks on 11 September. Some of the perpetrators of the attacks appeared in the tape, where they were doing technical exercises on how to control aircraft, as some show as they study the Washington map (BBC, 2003).

The Bush administration has accused the Taliban government of sheltering al Qaeda leader Osama bin Laden, the mastermind of the September 11 attacks. The Taliban offered bin Laden's extradition for trial, but only to a third country, not directly to the United States. But its offer was rejected by Washington and because of that Washington launched air and ground attacks on Afghanistan with the help of its allies (Westcott, 2017).

This was not the first time that an American administration had requested the extradition of bin Laden, where the Taliban's hosting of the al Qaeda leadership was gradually the Clinton administration's agenda item, specifically after the al-Qaeda bombings of US embassies in Kenya and Tanzania in 1998, the Clinton administration increased pressure on the Taliban to hand over bin Laden by impose US sanctions on Afghanistan and adopt some of the sanctions imposed by the United Nations as well (Katzman, Thomas, 2017).

After the attacks, the Bush administration decided to overthrow the Taliban through military intervention. The Department also sought to the United Nations support for military action. On September 12, 2001, the UN Security Council passed Resolution 1368, which states: "*The Council expresses its readiness to take all necessary steps to respond to the terrorist attacks of 11 September 2001 and to combat all forms of terrorism, in accordance with its responsibilities under the Charter of the United Nations*" (UN, Resolution 1368, 2001) . But the resolution did not explicitly state Operation Enduring Freedom or refer to Chapter VII of the Charter of the United Nations, which allows for a response to threats to international peace and security.

On October 7 of the same year, the United States launched military operations against Afghanistan in an international alliance with Great Britain, Canada, Australia, Germany and France under the appellation Operation Enduring Freedom in Afghanistan, as a response to 9/11 attacks.

The Taliban regime began to collapse in late 2001 with Operation Enduring Freedom in Afghanistan. On the other hand, the United Nations-sponsored a meeting of prominent Afghan figures in Bonn, Germany, with the aim of developing a plan to form a new national government. The group agreed to set up a six-month transitional Afghan authority, followed by a two-year Afghan transitional administration. During this period, a gathering of tribal dignitaries known as the Loya Jirga should be convened to adopt a constitution and arrange for elections. And as a result of that, Hamid Karzai was chosen to serve as head of the interim authority during this period (F. Neumann, Munday, Mikolashek, 2016, p 3).

Afghans have lived for a long time in a state of almost constant escape from the war since 1979, which means that this situation was not new to them. Most Afghans who fled violence throughout these years have resorted to neighbouring countries such as Iran, Turkmenistan, Uzbekistan as well as Pakistan, but also Afghan refugees can be found all over the world. The escalating war in recent years has led people to flee escalating violence. Some studies have reported that by mid-2014, there were nearly 2.7 million Afghan refugees around the world, plus more than 701,900 internal refugees in Afghanistan (C. Crawford, 2015).

UNHCR noted that in January 2015 it faced a shelter deficit for returnees as more than 5.8 million Afghans had been able to return to Afghanistan since March 2002, the thing that considers as the largest ongoing repatriation operation in the world. In June 2016, there were about 1.4 million internal refugees in Afghanistan and about 1 million internally displaced Afghans. There are currently about 2.6 million Afghans in more than 70 countries, where the largest number of Afghan refugees live in Pakistan with 1.5 million people and then Iran with nearly one million people (C. Crawford, 2016).



#### **1.4. THE MOST HOST COUNTRIES FOR REFUGEES IN THE LAST CENTURY**

Millions of people leave their countries each year and go to other countries to save their lives. But where do the refugees go? The following part is a look at the statistics of the countries of destination.

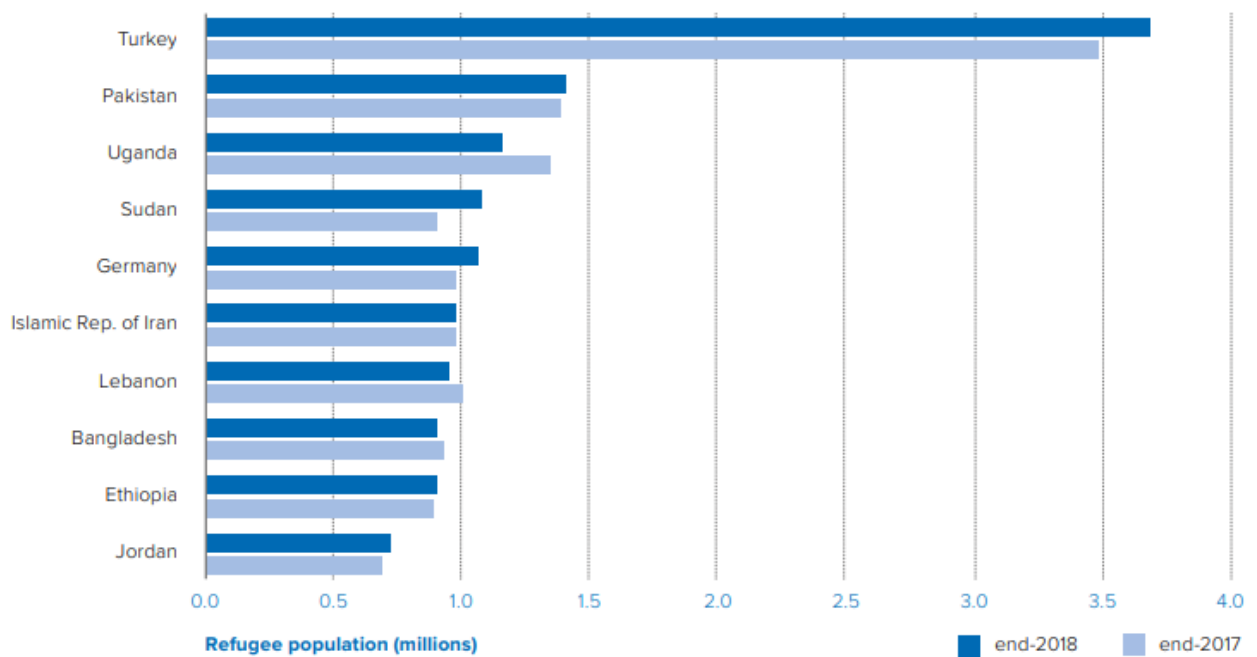
Currently, large areas of the world are witnessing violent conflicts that are endangering the lives of their populations. These areas include in particular parts of the Middle East and sub-Saharan Africa where fighting has been going on for a long time. UNHCR estimates that the number of refugees has increased in the first half of 2017, reaching more than 65 million refugees. During the first six months of 2017, the number of refugees in the world increased by 7% compared to 2016, equivalent to 1.3 million refugees (UNHCR, 2017), to reach 70 million in 2018.

According to the UNHCR, countries with low GDP per capita absorb a large number of refugees in the world and are disproportionate to other countries. UNHCR said that at the beginning of 2010, developing countries hosted some 8.3 million refugees, equivalent to 80% of the total refugee population in the world, while there most of the ten countries that have hosted the largest refugee population in Africa, Asia and the Middle East, where most of them are classified as least developed countries.

The host States of the refugees have substantial financial costs, not only for the expenses of the security services responsible for refugee functions but any other expenses that may be required to deal with emergencies and long-term refugee situations, where refugee situations impose a wide range of economic crisis, which could lead for example, to an increase in market prices due to increased demand and reduced domestic wages due to labour force proliferation.

Host countries also have high costs in terms of their security, their domestic politics and their relationship with other countries, where the refugee crisis can be politicized, in addition to social tensions and conflicts that may escalate into violence may become high when large numbers of refugees reach a country that does not share ethnic or cultural ties with Host community.

Refugee protection standards vary widely around the world. Some countries with large numbers of refugees have kept their doors open to new refugees, providing them with a level of security and assistance unavailable in their country of origin, and some developing and middle-income countries gave the refugees the opportunity to become naturalized citizens in the country of asylum, while in some other countries refugees have faced a variety of threats and restrictions, including border closures, forced returns, detention in camps and arbitrary detention (UNHCR, 2011). (Figer 3 ).



Figur 3: The Most Hosted Countries in The World Until the End of 2018 (UNHCR, 2018).

#### 1.4.1. Turkey

Turkey considers as the world's largest country in hosting refugees according to UNHCR reports (UNHCR, 2017, p 14) , it has shown great openness with respect to the refugee file, in 1962 Turkey ratified the 1951 Convention relating to the Status of Refugees and acceded to the Convention's protocol in 1968 (UNHCR, the Status of Refugees and the 1967 Protocol), nowadays, Turkey hosts about 3.6 million registered Syrian refugees with a steady increase in their numbers through new arrivals and births by about 1,000 people/day since the beginning of the Syrians crisis in early 2011 until the end of May 2018 (Kirişci, Brandt, Erdoğan, 2018). In addition to more than

365,000 registered refugees from different nationalities which as Afghans, Iraqis, Iranians, Somalis and other nationalities (UNHCR, 2018).

According to the Turkish Statistical Institute (TurkStat), there is an increase in the number of refugees to the country in 2017 with 22.4%. The 7-year conflict in Syria has led to the mass exodus of refugees to Turkey, where Turkey is a transit country for many refugees looking for a better life in Europe (Daily Sabah, 2018).

Turkey has made great efforts to support the Syrian refugees where they have facilitated access to basic public services, including health, housing, education and social assistance, although this openness has caused a great deal of pressure on its infrastructures. The Turkish government adopted its own legal framework on the protection of asylum seekers and refugees in 2013 and in late 2014, the Turkish government adopted a system granting temporary protection to Syrians (HRW,2018).

At the beginning of 2016, the Turkish government approved allowing Syrian refugees to obtain official work permits to help Syrian refugees economically independence, contributing to the Turkish economy and leaving the social assistance program, since they cannot rely solely on social assistance.

Turkey and the EU signed a deal known as the European Union and Turkey statement in March 2016 (Kazancı, Cetin, 2018), which aims first to reduce the flow of illegal refugees across the Aegean Sea towards Europe and to take tougher measures against the trafficker. second, to improve the conditions of the Syrian refugees in Turkey. Accordingly, the EU decided to fund a joint initiative between the Union and Turkey to work together against irregular migration in return for granting Turkey financial assistance to contain the refugee crisis, freeing the Schengen visa easily for Turkish citizens and re-launch the accession process Turkey to the European Union (Groupe d'information Et De Soutien Des Immigré.E.S, 2016) .

The European Union and Turkey statement contributed to reducing the number of refugees crossing the Aegean, but it did not reduce the number of people in need of protection, in addition to that the statement does not exempt the European Union of responsibility towards refugees. Many analysts consider the statement to be in direct line with the EU's political orientation, which is more suited to EU protection against

the wave of immigration that the EU views as a threat, which has made the Union ready to act against it instead of adhering to the fundamental principles on which it is based and which it aspires to repeatedly in public and in parity, on the other hand, the Turkish authorities regard the statement as a one-sided deal.

In 2017, as part of a joint cooperation plan between the World Bank and the European Union as international contributors with the Turkish Ministry of Labor (MoLSS) and the Turkish Employment Agency (İŞKUR) as local contributors, the programs of support for refugee employment and economic opportunities were designed under temporary protection and host communities in Turkey.

These programs include the Small Grants Scheme to encourage Syrian businessmen to establish and register new companies or register non-official companies currently operating in addition to the small grants scheme to target Syrian or Turkish state-owned companies in areas where large numbers of Syrians are located to expand their productive capacity to recruit workers new ones.

The Turkish Government has also provided many training activities to provide vocational skills to refugees, including language training, skills assessment systems, advice and assistance in the search for work in Arabic. These activities are provided by trainers accredited by the Ministry of National Education. For those who cannot be accommodated in such activities, the "money for work" program, which is more suitable for them, has been designed. Between January 2016 and November 2017, about 15,022 official work permits were issued by the Ministry of Labor and Social Affairs for the Syrian refugees, in addition to the establishment of about 6000 official companies by the Syrian refugees in Turkey.

However, despite all these programs and activities, refugees faced some obstacles to official economic integration. These include, first, that some refugees who receive cash support from the EU-funded social assistance program lose their benefits if they get formal employment. Second, the place where the refugee is registered determines where they can look for official employment, and so many refugees cannot move to more dynamic labour markets and seek formal employment there unless they change their registration site, which is a cumbersome and expensive administrative procedure. The third is the gap in knowledge of occupations and skills most sought in

labour markets, especially in the locations where most refugees reside (V Del Carpio, Seker, Yener, 2018, p 10).

#### **1.4.2. Pakistan**

According to UNHCR reports, Pakistan consider as the second-largest country in the world in terms of number of hosted refugees, where Pakistan currently hosts an estimated 1.4 million refugees, mostly Afghans, although this number increased by 3% over 2017 due to an increase in the number of newborns and which was offset by the repatriation of 59,000 Afghan refugees (UNHCR, 2017, p 14). The Pakistani government also said Pakistan hosted 1.4 million registered Afghan refugees and an estimated 1 million other undocumented refugees (Ghumman, 2018).

Pakistan ranked this arrangement even though it was not among the 147 countries that signed the 1951 Refugee Convention or its 1967 Protocol. This may be very surprising when considering the fact that Pakistan dealt with a large number of refugees during different periods of time, some of them even before the formulation of the 1951 Refugee Convention, such as the refugee crisis in India after partition in 1947, in addition to the Afghan refugee crisis during the Soviet invasion of Afghanistan and the Afghan refugee crisis as a result of Operation Enduring Freedom by US forces in 2001. And after decades of refugee crises in Pakistan, UNHCR, in cooperation with the Pakistani government, has begun to adopt new approaches and programs that will identify durable solutions for Afghan refugees who have lived in a legal vacuum for decades (Khilji, 2011).

UNHCR requested the Government of Pakistan to ratify the 1951 Refugee Convention and its Protocol and urged it to implement the Afghan Management and Resettlement Strategy in Pakistan, which would assist Afghan refugees in obtaining documented documentation for refugees and also facilitate their repatriation, where the UNHCR country representative, Mengesha Kebede, said "*If the Government of Pakistan has any reservations to the provisions of the 1951 Convention, UNHCR will fully support them, but work on the Convention should be accelerated.*" He also added: "*Pakistan can even ratify the Convention with reservations*"(Haris, 2011).

In 2003, Pakistan, Afghanistan and the UNHCR signed a tripartite agreement, which stipulates that UNHCR is responsible for assisting the repatriation of refugees who wish to return home until 2005, where the main objective of it is to find a definitive and lasting solution to the humanitarian crisis of Afghan refugees which began a quarter of a century ago. The agreement included a financial grant for those wishing to return home on average \$ 100 per person.

The deadline for the return of Afghan refugees has been extended several times since its adoption, the first extension was to March 2006 and then December 2006 (Reliefweb, 2007). The three parties have again agreed to extend the Convention until 2012 to qualified registered Afghans in Pakistan (UNAMA, 2009). Another extension took place until the last of December 2016 (UNHCR, 2016) and then the three parties adoption again March 2017 as a deadline for the extension (Ahmadi, Lakhani, 2017).

The Government of Pakistan adopted a new national policy on Afghan refugees in mid-2013, in conjunction with the multi-year Solutions Strategy for Afghan Refugees (SSAR), where both policies focused on the principles of assisting refugee host communities and voluntary return in safety and dignity and sustainable reintegration within Afghanistan (Abbas Khan, 2014 p 22-33).

In 2005, the Pakistani government cooperated with the UNHCR to issue Proof-of-Registration (PoR) cards to Afghan refugees in Pakistan, which will allow them to access the social services and basic rights. "*The refugee card protects against the dangers of extortion, arbitrary detention and detention, as well as deportations under Pakistan's Aliens Act,*" Adrian Edwards, UNHCR spokesman said. In addition to that, these cards provide important protection for refugee children as they help to prevent statelessness and facilitate access to social services and education for children (UN, 2014).

In March 2010, the Pakistani government began extending and replacing PORs until December 31, 2012, as a prelude to the Management and Repatriation Strategy for Afghan Refugees in Pakistan (AMRS) and agreed to another extension until the end of 2015 (UNHCR, 2012). In 2016, the Government of Pakistan launched a new policy against Afghan refugees that was formed to force them to opt for voluntary repatriation, which included harassment and extortion by Pakistani police, the

difficulty of renewing lease agreements and the difficulty of finding temporary employment (Ahmadi, Lakhani, 2016).

In addition to that, the Minister for States and Frontier Regions Division (SAFRON), Sardar Yar Muhammad Rind said "The government and people of Pakistan now feel it is about time that Afghan refugees repatriate to their homeland in dignity and with honour to play an important and pivotal role in the reconstruction of Afghanistan,".

Pakistan has justified its position on national security concerns as the fear of Pakistan's refugee camps is a "safe haven" for terrorists and drug smugglers, as Pakistan's Defense Minister Khawaja Asif said in a 2016 statement. "*Terrorists are sliding into Pakistan, Disguised as Afghan refugees*" (Munir, 2017). A large number of members of the federal government in Pakistan also argued that Afghan refugees were a burden on the country's economy, adding that Pakistan had incurred huge expenses because of them and had expressed doubts about the involvement of some Afghans in terrorist activities in Pakistan (Ghumman, 2018).

Also, the Baloch National Party (BNP), one of the largest political parties in Pakistan, has reservations about the presence of Afghan refugees, particularly those who have received Pakistani identity cards illegally and are treated as Pakistani citizens. The Pakistani government has announced that it has revoked nearly 1,000 identity cards believed to be counterfeit (Ghani, Malekian, Sun, 2018).

Despite widespread international criticism of the Pakistani government following its new policies against Afghan refugees, especially from human rights organizations, which considered Pakistan's policy as a "collective forced return" policy for Afghan refugees, but evidence has been shown over the last years of the involvement of some Afghan refugees in terrorist attacks inside Pakistan and that refugee camps have provided a safe haven for terrorists. One such attack was the terrorist attack in December 2014 on the Peshawar General Military School, which killed 141 people, which proved the involvement of two Afghans among the seven militants who carried out the attack in addition to the terrorist attacks in Lahore and Peshawar in early 2017 (Munir, 2017).

Reports and statistics indicate that more than 3.9 million Afghan refugees have returned to Afghanistan since 2001 as voluntary repatriation was subject to the tripartite agreement between the governments of Afghanistan, Pakistan and UNHCR (UNHCR, 2016). Many returning Afghan refugees reported that they have preferred to return to Afghanistan because of the economic difficulties they faced in Pakistan, such as the lack of access to labour markets, lack of freedom of movement, cancel their lease agreements, denial of access to schools and medical care, arbitrary detention and extortion by Pakistani police. According to HRW, these complaints were common in 2015, confirming that Afghan refugees were subjected to abuses and forced Pakistan them to return to Afghanistan.

HRW considered Pakistan's right not to be a party to the 1951 Refugee Convention, however, it stated in one of its reports that international law prohibits the forcible return of refugees and their return "in any manner whatsoever" to a place where they are at risk. It also highlighted that refoulment does not take place only when refugees are rejected or expelled in a direct way from a country, but also when refugees are becoming a subject to indirect pressure, which leads them to believe that they don't have any other choice except to return to their country of origin where they face a real threat to their lives. In addition, HRW said that most of the returning Afghan refugees were poor people without significant assets and investments in Pakistan (HRW, 2016).

### **1.4.3. Uganda**

According to reports by the UNHCR, Uganda considers as the largest host country for refugees in Africa and the third-largest host country in the world. Most of the refugees came from neighbouring countries suffering from conflicts such as South Sudan, the Democratic Republic of the Congo, Burundi, Somalia, Rwanda, Kenya, Ethiopia, Eritrea and others. According to the UNHCR Global Trends Report, by the end of 2016, Uganda had hosted around 940,800 refugees, this number considers as the highest number of refugees in the country's history, raising that figure to more than 1.4 million by January 2018 (UNHCR, 2011). The refugee population in Uganda is slightly different, with 69.3% coming from southern Sudan, followed by refugees coming from the Democratic Republic of the Congo with 20.6%. Burundi and Somalia



accounted for 6.8%, while the remaining 3.3% were mainly from the Horn of Africa countries (UNDP, 2017).

According to the observers, Uganda is described as an open country and welcomes the majority of refugees as it has adopted an "open-door policy" with many refugees fleeing their countries of origin over a long history and during different periods of time, where during the World War II was Uganda's first experience with the refugees who came from European countries such as Germany, Romania, Austria and others because of the war, including 7000 prisoners of war (Ahimbisibwe, 2018).

During the colonial era, the first refugee law developed in 1949 by the British colonial office did not distinguish between ordinary foreigners and refugees. The law provides for strict provisions relating to the registration and control of foreigners regardless of whether they are refugees or not. During the early post-independence period, Control of Alien Refugees Act (CARA) in 1960 did not deal with human rights but emphasized the control and organization of refugees and foreigners. This law was considered the main domestic legislation relating to them for more than four decades.

The laws of the colonial era and the early post-independence period were more centralized on the ideas of "controlling refugees in Uganda and regulating their return to their countries of origin" where the priority was "refugee control and regulation", not human rights laws and humane treatment. These laws did not explicitly mention the right to grant asylum to refugees but stipulated "the establishment of refugee settlements and the appointment of their leaders" and gave the leaders broad powers to maintain the settlement system. These laws have been widely criticized for their powers granted to settlement leaders as they are contrary to the provisions of the Ugandan Constitution of 1995 (UNHCR, World Bank, 2016, p 8-9).

In the post-colonial era, a number of strategies have been implemented to address the refugee situation. The first strategy was the Self-Reliance Strategy (SRS), which began in 1998. This strategy was developed for the purpose of integrating services to refugees and host communities and promote long-term self-reliance among refugees. Prior to the implementation of this system, Uganda faced a problem of lack of harmony between the refugee community and host communities as the services of the refugee community were provided in parallel with the services of the host community in

addition to the large humanitarian assistance provided to the refugee community (UNHCR, World Bank, 2016, p 20-21).

Uganda is part of many international conventions, and it has also ratified the instruments of international human rights law. In 1976 and with many reservations, Uganda ratified the 1951 Refugee Convention and its 1967 Protocol in 1976, it also ratified the 1969 Organisation of African Unity (OAU) Convention on Refugees in 1987. In addition, Uganda was the first country to ratify the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, known as the Kampala Convention in 2009.

On the other hand, and in parallel with its international obligations, the Ugandan government has adopted new refugee policies and strategies aimed to improve its international standing and obtaining foreign political support and assistance. The SRS policy, which was part of a global approach supported by the Office of the UNHCR since the early 1980s, was developed into the Development Assistance for Refugees for Uganda Self Reliance Strategy (DAR) in 2003, where this policy seeks to achieve similar goals while avoiding the risks of its predecessor.

In 2006, Uganda enacted a new refugee law that came into force in 2008, which allows the integration of refugees within host communities, as well as access to the same public services as citizens, meaning that refugees have freedom of movement, access to the labour market and the establishment of enterprises. In 2010, Uganda introduced new refugee regulations that included many new rights such as property rights, the right to documentation, the right to land use, the right to justice and the principle of family unity.

Uganda has adopted the Refugees Act 2006 and the 2010 Refugee Regulations as the main regulatory frameworks governing refugee settlement, and through which Uganda provides refugees with a degree of self-reliance and a way of establishing their livelihoods, thereby reducing the reliance of refugees on humanitarian assistance (Cardiff University, UNICEF 2018).

In 2016, Uganda began implementation of the Refugee and Host Population Empowerment (ReHoPE) Strategic Framework, which aims to bring together a wide

range of stakeholders in a coordinated and coherent manner to ensure more effective programming. In other words, this strategy supports the integration of refugees into Uganda's Second National Development Plan, which means that refugees are an integral part of the agenda of the Development Plan, which is carried out through the Settlement Transition Agenda (STA). This strategy coincides as a key component in the implementation of the Comprehensive Refugee Response Framework (CRRF) (IRRI, 2018).

According to the UNHCR, Uganda has a successful and unique integration policy in the region in terms of refugees, as its rate of admission to refugees is one of the highest in the world. Uganda has replaced the policy of placing refugees in camps by making them live in settlements by providing them with land for agricultural use in support of self-reliance policy. This policy included all refugees regardless of race or country of origin, which has made Uganda a model for other countries in hosting refugees (Kiranda, Ojok, Kamp, 2017).

Despite Uganda's efforts in terms of refugees and all the support it provides, but when looking at Uganda's economic situation, it is a developing country facing problems and pressures on resources from being a host country for refugees that may cause many tensions. According to the results of national censuses of housing statistics, 58% of the total population is unemployed, which means more than 10.4 million people (Walubiri, 2016).

In addition to the high unemployment rate, the country's GDP per capita according to the World Bank in 2017 was \$ 615.30 (World Bank, 2017), which indicates that Uganda is a poor country. In another word, more than 14 million people live below the poverty line according to the Global poverty rates (The World Poverty Clock, 2018).

According to some observers, despite the peaceful coexistence between the two groups, the relationship between refugees and the local population is a major challenge because of indirect competition for funding and resources between them. Some indicators have shown that competition for resources may affect improvements clearly in current living conditions. The perception among the local population that refugees are receiving extra support, as well as being insecure in terms of funding and resources,

which provide in the form of humanitarian assistance and food rations, such as refugees, may play a large role in the emergence of envy or a violent reaction most likely by the local population, which may reduce the desire of the population to receive more refugees. Both groups have similar social and economic characteristics, as they are very poor groups with low educational level and rely primarily on agriculture as their main source of income. This similarity may be due to both being equally affected by the circumstances.

On the other hand, Uganda's government spending on hosting refugees is unclear, where all current studies have documented the benefits of hosting refugees and providing services from reception to integration but without addressing the amount of actual government spending (UNDP, 2017). And despite Uganda's liberal approach, there is no complete legal integration so that the refugee is not entitled to acquire citizenship and is not entitled to establish "permanent structures" because they are expected to return home with the beginning of peace (Kreibaum, 2016).

## **SECOND CHAPTER**

### **2. THE LEGAL AND INSTITUTIONAL FRAMEWORK OF THE INTERNATIONAL REFUGEE PROTECTION SYSTEM**

Governments or States around the world are required to have specific responsibilities towards the individuals to which they belong. These responsibilities define the framework for governments to deal with people, which prevents them from performing certain actions that may be harmful to members of society since no party, government or group has the right to act in a manner that is possible to lead to a violation of human rights. These responsibilities include the responsibility of protecting governments or states for their citizens.

In some cases, governments or states may be unwilling or unable to protect their own citizens, which may cause individuals to suffer serious violations of their basic rights, the thing that made them are forced to leave their homes and often their families to seek safety in another country. As the Governments of the individuals' countries of origin no longer protect their fundamental rights, the international community intervenes thereafter to ensure respect for the individuals' fundamental rights.

Refugee rights are part of human rights, which are universal standards that ensure that all people in the world enjoy an adequate standard of living. These standards are fair, equal, indivisible and non-discriminatory, as well as inclusive of all aspects of human life, where the importance of these rights lies in their representation of the essence of human dignity. They help to enable the person to develop and use their human qualities, mental abilities and innate talents, to enjoy the full rights attributed to them by the laws, or to benefit from the decisions made against them. They also highlight the importance of these rights as a deterrent to those who have the power, authority or authority to misuse, exploit or abuse the human being, or to affect the human ability, freedom or any of the opportunities that are available to them, and individual's freedom to run their life according to the way they see fit.

From a social point of view, these rights enable society to achieve the moral idea of justice and honesty in the relations between people, and to build an environment that everyone deserves. It also provides a suitable environment for them to be able to

choose their goals and ambitions and to achieve them. Every human being has equal opportunities to be able to build a life that suits his or her choices, as well as to allow people to communicate with groups that share the same goals and to give them the opportunity to express their opinions without being subjected to psychological or physical abuse, and thus will push the individuals to develop rationally.

## **2.1. THE INTERNATIONAL HUMAN RIGHT LAW**

Following the painful events of the Second World War, a number of governments around the world worked together to promote international peace and conflict reduction, resulting in the creation of the United Nations (UN) in June 1945. Based on the framework of the Constitutive Treaty of the United Nations, a small group of representatives of 50 United Nations Member States under the leadership of Eleanor Roosevelt worked in meetings in New York, Geneva and Paris between April 1946 and December 1948 to write down a list of all the fundamental rights which should be enjoyed by all people around the world, which became after that the cornerstone of the global struggle for human rights.

This list was adopted by the General Assembly of the United Nations on 10 December 1948 as a Universal Declaration of Human Rights (UDHR) (Johnson, Symonides, 1998) by a vote of 48 states in favour of 58-member states of the UN to it, with 8 abstentions states and 2 states did not vote (UN, 2013). Today, 192-member states of the UN have signed it (UN, 2018).

The UDHR which contains 30 articles considers as the basis of International Human Rights Law (IHRL) and from it, a wide range of legally binding international human rights treaties has inspired. The Declaration is also an important source of legislation in addressing grievances in times of conflict, in societies experiencing repression and in the pursuit of universal enjoyment of human rights. The articles of the UDHR contains a universal recognition that fundamental rights and freedoms are universal and inalienable and apply equally to all. One of the basic principles of the declaration is that every human being is born free and equal in dignity and rights, regardless of his nationality, place of residence, sex, national or ethnic origin, colour, religion, language or another status.

The declaration has been adopted over time in various forms. To date, this declaration has translated into more than 80 international human rights treaties and declarations, a large number of regional human rights conventions, customary international law and domestic laws and constitutional provisions, legally binding for the promotion and protection of human rights.

The declaration also includes the right to asylum, the right to freedom from torture, the right to freedom of expression and the right to education. It includes civil and political rights, such as the right to life, liberty, freedom of expression and privacy, in addition to the economic, social and cultural rights, which included the right to health, education and social security.

It has been translated into more than 500 languages, with the aim of "a message of unity within diversity - enhancing the sense of our common humanity embodied in the Universal Declaration of Human Rights while embracing and evaluating our diversity" as the United Nations human rights officer in charge of the translation of the project, Elena Eboliti said (Lee, 2017).

States have obligations under international law related to human rights need to respect, protect and apply when it became parties of the international treaties. As the states become parties to these treaties, their governments must undertake to develop domestic measures and legislation in line with their treaty obligations and a domestic legal system for the protection of the basic human rights law guaranteed by international law. There are numerous regional and international procedures for individual and collective complaints to secure that international human rights standards are respected, implemented and enforced at the local level if local legal procedures fail to address any human rights violations (Universal Declaration of Human Rights).

In accordance with the Charter of the UN in 1945 and the UDHR of 1948, a number of other international human rights treaties have been developed that have been legally binding for ratifying countries, which has been ratified by more than 100 countries, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1966, in addition to the Convention on the Elimination of All Forms of Racial

Discrimination (CERD) in 1965, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in 1984, the Convention on the Rights of the Child (CRC) in 1989, the Convention on the Rights of Persons with Disabilities (CRPD) in 2006.

The United Nations has taken measures to promote and protect human rights globally through the establishment of treaty monitoring bodies to oversee the implementation of human rights treaties and ensure compliance by States parties rather than leaving states to ensure compliance with the standards and obligations of the treaties, the thing that was mentioned in both Covenants of 1966. These bodies include the formation of the Commission on Human Rights (1946-2006), the High Commissioner for Human Rights (1994) and the Human Rights Council (2006), which have been working to monitor, evaluate and report violations of human rights in the international system (Leeuwen, 2016).

Despite hard work to consolidate the declaration of human rights and to seek the development of international laws and treaties to be agreed all over the world, the world still faces poverty in full compliance with the provisions of the declaration, where human rights violations continue throughout the world, making the world more hypocritical. The term human rights have become frequently used but applied in rare cases, where human rights are not subject to any political forces that protect human dignity and rights at all times and in all places.

Accordingly, the concept of human rights remains the subject of fundamental disagreement between jurists and thinkers (Hardwick, 2012). *“While human rights abuses did not end when the Universal Declaration was adopted, the Declaration has helped countless people to gain greater freedom and security. It has helped to prevent violations, obtains justice for wrongs, and strengthen national and international human rights laws and safeguards”* the UN Secretary-General António Guterres, said (O'Connor, 2014).

The UDHR has faced several criticisms, the first being that it is not a formal international law binding on all its parties, as it was adopted by the parties as a resolution rather than as a treaty. Although there is broad political acceptance of the



principle of international human rights protection and the importance of the UDHR, many human rights violations have occurred and continue to occur throughout the world, resulting in the failure of UN systems to respond quickly to abuses and solutions without the occurrence of many tragedies. Therefore, the Declaration is considered to be of moral force only, as it is obligated in the level of conscience only.

Which gives each State the right to interpret the provisions of the Declaration as it deems appropriate with regard to moral rights and ethics in any particular situation. Where Arthur J. Goldberg, Supreme Court Justice and the United States Ambassador to the United Nations said "*The Universal Declaration has received universal recognition, but it remains just that, a declaration. In these two words thus are reflected both the hope and the tragedy of human rights in our day. We agree all too often on principles, but practice and enforcement have not kept pace with pronouncements*" (McMaster, 2004. p 122).

The writer Michael Freeman criticized the declaration as phrasing it proponents of western policies and to the purpose of preventing the recurrence of Nazism, where he stated, "*it emphasis on rights rather than duties, on individuals rather than collective rights, on civil and political rights rather than economic, social and cultural rights, Imperialism*". In addition, a number of researchers said that the declaration was outdated, requiring revision and enabling dialogue between east and west to ensure a compromise to update, the thing that Freeman also mentioned (Johnson, Mack, 2014).

Other researchers mentioned that the declaration was to counter the Nazi rules and procedures, on the other side and among the personalities who participated in the drafting of the UDHR were representatives of countries whose countries committed atrocities against innocent victims and thus undermined confidence, credibility and authority of the UDHR. This was the reason for criticizing UN bodies because of the permanent membership of certain States such as the United States, France, the Russian Federation, and China suspected of human rights violations (Dolinger, 201).

Where these five permanent members of the Security Council have retained the right to veto any United Nations Security Council resolution, making the Commission on Human Rights become political, often protecting perpetrators of violations against human rights or protecting their personal interests (Kafala, 2003). The thing that had

a negative impact on the ability of the Commission on Human Rights to be effective and legitimate, citing with a report prepared by the Secretary-General's High-level Panel in 2004 “*In recent years, the Commission’s capacity to perform these tasks has been undermined by eroding credibility and professionalism. Standard-setting to reinforce human rights cannot be performed by states that lack a demonstrated commitment to their promotion and protection. We are concerned that in recent years states have sought membership of the Commission not to strengthen human rights but to protect themselves against criticism or to criticise others. The Commission cannot be credible if it is seen to be maintaining double standards in addressing human rights concerns.*” (UN, 2004).

## **2.2. INTERNATIONAL HUMANITARIAN LAW**

It is often thought that the history of international humanitarian law is a new term but it is not really so since the laws of war are due to the existence of war itself and the existence of life on earth. Modern scientists have said that for thousands of years, animals also practised some rules during the fighting. Although some early nations were regarded as non-civilized nations, they followed certain principles to carry out the war in their society or against other societies, as these various nations realized that certain acts were permitted and others were not allowed in the war.

Some researchers have found evidence of rules of war in the ancient period, for example, the Papuan tribal groups, the Persians, the Sumerian, the Greeks, the Romans and other nations dating back to 2000 BC, but their own habits of war is not like modern international humanitarian law. Other cultures, such as China, Japan, India and the Islamic world, had their own traditions of the rules of war, but all agreed that the main purpose of the principles of war was always to reduce the scale of the devastation caused by the war. However, despite this global concern, the attempt to reduce the war has suffered many setbacks, since States' practice of these principles has never been uniform.

The Dutch jurist Hugo Grotius wrote a book on war, peace and rules applicable to war, which made him the "father of the law of nations" in the 17th century. In his books, Grotius drew on extensive examples of ancient Roman and Greek practices and literature, which were summarized as a number of principles of "law of nations". In

his books, also, Grotius distinguished between what is legally permissible and what is "true", where he compiled an extensive list of moral prohibitions that included the killing of women, children, prisoners of war and other categories of noncombatants, and the requirements of positive moderation in the conduct of hostilities.

In the late 18th century, George Friedrich von Martens, the great European jurist, developed another list similar to the rules of war which became known at the time. Von Martins argued in a special and interesting tone that "*the victor who remains the master of the battlefield must take care of the wounded and bury the dead,*". He stressed that he was against the principle of refusing or neglecting to do what he described as it's "*the duty dictated by Humanity*" (Crawford, Pert, 2015. page 4-28).

There was no initiative to codify the principles of war until the 19th century. These principles, which were based on customs and traditions and were not codified in a multilateral treaty, continued to evolve until it became customary international law. But modern international humanitarian law was born from the Geneva Conventions. The first Geneva Convention was signed in 1864 by 16 states. The first Geneva Convention was made up by 5 citizens from Geneva, one of whom was Henry Dunant, but in fact, the Battle of Solferino in 1859 was the defining moment in the birth of modern humanitarian law. Henry Dunant was one of the witnesses and by accident of the horror of the Battle of Solferino.

In his book "Memory of Solferino", which was published in October 1862, Dunant recounts the suffering of the wounded soldiers, the overcrowding of the wounded and the dying, the lack of help, the filth and the pools of blood, the swarms of flies that settle on open wounds, pain, neglect, terror and death. Where he concluded his book with tow simple questions:

*“On certain special occasions, as, for example, when princes of the military art belonging to different nationalities meet at Cologne or Châlons, would it not be desirable that they should take advantage of this sort of Congress to formulate some international principle, sanctioned by a Convention inviolate in character, which, once agreed upon and ratified, might constitute the basis for societies for the relief of the wounded in the different European countries?”* where the result of this question was the adoption of the original Geneva Convention later.

*"Is it not possible, in time of peace and tranquillity, to form relief societies to provide care for the wounded in wartime by enthusiastic, dedicated and talented volunteers?"* were the result of this question later became the inspiration for the establishment of the Red Cross (Bugnion, 2009).

Dunant 's keenness not to sell his book, where the book was an open letter to world leaders and decision-makers, as well as his keenness to send it to the sovereigns and statesmen, famous military leaders, doctors, writers, and a good actor to create a wave of enthusiasm and support for his idea. Although Dunant's book became one of those books that rocked contemporary society and left its mark on history, it did not guarantee the desired effect from it.

The book was printed several editions in different languages and sold to the public, where the book had an immediate effect. Hundreds of letters of support came for Dunant from influential people across Europe, where Gustave Moynier, the lawyer and chairman of a local charity called the Geneva Public Welfare Society, was one of them. On February 9, 1863, Moynier discussed the closing questions of Dunant's book at the meeting of the society, a committee of five members of the society, Dunant, Moynier, General Dufour and two doctors, Appia and Maunoir were pointed to form a new formulation of ideas, where the members of the society were reluctant to participate in proposals aimed at changing military practice in the war.

Therefore, the society developed Dunant's ideas within the framework of the Moynier Initiative, where the society decided to present a paper with the developed ideas to the International Social Welfare Conference that will be held in Berlin in the same year (Bugnion, 2009). This small society of five people was the beginning of the formation of the International Committee of the Red Cross (ICRC) where it worked on the implementation of Dunant's developed ideas, which included firstly, the declaration of neutral military medical services and giving them a distinctive badge so that they could work on the battlefield, which later became the source of international humanitarian law. Secondly, voluntary relief communities serve as wartime military medical assistants, which later became the origin of the Red Cross Movement (Sandoz, 1998).

And from here the permanent relationship between the ICRC and the international humanitarian law can be explained, where the ICRC has assumed the role of "guardian" of international humanitarian law and law applicable in situations of armed conflict. The ICRC has made practical proposals to increase respect for and application of international humanitarian law, it has also contributed directly to the process of codification of proposals, which has led to the revision and expansion of international humanitarian law on a regular basis over the years (Sandoz, 1998). This can be clearly inferred from article 5.2 of the Statute of the ICRC (ICRC, 2006 p. 9-11), which state that

- Article 5.2c *“to undertake the tasks incumbent upon it under the Geneva Conventions, to work for the faithful application of international humanitarian law applicable in armed conflicts and to take cognizance of any complaints based on alleged breaches of that law”*.

- Article 5.2g *“to work for the understanding and dissemination of knowledge of international humanitarian law applicable in armed conflicts and to prepare any development thereof”*.

In the same year and with the initiative of the Geneva Commission, the Swiss Federal Council invited the governments of all European and American countries to a Diplomatic Conference for the purpose of adopting a convention to improve the situation of the wounded in armies in the field in case of war. The conference was held in August 1864 and lasted for several days with the participation of representatives from 16 countries. The Conference adopted the draft Geneva Convention, which was prepared by the Fifth Geneva Committee without major amendments.

The Geneva Convention of 1864 was considered as the cornerstone of international humanitarian action that based on an international treaty, and as a result of that, the ICRC being officially established. One of the most important principles of the Geneva Convention was the relief of the wounded without any discrimination on the basis of nationality, neutrality and non-injury to medical personnel, institutions and medical units, as well as the distinctive emblem of the Red Cross, established on the white ground.

In 1868, a second diplomatic conference was held in Geneva to clarify some of the provisions of the 1864 Convention relating to maritime wars. Although the additional articles in the Second Geneva Convention were not ratified and did not enter into force, the Geneva conventions have opened the way for contemporary international humanitarian law (Bugnion, 2012. p 1300-1338).

The Geneva Convention has been amended and extended, in addition to the extension of new conventions and protocols to cover new areas with the development of means that used in wars, where the Geneva Convention combines legal obligations with the establishment of fundamental humanitarian principles. These include the adoption of The Hague Conventions of 1899 and 1907 to regulate the conduct of the war. The Geneva Convention was also extended to improve the conditions of sick and wounded soldiers in the field, as well as to establish new rules on the protection of prisoners of war in 1906 and 1929.

After the terrible experience of the Second World War, the four Geneva Conventions were adopted in August 1949. In 1977 and 2005, and to include new areas such as conventional weapons, chemical weapons, landmines, laser weapons, cluster munitions and the protection of children in armed conflict, additional protocols to the Geneva Conventions have been added (ICRC, 2010).

Despite the broad acceptance of the principles of international humanitarian law, the term "international humanitarian law" to describe a legal sphere was not used before the 1960s. First, academics used the term "laws of war" and later, the term "laws of armed conflict" to try to understand actual and internal conflicts, but both terms refer to a completely different understanding and different rules than the current law of "IHL".

In 1956, the ICRC drafted the "Draft Rules for the Limitation of the Dangers Incurred by the Civilian Population in Time of War" at the New Delhi Conference, resulting in the appointment of the International Humanitarian Law Commission. The ICRC was the first to use the term at an early date but continued to publish it in a very cautious manner. Despite the work of the ICRC to ensure the success of the stalled project, governments have not been able to agree on it, leading to the failure of the conference (Alexander, 2015).

The use of the term "international humanitarian law" was once again used by the jurist and legal practitioner Jean Pictet in his articles and published among a small audience in the 1960s. In 1963 he published an article entitled "Evolution of International Humanitarian Law", later he published a short study entitled "Principles of International Humanitarian Law" in 1967. Pictet used the term "international humanitarian law" to include humanitarian law, the Geneva Conventions, the laws of war and human rights, he did not consider the IHL to be synonymous with or substitute for the laws of war, but rather to describe part of the laws of war in conjunction with human rights law (L. Kunz, 1959. p 132-138).

At that time, Pictet was not the only one who promoted the principle of IHL, the International Commission of Jurists (ICJ) Secretary-General Seán MacBride was also lobbied on governments and non-governmental organizations on issues of equal concern, such as prisoners, human rights abuses and conflict conflicts Armed. As Secretary-General of the ICJ, MacBride called for expanding the human rights system and increasing the organization of armed conflicts.

MacBride presided over the 1968 NGO Human Rights Conference, which concluded that the humanitarian principles of the 1949 Geneva Conventions protecting human rights in all conflicts must prevail and that a new convention on modern weapons most replaces the outdated 1907 Hague Conventions.

The 1968 International Conference on Human Rights in Tehran allowed MacBride the opportunity to press delegates to approve its draft resolution. Indeed, resolution (XIII) on human rights in armed conflict was passed by the Conference. The resolution called for the protection of humanitarian principles during armed conflict and suggested the establishment of more or revised conventions to achieve such protection (Alexander, 2015).

The United Nations General Assembly also worked to promote the cause of human rights set out in armed conflict. In 1968, the United Nations General Assembly adopted resolution 2444 (XXIII) on respect for human rights in armed conflict (Human Rights in Armed Conflict, GA Res. 2444 (XXIII), 1968). A number of resolutions on the purpose of the promotion of the human rights issue identified in the armed conflict were passed at various sessions of the United Nations General Assembly, including

resolution 2597 (XXIV), which called for the need to protect the rights of civilians and combatants in disputes arising (Human Rights in Armed Conflict, GA Res. 2597 (XXIV), 1969), resolution 2674 (XXV) which indicated that additional tools were needed to protect the civilian population and freedom fighters against colonial and foreign domination as well as against racist regimes (Human Rights in Armed Conflict, GA Res. 2674 (XXV), 1970), resolution 2675 (XXV) which states that fundamental human rights will remain in force in armed conflicts and that civilians should not be the object of military operations or Revenge (Human Rights in Armed Conflict, GA Res. 2675 (XXV), 1970), and resolution 2677 which welcomed the ICRC's decision to hold a "*conference on reaffirmation and development of international humanitarian law applicable in armed conflict*" (Human Rights in Armed Conflict, GA Res. 2677 (XXV), 1970).

In 1969, the ICRC held a conference in Istanbul entitled "Reaffirmation and development of laws and customs applicable in armed conflict", where it stressed that the "*necessity and urgency to reaffirm and develop the humanitarian norms of international law applicable to armed conflicts of all kinds, of basic human rights, in line with the Geneva Conventions of 1949*" (ICRC, 1969).

However, there was no real change until 1971 when the ICRC convened a conference entitled "Conference of Governmental Experts on Reaffirmation and Development of the Laws and Customs Applicable in Armed Conflicts", where the ICRC knew that IHL means the rules of the armed conflict law with a humanitarian in nature that aimed to protect individuals and their basic properties.

In other words, the term IHL covers not only the Geneva Conventions but also the rules of treaties or customary law for humanitarian reasons, limits to be taken into account in the conduct of hostilities, the use of weapons, the conduct of combatants, recourse to reprisals, as well as rules to ensure the proper application of such rules (ICRC, 1971).

In 1973, the ICRC published for the first time the draft Protocols related to the 1864 Geneva Conventions, where the draft protocols covered two different types of armed conflict, namely Protocol I applied in the case of international armed conflicts, while Protocol II applied to non-international armed conflicts or civil wars, although,



a separate protocol applicable to non-international armed conflicts was needed because of a major dispute over the level of insurgency required to meet these international humanitarian obligations.

In order to adopt the provisions of the draft rules, the ICRC held its first Diplomatic Conference in February 1974, but the conference did not succeed because of the political issues that characterized in the definition of "unfair wars" to the correct classification of national wars. Therefore, the ICRC was forced to hold the second Diplomatic Conference in February 1975, which was considered more successful than the first conference, as a compromise was reached in the troubling areas only at the expense of Protocol II, which has a wide scope of application.

In 1976, the ICRC convened the Third Diplomatic Conference for the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts in Geneva, where 42 articles were adopted in both Protocols, which indicated a high degree of consensus (L. Cantrell, 1977 p 253-278).

The International Committee of the Red Cross (ICRC) has described international humanitarian law as: "*International humanitarian law is part of the body of international law that governs relations between states. It aims to protect persons who are not or are no longer taking part in hostilities, the sick and wounded, prisoners and civilians, and to define the rights and obligations of the parties to a conflict in the conduct of hostilities*" (ICRC, 2010)

International humanitarian law consists of a number of conventions and protocols, but the four Geneva Conventions of 1949, which approved by almost all the countries in the world to abide it considered as the foundation stone for it. Since its establishment and until today, the conventions have been developed and supplemented by other conventions, which included the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two protocols, the 1972 Biological Weapons Convention, the 1980 Conventional Weapons Convention and its five protocols, the 1993 Chemical Weapons Convention, the 1997 Ottawa Convention on anti-personnel mines, in addition to the 2000 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (ICRC, 2004).

### **2.3. INTERNATIONAL REFUGEE LAW**

The responsibility of protecting citizens' rights lies primarily with their countries, but if governments are unable or unwilling to do so, people may face serious threats that may force them to leave their country of origin and seek safety elsewhere. Therefore, another country must intervene to ensure respect for the fundamental rights of refugees, where this process is known as "international protection for refugees".

The international protection for refugee's regime is essentially based on a series of regional treaties and declarations dealing with the rights of refugees, notably the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, which formed the basis of many other treaties. International refugee law provides an auxiliary source of protection for people at risk, in the sense that it simply constitutes a safety net in the event that the State fails to meet its fundamental protectionist responsibilities towards its citizens, so that it is not intended to replace the basic rule that individuals must enjoy the protection of their States.

International refugee law works in conjunction with international human rights law, beginning with the Universal Declaration of Human Rights of 1948 and with international humanitarian law (the law of war). It also supports the work of the United Nations Office of the High Commissioner for Refugees (UNHCR) established by the United Nations General Assembly after World War II to ensure the international protection of refugees, as well as working with governments to find durable solutions to refugee problems.

#### **2.3.1. The 1951 Refugee Convention and The 1967 Protocol**

Helping European governments deal with the crisis of European refugees still living in the camps, which grew up because of World War II, was one of the priorities of UNHCR's work, for this reason, the newly established UNHCR issued the United Nations Convention relating to the Status of Refugees in 1951. Following the influx of refugees from a number of different countries, it was necessary to identify the persons to be assisted by focusing on the various forms of persecution that were the main cause of forced migration in a new definition of refugees, where the old refugee

definition system that relied on a case-by-case definition failed. Thus, the 1951 Convention defined the refugee as

*"As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it"* (UN, Text of the 1951 Convention Relating to the Status of Refugees. p 14).

The Convention was regarded as the foundation stone of the international refugee protection system today, making it the most widely used Convention on the international refugee protection system. The Convention is the foundation for all UNHCR activities, where the objectives of the Commission are based on the principles and standards that are inherent in the fundamental human rights and mentioned in the Universal Declaration of Human Rights. Accordingly, the Commission and its Convention of 1951 were the results of the various experiences of international refugee institutions between the two wars. The Convention entered into force in 1954 and was subject to only one amendment in the form of the 1967 Protocol.

Although the Refugee Convention is the only international instrument for the protection of refugees, it faces a number of key challenges: first, the definition, where the 1951 Convention defined a refugee as an individual with "justified fear of being persecuted", but it has linked this fear of persecution that justified a refugee's legal existence with World War II or events in Europe before January 1, 1951.

However, in the following years, other new small groups emerged from those who could not be legally classified as refugees in need of protection such as "forced migrants and stateless individuals", urging the UN to form several treaties and conventions so as to support persons and communities whose condition was incompatible with the definition stated in the 1951 Convention for the term "refugee", where these individuals and groups were in need of temporary protection.

By the mid-1960s, however, the United Nations realized that the continued and increasing influx of refugees could no longer be linked to the Second World War or the events that took place in Europe before 1 January 1951. As a result, the United Nations issued the 1967 Protocol relating to the Status of Refugees, where the 1967 Protocol removed the restrictions that the Convention faced for 16 years by adopting it, the 1967 Protocol retained the basic definition of "fear of persecution" of the 1951 Convention, but it abolished the stated time limits and permitted the repeal of geographical requirements, in response to the changing nature of forced migration. The 1967 Protocol was considered to be complete to the 1951 Convention, where the 1951 Convention became a valuable universal instrument for the protection of refugees, thanks to the 1967 amendments.

Despite the wording of the protocol and the amendments thereto which led to the removal of temporal and geographical limitations, while adopting a global definition related to the cause in the case of refugees, however, the definition of a refugee as amended by the 1951 Convention remains some of the shortcomings that are evident in its application, which made it not even sufficient in its time. When UNHCR began to assist refugees outside Europe, it became clear that these refugees were incompatible with the new definition of the 1967 Protocol, so that the 1951 Convention lacked a precise definition of the term "persecution", a key element in refugee definition (R. Gunning, 1989. Pages 43-46).

Although UNHCR published in 1979 "Manual and Guidelines on Refugee Status Determination Procedures and Criteria" which defined "persecution" as a threat to life or liberty, its existence must be assessed on the basis of objective and subjective criteria. However, this definition of the term "persecution" is still insufficient, so that it is widespread, which may render it difficult to implement, as it exists in a non-legally binding document (UNHCR, 2011). Some jurists also argued that the problem is not in the concept of "persecution", but rather a way to apply contradictory with the concepts of conflict, violence and gross violations of human rights and the like.

In addition, the refugee definition defined five elements that may be causative the persecuted, including race, religion, nationality, belonging to a particular social group and political opinion, but the refugee definition did not address economic, social

and cultural rights for the purpose of determining refugee statuses, such as persons leaving their countries due to lack of education or the work, there is also a lack of gender perspective, which may be one of the causes of persecution such as discrimination against women and homosexuals.

The definition, also, does not include any compatibility or integration with the basic human rights, where this can be seen in environmental issues, as that the right to a healthy environment is one of the fundamental human rights, but people who flee their areas due to climate change or natural disasters cannot be considered as refugees and they cannot benefit from shelter protection (Nasr, 2016).

The definition of refugees that accepted by the parties' countries, which is considered as the cornerstone of international refugee law, is a broad definition covering a wide range of possibilities in its formulation. The vague language of 46 articles left significant gaps in the definition that enabled countries to circumvent their international obligations through Leaving room for interpretation for itself as well as the ability to prevent protection for security reasons. For example, the objectivity of how to measure "fear of persecution" leaves the interpretation open to states that can be manipulated to measure it in their personal favour. The bare structure of the legal framework of international refugee law, therefore, leaves many gaps to be filled by regional legal instruments and individual State policies (A. Loveland, 2016).

Second, the reject of some countries to sign the 1951 Convention or its Protocol of 1967, where the reasons for the reluctance of some countries to sign the refugee agreement differed. Some countries did not want to attract refugees from neighbouring countries. While poor countries fear the effects of refugee crises on their resources, as the costs of processing asylum claims and meeting initial commitments of education, health and housing are high for those countries, which could put pressure on infrastructure and local resources in those countries that are already suffering from poor processing to cope with the sudden rise in the population ,therefore, poor countries consider the refugee crisis to be a very real resource issue (Leigh MP, 2012).

In addition, some countries consider that the task of providing protection and assistance to refugees is a responsibility of the international community and not of States. Some countries have also rejected their rejection for security-related reasons,

as the borders of these countries are highly penetrable and any conflict can lead to a mass movement of people, which may cause a demographic imbalance in those countries (De Sarkar, 2015).

Some countries maintained a degree of uncertainty about the entity and professionalism of UNHCR, where the Commission established directly after the post-World War II, it worked mainly in assisting European refugees in Europe, it limited the definition of the refugee with events happened in Europe or within the World War II, its clearly structural and legal bias, in addition to its first major operations were linked to refugee crises in West Berlin in early 1953 and from Hungary in 1956, made it an entity with Western tendencies in their eyes. Which proved it the difficulties and criticism the Commission was facing from the financed Western countries in the implementation and selection of projects, but this bias has been quickly eliminated, as UNHCR becoming a global institution with a high degree of independence (B. Elie, 2007, p 16-18).

Although there are 145 States parties to the 1951 Convention and 146 States parties to the 1967 Protocol today, only four countries - Congo, Madagascar, Monaco and Turkey - have a refugee definition that applies only to those from Europe, which has a major impact on the nowadays Refugees crisis.

#### **2.4.THE REFUGEES PROTECTION MECHANISM AND HOW IT EVOLVED BY THE TIME**

It may be curious to know that the history of refugee protection does not begin with refugees in the 20th century, where the idea of protecting them can be traced back to the era of ancient Greek city-states, but the beginning of the modern era of the idea of refugee protection returns to almost 100 years, which was the first beginning of modern refugee protection law, where there was no international refugee assistance programs have been in existence only since 1921. As a result of World War I, millions of people found themselves outside their country, a number of associations attempted to intervene and conducted major emergency relief operations, however, the situation was dire.

Following a call by the ICRC at a conference called on 16 February 1921 by the ICRC and the Red Cross University to assist more than 1 million refugees Rossi spread throughout Europe and as a result of the need for longer-term international action for refugees (Krill, 2001, p 607), where its role was limited to providing material assistance, such as food, shelter and medical care, but the situation of refugees was in need of legal protection within an international system, and under its stated objectives of " *strengthening international cooperation and achieving international peace and security*" the latterly based League of Nations responded by assigning Fredjov Nansen as the first international civil servant for refugees of the United Nations High Commissioner for Refugees (UNHCR) that established in 1921 and to became the first international action for refugees in the 20th century (UNHCR, 2009).

Many bodies have been established during the League of Nations to perform some of the functions of the High Commissioner for Refugees and sometimes to perform all tasks. These bodies were entitled to provide international protection to refugees on the ground of international legal instruments determined in the framework of the League of Nations, it also has worked mainly on "identity certificates" of any person of Russian origin who is no longer enjoying or can no longer enjoy the protection of the Government of the Union of Soviet Socialist Republics and who have not acquired the nationality of another country, it also made the first arrangements for the definition of Russian and Armenian refugees in 1922, 1924, 1926 and 1928. These bodies included the Nansen International Refugee Office (1931-1938), the United Nations High Commissioner for Refugees from Germany (1933-1938), the Intergovernmental Committee on Refugees (1938-1947) and the Office of the United Nations High Commissioner for Refugees (1946).

The " identity certificates ", which were called later "Nansen Passport", contained the identity and nationality of the holder, as well as it guarantees to the holder the right to freedom of movement so that the holder could move from country to country in order to find work, find and rejoin family members. But did not force the certificate holder to return to the country that issued the document. Nansen passports were valid for one year and were subject to renewal fees. These passports became invalid if the holder had another nationality. The host States quickly adopted the Nansen regime and governments began to issue it, where it did not significantly affect

the sovereignty of the host States. Although the Nansen passports represented a partial solution to the refugee problem, it was a first and important step in seeking refugee protection. It served as the basis for clear legal status for refugees, and some considered its establishment as the beginning of international refugee law.

And as the number of stateless Russian refugees increased, the solution was for host countries to naturalize them collectively, but the governments of the host countries rejected this as a solution. In addition, many Russian refugees rejected it too as they believed that their situation was temporary. In 1924, Nansen's passports were later extended to the Armenians. The host countries have recognized the Nansen passport system with 54 states had recognized the system to the Russian refugee and 38 states had recognized the system to the Armenian refugee states. On the other hand, this system has helped host countries to calculate the number of refugees residing in their territory (Schrover, 2014).

In the Arrangement on the legal status of Russian and Armenian refugees in 1926, definitions of Russian and Armenian refugees were adopted by the member states of the League of Nations. These definitions were formulated by country of origin or ethnic group, the asylum seeker had been deprived of "protection" by his former Government or successor, and no other nationality had been the principal element of both definitions. These definitions stipulate that:

□ *Russian refugee: Any person of Russian origin who does not enjoy the protection of the Government of the Union of Soviet Socialist Republics and who has not acquired any other nationality.*

□ *Armenian refugee: Any person of Armenian origin, formerly a subject of the Ottoman Empire, who does not enjoy the protection of the Government of the Turkish Republic and who has not acquired any other nationality (League of Nations, 1926).*

The definitions of Russian and Armenian refugees in the 1926 arrangement was considered as the first official definition of refugees in international law. At the end of 1926, the Council of the League of Nations began to prepare a report on the process



of extending the provisions of the arrangement to include seven other groups that were in the same situation as Russian and Armenian refugees, but this report was rejected.

In 1928, the Council of the League of Nations was invited to an intergovernmental conference to decide all refugee-related issues in an arrangement to extend the protection granted to them. The 1928 arrangement extended the mandate of the High Commissioner to include the protection of other small groups such as Turkish, Assyrian and Assyro-Chaldean. The arrangement also included the right to work, access to the court, protection from eviction and equal taxation, and the responsibility of the state to respect identity certificates (League of Nations, 1928). In addition to the definition of Russian and Armenian refugees in the arrangement of 1926, the 1928 arrangement included the definition of new groups that were newly included in the protection, these were defined as:

□ *Assyrian, Assyro-Chaldean and assimilated refugees: Any person of Syrian or Assyro-Chaldean origin and also by assimilation, any person of Syrian or Kurdish origin who do not enjoy or who no longer enjoys the protection of the State to which he previously belonged and who has not acquired or does not possess another nationality.*

□ *Turkish refugee: Any person of Turkish origin previously a subject of the Ottoman Empire who under the terms of the Protocol of Lausanne of 24th July 1923 does not enjoy or no longer enjoys the protection of the Turkish Republic and who has not acquired another nationality." (Asian-African Legal Consultative Committee, 1966, p 25)*

After adopting the arrangements for the legal status of Russian and Armenian refugees, some governments recommended "the appointment of representatives of the High Commissioner for Refugees in as many countries possible" where it became necessary to identify the legitimate situation of the refugees more distinctly. Although the 1928 arrangement was the first UN attempt to unify the rights to be granted to refugees, all these arrangements did not specify the specific responsibilities of states other than to cooperate in the recognition of League documents.

Some countries believed that such arrangements would enable the refugee problem to resolve itself either through the return of refugees to their countries of origin when the situation stabilized or through naturalization by host States. But the rise in economic and political instability as the refugee phenomenon increased in the 1930s made some host countries abandon some of their recommended commitments, as these arrangements were not binding on member states, in addition to that, they focused their resources on their own citizens only, some states have enacted legislation prohibiting the employment of aliens, where they showed their refusal to absorb more refugees. In 1930, the League of Nations established the Nansen International Office, which mandated it to protect refugees under the League's mandate rather than appoint a new High Commissioner after Nansen's death.

As a result of all the chaos experienced by the European countries because of the growing phenomenon of refugees, the League of Nations called in 1931 to develop a formal agreement to address the situation of refugees with the proposal to liquidate the Nansen International Office at the end of 1938, which was supported by a committee of experts from the Nansen Office on the grounds that the draft convention It will be followed by a series of obligations on signatory states rather than the system of recommendations in previous non-binding arrangements.

In 1933, the representatives from 15 countries and two members of the Committee of Experts met with representatives of the Central Committee of Refugees, where an agreement was finally reached on a text of the Convention on the International Status of Refugees. For the first time, States parties made real commitments to refugees by acceding to the Convention on the International Status of Refugees. The Convention included a number of recommendations to the governments of countries of residence in respect of personal status, divorce, travel visas, taxes, expulsion, caution from resolving the judicial case.

It also addressed administrative measures such as the issuing of Nansen certificates, social welfare and relief, education, forced return, legal matters, working conditions and industrial accidents, and provided for the establishment of refugee committees. However, the term "asylum" did not use within the Convention (League of Nations, 1933).

The definition of refugee in article 1 of the 1933 Convention was based on the definition of refugee in 1926 and 1928 arrangements, which included only certain ethnic groups (the Russians, Armenians, Assyrian, Assyro-Chaldean and a few Turks from the former Ottoman Empire), the agreement also included the development of the Nansen passport system to become the Convention's travel document. In addition, article 3 was one of the most important paragraphs discussed in the Convention, which provided for the right to non-refoulement, which states:

□ *Each of the Contracting Parties undertakes not to remove or keep from its territory by application of policy measures, such as expulsions or non-admittance at the frontier (refoulement), refugees who have been authorized to reside there regularly, unless the said measures are dictated by reasons of national security or public order.*

□ *It undertakes in any case not to refuse entry to refugees at the frontiers of their countries of origin.*

□ *It reserves the right to apply such internal measures as it may deem necessary to refugees who, having been expelled for reasons of national security or public order, are unable to leave its territory because they have not received, at their request or through the intervention of institutions dealing with them, the necessary authorizations and visas permitting them to proceed to another country. (League of Nations, 1933)*

The 1933 Convention came second after the 1926 arrangement on the establishment of a voluntary system for the International Supervision of Human Rights, but it was the first international attempt to establish a comprehensive legal framework for refugees, where it was the first multilateral international treaty to provide legal protection to refugees and guarantee their basic civil and economic rights. More importantly, it was the first international convention to guarantee the right to non-refoulement, which generally prohibits the direct or indirect expulsion of refugees to a country or territory where they are at risk of being persecuted, the thing that made it been considered as the basis for the 1951 Convention later (C. Hathaway, 2012).

Although all the provisions of the Convention made it a landmark in the protection of refugees but it was ratified by only eight countries, it also was very limited in the scope of human groups which the convention already considers to be refugees and under the protection of the League of Nations, and with the emergence of the new refugee crisis from the German Jews in Europe, the potential additional restrictions of States on the convention were constrained by the terrible economic events of the mid-1930s and the outbreak of World War II. On the other hand, many countries that have ratified the convention have expressed reservations about some of the convention main articles, but they have included the provisions of the convention in their domestic laws (Fitzmaurice, 2016).

In 1933, a new wave of Jewish refugees emerged from Germany as a result of the rise of the Nazi regime led by Hitler to power, which caused the political persecution of this nationalism. The League of Nations worked in the face of this new crisis by appointing James MacDonald as a "High Commissioner for Refugees from Germany," where MacDonald worked in relocating about two thirds of the Jewish refugees who left Germany during his term that extend between 1933-1935 until his resignation as a result of wide opposition by European countries for his attempts to resettle Jewish refugees. In addition, the League of Nations discussed the draft extension of the Nansen passport to include refugees from Germany but was rejected because of the reluctance of some European countries such as France and Britain to provoke Nazi Germany (I. Goldenziel, 2017, p 600-602).

Sir Nick Malcolm came as a successor to McDonald, where Malcolm worked on the issue of identity documents until the League of Nations adopted provisional arrangements on the status of refugees coming from Germany in 1936, which provided for burden-sharing either through the provision of first asylum or resettlement, it also allowed the governments to issue travel documents for Jews and stateless persons coming from Germany (League of Nations, 1936).

European countries have largely sought to keep the definition of protected persons under these arrangements very narrow, arguing that Jews refugees and stateless persons must be outside German territory and prove that they cannot obtain the protection of the German government.

Although the High Commissioner was able to draft a new convention on the status of refugees from Germany in 1938 to include minority groups of Jews and dissidents fleeing Austria, only three countries signed it, as some countries did not want to protect Jews and other victims of Nazism. The arrangement included 24 articles where article 15 was the most important of as it was relating to the resettlement of refugees, as it states that “*With a view to facilitating the emigration of refugees to overseas countries, every facility shall be granted to the refugees and to the organizations which deal with them for the establishment of schools for professional re-adoption and technical training*”. (League of Nations, 1938)

In the same year, the conference of the League of Nations was held in Evian, France, which resulted in the creation of a separate organization called the Intergovernmental Committee on Refugees (IGCR) to deal with the growing refugee crisis, which was merged in 1939 with the High Commissioner for Refugees under the protection of the League of Nations Sir Herbert Emerson (Labman, 2009). At that time the world was witnessing a new refugee crisis with the outbreak of World War II in 1939 as a result of the acquisition of Axis powers (Germany, Italy and Japan) has a wide influence.

The joint of Atlantic Charter between Roosevelt and Churchill was announced in 1941, which embodies "eight common principles" committed to both United States and Great Britain in supporting the post-World War II world, despite the United States was not part of the war. The two countries agreed not to seek regional expansion, International trade, maritime seismic establishment, labour standards, economy and international welfare. But the more important, they both committed themselves to support the restoration of the self-government of all states occupied during the war and allowing all peoples to choose their own form of government, however, the charter was not a treaty between them (UN, 1941).

To support this charter, representatives of 26 allied states met in 1942 to sign the United Nations Declaration, which included the first formal use of the term "United Nations", where state representatives pledged to continue fighting together against Axis forces. In 1943, in a meeting between President Roosevelt and Prime Minister Stalin in Tehran, Roosevelt proposed the creation of an international organization

composed of a gathering of all member states as well as a 10-member executive committee to discuss social and economic issues. He also suggested that the United States, the Soviet Union, Great Britain and China, as the superpowers, take the role of "four policemen" to promote international peace. In the following year, the representatives of these four countries met for the drafting of a charter for a post-war international organization based on the principle of collective security.

In 1944, the representatives of the "the four policemen" countries met in Washington to draft a charter for an international organization after the war, where the charter was based on the principle of collective security. In 1945, representatives of 50 States and several non-governmental organizations met in San Francisco to complete and sign the Charter of the United Nations. The Charter was the founding tool of the United Nations, defining the rights and obligations of the Member States, which included the maintenance of international peace and security, the development of friendly relations among States, the promotion of social progress and the improvement of standards of living and human rights. In addition, the Charter provided for the establishment of important United Nations organs and procedures for collective security, including an 18-member Economic and Social Council, an International Court of Justice, the Trusteeship Council to oversee some colonial lands and a secretariat under the Secretary-General (United States Department of State, 1945).

By the end of the Second World War, the League of Nations became no longer existed for all the purposes for which it was created, although it was a new experience in the system of international organizations at the time of its establishment. The League of Nations was considered ineffective and inadequate to maintain the international order and prevent conflicts in that time. It could not have worked without the integration of all major powers at the time, specifically the United States. Which prompted the Allies to create a new organization that incorporated many of the principles of the League of Nations but with one big difference is the support of the United States to the United Nations.

The San Francisco Conference established a Preparatory Committee, which met in London with the League of Nations Supervisory Committee in 1945 for the transfer of the League of Nations' property to the United Nations. In his last speech, Lord

Robert Cecil, one of the founders of the League of Nations, declared the Assembly closed by saying: "The League is dead, long live the United Nations!" In 1946, Sean Lester, the last Secretary-General of the League of Nations and Włodzimierz Moderow, the representative of the United Nations signed the last transfer of property in Geneva.

The intensification of economic and nationalist struggle in the 1930s led to the disintegration of cooperation between nations and to many conflicts that cannot be easily resolved, in addition to the departure of a number of powerful states such as Germany, Italy and Japan of the Organization of the League of Nations, as well as the abandonment of many of the unfulfilled promise of collective security replaced by the system of defense alliances and power blocs after the outbreak of World War II made the League of Nations ineffective and inadequate (UN, (1919-1946)).

The repatriation of refugees in Europe after the war to their countries was the primary objective of the United Nations Relief and Rehabilitation Administration (UNRRA) that established by the League of Nations in 1943 as a temporary agency, which was agreed upon by the representatives of 44 Governments, bringing the total number of States to 48 by 1946. The department has been attacked by several regional offices worldwide, but its headquarters are located in Washington DC, all of which provide international civil services. The administration has worked in providing general relief assistance to countries that lack foreign exchange as well as limited emergency assistance to the war-ravaged area (UN, 1944).

In 1946, by resolution 62 "I-C" of the United Nations General Assembly, the International Refugee Organization (IRO) was established "*The adoption of a draft Constitution for an International Refugee Organization and the creation of a Committee on the Finances of the International Refugee Organization by the Council, under a resolution of the Council of 21 June 1946*" (The General Assembly, 1946). The organization initially worked as a preparatory body from 1947 to 1948, continuing as a specialized UN body until its end in 1952. IRO was an alternative to the Intergovernmental Committee on Refugees established to assist refugees from Germany and Austria (IGCR) and the United Nations Relief and Rehabilitation Administration (UNRRA).

Its main activity was the resettlement of refugees and displaced persons, mostly from central Europe, in countries such as the United States, Australia, Western Europe, Canada and Latin America (Jaeger, 2001, p 727-738). IRO differed from pre-war refugee organizations that were working only in coordinating international cooperation and providing a legal status for refugees, where IRO was responsible for caring for persons under its jurisdiction.

The signatory governments of the IRO have decided to establish a Preparatory Committee for the International Refugee Organization to perform certain tasks and duties until the Constitution of the Organization enters into force. The preparatory commission began its activities on January 31, 1947, consisting of one representative from each government signatory to the constitution. It was her job to run the IRO as soon as possible, as well as the responsibility for identifying, caring for and resettling displaced persons of the United Nations. The Preparatory Commission remained in force until the IRO Constitution entered into force on 20 August 1948 (IRO, 1946).

#### **2.4.1. The United Nations High Commissioner for refugee (UNHCR)**

Where the IRO was never the world organization it hoped for, as many of the countries that voted for the IRO did not sign its constitution. Which made the United Nations General Assembly decided to replace the IRO with a subsidiary organ of the United Nations General Assembly, called the United Nations High Commissioner for Refugees (UNHCR) in 1949 to resolve the problem of the remaining European refugees in Europe following the Second World War. The UN General Assembly called by its resolution 362 (IV) of 22 October 1949 for a conference in Geneva to complete the drafting and signing of the Convention relating to the Status of Refugees.

The resolution recommended that Governments participating in the Conference should take into consideration the draft convention, in addition, to the text of the definition of the term "refugee" as it set out in the document, it also requested from the Secretary-General to invite the Governments of all Member States and non-Members of the United Nations to attend the Conference (UN General Assembly, 1950).

The UNHCR Statute entered into force in 1951, where 19 countries have signed it since 1951 and 145-member countries until now (UN Treaty Collection, 1951).



Although UNHCR is a subsidiary body of the UN General Assembly, it enjoys a special status within the UN and with a high degree of independence. Its first major operations were linked to refugee crises in West Berlin in early 1953 and from Hungary in 1956.

UNHCR planned to work for three years initially, with its statute adopted in 1950 through UN General Assembly Resolution 428 (V). The UNHCR statute includes a comprehensive definition of refugees, where its main role, as outlined in UNHCR's statute, is to provide "international protection" to refugees, to work with the Member States to seek durable solutions to the refugee problem by assisting governments, focusing on ensuring that no refugees were forcibly returned to a country where they might be persecuted.

It also worked in cooperation with non-governmental organizations and other international organizations, to facilitate the voluntary return of these refugees or their assimilation into new national societies, providing assistance in major emergencies such as the movement of large numbers of refugees, providing basic needs such as education, health and shelter, helping them to promote self-sufficiency and integration in third countries for those who cannot return to their homes and face protection problems in the country in which they first applied for asylum. The Statute of the Commission states as follows: "*The work of the High Commissioner shall be of an entirely non-political character; it shall be humanitarian and social and shall relate, as a rule, to groups and categories of refugees*" (General Assembly, 1950).

Besides to its main tasks, UNHCR played an important diplomatic role in events at the heart of world politics, where it helps bridge the gap between East and West by not severing ties with the Communist bloc at the time, the thing that resulted in the opening of doors to the Commission in the communist world, despite the criticism and opposition of a number of Western governments, where some of these governments have established two rival organizations for the Commission and are more capable of dealing with IDP issues, namely the International Commission on European Migration (ICEM) and the American Cavalry Program (B. Elie, 2007, p 5-8).

In addition to the mediation and diplomacy functions of the Office, UNHCR has developed a new global process for conflict prevention and resolution called "Good

offices", which is mandated to work on initiatives to prevent or end armed conflicts that threaten peace between and within nations, and to establish confidence-building mechanisms that allow parties to Confrontation to cooperation. The term "good offices" was not new then, since it had roots in articles 2 and 3 of The Hague Conventions of 1899 and 1907. Although there is no specific authority for this role, it has evolved in practice, which facilitated its emergence as the fastest growing dispute settlement in the twentieth century (M. Franck, 1995, p 360-387).

This role was used for the first time in relation to the third world during the Algerian crisis of 1957, when the Commission responded to Tunisia's request for assistance to Algerian refugees, although it was difficult to overcome the French opposition with the silence of other major powers (B. Elie, 2007, p 5-8). Where Mr Felix Schnyder, the United Nations High Commissioner for Refugees said in his statement to the Executive Committee of the High Commissioner's Programme on 14 May 1962 *"the "good offices" procedure, now part of UNHCR's normal activities, has introduced into the already long-established structure of the mandate an element of flexibility and dynamism which meets the requirements of the present situation, the "good offices" procedure has at the same time once again drawn attention to and stressed the specifically humanitarian nature of UNHCR's work"* (Schnyder, 1962).

Good offices missions have had notable successes in addressing various conflicts, notably the Iran-Iraq war, which has shown that good offices can combine several different roles as neutral, investigating violations and the voice of global conscience. As demonstrated by the Commission's ability and willingness to influence the Security Council in the formulation of decisions and strategies that would put the political and military weight of the organization behind its peacemaking initiatives (M. Franck, 1995, p 360-387).

In accordance with the general principles of international law, the primary responsibility for the protection of refugees lies with the country in which refugees are located, where States are obliged to protect all individuals living within their national borders. Thus, UNHCR's role is complementary in assisting these States in providing protection to the refugees concerned.

Although its main role is to provide international protection, as well as its role as it defined in the Convention, which does not include internally displaced persons or other displaced persons who do not fall within the definition of refugee, UNHCR has expanded its role to provide protection within the country as well. This occurs when UNHCR intervenes in the assistance in the voluntary repatriation of refugees or when assisting refugee communities internally, where there are population groups living in refugee-like conditions. Where the General Assembly and the Economic and Social Council authorized the expansion of the role of the UNHCR in accordance with paragraph 9 of the statute. The Secretary-General and the Security Council may also request the UNHCR to participate in situations that are not normally within its primary role.

Over time, UNHCR's role has evolved considerably because of the nature of conflicts and political dynamics has changed dramatically. UNHCR is currently heavily involved in conflict-affected countries, providing as much assistance and protection as possible to internally-displaced persons (IDPs) and other displaced persons. Where their participation included voluntary repatriation movements and rehabilitation and reintegration programs for both refugees and displaced persons.

UNHCR has also assumed various other responsibilities, becoming more active in refugee-producing countries through humanitarian assistance, monitoring human rights violations and attempting to prevent the influx of refugees. Today, UNHCR has expanded its role so that it can cover victims of war and gross violations of human rights, in addition to, people who have not crossed an international border (Bakircioğlu, 2008. Vol. 5 No. 1, p 101-110).

## THIRD CHAPTER

### 3. THE REFUGEES SITUATION IN SUDAN

#### 3.1. THE PROFILE OF SUDAN

##### 3.1.1. Location

The Republic of Sudan is a country located in the Northeast part of Africa, where it considers the Heart of Africa. It has borders with seven countries Central African Republic to the southwest with 174 km, Chad to the west with 1403 km, Egypt to the north with 1276 km, Eritrea to the east with 682 km, Ethiopia to the southeast with 744 km, Libya to the northwest with 382 km, South Sudan to the south with 2158 km, in addition to the coastline with the Red Sea to the northeast with 853 km (U.S. Central Intelligence Agency).



MAP 4: Official Borders Map of the Republic of Sudan (U.S. Central Intelligence Agency).

Sudan considers as the 16th largest nation in terms of land area and the third-largest country in Africa, where it's covering about 1,861,484 square kilometres of the land after the separation of South Sudan, where it was considered as Africa's largest

country which covering more than 2,505,813 square kilometres (World-O-Meters, 2019). Sudan is divided into 18 states, where Khartoum is the capital city, which consists of three cities Khartoum, Omdurman and Khartoum Bahri, where Omdurman is the second-largest city in Sudan. Port Sudan is Sudan's main port on the coastline with the Red Sea. There are also other important cities in Sudan such as Kassala, El Obeid, Al Qadarif, Kosti and Wad Medani (U.S. Central Intelligence Agency).

The territory of Sudan is a plain sedimentary that descends slightly from the east and the west towards the centre, also, the entire plain descends from the south to the north, interspersed with heights covering less than 5% of its total area. The territory of Sudan is characterized by a diversity of terrain between the alluvial plains in the middle such as the plain of Al-Jazeera state, deserts such as the Nubian Desert and Bayuwda desert, semi-deserts in the north, savannahs that rich with grassy and dry in the centre, south-east and south-east, a series of tropical hills in the east and north-east such as the Red Sea Hills and the Ingessana Mountains in the state of Blue Nile and the Nuba Mountains in Kordofan state and the isolated hills in different parts such as the hills of Gedaref state in the east and the mountain of Deir in the west and isolated volcanic mountains in the far west and east such as Marra Mountain in Darfur state, the Taka Mountains, Tuteil Mountain in Kassala state and Al-Meydoub Mountain in the northwest corner, as well as a coastal strip on the Red Sea (Ahmed, 2016, Pp 147-168).

The Sudanese territory is divided into two parts through the Nile River one of the longest rivers in the world, which splits the country. Sudan is also the country where the two main Nile River tributaries (the White Nile and the Blue Nile) meet in the capital of Khartoum, which make Sudan one of the Nile Basin countries that included 10 African countries (Sudan, Egypt, South Sudan, Ethiopia, Uganda, Kenya, Tanzania, Rwanda, Burundi and the DRC) in addition to Eritrea, which plays the observer role. 63% of the Nile Basin located within the Sudanese border. 75% of Sudan's territory lies within the Nile Basin and its tributaries (White Nile, Blue Nile, Atbara River, Khairan, etc) (Ahmed, 2016, Pp 147-168). Where the share of Sudan from the Nile River water after deduction of evaporation losses 18.5 billion cubic meters as described in the Nile Water Agreement in 1959 between Sudan and Egypt (Salman, 2012).

### 3.1.2. Population

In Sudan, there were four national censuses have been officially occurred in 1973, 1983, 1993, and 2008, where two of them, the 1973 and 1983 censuses, were not considered reliable for the lastly separated part of South Sudan and the 1993 census covered only the Northern part of Sudan at that time because of the civil war in Southern part of Sudan. But the 2008 census that carried after the signature of the 2005 Naivasha Peace Agreement between the North and South Sudan, covered all Sudan under the supervision of both the Northern and Southern statistical offices said that the population of Sudan were around 39.15 million, were 30.89 million from North part and 8.26 million from South part (Miller, 2019).

According to the latest UN estimates, the current population of Sudan is around 42 million, that showing an increase in the population number with around 11 million since the last census in 2008 with population growth around 5% over the last 10 years. The population of Sudan is amounting to 0.54% of the total world population, the thing that made Sudan ranks number 35 in the list of world countries by population (UN, 2017).

The population of Sudan is divided religiously into three sections of Muslims, Christians and non-religious groups, where these groups fought against each other and within each group. But despite these religious divisions, ethnicity is more valuable and more confident than religion (Mareng, 2009. Pp. 532-539).

The population of Sudan is characterized by great cultural diversity. Sudan has 19 major ethnic groups and more than 597 ethnic subgroups. These multi-faceted ethnic divisions make Sudan a very diverse country, where each ethnic group has its own unique culture and way of life. Sudanese Arabs, Nubians, Zaghawa, Fallata and Copts are the main ethnic groups in Sudan, where Sudanese Arabs constitute the largest ethnic group in the population.

As well as other smaller ethnic groups in Sudan including Masalit, Fulani and Beja (Mwaniki, 2018). Tribalism or ethnic identity is the heart of Sudanese culture. It is an integral part of the collective relationship of the Sudanese people with power,

power and governance. Tribal structures provide social, economic and financial support to their members (Al-Mahdi, 2014).

This ethnic and cultural diversity has led to the existence of more than 134 languages and dialects spoken in Sudan, with an additional estimate of 400, but Arabic is the official language and is the main language in North and Central Sudan. While English is widely used as a second language in the North And to a lesser extent in the south (Library of Congress, 2004).

### **3.1.3. History**

According to exploratory excavations, Sudan is one of the oldest inhabited countries, where ancient Sudan played a prominent role in the development of human civilizations. The ancient Sudanese made many of the intellectual and technical achievements that they had over many nations and peoples in antiquity, perhaps the most important of which was the innovation of an advanced system in the alphabetical writing of the Meroitic language, which was the first phonetic language in Africa, where this system called Cursive, in addition to the invention of pottery, smelting and manufacturing of iron.

The oldest known evidence to date of human existence in Sudan is the Sinja man, which dates back to about 250,000 BC, meaning that it belonged to the Paleolithic period, where the ancient person of Sudan invented pottery for the first time in the history of mankind. The sites of this era spread throughout Sudan, from the Horn of North Darfur to the banks of the Gash River in Kassala, and from the alliance up to the Upper Nile through the centre.

It was followed by the appearance of a distinguished cultural period known as the culture of the pre-Kerma period, which lasted for a long time and achieved many achievements. The Kerma civilization, which is known for its most important sites, has created the largest and greatest brick building known as Al-Dafufah, which is unparalleled anywhere else in the world and still remains today (Ahmed, 2017).

Perhaps one of the most important Sudanese civilizations that have played distinct roles in the course of human civilization is the "Kushian-Marwian civilization"

(900 BC - 350 AD), where Sudan and sub-Saharan Africa were known for the first time the phenomena of "State" as a political and institutional structure more than four thousand years ago the emergence of the state of the first Kush (Kerma), which extended the shadow of its authority over the north of the current Sudan and the entire Nuba (2500 - 1500 BC) and the State of Kush II (Kingdom of Meroe) (900 BC - 350 AD). The Sudanese civilization was the largest in history in the Kushite-Marwi era, extending from the shores of the Mediterranean Sea (Egypt) north to the banks of the White Nile (al-Qawwah) and the Blue Nile (Mount Muya) to the south (Khabir, 2013).

The State of Kush was the most beautiful, fertile, powerful and longest period of history in Sudan at all, where Sudan witnessed remarkable stability and prosperity that did not happen in all periods of history anywhere on earth. Although the rule of Kush remained in one family for almost 1,400 years, there was no conflict or wars after the death of each king, as was always the case in other parts of the ancient world.

This period left a great material and moral legacy that influenced the path of human history in general and in particular the Sudan, where it's archaeological remains from pyramids, temples and palaces still stand witness the greatness of its achievements. But the state of Kush suffered from the many names that it called the thing that made the knowledge of them confused and scattered and incomplete (Ahmed, 2017).

The history of the civilization of the Kerma state is controversial, where the first to give Kerma a history is the archaeologist George Andrew Reisner, after discovering some Egyptian-made products, some of which found the seals of King Bibi I and Bibi II of the Egyptian Sixth Dynasty, Which showed the commercial relations between Karma and Egypt dates back to the sixth family of Egypt. However, the Swiss mission in 1990, led by the world-famous Bonnet Bint, gave the most accurate view, pointing out that the contents of the tombs of Kerma dated back to 2500 BC.

Studies and archaeological works conducted on the sites of the civilization of Karma proved that this civilization has many material archaeological ruins that reflect the architectural activities of the people of this civilization, along with some of the wastes that depict the religious beliefs and cultural practices prevailing at the time. As



well as the trades and industries practised by the inhabitants of Kerma, burial customs and funerary furniture.

Kerma is famous for many local industries, but the most famous of all is the pottery industry in which the Kareemites excelled in the manufacture and dyeing of various forms of different colours was one of the finest types of pottery produced by African civilizations. The inhabitants of Kerma used pottery in many of their everyday lifestyles, even in trade and export. The large quantities of pottery discovered by the archaeological excavations at the Kerma site reflect the size of pottery activity (Hamid, 2018).

In the second half of the life of the Kushite State, which means the period of the Meroe period, the southern part of the Kush state, which includes the royal city, the Bejrawia, the Naqaa, the Safra, the Dabanga, the Ba'asa and others, received great attention from the Kushite kings, where a large number of temples, pyramids and palaces were built. Scholars and researchers differed as to the interpretation of this interest, as some interpreted it as the result of the relocation of the royal headquarters of the Kushite from Nabata to Meroe. Others also believe that the transition was due to economic and political reasons and as a result of the climatic changes in the country.

Other scholars see that the royal residence was originally in Meroe since the beginning of the Kush state and that the Nabata was a religious centre whose spiritual significance over Meroe's political status was overshadowed. Others took a moderate position that the royal headquarters of the Kushite state was not always stable in one place, and those kings lived in cities and important centres in the Kingdom for varying periods, or perhaps they roamed the various parts of the country as needed and necessary (Ahmed, 2017).

Archaeological discoveries have shown that the history of the Meroitic Kingdom dates back to early historical periods, where the earliest mention of the city of Meroe, the capital of the Kingdom, was found in the local texts of the inscription of the king, Amen-Naete-Yermike (417-435 BC) when he was reported to have been staying at his palace in Meroe when his brother, King Tekhamani, died. In addition to finding traces dating back to the reign of the Nabatean king Piye (710-744 BC) in the western and the southern Bejrawia.

There has been a lot of controversy among historians about the specific date of the beginning of the Meroitic Kingdom as a result of the relocation of the capital city of Kushia from the city of Nabata in the north to Meroe in the south, the thing that does not mentioned in the ancient historical texts that dealt with the issue of the transfer of the capital.

The Meroitic Kingdom took its name from its capital, Meroe, located on the eastern bank of the Nile, where this strategic location helped it to grow and flourish. It was located within the belt of the abundant annual rainfall area and fertile lush valleys that produced rich food crops and offered good pastures for animals and cattle. Add to this the location of Meroe dominating the commercial routes, especially the gold and elephants trade, also, the mining and iron industry in Meroe played an important role in the growth and prosperity of the Meroitic Kingdom (Badi, 2018).

The collapse of the Meroitic Kingdom in the fourth century AD led to the creation of three kingdoms along the Nile, namely Nobatia, Makuria and Alwa. The Kingdom of Alwa was a civilization of the sixth century AD and until the sixteenth century AD, which stretched its borders north to the border of the Kingdom of Makra and east to the country of Ethiopia and west to Kordofan and Darfur and South with the Blue Nile to Sennar.

Historians were unable to determine when a word appeared for the first time in history, where it is believed that the first reference to it was in the inscription of King Nastasin (353-310 BC) where he mentioned at his coronation. It was also mentioned within the ancient Meroitic cities south of Merwe, as mentioned in about the fourth century again in the inscription of Isana of Axum in about 350, which is mentioned within the cities that built-up by Adobe. This kingdom was known to the Greeks as Alodia and occupied most of the land in central Sudan. Archaeological reports indicate that it extended to the city of Sennar in the south. Its capital was Soba, which lies on the eastern bank of the Blue Nile south of Khartoum.

It was the reason for starting Christianity in Sudan where the King of Alwa asked the king of Nobatia to send Bishop Longinus to teach the people in Alwa the Christian religion, but because of doctrinal differences between the kings of Nobatia and Makuria made the King of Makuria to prevented Bishop Longinus from entering his

territory, where he stressed the guard on the corridors of caravans and sea passages to prevent the passage of his lands, but the king of Alwa ordered the convoys of the Beja who knew the ways of the desert to take the bishop with them. Bishop Longinus arrived in the city of Soba after a great hardship trip and began to explain the Christian religion to the king and the people of the court and citizens. The church of Alwa thanks to the efforts of Bishop Longinus became following of the Coptic Orthodox Patriarchate in Alexandria in 580 AD (Babeker, 2011).

The Sultanate of Sennar was the first Arab Islamic country to have been established in Sudan after the entry and spread of Islam in the region, where it was founded in 1504. In addition, the Sultanate of Sennar became an important centre of cultural and Islamic radiation in Africa. It was founded as a result of an alliance between the Funj and Abdalab Sudani tribes, which lived in central Sudan, where the alliance produced a victory over the kingdom of Alwa led to its fall.

The Sultanate flourished, and its reputation and strength were established for centuries with various names, sometimes called the Funj Sultanate, sometimes the Blue Sultanate, and sometimes called the Sinnar State, where it lasted about 360 years. It is not known exactly why the city is named by this name, but some historians suggest that the word Sennar is the name of the first odalisque occupant the region, before it later became a city of significant importance by virtue of its geographical and strategic location (Muhammad, 2012).

The establishment of the State of Sennar was a turning point in the formation of the new Sudanese society. The establishment of this Islamic state after the fall of Andalusia was a clear message that Africa was opening its arms to Islam. Sennar sultans encouraged the influx of scholars to the country as they provided them with financial support to teach people the principles of religion and to settle in the land of Sennar. People engaged in workshops and centres of jurisprudence and learned from the message of Ibn Abi Zayd al-Qairawani and Makhtar Khalil and other books of the Maliki School.

Sufism did not appear in the beginnings of the Islamic State of Sennar, rather it was the people of Sennar were following the Sunni Islam. Sufism emerged after being encouraged by some of the late Sennar sultans after the emergence of deep tribal

tendencies. These Sultans wanted to spread Sufism so that people would be excluded from tribal and racial intolerance. Sufism separated in Sudan from several sources such as Hijaz, Egypt, North and West Africa. Prior to the entry of the roads as organized institutions with the teachings and the adoration of collective and shared, the stage of an individual trend in Sufism prevailed before the advent of Sheikh Taj al-Din Bahari, the first advocate of the Qadiriyyah way, the oldest ways to enter Sudan, as most sources indicate.

The Sheikhs of the roads as jurists and mystics in many roles and functions in their communities, for example, the role of the guide, teacher, imam, authorized, doctor, mediator and facilitator in resolving disputes and conflicts and wars and support the vulnerable rulers and sultans. People also consulted and consulted them in their various affairs and affairs and resorted to them to feed them when needed. The Sufi leaders and leaders had a political relationship that took different forms and images during the various periods of government witnessed in the Sudan, beginning with the period of Sinnar Sultanate, which was in the second half of the "Golden Age" of the Sufis and sheikhs in Sudan, because they had a scientific and religious status and social prestige and influence Politician (Siddiq, 2014).

Although history shows that Sudan is the first African country to gain independence from English-Egyptian rule in 1956, Ghana has historically been recognized as the first African country to gain independence from Britain in 1957, two years after Sudan's independence. This was the result of Sudan's ruling elite bias towards the Arab and Muslim world. Sudan was joined to the Arab League, which was founded in 1945 within two weeks of its independence, where this joint was supported by the Egyptian government that worked to remove the opposition of other members of the Arab League to join Sudan. An attempt by Egypt to ensure its political control over the post-colonial Sudan, where the Egyptians had hoped that there would be unity between Sudan and Egypt to create "State of the Nile Valley" (Deng, 2007, pp.38-62).

The Arab League member states opposed Sudan's admission that Sudan was not an Arab state and its membership would open the door for non-Arab countries to join the League of Arab States, which what happened exactly when other African countries such as Mauritania, Somalia, Djibouti and Comoros joint the Arab League.

However, with the failure of Egypt's efforts to establish a "State of the Nile Valley", the Egyptians made it clear publicly that they would not accept or support the division of Sudan into two parts (North and South), which was mainly due to the concern of Egyptian officials over control of the Nile waters and the security of the Nile Basin Public. And because of that, it was the birth of the Nile Valley Agreement between Sudan and Egypt concerning the use of Nile water (Deng, 2007, pp.38-62).

The Sultanate of Fong was adjacent to the Abyssinia in the east and Egypt in the north, which became an Ottoman province in 1517. It controlled the routes of trade and pilgrimage in the far east of "the Bilād al-Sūdān", as well as its export of slaves and gold across the Ottoman lands to areas located on the Indian Ocean and the Mediterranean Sea.

The first mention "of the Sultanate of Fong" was reported in Ottoman reports in 1525 that attributed to the Ottoman naval commander Selman Rees, where he was commissioned by the great Ottoman Minister Ibrahim Pasha to conduct inspections to inspect the available military resources in Jeddah. The report presented a plan of action following the Ottoman conquest of Egypt and the Mamluk lands in the Hijaz, which included a description of the political situation in the region as well as the threats resulting from the Portuguese expansion in the Indian Ocean.

Salman Reiss also provided detailed statistics on the activities of the Portuguese and some suggestions regarding the occupation of Yemen and Aden, and the occupation of Swakin as well, because Indian traders would prefer to use their ports to avoid taxes and customs imposed by the Ottomans in the port of Jeddah, he also proposed the seizure of the archipelago Dahlak to guard the entrance to the Red Sea, and finally, at the end of his report, Salman Reese suggested invading the territory of Fung and Ethiopia.

The report said that (*A black slave, 'Amāra, rules over a territory three months' journey wide, stretching from the port of Suakin over the mountains to the waters of the Nile. They are such weak people that they give 9,000 camels each year to the infidels of Ethiopia as tribute (kharāj). This region from Suakin to the Nile has vegetation and water, and at the place where it meets the Nile, the Nile's waters split into two branches. In the middle of them, there is a big city and port called Sinnār.*

*Endless merchandise, most of it gold, musk and ivory, comes from Ethiopia and from other unknown regions... God knows best but in our view, with a thousand men not only could the town of Sinnār and these three-month-broad territories be conquered, but also would be easy to take the land of Ethiopia.)* (Peacock, 2012. Pp, 87–111).

For decades, the upper part of Egypt was outside the effective control of Cairo, while the Lower Nubia was similarly dependent on the Funj Sultanate. There were no chances of a clash between the Ottomans and the Funj until the Ottoman Empire authorized Özdemiş Pasha as Ottoman governor of Yemen between 1549 and 1554 to carry out an expedition against Ethiopia in an effort to implement the recommendations of Suleiman Rees in order to extend the Ottoman rule.

On Özdemiş Pasha way from Upper Egypt to Suakin, he intervened in a struggle with the tribes of Lower Nubia, where Funj speedily entered into a dispute with the Ottomans. As a result, the Ottoman province of Habeş was established as a bridgehead, where Suakin became its capital in 1555 and Özdemiş Pasha was appointed as its first governor.

After the capture of “Habeş”, a group of high-ranking Ottoman officials pressed for the invasion of the Funj Sultanate. This was contained in an undated document preserved at the Top Kapi Palace, where it is believed that its author is Özdemiş Pasha himself. However, the "High Gate" remained hesitant in the attack on the Funj until the security situation deteriorated in “Habeş”. The Ottoman authorities decided to attack the Funj from the north at the beginning of 1584, especially in Debaroa, which was taken over and lost several times until they lost it last time around in 1588.

Although the Ottomans were convinced of peaceful co-existence with the Ethiopians, they continued to continue the battles against the Funj between 1583 and 1585 for many reasons, including the frequent the Funj attack on Suakin and the fear of the Funj alliance with the Ethiopians.

At the beginning of the seventeenth century, relations between the Ottomans and the Funj were characterized by free of tension. With the decline and disappearance of the importance of the Ottoman presence in “Habeş”, Egypt remained the crossroads of trade between them, as the exports of the Sultanate of the Funj countries of the

Mediterranean through Egypt, which included swords, gold and slaves (Peacock, 2012. Pp, 87–111).

During the period 1724-1726, the Funj rose significantly to the extent that Sennar became famous in the Islamic countries and it became intended for delegations from the Hijaz, India, Upper Egypt and the Far Maghreb. The new Keira dynasty of sultans strengthened their control by encouraging the trade of caravans, where the Sultanate mediated three major commercial routes, the most important of which is the forty-day road (Darb al-Arbaeen), which connects Assiut in Upper Egypt and Darfur, the second road, which starts from the west of Sudan to Darfur, including to Kordofan Vsnaar Vishandi the Red Sea to Mecca and Medina, and the third route linking Darfur to Tunisia and Tripoli (Taha, 2018).

But unfortunately, in the second half of the eighteenth century, the Funj Sultanate witnessed several major historical events, leading to the gradual disintegration of the kingdom. The last forty years of the Sultanate's rule have witnessed a lot of strife, unrest and a series of revolutions and civil wars, which were led by tribal leaders and sheikhs, which tore apart the state and was reflected in the rule of the sultans (Tahir, 2017).

Following the chaotic situation in Egypt, the Ottomans sought to restore order in Egypt by appointing Muhammad Ali as the Pasha in 1805, where he worked in cleaning Egypt of the Mamluks with the help of 10,000 Albanian soldiers. In 1811, Muhammad Ali Pasha launched a seven-year campaign in the Arabian Peninsula to quell a rebellion by Wahhabism, where he planned to build an Egyptian army by replacing Albanian soldiers with Sudanese slaves.

In 1820, in response to Sultan Sennar inability to comply with the demand to expel the Mamluks, Muhammad Ali Pasha sent 4,000 troops to invade Sudan, evacuate the Mamluks, and restore the Sultanate's regime to Egypt. Thus, the last Sultan of Funj, Badi IV, surrendered to the Pasha forces, but the Arab tribes offered stiff resistance (Metz, 1991).

Historical studies differed as to the reasons for the Turkish-Egyptian invasion of Sudan. Some of them went to the point that Muhammad Ali sought to get slaves to use

within the army. Some went to be politically motivated, with the aim of eliminating the Mamluks who fled southward and established themselves in Dongola in the hope of returning to the rule of Egypt. While some saw it as possible to be the reason for the desire to exploit Sudan's human and economic resources, especially slaves and gold. Some others said that the objectives of the invasion were intertwined, where Muhammad Ali invaded and captured Sudan by force and annexed Sudan to Egypt, then, he began exploiting Sudan's economic resources either by looting or in an organized manner (Taha, 2018).

Mohammed Ali Pasha began preparations for the campaign with great precision, where he chose his son Ismail to lead the campaign assisted by a group of able leaders. An army of 4,000 fighters was formed from the irregular soldiers of Mohammed Ali. The campaign was accompanied by three clerics to persuade the Sudanese to submit to Muhammad Ali as the representative of the Ottoman Sultan in Egypt, as well as some foreign officers and archaeologists.

The campaign consisted of several stages, the first of which was the invasion of Sinnar and Kordofan (1820-1822), where the invading army encountered armed resistance from the local tribes but defeated it using the firearm at the site of Corti in November 1820. The expansion of the border areas, which included the Gallabat, the Taka, the Suakin and Massawa ports, was the second phase of the campaign. The campaign focused on annexing these areas in order to secure the borders of the new state.

In the third phase, the Bahr al-Ghazal and Darfur were annexed, where the aim was to capture the rich empires possessed by the tribes that inhabited the region, in addition to the use of slaves from those areas in military service. The deployment in the Equator (1869-1873) was part of the fourth phase, where the stage clearly marked the beginning of the European intervention in the affairs of Sudan with the appointment of Samuel Baker and then Gordon as a supervisor on the tropical region, summarizing the task of Baker in the annexation of areas of Gondokoro island until the Buhairat areas to Egyptian property and the establishment of military stations in the region (Taha, 2018).



The conquest and rule of Turkey in 1820-1885 was the first colonial era in the modern history of Sudan, where it was taken from the city of Sinnar as its capital, because it is close to the gold regions of Upper Nile Blue, but the spread of diseases between the soldiers of Ismail pushed forced him to transfer his headquarters to another place, where Wad Madani was the new capital, but the capital was moved again because of the spread of the epidemic. In 1824, the city of Khartoum was chosen as the new capital, where the location of Khartoum was on equal proportions of the open provinces that included Sinnar, Kordofan, Berber and Shendi. The establishment of the new capital in Khartoum is due to Hurşid Pasha, who ruled Sudan (January 1826 - April 1838) (Taha, 2018).

The period of Turkish-Egyptian rule fluctuated between the central and decentralized administrative system, where the Turkish-Egyptian rule was at the beginning a central authority, depending on its centrality, where the very space between Khartoum and Cairo made the "hükümdar" benefit of liberty to move as the commander of Sudan. In order to exploit Sudan's human and economic resources, the Turkish-Egyptian rule in Sudan has built the foundations of the regime, establishing a judicial system that was one of the pillars of the central system.

Decentralization was introduced for the first time in 1843 to reduce the dependency of "the hükümdar", in addition, to the difficulty of transportation, where Sudan divided into separate directorates and headed directly to Cairo. The government were back again to the central system but with weak rulers. But in 1856 decentralization was implemented for the second time, dividing Sudan into four districts but again it failed for the same reasons that led to its failure at first.

The Turkish-Egyptian rule was used to exploit Sudan's human and economic resources. Military campaigns were launched against the Negro tribes to captive its members and enslavement them, where these campaigns were also organized regularly against the Shilluk and Dinka tribes. Mohammed Ali was in need of money to finance the ambitious projects he had begun, so he began to explore gold in Fazogli. Sudan has been providing Egypt with its needs of meat, animal products and camels for the deportation of soldiers.

The government has also arranged for the importation of leather from Sudan, in addition to its interest in the wool industry. The Turkish-Egyptian government also paid great attention to agriculture, where this interest was the essence of its economic policy. They introduced some cash crops to satisfy Egypt's need, relying on experience rather than study. They tried crops such as wheat, barley, sugar cane, rice and cotton.

Although the people of Sudan were aware of the tax system on the days of the Funj and Fur states, where it was simple in its amount, but the first reaction of the people of Sudan against the Turkish-Egyptian rule began when the new tax system, which included all forms of ownership (agriculture, animals, Houses, customs duties, etc.). The authority that estimated the amount of taxes did not take into account the conditions of the people, this made the tax system a burden on the individual and the community.

The reaction of the people of Sudan was spontaneous and swift, as some of the protected tribes attacked the isolated government garages and killed its soldiers. Then the uprising of Al-Mak Nimir the leader of the al-Ja'aleen tribe came against Ismail Pasha, which ended with the death of Ismail in Shendi. The spread of the news of Ismael Pasha Death in the country led to fast reactions of violent, where the resistance movement's outbreak across the country and attacked government garrisons (Taha, 2018).

Despite the positive aspects introduced by the Turkish-Egyptian rule, which included many aspects of modernization in Sudan, the most important was the central rule, which placed vast areas of Sudan and tropical Africa and the Red Sea coasts under central administration. But it is considered a few in view of the misfortunes witnessed by the country during that rule, which eventually led to the outbreak of the Mahdia revolution.

The outbreak of the Mahdist revolution was not a new or isolated event from the struggle of the people of Sudan against the Turkish-Egyptian rule, but it was the most mature and deeply rooted. Historians differed in identifying the causes of the Mahdist revolution, where some say that the reason could be a religious motive, since there is no doubt that the Mahdist movement was a religious movement in the basis of its ideology, purpose and means, in addition to believing the widespread idea that

Muhammad Ahmad Mahdi is the Mahdi the forerunner preached by the Prophet peace be upon him, which add to his leadership a kind of holiness and make people race to meet him and engage in obedience (Dibakh, 2012).

Some believe that the social conditions that were characteristic of the Turkish-Egyptian occupation were also among the reasons that led to the outbreak of the revolution, in which the slave trade was widespread in the country. In addition to the heavy taxes imposed by the government on Sudanese citizens, although these taxes were not taken from foreigners or taken very little of them, reflecting the policy of "divide and conquer" that was applied by the government.

Others considered that the political malaise of the Turkish-Egyptian regime has negatively affected all aspects of life, characterized by harshness, injustice and injustice in all areas, which led the country to live in a state of constant resentment and discontent. Despite these and other reasons cited by historians as the main engine that led to the outbreak of the revolution, it is clear that the situation was largely psychological, political and religious. New of its history is the most important features in the formation of a national government purely Sudanese (Al-Kabbashi, 2018).

Mohammed Ahmed Mahdi and his aides fought vicious battles against the Turkish-Egyptian army, which resulted in the victory of the Mahdi revolution against the Turkish-Egyptian occupation. These battles began with the battle of Aba Island in 1881, where it was the first battles of the Mahdi revolution in the face of the Turkish-Egyptian occupation. The scene of this battle was Aba Island, from which the call of Al-Mahdi was spread across Sudan.

The details of the battle began when some of the Mahdi's publications were found by the government, despite the warning of Sheikh Muhammad Sharif to the government from the threat of Muhammad Ahmad al-Muhadi, but the government did not care and considered Sheikh Muhammad Sharif's warning to be a continuation of the conflict between the two men. On the other hand, the Hükümdar Mohammed Raouf wrote a letter to the Mahdi asking him about the publications were answered with that he is the "awaited Mahdi". As a result of the talks led by Mohamed Abi al-Sa'ud, the assistance of the hükümdar, who reported that Muhammad Ahmad al-Muhadi was a

strong man who could be controlled only by force, the government sent a force of 650 soldiers led by Abu al-Saud himself.

On the other hand, Muhammad Ahmad al-Muhadi collected only 250 men, and all their weapons were represented in swords, spears and sticks. As a result of the hideouts trick that used by Mahdi men, the government soldiers lost the opportunity to use the weapons it was equipped with, and the white weapon and the clash with the hands became the dominant feature of the fighting between the two sides. Despite the limited number of the Mahdi men, the Mahdi had only the victory choice to support his claim of being the "awaited Mahdi", making the battle of Aba Island the most important battle of the Mahdia at all (Al-Kabbashi, 2018).

While the Mahdi was victorious over the Turkish-Egyptian government forces, Britain had entered Egypt and ended the 'Urabi Revolution and forced Egypt to withdraw from Sudan. At the same time, Britain announced the dispatch of a military campaign to Sudan led by Hicks Pasha, with the aim of eliminating the Mahdi. After a great deal of suffering, the campaign reached the Sheikan Forest, as a result of the large numbers of trees that covered the area.

In 1883, an order was issued by the Mahdi to attack Hicks Pasha Army, where the battle ended with a great defeat for the Army, which resulted in the extermination of most of the members of the campaign, except a very few. In the meantime, Othman Digna, one of the princes and leaders of the Mahdist Revolution in eastern Sudan, cut off the Barbar Suakin road, which provided support and reinforcements to Khartoum, which led to the isolation of the city.

Khartoum represented the last episode of the Turkish-Egyptian government. Mahdi launched his attack on Khartoum on 26 January 1885, and after a fierce battle with the army of Gordon Pasha, the Mahdi was able to take over Khartoum, where Gordon Pasha was killed by two of Mahdi followers. Many historians have stated that Mohammed Ahmed Al-Mahdi did not want to fight in Khartoum, but his whole aim was to agree with Gordon Pasha to deliver the city to him without bloodshed. However, Gordon Pasha's intransigence and his hope that the rescue campaign would arrive before Mahdi took any step, made the Mahdi issue orders to carry out the attack. On

June 20, 1885, Mohammed Ahmed Al-Mahdi died suddenly while the liberation of Khartoum took only six months.

As the custom in the likeness of the Prophet peace be upon him, the Mahdi announced to himself four successors named them (Al-Ansar), where they were similar to the four Caliphs of Prophet Mohamed, where the first Caliph was Khalifa Abdullah Al-Taaishy, the second Caliph was Khalifa Ali Wad Al-Helw the Sheikh of the Dghim tribe, Sheikh of Senussi movement in Algeria rejected the position of the third caliph and no one appointed in his place where the position remained vacant, Khalifa Mohammed Sharif, one of the young relatives of Mahdi, was appointed as the fourth caliph.

After the burial of the Mahdi, the Khalifa Abdullah hold a meeting with the emirs of the Mahdia, addressing them that he is the first successor of the Mahdi, where he said that (who loves him and trust him, should obey me now on the path he has set for us to follow the impact), and when the news of the Mahdi death sold allegiance to all the people of Sudan, all the people in Sudan committed the obedience to the Khalifa Abdullah.

In spite of the covenants of obedience received by Khalifa Abdullah from the princes of Mahdia and the people of Sudan in general, he faced internal and external difficulties and threats to his rule, as Khalifa Abdullah did not enjoy the element of holiness and the knowledge that was linking the Mahdi with the different groups, in addition to the hostility he faced from Al-Ashraf the relatives of the Mahdi and their allies who wanted to remain in power within the Mahdi family (Dibakh, 2012).

The success of the Sudanese in the establishment of their own state which led by the Mahdism movement in 1881 raised the fear of the British in Egypt, but despite this success, Sudan was subjected to crises and famine after the death of the "Mahdi", where Britain saw its interests dictate the return the Egyptian army to unstable Sudan. Therefore, Britain formed an Egyptian army led by Britain and issued orders to move towards Sudan without the knowledge of the Egyptian government, after it decided to re-take control of Sudan on March 12, 1896, to protect its interests from the threat of the Ethiopian Empire, after the defeat of Italy against the Ethiopian Empire in the Battle of Adwa on 1 March 1896.

The campaign was created from 10 thousand Egyptian soldiers under the command of English "Kitchener", and moved by orders of the British High Commissioner in Cairo Lord "Cromer". As a result of a clash between the campaign and the French on the Kodok region, the two colonial powers agreed to share the areas of influence in the Red Sea region on March 21, 1899.

Under this agreement, Sudan became one of the areas of English influence. The campaign was able to advance its forces and eliminate the Mahdist movement after bloody battles, the most famous of which was the battle of "Karari". With the entry of Kitchener to Khartoum, the Egyptian and British flags were raised after his victory in the Battle of Omdurman on 24 November 1899 (Dibakh, 2012).

Britain sought to colonize Sudan for several reasons, most notable was the British government fear of the increasing influence of other colonial powers in Sudan and their desire to benefit from the instability experienced by Sudan, especially France. The exploitation of Sudan's resources, especially water resources, in addition to protecting its economic interests, was also one of the reasons. A number of studies carried out by French engineers proved that the development of the Egyptian economy, especially in the field of agriculture, necessitates projects on the sources and streams of the Nile River (Abushouk, 2010. pp. 207 –236).

After the killing of Khalifa Abdullah 1898, a bilateral agreement was signed between the Egyptian government led by Foreign Minister Boutros Ghali and the British government under the colonial administrator Lord Cromer on 19 January 1899 to define the new administration of Sudan. The Bilateral Governance Agreement has been the political and constitutional basis for the administration of Sudan for over half a century. It has theoretically established a dual Egyptian-British rule in Sudan but the country has, in fact, become a British colony.

The agreement included 12 articles, which are explained by the executive, legislative and judicial authorities to the Governor of Sudan, the first article of the agreement specifies the political borders of Sudan. It states that the political borders of Sudan include all the lands south of latitude 22 north, which was previously controlled by Egypt and was restored or can be recovered in the future by the armies

of English and Egypt. In addition, administrative agreements were signed in 1899 and 1907 that brought the Hala'ib Triangle under the administration of Sudan.

Article 3 states that the Head of State shall be one person, the Governor-General, but it did not refer to the nationality of the Governor-General, where it was not surprising that all rulers were British. Article 4 also defined legislative power and granted the Governor-General the right to develop and change laws and regulations. It is clear from this agreement that Britain wanted a bilateral that guaranteeing for it the exclusivity of power in Sudan, with granting some privileges for Egypt and the final dimensions of Turkish sovereignty over Sudan.

As a result of the rule of the Egyptian-British duo in Sudan, a group of antiquities was a contempt for the human element and a disgrace to the British policy followed in the rule, where England was considered Egypt and Sudan as a one financial and administrative unit and when the Egyptian revolution started England was afraid the revolution move out to the whole Sudan, therefore, it has changed its policy and worked on a policy of separation between northern and southern parts of Sudan.

To support its new policy, England issued a resolution banning any Sudanese from the north of the Sudan from traveling to the south without a special permit from the Khartoum government, which only gives him after known the reason for the travel, how long he will spend in South Sudan, in which city he will be staying and the name of the person who will reside with there. This policy was aimed at isolating the south from the Islamic influences as far as possible.

Therefore, the employees in the south were the sons of the southern directorates or Egyptian Copts. They made the weekly holiday in South Sudan on Sunday and worked to separate the pagan regions in the south from the northern regions of the north. It also prevented the establishment of government schools in the south because it believed that it would lead to the spread of Islam, leaving the educational activity there in Christian missionary organizations (Onasser, Arouj, 2017).

During the period of bilateral rule, there were several tribal, religious, regional and cultural resistance movements that led demonstrations and acts of resistance in various parts of the country. The most important of these movements was the

movement of Abdul Qadir Muhammad Imam (Wad Habuba) in the Halawin region in 1908, the regional resistance movement against British rule in Darfur Led by Sultan Ali Dinar, the society of the Sudanese Union, which founded in 1920 and considered as the first political organization in the history of modern Sudan, the Association of White Brigade that established in 1924, in addition to the national movement which developed to the graduates' conference which took control over the movement from its founding in 1938 until 1945 (Taha, 2018).

The Graduates' General Congress was founded as a result of the resentment of the Sudanese graduates of their omission from the negotiating of the 1936 treaty between Egypt and Britain, which stated that the main objective of the Egyptian and British governments is the welfare of the Sudanese. The Graduates' General Congress focused on cultural, social and educational issues, but it did not work in isolation from the global events that developed during the outbreak of the Second World War.

In April 1942, the Graduates' General Congress sent its famous memorandum to the British government in Sudan, which created an atmosphere of tension between the Graduates' General Congress and the British government in Sudan, where the government worked to split its ranks. This conflict divided the Graduates' General Congress into small groups, where this division was the establishment of the Sudanese political parties under the auspices of the religious sects.

The Graduates' General Congress was divided into two main sections, one of which adopted the union's demand with Egypt against the British colonizer which called the brother party emerged in 1944. While the other part adopted the demand for complete independence, where the Umma Party emerged from it. The Umma Party was tough in rejecting Egypt's claims of sovereignty over Sudan, where the party raised the slogan "Sudan for the Sudanese."

Besides of these two parties, there were other movements and parties that had a clear impact on the political life in Sudan, the most important of which was the Sudanese National Liberation Movement, which became the Communist Party later, the spread of trade unions among workers, farmers and government employees, which affected the political life in Sudan , The Republican Party led by Mahmoud Mohamed Taha in 1945, which criticized the Umma Party and the Brothers Party for their



association with Britain and Egypt and called for the independence of the Sudan and the establishment of a Sudanese Republic, the establishment of the Republican Socialist Party in 1951 with the encouragement of the British administration in Sudan, where its constitution subject to give Sudan autonomy in 1952 and the postponement of self-determination for the future.

In addition, the Sudanese Women's Union was established in 1952, where women have a somewhat noticeable presence in the media and society. Women contributed to the national movement in Sudan, where Khalida Zaher was the first woman to demonstrate against colonialism and against the Legislative Assembly of 1948 and the first woman arrested for political reasons.

In 1944, the British administration in Sudan established the Consultative Council for Northern Sudan, which held for its advisory role and limited it to northern Sudan without its south. In December 1948, the British administration set up the Legislative Assembly and the Executive Council with the aim of gradual self-government and the removal of Egyptian influence over Sudan.

The legislative assembly and the Executive Council have constituted a decisive step in the way of constitutional developments in Sudan, where the Umma Party participated in the assembly and was boycotted by the Brothers Party. The assembly's elections faced resistance and demonstrations involving the Brotherhood, the Sudanese National Liberation Movement, students and workers, as the slogans of this resistance differed from the traditional slogans of "*Nile Valley Unit under the Egyptian Crown*" and "*Sudan for the Sudanese*".

Despite the great support provided by the British administration to the Legislative Assembly and the Executive Council, but it failed to play the role that the British administration attributed to its according to its distance from being the basis for a parliamentary government as a result of the boycott of the parties to the elections, and thus could not exist parliamentary system to the existence of parties opposed to the Umma Party in the Assembly.

In March 1951, the Governor-General formed a committee to amend the Constitution of the Legislative Assembly and the Executive Council, where Al-

Khatami Party participated in the Constitutional Amendment Committee amidst an attack by the Brotherhood and the Egyptian newspapers. The committee began its work on April 22, 1951, but Egypt's repeal of the two agreements of the bilateral rule of 1899 and the 1936 treaty on 8 October 1951 was another factor that created further instability and instability within the committee. However, before its dissolution, the Commission was able to draft a constitution for autonomy (Taha, 2018).

In 1952, the leaders of the military coup in Egypt recognized the right of the Sudanese people to self-rule and self-determination and to preserve the sovereignty of Sudan for its people. The Egyptian government attached the utmost importance to negotiating with the independent Front led by the Umma Party, which was distinguished by its rejection of any form of Egyptian influence in Sudan, and signed a historic agreement with it in October 1952.

In light of its agreement, the Egyptian government submitted a memorandum to the British Government on November 2, 1952, wherewith it the Egyptian government started the negotiations with the British government on 20 November 1952, which resulted in the signing of the Agreement on Autonomy and Self-Determination on 12 February 1953. The memorandum included for the first time an explicit Egyptian recognition of the right of the Sudanese people to self-government and self-determination and the readiness of the Egyptian government to see this before 1956. The agreement stipulated that elections should be held and a transitional period of three years should be decided upon by the Sudanese. Also, the article VII provides for the establishment of an electoral commission to prepare and supervise parliamentary elections.

As a result of the parliamentary elections held by the Sudanese political parties, the Federal National Party (FNP) obtained led by Ismail al Azhari a simple majority that enables it to control parliament. Paved the way for the holding of the elections and the announcement of the result of another step, namely the start of the transitional period, where the transitional period witnessed the preoccupation with the implementation of the Convention more than pay attention to the development of economic and social programs. The ruling FNP raised the slogan of "liberation no reconstruction", a slogan rejected by the Communist Party where raised the slogan of

"No liberation without reconstruction" instead, as political independence alone is insufficient, but must be complemented by economic and cultural independence (Taha, 2018).

Several factors combined to lead to the breach of the self-determination clauses of the Convention, resulting in the urgent declaration of independence. Firstly, the new leaders in Egypt failed to create a neutral atmosphere which was a necessary condition for the determination of fate. Secondly, the southern view supporting the postponement of self-determination and its opposition to the Declaration of Independence, as a result of the emergence of a sense among the educated elite in the south of distance and isolate them from the talks of Sudanese parties in Cairo. In addition to the fact that the northern parties did not work to attract southerners to its membership when it was formed and did so only when it needed voters from southern Sudan in the elections.

Adding to the tension in southern Sudan was the government's announcement of the filling of jobs in Al-Saudana process, which did not appoint southerners to senior posts, despite the FDP's promise during the election to give southerners a chance to fill vacancies in the south and compete against those in the north, which led to the rebellion of the tropical forces in the south 18 August 1955.

On December 19, 1955, the Sudanese parliament unanimously decided: "We are members of the House of Representatives in the Parliament together declare on behalf of the people of Sudan that Sudan has become an independent state full sovereignty and we hope your Excellency (the Governor-General) to ask the two countries of the bilateral government to recognize this declaration immediately".

The Egyptian government was very realistic in its formal acceptance of this resolution, which was welcomed by the British government. The parliament also approved a proposal that the Constituent Assembly, which will be elected to prepare and approve the permanent constitution of the Sudan, should give sufficient consideration to the demand of the southern legislators for the creation of a federal union between the three southern directorates and northern Sudan within the unity of the country to avoid the southern opposition to the declaration of independence (Taha, 2018).

Although some historians claimed that independence was a grant from the bilateral government where it came under some agreements, other historians confirmed that independence was a result for a heated political battle between bilateral governments and Sudanese politicians led eventually to it and to the beginning of the foreign army's evacuation from the land of Sudan.

On the morning of the first day of January 1956, Sudan's independence was announced. The Sudanese flag was raised by Colonel Jack Bakhit Deng with the participation of the first Prime Minister of Sudan Ismail Al Azhari and the opposition leader Mohammed Ahmed Al Mahgoub. Before 1956, Sudan had no special known flag, until the Sudanese parliament met and declared its independence, where the independence flag consisted of green, yellow and blue colours, unlike the current flag, where the flag was changed in the Nimeiri era.

Although Sudan achieved independence without conflict, as Sudan achieved it without the consent of rival political parties in the form and content of a permanent constitution. A technical committee of the Ministry of Justice was formed to revise the law of self-government and to exclude material that is incompatible with the independent entity of the new State and to add the material required by the status of Sudan as an independent and sovereign State.

The document known as the Interim Constitution was passed by the political parties after a quick discussion of its provisions and issued a decision to work from January 1, 1956. But Sudan inherited many problems which included reaching agreement on a permanent constitution, stabilizing the south, promoting economic development and civil services, and improving relations with Egypt.

The Sudanese parliamentary system has proposed plans to expand education, economy and transport sectors in the country, where Khartoum needed foreign economic and technical assistance to achieve these goals, which the United States committed to early on. Negotiations between the two governments began in mid-1957, and the US Congress ratified the US aid agreement in July (Metz, 1991).

Sudan has witnessed many democratic periods after its independence, where the first democratic period in Sudan was extended since 1956-1958, although some

scholars have been dating this period since the signing of the autonomy and self-determination agreement in 1953. This period is also known as the first national government that headed by Isma'il al-Azhari lasted for two years under the rule of one political party, the Federal Nationalist Party (FNP), which enabled the country to achieve significant and important achievements, such as the evacuation of foreign forces. But it was not survived from the competition from other parties, where conflict broke out between the different political parties after independence to reach power. This partisan conflict led to multiple ministries and then to the instability that was a key factor in the failure of all successive governments to Implementation of post-independence duties.

The roots of this conflict are rooted in the period of self-rule and the differences that arose between the independence movement that called for the independence of Sudan, and the federal movement, which was not a single party, but a coalition of interests united in opposition to a common enemy. The federal parties in their various directions express the ambition of the developing middle class, which called for the unity of the Nile Valley.

The ongoing conflict and disagreement between political parties led to the formation of several party governments in the period 1956-1958. This was the main reason for the instability that accompanied the Sudanese politics, where instability was responsible for the failure of various party governments to undertake major radical reforms (Al-Faki, 2018).

The conflict to reach power between the parties ended with the first military coup in 1958 led by General Ibrahim Abboud, where he established the Supreme Council of the Armed Forces to rule Sudan. Abboud pledged to resolve all disputes with Egypt, including the problem of the status of the Nile River and abandoned the unrealistic policies of the previous government regarding the sale of cotton. Abboud appointed a constitutional committee headed by the chief justice to draft a permanent constitution, in addition to dissolving the political parties and establishing the central council as a legislative body.

During its first year, the Abboud government managed to successfully market the cotton crop, settle the Nile water dispute with Egypt and improve relations between

the two countries. However, despite the early successes of the regime, opposition elements remained strong as dissident army officers made three attempts to displace Aboud's government and establish a "popular government" in 1959, but all their attempts failed.

The Government has taken political steps with regard to the southern problem, where it resorted to the use of force rather than peaceful solutions, suppressing the expression of religious and cultural differences, supporting attempts to Arabize society, changing the holiday in the south from Sunday to Friday, restricting prayer in the church, and to determine the work of missionary bodies, which ended with the expulsion of missionaries from the country. This policy made the southern leaders renew their armed conflict against the Sudanese government with guerrilla forces known as Anya Nya in 1963 (Metz, 1991).

Six years after the coup d'état of November 17, the revolution of October 1964 took place, which regarded as the start of the second democracy era, where General Ibrahim Abboud announced the dissolution of the Supreme Council of the Armed Forces and the Council of Ministers. The October Revolution was a result of a number of reasons, the most important of which were that the government of Aboud was an ongoing conflict and hostility with the vast sectors of the Sudanese people are workers, farmers and students, the passage of Sudan economic crisis which peaked in 1964, as well as the escalation of tension in the south by the arrival of the southern issue to a dead-end in the period of the first military government.

The government used the policy of force, repression and terrorism, where it's position on the southern issue was a position that ruled out dialogue to reach a peaceful solution. In addition, the deteriorating situation in the country and the escalation of political resistance were important reasons for the overthrow of military rule. Aboud's regime fell due to popular demonstrations and a general strike, in addition to the explosion of discontent that has been growing over the years in response to the army's violence in breaking up a student meeting that was aimed at discussing the southern issue (Al-Faki, 2018).

Between 1965 and 1969, Sudan witnessed four coalition governments, which began with parliamentary elections in 1965, where none of the parties won a majority

to govern alone. A coalition government was formed between the Umma Party and the Federal National Party headed by Mohamed Ahmed Mahgoub and Ismael Azhari as president to the Council of Sovereignty and ended in May 1969 with a military coup organized by the Communist Party. But all governments fell for similar reasons, the most important of which was a split in some parties, the unwillingness of the government members to cooperate with each other, in addition to the greed of monopolizing power and seeking partisan interest rather than the public interest.

The second democratic period, which was the result of the popular revolution of October 1964, achieved many achievements in achieving national independence. Its most important achievements were the drafting of the permanent constitution of the country. But it failed to regulate the democratic practice and not to establish a law regulating political parties and violated the Constitution more than once. Therefore, the democratic experiment failed in the era of civil governments to build partisan tendencies free of the sectarian influence of the traditional parties. The second period of democracy witnessed political instability as a result of the continuation of traditional parties in manoeuvres and political conferences, changing alliances and repeating divisions and coalitions, especially the problem of southern Sudan.

The revolution of May 1966 marked as the beginning of a second military rule in Sudan after the Abboud regime, where the Revolutionary Command Council was composed of officers and civilians headed by Colonel Jaafar Nimeiri, which made it a civilian-military regime at the same time. The May regime also created new political organizations to become a one-party system, moving from revolutionary legitimacy to constitutional legitimacy.

Of the most important decisions taken by the new May regime was to solve all the parties and some trade union federations, but the first major work accomplished was run for negotiations with rebel leaders in the south and then the signing of a peace agreement known as Addis Ababa Agreement in 1972, and under which the Southern became regional rule and stop the war that lasted nearly 20 years. But the agreement quickly collapsed when Nimeiri tried to apply Islamic law to the non-Muslim south part of Sudan. It even worsened by dividing the south into three provinces instead of

one as stipulated by Addis Ababa agreement, and therefore the civil war has returned to a more volatile and led the war SPLM/A.

In 1977, the May regime sought to reconcile with the leaders of the National Front severally through direct negotiations as a result of the May regime's exposure to a number of a military coup and party revolutions attempts. It was not long before efforts culminated in national reconciliation, where Sadiq al-Mahdi was the first of two interests. The Mayo regime also participated in the deportation of the Falashas, the Jewish tribes of Ethiopian origin, in late 1984 and early 1985 from Ethiopia to Israel via Gedaref in two waves. America planned this process, which was called Operation Moses, arranged in order with Ethiopia and Israel to appear humane.

Although the May regime was in full control of the country, the crushing economic crises that were caused by the regime's failure to provide the necessities of life from fuel and consumables such as sugar led to the uprising of April 1985, when the military sided with the angry people. In March 1985, the national resistance intensified and the regime faced it with terrorism and imprisonment. The publications were scattered in the streets, alleys, school walls and shops. The processions, the meetings and marches were organized, the strike was carried out, the necessary services were stopped and the slogans of the resistance were raised until April 1985, where the popular uprising swept the regime of President Jaafar Nimeiri and overthrew it.

In addition to the economic crises witnessed in Sudan, several other factors led to the fall of the May regime, where the most important events were the events of the Aba Island and Wad-Noubawi in March 1970, where a number of Ansares and brothers became victims of the tragic events. In addition to the nature of the military commander, the Nimeiri was enjoyed, where he can only accept to be the sole decision-maker, which led to the failure of the project of national reconciliation. As a result of the fall of the regime, a transmission government was formed which oversaw a general election. The government then became a third democratic regime, thus declaring the end of the second military regime (Alouba, 2018).

The Field Marshal Abdulrahman Swar al-Dahab presided over the transitional government that came out of the popular uprising on 6 April 1985 as he was the



supreme commander of the armed forces and civil political forces, where the head of the Sudanese Medical Association Al-Jazuli Daf'allah served as the Prime Minister. As soon as Swar al-Dahab came to power, he established a series of negotiations with the leaders of the Alliance of Professional Associations and Trade Unions, which included more than 12 organizations each with their own agendas, but they combined on antagonism to Nemiri.

After hours of debate, the leaders of the Caucus were able to draft a charter that outlined their common objectives, where the Charter provides for a transition period of not more than three years, during which the 1956 Constitution that amended in 1964 must be revised. Also, the new draft constitution must be put forward in a popular referendum, in addition to guaranteeing fundamental freedoms and restoring regional autonomy in the south.

But Swar al-Dahab refused this charter, sympathizing with the Muslim Brotherhood-led by Hassan Al-Turabi, who in turn rejected the charter, where Swar al-Dahab announced the formation of a transitional military council of 15 senior officers. The military exercised legislative powers through a 15-member transitional military council while the country was run by a civilian cabinet. This system was a compromise formula agreed by the two parties, which verified the need for each other at the time, the army realized that it cannot control the situation without cooperation with the political forces civil, and in the other hand, the civilians realized that they need the military.

In the period of the transitional government, fundamental freedoms and political parties returned and the daily newspapers defended the publication, while the Sudanese nation hoped to reform the situation of the country, which was divided by sedition and exhausted by the wrong policies. A transitional constitution was declared during this period, but it was only a document to fill the vacuum that led to the overthrow of the May regime, where it did not meet the aspirations of the Sudanese nation with regard to its core issues, where it postponed all the thorny issues pending the convening of a constitutional conference did not see the light even in the period of the third democratic government.

During this transitional period, four peace initiatives were implemented on the issue of the South, all of which included a unilateral cease-fire by the government. But all of it failed for several reasons, the most important of which was that the SPLA regarded the Military Council as a continuation of the May regime, where it included the majority of senior army personnel who worked under Nimeiri. In addition to the fact that the transitional government has given all its attention to solving urgent problems such as famine, thirst, and high prices to lay the foundations of the new regime until elections are held.

In 1986, the presidential and parliamentary elections were held, eighteen years after the last elections in 1968, announcing the beginning of the third democratic government in Sudan, where its final outcome was the return of the political parties that dominated the political reality since the 1940s, the two major parties - the Democratic Unionist Party and the Umma Party - that supported by two popular and large sects are Khatmiyah and Ansar.

The new government was a coalition government, where neither party won an absolute majority, also, increased the shortcomings of these elections because of the participation of the people of the South was incomplete, where elections were held only in forty-two constituencies of the South, sixty-eight constituencies, in addition, the National Islamic Front (NIF) captured three of the seven alumni circles assigned to the south, which the southerners condemned that as a form of manipulation under the eyes of the ruling authority.

The elections of April 1986 resulted in the formation of a democratic government divided between the Umma Party and the Democratic Unionist Party, where Sadiq al-Mahdi became prime minister and Ahmed al-Mirghani became head of state. With the formation of the new government, rivalries and conflicts returned to the stage in a stronger and broader way. Instead of forming a strong, homogenous coalition capable of confronting the country's problems, the differences and disputes between the two major parties and within them, which the cabinet suffered as an outcome of ministerial instability.

As a result, the coalition government collapsed after one year of its formation, and after returning to a limited cabinet reshuffle, and in a short period of time, it was

subjected to violent upheavals that led to its collapse again in August 1987. The reasons were weak and trivial in addition to the fact that they were abnormal and strange in a way that confirms the real instability and the state of tampering dominating the leaders of these parties.

The new cabinet reshuffle hinted that the majority of the ministers with their expertise, experience and practical qualifications are aware of matters and believe in the importance of consultation and ministerial solidarity, but in reality, this was not the case, where the policy of some ministers who have been active in combating some forms and practices of corruption in some areas has been opposed to the policy of some stakeholders of the Umma Party and other parties members, which resulted in the dissolution of the government and the creation of a ministerial crisis several times. In May 1988, a broad coalition government was formed comprising the National Islamic Front (NIF) Party with the two major parties and the southern parties, where the new cabinet reshuffle included Hassan al-Turabi as Attorney General and Minister of Justice.

The situation of the ministerial crisis continued as the economic situation deteriorated and they aggravate the problem of the south, which was far from the attention of the government, in addition to it was greater than the capacity and potential of the actual government. But the remarkable progress of the Islamic Front to become the only beneficiary of these unstable situations was a fact that cannot be ignored, where Turabi managed to rise to the highest constitutional positions in Sudan until he became Deputy Prime Minister and Minister of Foreign Affairs on February 1989, as well as other members of the Islamic Front on the bags Strategy such as internal affairs, justice and social affairs.

As a result of the progress made by the Islamic Front in the government, the Democratic Unionist Party one of the ruling partner party was exposed to marginalization, the thing that prompted its president, Mohamed Osman al-Mirghani, to seek a step that would restore his lost prestige, where he signed an agreement with the Sudan People's Liberation Movement in 1988, which stipulated a cease-fire, the abolition of all military agreements with Egypt and Libya, lifting the state of emergency, in addition to the postponement of proposed Sharia laws until the promised

constitutional conference before the end of 1988. This diplomatic action by the Marghani raised the popularity of the Democratic Unionist Party, which had a great impact on the Sudanese people who saw a new hope to put an end to the civil war between the norths and south, which represented a great concern for the two peoples.

On February 20, 1989, the Commander-in-Chief of the Armed Forces, General Fathi Ahmed Ali, handed over to the Prime Minister an ultimatum signed by 150 senior officers demanding the formation of a national government, acceptance of the Democratic Unionist Party and the Sudan People's Liberation Army. Thus, a series of negotiations began, which culminated in March 1989 when 48 parties and the NPA signed the agreement while the National Islamic Front (NIF) refused to sign it. On March 11, 1989, Sadiq al-Mahdi declared his full support for the agreement as a result of the pressures exerted by parliament and the press to implement the army memorandum and the national declaration of peace.

Therefore, he dissolved his government and formed a government of national unity that included the main parties except for the National Islamic Front. The situation of political instability has soured Sudan's relations with the outside world and the position of some neighbouring countries has been affected by Sudan's view of the civil war between its ethnic groups in the east, the Nuba Mountains and the non-Muslim south of Sudan, where the problem of the escalation of the south issue in the attempts of northern governments to impose Islam by force in south to create a unified Sudan.

The third democracy failed to realize the hopes of the Sudanese, where the civil war was still in its power, draining the economy with frightening equations, and killing the lives of citizens in a scary way. As a result, the standard of living of the citizens deteriorated, causing poverty to spread quickly among them, in addition to the lack of essential consumables such as sugar, flour and fuel leading to the spread of the phenomenon of rows to line up citizens for bread. At the same time, the political parties, especially the large ones, quarrelled and exchanged accusations of corruption and incompetence, and did not find serious attempts to resolve the issues of peace in the country, except for some attempts in the case of the south.

At no stage in democratic Sudan did one party win the absolute majority, except in the 1954 elections, in which the FNP won the majority of votes, enabling it to form

the first national government headed by Ismail Azhari. In all subsequent elections, the outcome was a coalition government involved more parties and cover wider sectors of the Sudanese people.

On June 6, 1989, the Islamic Front and its military wing carried out its military coup, known as the National Salvation Revolution, announcing the end of the third democratic period and the beginning of a new era in Sudan's political life. The Brigadier-General Omar Hassan al-Bashir led the coup with the support of about 200 members of the Islamic Movement in the army, where a non-blood military coup overthrew Sadiq al-Mahdi's government and ended the parliamentary system. As a precaution, the coup leaders did not clearly state their political or ideological affiliation with the seizure of power but simply described the coup as the National Salvation Revolution. In addition, Turabi was placed in detention along with other political leaders, in order to erase any belief in the Islamic movement's involvement in the coup.

The text of Bashir's speech, which was broadcast on the night of the coup about two resolutions, the first is that the National Salvation Revolution is an expression of the people, the second is the dissolution of all parties and political formations and the dissolution of regional governments and all trade unions until a new law is passed. As a first reaction to the new system, the trade unions called for the restoration of legitimacy for them, and unionists submitted a memorandum to the Authority, which carried out a campaign of arrests in the ranks of trade union leaders (Abbasi, 2011).

The National Islamic Front (NIF) managed to control the government by its military coup, making it the first military coup led by a political party, where the coup leaders presented for the Islamists with the challenge of adapting to the new reality of the movement in power. Before the 1989 coup, the political apparatus of the Islamists was the NIF, an organization built around the core of the Islamic Movement (IM). Organizationally, the IM existed as a separate structure from the NIF, although most of the IM members were members of the NIF (Sidahmed, Ryle, Willis, Baldo, Jok, 2012. Pp 164-184).

After the release of Turabi, he began to dismantle the structure of the IM and its administrative bodies, where Turabi vision was to build the IM again with a strong tendency to expand its ranks and attract new membership. Turabi, the mastermind of

the 1989 coup, said in one of his interviews that the coup d'état of June 30, 1989, had been planned since the mid-1970s, and this idea had increased after his departure from the government of Sadiq al-Mahdi, "There is no way for Islam to appear in public life unless Authority" he said.

He also said that his knowledge of Bashir took place just one day before the coup, where Bashir was secretly brought from his camp in the far south of Kordofan to Khartoum, as he sat down with Bashir and told him that the coup decision had been made and that he had been charged with recording the number one statement written by a group of members of the NIF. He also pointed out that the choice of Bashir as commander of the coup was because of his military rank, where Bashir was the highest among the 150 officers who carried out the coup, in addition to that the officers who were in the capital Khartoum are only those who knew that the coup is related to the IM.

During the first period of the coup d'état, the country's affairs were managed through the inner circle that included al-Turabi, Ali Osman Mohamed Taha, Yasin Omar al-Imam, Ali al-Hajj, Ibrahim al-Sanussi, Awad Al-Jaz and Abdullah Hassan Ahmed, in addition to al-Bashir. This group was gradually expanded into an executive body consisting of thirty members until the Shura Council is composed of about 300 members, none of whom were elected to become the first decision holder (Mansour, 2010).

There is no doubt that the National Salvation Revolution, which lasted 30 years to this day, has achieved many economic and political achievements, as Sudan has not run any presidential elections since the coup until 2010 to be the elections in 2015, the second elections in Sudan since independence, where Bashir won in both of them further than the opposition withdrew from those elections, describing it as "unfair". On the economic level, the most important was the extraction of oil, the construction of the largest reservoirs of Africa - after the High Dam in Egypt - the Merowe dam project has been a dream for more than 50 years, thousands of kilometres of paved roads have connected the country's vast peripheries, with three projects to manufacture three types of aircraft "Saffat 01-02-03".

On the political level, Sudan has gained considerable experience in dealing with the international community, Sudan won the chairmanship of the Group of 77 and China, in addition to the greatest achievement is the signing of the Final Agreement on Comprehensive Peace and the Right of Self-Determination of the South on 9 January 2005 with the SPLM, ended the longest civil war that lasted for 21 years (Al-Hussein, 2012).

In spite of all these achievements and others, the National Salvation Revolution has many failures that may outweigh the achievements, where economically, the spread of price rises in the country is frightening with the continued rise in inflation rates, the collapse of the currency and the absence of infrastructure. In addition to the imposition of US financial and trade sanctions on Sudan, under which the freezing of financial assets of Sudan, and prevent the export of US technology to Sudan, American companies and citizens have been obliged not to invest and cooperate economically with Sudan.

While politically, the conflict in Darfur has been sparked by the emergence of military and political insurgencies, notably the Sudan Liberation Movement (SLM) and the Justice and Equality Movement (JEM), the adoption of Security Council resolutions in 2004 and 2009 in Darfur. In addition to the diplomatic failures represented in the imposition of 63 resolutions against Sudan by the UN Security Council, including the decision to refer the Darfur issue to the International Criminal Court, and the consequent charges of Sudanese officials for the war crimes and prosecution of Darfur, the issuance of the Prosecutor of the International Criminal Court arrest warrant Bashir On charges of committing war crimes against humanity, including the crime of genocide in 2008, the entry of international troops into Sudanese territory in Darfur, put Sudan on the list of countries sponsoring terrorism.

But the most prominent failures were the secession of the south the thing that means Sudan loss of about (70%) of oil revenues, which led to economic distress raised the Sudanese government support for fuel as a necessary measure to prevent the complete collapse of the economy of the country with the loss to almost half the area (Al-Hussein, 2012).

### **3.1.4. The Economy of Sudan**

The Sudanese economy is at a historic juncture. Within the last decade, exports have been Oil finances strong economic growth by 2012, the economy had more than doubled from 1999. However, following the secession of southern Sudan in 2011, oil production fell by 75 per cent, revenues fell more than half, and the economy is in recession. There are difficult options that must be taken now so that the economy can be placed on a path to sustainable growth in the future.

Looking at the period of an oil boom in 1999-2010, it is clear that Sudan has missed the opportunity to build the foundations of a strong non-oil economy. Oil revenues have not changed Equivalent to public investments in education and infrastructure. During this period, Sudan relied heavily on the oil sector and did not diversify its economic activities. The value of oil extracted significantly exceeded the resources used for public investment.

When adjustments are made to match the value of depleted oil, environmental degradation, and spending on education, the National net savings are very negative, averaging 4.7 per cent Gross national income for the period between 2000 and 2010, which means that the country as a whole consumed a large proportion of its wealth. In short, the oil boom masked the fact that the economy was oriented towards consumption and import, rather than production and export, an unsustainable path to growth.

Since mid-2017, Sudan has witnessed a comprehensive reduction of all vital indicators of the economy, indicating that the economic crisis continues to affect all aspects of life in the country. The crisis occurred at a time when hopes were growing in the business community and civil society in Sudan, and among the general Sudanese. Everyone believed that the final lifting of economic and financial sanctions imposed by the United States for decades in October 2017 would put the country's economy on the path of stability and sustainable recovery.

Although the lifting of US sanctions has lifted all restrictions on financial transactions between Sudan and the rest of the world, the reluctance of global financial institutions and large companies to inject new investment capital into the Sudanese



economy bears strong indications that the investment and business environment in Sudan is Favourable. The prospects for a rapid improvement in the economic situation in the country have rapidly dissipated. The lifting of US sanctions has revealed the fundamental distortions caused by the mismanagement of Sudan's national economy since the regime took power in 1989.

The economy of Sudan has undergone various stages of development since independence. Various economic systems have been implemented through these stages, which have had a clear impact on the formulation of the features of this economy. After independence, the national elite that ruled the country was following the same economic pattern that prevailed during the period. The colonial period, where there was no significant change in the economic system inherited from colonialism, which was a national system that would naturally drain Sudan's economic resources in favour of the British economy.

Historically, the colonial administration that ruled Sudan prior to its independence worked to build a single economic structure that depended on a primary agricultural production sector. And focused on the production of cotton as the main cash crop exported to Britain to be used as input to the production of British textile factories, and the island project was established as the largest economic project in Sudan specifically to achieve this goal.

In the 1970s, there was a great shift in the nature of the economic system in Sudan, when the new forces that took control of the country on May 25, 1969, adopted the socialist system as an economic method that saw it as the only way to break the national economy and move towards economic development and progress. The first thing that started in this context was the expropriation and rehabilitation of a number of companies, institutions and projects owned by the private sector, in 1970, to be transferred to the government sector.

And then adopted the approach of central planning and government control in the management of the economy, the expansion of the public sector, which was extended in all areas of economic activity, both product and service, dominated the movement of the national economy as a whole, and the private sector had only to move within a narrow and limited scope.

The economic system, based on government intervention and central planning, introduced the Sudanese economy into a tunnel of stagnation and calcification during the 1970s and 1980s. This has led to the emergence of many economic problems that Sudan has suffered many, notably the worsening external debt as a result of dependence on external loans to finance low-yielding development projects that ultimately failed to achieve any development progress that will benefit the repayment of the value and benefits of these loans, The extent of the institutional deficit in the planning and implementation of development projects.

On the other hand, production declined markedly and impacted on the growth of GDP, which continued to record negative growth rates in most of the years of the seventies and eighties of the last century due to the stagnation of investments and the high cost of this led to a period of economic stagnation that lasted for many years and caused other chronic problems such as high inflation and unemployment and the deterioration of the value of the national currency against foreign currencies. This was an expression of the internal and external imbalances that were a major feature of the Sudanese economy during that period (29-33).

However, the performance of the Sudanese economy has improved significantly following the reforms in macroeconomic policies since July 1996 as part of the implementation of the comprehensive economic structural reform strategy during the period 1996-2002. One manifestation of this improvement was the relative stability that occurred in the Sudanese economy during that period and beyond, where performance indicators showed Macro-economic development, Inflation rates dropped to very low levels of 8% in 2000, from 166% in the month of 1996.

The exchange rate has also stabilized for more than three years, while the rate of growth of GDP has risen again, averaging around 6% during the years 1997-2000. This has helped the improvement of oil revenues since 1998 within the sectoral components of the Sudanese economy, as well as its entry into the structure of Sudanese exports since 1999. This improved situation ensured a relatively stable level of the Sudanese economy until 2008, despite the occurrence of internal political crises that had serious repercussions on the internal front and on the level of its external relations as the Darfur crisis did.

The most prominent features of the changes in the economic system in Sudan during the last forty-four years, in addition to the transformation to the market economy system, is the tendency to deepen the Islamization of the banking system, where the Islamic banking system has been fully adopted in the dealings of the Sudanese banks in terms of accepting deposits or granting financing. As well as the use of financial instruments compatible with Islamic Sharia in the management of liquidity in the macroeconomy.

In a later development in this context, a dual banking system based on work was adopted in accordance with the Islamic banking system in the north and the traditional banking system in the south. There is no doubt that these changes have had a direct impact on the performance of the Sudanese economy, particularly as they are closely related to one of the most important macroeconomic policies, monetary policy.

Therefore, through this historical review of developments in the Sudanese economy since independence, and through different stages, it is clear that the disorder characterized by its tracks and trends and the movement of its development, and in light of the features and features were formed. It is an economy based on a combination of market economy and economic planning and the last one that contradicts it based on government control and central planning, and then a third, open and completely free of government grip, based on an inconsistent synthesis of free-market economics and Islam's approach to the economy.

The former is based on the principle of maximizing profits as a catalyst and an essential engine of economic activity, and the second is based on the principle of achieving justice in economic transactions and the distribution of its gains. This major disturbance in the course of the Sudanese economy and the radical shift from one economic system to another, in addition to the political instability, conflicts and internal crises that have characterized the Sudanese state since independence, is what has been placed in the Sudan economically and between it and achieving any significant economic progress a large and detailed quality, despite the richness and diversity of large resources that are not available to many other countries, and which is far more advanced in the economic field.

### **3.1.4.1. Sanctions Imposed on Sudan**

Sudan is subject to various types of international sanctions, although some of them are imposed by the Security Council and therefore do not fall within the mandate of the Special Rapporteur. Other sanctions against Sudan are also considered unilateral coercive measures. Although the USA and Canada are most imposed these sanctions, these sanctions are implemented by the EU and a number of financial institutions and other commercial institutions that exist in other countries and have transactions with the USA, where the USA so far the biggest sanctions regime on Sudan in the world. As a result, Sudan is now subject to de facto unilateral and universal coercive measures that have a negative impact on the segments of the population, especially the weaker ones (UN, Thirty-third session, 2016).

The successive administrations of the White House imposed a series of economic sanctions on Sudan, the first of which was on November 3, 1997, when President Clinton issued an executive order imposing sanctions, as his administrations found that the policies and actions taken by the Government of Sudan supporting the international terrorism as a result of hosting Osama Bladen, the Government of Sudan continues to destabilize the governments of neighbouring countries, as well as the prevalence of human rights violations, including slavery and denial of religious freedom in Sudan, posing an extraordinary and extraordinary threat to national security and foreign policy. These sanctions included financial and trade sanctions against Sudan, under which Sudanese financial assets were frozen, US technology exports blocked, and US companies and US citizens were forced to refrain from investment and economic cooperation with Sudan, with the aim of putting pressure on Sudan.

On April 27, 2006, President Bush renewed the Executive Order, which expanded the national emergency declared in 1997 to prevent property and interests in the property of some persons associated with the conflict in Darfur. This renewal came as a result of United Nations Security Council resolutions 1591 in 2005 and 1672 in 2006, respectively, condemning the continuing violations of human rights and international humanitarian law in the Darfur region of Sudan, in particular the persistence of violence against civilians and sexual violence against women and girls, where the situation in Darfur constitutes a threat to international peace and security in

the region and called on the Member States to take some action against those responsible for the continuation of the conflict.

On 13 October 2006, President Bush issued another Executive Order, taking into account the Darfur Peace and Accountability Act signed the same day, to take further steps to address the continuing violence in Darfur created by the Government of Sudan's policies and practices, as the Government of Southern Sudan was excluded from the resolution, which allowed some transactions with the Government of Southern Sudan and removed them from the scope of the prohibition authority under previous embargoed trade embargoes, in addition to exempting other areas of the resolutions as marginalized areas, which included the South Kordofan / Nuba Mountains, Blue, Abyei, Darfur, and marginalized areas in and around Khartoum, where these exempted areas are referred to as specific areas of Sudan (U.S. Department of the Treasury, 2008).

But the Executive Order continued to ban all transactions by US persons related to Sudan's oil or petrochemical industries with Sudan, including the southern Sudan region. This prohibition also includes individuals and entities owned or controlled by or acting on behalf of the Government of Sudan in any part of the world. In July 2008, Office of Foreign Assets Control (OFAC) updated its "Specially Designated Citizens" (SDNs) lists of May 2007, listing approximately 160 entities as defined by the Government of Sudan (Office of Foreign Assets Control, 2013).

This tightening imposed by America on Sudan was a strong motive for Sudan to search for new windows to emerging from this situation. Sudan turned to Iran, which was hostile to America after the 1979 Islamic revolution led by Imam Khomeini. Despite the sectarian differences between the Sudan and Iran (Sunni) and (Shiite), this cooperation was more political than economic, where Sudan has not benefited from these relations in large areas where Iran considered advanced on, such as the oil industry and manufacturing industries and others. But in the relationship with Sudan, Iran found an outlet to the African continent, where the ideological goal of spreading Shiite was ahead of other goals that needed cooperation between Iran and Africa.

Despite the ideological differences between the two systems (the Islamic one) and the second (communist), Sudan also headed towards the east where China. This

cooperation has angered the United States, which has made the relationship between Sudan and China and beyond Africa a consideration of Washington, as China will find in Sudan and through the entrance to Africa as a large market for its products and find the resources it needs in large quantities may exceed their needs.

The extraction of Sudanese oil was one of the most important battles that took place between Khartoum and Washington, where Khartoum was able to succeed in extracting oil with the help of Chinese companies and far away from American companies, especially the US Chevron, which has been a concession to the oil fields in Sudan since the time of President Nimeiri. Despite the great differences between the Sudan and America in terms of economic and military and scientific superiority, but in all areas, Khartoum was able to achieve some achievements while maintaining full dignity, where Sudan's steadfastness for twenty years puzzled all observers with all those circumstances in Sudan (Abdeen, 2017).

The US administration has stipulated that the sanctions be completely lifted or maintained it according to the commitment of the Sudanese government to implement the five-track US road map, which included stabilizing the situation in the State of Southern Sudan, ending the Ugandan LRA support, improving the humanitarian situation in conflict areas In Darfur, the Blue Nile and South Kordofan areas, facilitating the introduction of assistance to them, as well as stopping military operations in combat zones, combating terrorism and reducing human trafficking.

For its part, the Sudanese government expressed its determination to win American satisfaction and win the battle to lift sanctions, which contributes to improving its economic situation, especially in light of the deterioration of the local currency and the increase in poverty indicators in the country. The Sudanese government has also contracted a US public relations office for millions of dollars to improve its image in Washington.

The United States stated that its sanctions targeted the Government of Sudan and not the Sudanese people, but in fact, it was the Sudanese who paid the price of these sanctions, not their government, where it can observe how the Sudanese people have been affected by these sanctions in all areas. US sanctions included various important sectors, primarily banking, transport, agriculture and industry, and infrastructure was

heavily affected by the embargo. In the absence of accurate statistics on the total losses suffered by the Sudan due to sanctions, the Minister of Finance and Economic Planning Badruddin Mahmoud in January 2017 announced that the total losses of Khartoum amounted to 45 billion dollars during the last period, while experts estimate that the losses up to four billion dollars a year, Losses of about 500 billion dollars.

"Sudan is a fragile, low-income country facing severe domestic and international constraints and major economic imbalances," an IMF report issued in 2017 noted. The IMF report predicted economic growth in 2017 would fall to 3.2% from 3.5% in 2016 with inflation rates of 17.8%. It is estimated that the Sudanese economy loses annually by the sanctions about 18 billion dollars from the funds of donors, which are 16 funds and organizations, and exacerbated the crisis of secession of the south in 2011 from its situation, where Khartoum became an importer of oil derivatives after the south control about 75% of Oil fields, which account for about 50% of the country's total revenue.

The banking sector has been severely affected by the sanctions and has practically come out of the global financial system, where financial transfers have stopped in dollars, and many European foreign banks have declined to deal with Sudanese banks, as well as foreign companies, especially in the field of oil and telecommunications. Sources of hard currency. Over the years of embargo, Sudan's external debt rose to nearly \$ 47 billion in the first quarter of 2017, according to an IMF report, accounting for about 60% of GDP - due to steadily rising debt profits. The sanctions have hampered the country's external debt relief - including the HIPC initiative to exempt heavily indebted poor countries - and Sudan's risk rating has been raised by international financial institutions, limiting access to facilities and financing.

Sudan Airways was one of the most affected by these sanctions, as it was denied access to spare parts and regular maintenance of its aircraft, which led to the survival of most of its aircraft fleet in Khartoum Airport land. While the rail sector was also severely damaged by sanctions, where 83% of its infrastructure was lost, resulting in a number of locomotives being stopped. The lack of spare parts, regular maintenance, or US software has also caused more than 1,000 manufacturers to be directly affected by sanctions.

The health sector has not been spared sanctions, as sanctions have deprived Sudan of medical devices, drugs and US preparations, and have also affected the functions of medical analysis laboratories, and have adversely affected patients with certain diseases, including cancer. Among researchers, students and university professors, US sanctions have had a major impact, depriving them of fellowships and participating in research, scientific journals and more. While Gum Arabic was the only commodity the United States exempted from the sanctions list, making it the only commodity that Sudan could export to the United States, as it's being the greatest user of the materials.

The economic crisis has had a wide social impact. The annual inflation rate has risen significantly, and food and energy prices have continued to rise after the reduction of subsidies on fuel and other essential items, leading to social and political unrest, especially in the events of 2013. According to UN reports 50% of Sudanese live below the poverty line, while the country's unemployment rate is 20.6%, while 70% of Sudanese find it difficult to access water, food, and education and health services.

But ending US sanctions for many observers and analysts will lead to a gradual recovery of the country's financial and economic situation. Where it considered that the lifting of sanctions altogether will have a positive impact on the Sudanese economy, especially in the area of utilization of loans and US debt initiatives. Sudanese officials also confirm that the country has great economic potential and many attractive factors that allow foreign investment in the case of lifting sanctions, especially in the areas of mining, gold, agriculture, transport, gum trade, telecommunications and others (Al Jazeera, 2016).

In 2017, the Trump administration decided to lift sanctions on Sudan permanently, as it explained that the African nation had begun to address the fears of terrorism as well as began to address human rights violations against civilians in the Darfur region of the country. A process of temporary cancellation began before President Barack Obama left office, with his administration citing the same progress noted by Trump's administration, which extended the cancellation for three months to review progress.



The cancellation came as a result of new strategic measures taken by the Sudanese government aimed at reforming Sudan by using the relief to encourage further changes. US officials also praised Sudan's progress in fighting terrorism, as well as its remarkable cooperation with US intelligence since the September 11, 2001, attacks. The Sudanese government showed its cooperation in countering militants inside Sudan and throughout North Africa by helping to deter terrorist attempts to travel across the country.

US officials also cited some humanitarian advances in Sudan where the government declared a unilateral ceasefire in areas where the Sudanese army is fighting insurgents, stopping aerial bombardment that has killed civilians and created safe access to humanitarian aid. In addition to this progress, geopolitical factors have played a major role in lifting the sanctions against Sudan, where Saudi Arabia, the United States and Israel have sought to ease tensions to encourage Sudan to distance themselves from Iran and North Korea.

This decision was made after the Trump administration removed Sudan from the list of countries whose citizens are subject to travel restrictions, where Sudan is the only country to be removed, but Sudan is still on the list of state sponsors of terrorism. But despite the decision to lift, the same resolution leaves other sanctions currently in force, including sanctions against individuals with arrest warrants for atrocities committed during the conflict in Darfur (Morello, 2017).

### **3.2. HUMAN RIGHT SITUATION IN SUDAN**

The question of human rights in Sudan was not easy, it is more complicated than others. The international community has always dealt with the issue of human rights in Sudan by expressing frequent concern, without even raising or lowering the level of challenges. The meetings of the Human Rights Council in Geneva turned into an annual gathering between the opposition and the Sudanese government. In turn, into a mere point of view, or a debate that each party is trying to win at any cost.

Sudan has ratified and acceded to many international and regional conventions, which are concerned with human rights and fundamental freedoms, to constitute an important legal reference to its international obligations emanating from those

conventions, especially in the field of human rights and international humanitarian law, the rules of which govern the protection of human rights in times of armed conflict from be violated by the parties to the conflict. In this regard, the 2005 Constitution of Sudan states in Article 27 paragraph 3 that "all rights and freedoms enshrined in international human rights conventions, covenants and covenants ratified by the Republic of Sudan are considered part of Integral to this document. " which has earned those agreements more compulsion at the internal level.

As Sudan has ratified and acceded to these conventions and agreements, it is obliged to abide by the provisions of these charters and to act in accordance therewith, and to acquire them in all its constitutions and legislation as an integral part of domestic legislation. The practical reality of the international community in light of the changes in the concept of the principle of the sovereignty of the State necessitates the non-violation or disobeying of those instruments, especially since many of them have become international norms applicable even to those States that have not ratified or acceded to them.

Sudan joined the four Geneva Conventions of 1949 on the protection of victims of armed conflict in 1957, one year after its independence and acceded to the 1977 Additional Protocols thereto, the first on the protection of victims of international armed conflicts and the second on the protection of victims of non-international armed conflicts in 2006.

Sudan is also a signatory to the two International Covenants in 1986, the first on civil and political rights and the second on economic, social and cultural rights. It also ratified the 1990 Convention on the Rights of the Child and the Optional Protocols thereto, the first on the non-involvement of children in armed conflict in 2005 and the second on the sale of children, child prostitution and child pornography in 2004, the International Convention on the Elimination of all Forms of Racial Discrimination of 1965, as well as the 1976 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984 without ratification.

Sudan is also a signatory to the Rome Statute of the International Criminal Court of 1998, the Standard Minimum Rules for the Treatment of Prisoners of 1955, the 1951

Convention relating to the Status of Refugees, its 1966 Protocol and the Declaration on the Rights of Persons with Disabilities of 1975.

Sudan also acceded to the 1974 agreement establishing the World Intellectual Property Organization (WIPO) in addition to seven of the eight international human rights conventions, including the Convention on the Right to Organize and to Bargain Collectively (1957), the two conventions on the elimination of forced labor and forced labor (1957, 1970) , the two Conventions on the Elimination of Discrimination in Respect of Employment (1970) and the two Conventions on the Prevention of the Exploitation of Children and Minors (2002 and 2003).

For the regional human rights instruments, Sudan has agreed to the "Cairo Declaration on Human Rights in Islam" issued by the Conference of Foreign Ministers of the Islamic States in 1990, a document that does not require ratification. Sudan also approved the "Arab Charter on Human Rights / Amended" adopted by the Arab Summit in Tunis in 2004 but did not ratify it. As well as Sudan joined in 1986 the African Charter on Human and Peoples' Rights of 1981.

Despite the accession of Sudan to all these international and regional human rights instruments, many of the laws in Sudan need to be amended to comply with these charters and become more practical in practice. For example, the Penal Code has neglected some of the provisions contained in international conventions of the general principles of international humanitarian law (El Amine, 2017).

Since 1993 and until now, the human rights issue in Sudan has entered the proceedings of the sessions of the UN Human Rights Council, during which the Council issued a number of resolutions condemning Sudan, especially with regard to the issue of the conflict in Darfur. These resolutions discussed the situation in which human rights in Sudan have reached wide human rights violations at various levels. The UN Human Rights Council has repeatedly criticized Sudan in its reports, saying "repressive government practices violate fundamental civil and political rights, restrict religious freedoms, and ignore obligations to protect civilians under international humanitarian law".

According to Human Rights Watch, the human rights record in Sudan remained poor during 2016, and despite a unilateral ceasefire by the Government and the reduction of fighting in the three war zones, Darfur, South Kordofan and the Blue Nile, Sudan's "rapid support forces" and other pro-government forces attacked civilians in those areas, including those in Internally displaced person camps (IDP). Where the Government of Sudan did not punish those responsible for major crimes committed during conflicts or other serious human rights violations.

In addition to the repression of civil society organizations and the independent media, and the arbitrary arrests of the National Security and Intelligence Service (NISS) widely among activists, human rights activists, members of opposition parties, and journalists, for their reports and the confiscation of their newspapers (HRW, Events of 2017, 2018. pp 503 – 509).

In 2015, the United States placed Sudan on the list of countries in which freedoms were systematically violated, causing pressure on Khartoum to mount recently. In particular, rights related to freedom of belief, organization, expression and peaceful assembly, as well as sharp criticism from several parties of extrajudicial detentions and the persecution and prosecution of women for their clothing under the controversial Public Order Act internally and externally.

The United States expressed concern about the situation in Sudan in its embassy report in Khartoum: "*The United States is deeply concerned about Sudan's human rights record, including the continued closure of political space and restrictions on religious freedom and freedom of expression, including freedom of the press*". The statement also pointed out that the United States has detected multiple violations in the areas mentioned "*We mentioned this in detail in our annual report on human rights, and we continue to press the government of Sudan to improve its performance in these areas,*" the statement said (Mustafa, 2017).

As a result of widespread violations by the Government of Sudan, the UN Human Rights Council has approved the appointment of a special rapporteur to monitor the situation under Article 4 of the International Human Rights Charter on State Control and Monitoring. After Khartoum made concessions and made several political reforms, the Council adopted a resolution in 2009 to remove Sudan from

Article 4 and turn it into Article 10, which is only for oversight, and on the basis of which an independent expert is appointed (Awad, 2018).

In 2018, the Council decided to terminate the mandate of the independent expert on human rights monitoring in Sudan and set a deadline of September 2019 to implement the resolution provided that Sudan reached an agreement with the Office of the High Commissioner for Human Rights to open a UNHCR country office in the country. The resolution also included a series of commendations to Sudan for its hosting of millions of refugees and its efforts to combat trafficking in human beings and to withdraw from the list of countries violating the rights of children and the composition of the Independent Commission on Human Rights (UN, A/HRC/39/L.24/Rev.1, 2018).

In its 2005 Interim Constitution, the Sudanese Government affirmed its sincere desire to commit itself and cooperate with United Nations human rights mechanisms as a tool to ensure the promotion and protection of human rights guided by the principles of universality, impartiality, objectivity, selectivity, non-politicization and the promotion and defence of human rights. bearing in mind that these rights, as recognized in the Vienna Declaration and Program of Action, are "universal, indivisible, interdependent and interrelated". The Constitution also drafted a number of laws, including the National Human Rights Commission Act of 2009 (UN, resolution 5/1 Sudan, 2011).

In 1992, the Consultative Council for Human Rights (CCDH) was established as a Committee for the Coordination of State Bodies in the Field of Human Rights. Subsequently, by a Presidential Decree in 1994, the Committee was upgraded to a Human Rights Advisory Council headed by the Minister of Justice. The role of the Advisory Council for Human Rights is to provide advice and advice to the State in the field of human rights, to prepare research and studies, to disseminate human rights culture through various means, to train civil servants and civil society organizations on human rights standards and principles, to review national legislation to harmonize with international and regional human rights instruments of which Sudan is a member of and to conduct studies on the conventions to which Sudan has not acceded and to recommend them. The Advisory Council is the national focal point for human rights

issues with the United Nations Mission in Sudan (UNMIS) and the United Nations–African Union Mission in Darfur (UNAMID).

In 2003, the National Committee for International Humanitarian Law (IHL) was established by a presidential decree, where it carries out a number of tasks, most notably the dissemination of the culture of international humanitarian law, advising the State in this area of law including adherence to international conventions and harmonization of national legislation with them, the application of and respect for international humanitarian law, the assistance of the Sudanese armed forces in the adoption of a new law in line with the principles of international humanitarian law, in addition to the implementation of a large number of activities with the International Committee of the Red Cross to apply and disseminate these principles on the ground (Republic of Sudan, 2005).

### **3.2.1. Sudanese National Commission for Human Rights**

The establishment of the National Commission for Human Rights in Sudan remains a distant dream for most of the Sudanese activists in the field of Human Rights, driven by the firm desire to improve the human rights situation in Sudan and to stop the continuing condemnations of the country in the corridors of the UN and the International Council for Human Rights. In 2012, the National Human Rights Commission was established by a presidential decree, consisting of a president, a vice president and thirteen members.

The National Commission for Human Rights in Sudan is one of the important supervisory mechanisms stipulated in the Constitution of the Transitional Republic of Sudan in 2005. The Commission was established pursuant to Article 142 of the Constitution, which stipulates that "*The President of the Republic shall establish, after consultation with the Presidency, of the fifteen members who are known for their independence, competence, party affiliation and impartiality, and taking into account the wide representation in their choice and be independent in making their decisions*". It also provided that representatives of relevant government bodies would participate in the deliberations of the Commission in an advisory capacity (the Republic of Sudan, 2005).

Accordingly, the law governing the work of the Commission was summarized in 2009, which consists of 21 articles, wherein the third part of article IX of the Commission's Law for 2009, there are 17 competencies and functions of the Commission that vary in importance and gravity. The first article of Article 9 stipulates that "*the Commission shall be responsible for the protection and promotion of human rights and its dissemination and monitoring the application of the rights and freedoms contained in the Bill of Rights contained in the Constitution*".

The second part of article 9 states that "*public awareness of human rights should be enlightened and respected and applied by all parties, in addition to the study of any national human rights issue referred to the Commission by the Government, State institutions or civil society organizations, Recommendations thereon*", subject to the provisions of the first item (Republic of Sudan, 2009).

It is true that the Commission's law for the year 2009 did not make it mandatory to follow the Committee's recommendations resulting from the study carried out, did not add to the technical opinion provided by these bodies any legal force, but does not reduce the weight of the recommendations of the Commission, and taken seriously by all parties as a neutral, objective and nationally recognized reference in the field of human rights. One of the factors affecting The National Commission's success in its mission is the extent to which the government and society respond to its views and recommendations to ensure this responsiveness and interaction, the Commission must adhere to high professionalism and professionalism (the Republic of Sudan, 2009).

One of the crucial functions of the Commission is the contribution in the submission or proposal of legislations and decisions in order to assist the authorities in framing policies and adopting legislation on human rights, where article 9 stipulates "*the harmonization of national human rights legislations and their implementations*", which give the Committee the potential to assess Sudanese laws and validate their correspondence and non-contradiction with instruments of international law.

This function has a pivotal position in determining Sudan's efforts to promote human rights, where Sudan's obligation under the international instruments it has ratified includes the adoption of legislative and administrative measures to fulfil the commitments it has made as it signs or ratifies international human rights treaties,

Legislative intervention is often necessary, either to enact new provisions or to amend existing provisions to protect or entrench fundamental rights (Salim, 2012).

The law reaffirmed the validity of the Commission's scrutiny of the legislative texts in order to ensure their consistency and compatibility with the principles of human rights, where article 9 also mentioned that "*provides recommendations, proposals, reports to the Government and the National Council on any human rights issue, including a request for revision of legislative texts or administrative decisions, consistent with fundamental human rights principles*" (the Republic of Sudan, 2009).

The law also states that it is the duty of the Commission to encourage the Sudanese government to accede to international human rights treaties, but it is known that Sudan has acceded to most of the international human rights law, with the exception of The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), which the Sudanese government have reservations about them because of some considerations related to Islamic law, where CEDAW calls for full and absolute equality between men and women, as well the UNCAT also considers the application of the legal limits on cutting and flogging in the status of cruel and brutal that degrade human dignity (Salim, 2012).

Also, article 9 of the law emphasizes the right of the Commission to "*receive and investigate complaints from individuals and other parties, to take the necessary action in accordance with the provisions of this law or any other law, and to recommend to those concerned with the necessary treatments.*" This paragraph is considered one of the most important and most serious provisions of the law, where it gives the Commission the status of quasi-judicial organ, which has the power to receive complaints of petitions, grievances and appeals by individuals and groups affected by decisions, actions and measures involving violations or derogations of human rights issued by official bodies and then to investigate and take appropriate action, and to address those responsible for the violations, to assume their responsibilities for the removal or reparation of the damage. The ability to receive and investigate complaints implies that evidence may be heard, witnesses summoned,



documents and data are sought, evidence and evidence is evaluated, and conclusions, conclusions and recommendations are obtained (Salim, 2012).

### **3.2.2. Human Right Violation in Sudan**

Since it's coming to power in 1989, the National Salvation Revolution has had a long record of serious violations of the laws of war and crimes against humanity during the civil war in southern Sudan and in conflicts in Darfur, South Kordofan and the Blue Nile. Government forces and allied militias were responsible for killings, rape, sexual violence, looting and widespread destruction during ground operations. As well as indiscriminate shelling in civilian areas, especially in rebel-held areas.

After taking power in a military coup in 1989, the National Islamic Front (NIF) led by Hassan al-Turabi adopted a strict Islamic ideology and was known for its harsh repressive methods, including torture and arbitrary detention in secret prisons run by security forces known as "ghost houses" , Where the National Islamic Front (NIF) initiated comprehensive purges of the judiciary, civil service, army and security forces, banned all political parties and cultural and social associations and imposed a state of emergency throughout the country.

The National Salvation Revolution has continued its civil war against SPLA rebels in southern Sudan and in the Nuba Mountains area of South Kordofan, which has continued since 1983, where government forces and allied militias have committed widespread crimes during two decades of war, which more than 2 million civilians were killed and more than 4 million displaced internally and externally in neighbouring countries. The war ended in 2002 as the peace talks hosted by Kenya through international mediation into several agreements, the most important of which was a cease-fire in the Nuba Mountains and an agreement to stop attacking civilians (HRW, 1996).

The armed conflict in Sudan, particularly the protracted conflict in Darfur since its beginning on 2003, has been linked to human rights violations, where many Sudanese in conflict zones suffered and still suffering from human rights violations. Over the past few years, a number of organizations have focused on documenting the targeting of Sudanese political agents to some political activists in general and political

activists from Darfur region in particular as supporters of an armed group. For this reason, the armed conflict has become a pretext to commit human rights violations not only in Darfur but also in the rest of the country. The rights that had been infringed include freedom of association and association, peaceful assembly, freedom of expression, freedom from arbitrary detention, torture and ill-treatment, punishment in detention and unlawful killings.

Although the Comprehensive Peace Agreement was signed in 2005, it did not address the crisis in Darfur, where government forces and allied militias committed crimes against humanity and war crimes in 2003 as part of its counterinsurgency campaign. UN estimates that at least 300,000 people have been killed in attacks or died of hunger and disease caused by the conflict, more than 2 million people forced to flee to refugee camps or internally displaced persons (BBC, 2008). In 2011 government forces and allied militias launched attacks on areas of South Kordofan and the Blue Nile that killed and maimed hundreds of civilians, damaged dozens of schools and clinics, and forced hundreds of thousands to flee their homes (HRW, 2016).

In 2014-2015, Sudan's Rapid Support Forces have led large-scale attacks on hundreds of villages in Darfur, where homes have been burned and destroyed and grave abuses committed, including rape and murder that may be crimes against humanity (HRW, 2015). In 2016 alone, the government dropped hundreds of bombs that killed at least 45 people in the Nuba Mountains, to announce in June the same year a unilateral ceasefire in South Kordofan, which was extended until the end of June 2017, but local observers reported clashes and shelling in the Nuba Mountains in December 2016 (Nuba Reports, 2017), in addition to ground and air attacks by the government and militias on civilians in the Jabal Mara area of Darfur, destroying hundreds of villages and displacing up to 195,000 people (Henry, 2016).

In a 2017 report, Amnesty International documented human rights abuses against Darfur students since the Darfur conflict began in 2003, where police and security services arrested and arbitrarily detained at least 10,000 Darfuri students. In 2015 alone, police and security services arrested and arbitrarily detained more than 200 Darfuri students, where during the same period, the Amnesty International documented the killing of at least 13 Darfuri students at various universities across

Sudan, possibly by police officers, agents of the National Security Service, Sudanese National Intelligence, or students affiliated with the ruling party (Amnesty International, 2017).

In its 2018 report, Human Rights Watch said there had been no change in the human rights record throughout the year, where Sudan making no meaningful attempt to provide accountability for past or current abuses in conflict zones or other serious crimes related to human rights violations. Sudan has also continued to lack cooperation with the ICC on charges against the president and four other men in genocide, crimes against humanity and war crimes in Darfur. While conflicts continued in Darfur, South Kordofan and the Blue Nile, the National Intelligence and Security Service (NISS) used excessive force to disperse protests, detained dozens of activists and members of the opposition party arbitrarily, censored the media, confiscated newspapers, detained its outspoken critics from travelling abroad (HRW, 2018).

Sudan's rapid support forces continued to attack more than a dozen villages in Jebel Marra in Darfur between March and May, killing at least 23 civilians, as well as destroying and looting civilian property, causing thousands to flee their homes. The attacks came despite Sudan's extension of a unilateral ceasefire agreement in conflict zones in July and until the end of 2018. It is worth noting that Sudanese forces have prevented the UNAMID, peacekeepers and aid groups from reaching displaced people and conflict-affected areas on several occasions.

Sudanese forces continued to use excessive force against demonstrators using beatings, tear gas, rubber bullets and live ammunition to disperse peaceful protests against a range of social grievances, resulting in hundreds of deaths and injuries in recent years. In 2005, security forces killed 21 demonstrators in Port Sudan, also more than 170 protesters killed in September 2013, most of them shot in the head or trunk by men believed to be security forces scattered across Sudan (HRW, 2014).

Human Rights Watch said also hundreds of human rights activists, protesters and members of opposition parties were detained for several weeks without charge during a wave of arrests by security forces to disperse anti-austerity protests in Khartoum and other cities in Sudan since December 2018 (HRW, 2018), where Amnesty International reported that 37 people were killed in the first five days to

protest as observers confirmed that the number has since risen to more than 60 (Maclean, 2018). The report of the independent expert on the situation of human rights in Sudan also noted that the National Security and Intelligence Service arrested at least 200 throughout Sudan in the early days of 2018( HRW, 2018).

Sudan has failed to substantiate the allegations that some detainees have been tortured by national security officials, as it has yet to ratify the Convention against Torture that signed in 1986, as also Sudan retains the death penalty and corporal punishment for many crimes. In addition to that, The Sudanese National Security Act of 2010 allows in its article 50 to the national security personnel to detain individuals for a maximum of 30 days (Sudan National Security Act of 2010), but Human Rights Watch reports that some individuals were detained for more than four and a half months without judicial review, which requires the immediate appearance of detainees before a judicial authority (HRW, 2015).

Bashir's government not only violated human rights policies in Sudan as general and in areas of conflict in particular but also routinely prevented the arrival of UNAMID or the Organization for the Prohibition of Chemical Weapons (OPCW) to follow Amnesty International's allegations on the use of chemical weapons in Darfur. It also refused to grant visas to new employees and closed the Liaison Office of the Human Rights Section in Khartoum (The Guardian, 2016).

The Bashir government has also used a range of strategies to delay, restrict and sometimes prevent access by humanitarian agencies to civilians in conflict areas during the civil war in the south as well as in Darfur. These strategies included a flight ban, denial or delay in handling travel permits for aid workers, and unnecessary bureaucratic or arbitrary measures to import and transport relief materials. After the ICC announced the arrest warrant against President Bashir in 2009, the Sudanese government expelled 10 international humanitarian relief organizations operating there and increased restrictions and forced other humanitarian relief organizations and their staff to pledged to nationalize the delivery of aid (Rice, Branigan, 2009).

In 2016, Bashir's government also expelled a number of UN officials, including the UN's top humanitarian official. It has also delayed the entry of UN special rapporteurs and diplomatic missions and has refused access to international human

rights organizations, including Human Rights Watch, to conflict-affected areas. At the end of the same year, the government adopted new regulations to ease the movement of relief groups to non-conflict areas while restricting the movement of aid organizations in conflict areas where access to humanitarian assistance is more important (The Guardian, 2016).

### **3.2.3. The ICC and Al-Bashir**

Sudan signed the Rome Statute that established the International Criminal Court (ICC) in 2000 but has not yet ratified it. However, the UN Security Council, in Resolution 1593 (2005) referred to the situation in Darfur to the ICC Prosecutor, thereby granting the ICC jurisdiction over the matter. In 2009, the ICC announced that it is about to issue an arrest warrant against Al-Bashir for masterminding a campaign of crimes against humanity and war crimes in the Darfur region, where eight months before the ICC Court's prosecutor requested an arrest warrant.

Announcing its decision to issue an arrest warrant, the Court's Pre-Trial Chamber asked the Court's registrar to prepare a request for cooperation for President al-Bashir's arrest and transmit it to Sudan. The Court's Prosecutor Luis Moreno-Ocampo welcomed the announcement and said that Sudan was obliged under international law to execute the warrant of arrest on its territory, and that "*as soon as Al-Bashir travels through international air space, he can be arrested.*" where this statement came as a result of the suspension of 13 relief organizations' works in Sudan by the government, here the government accused them of cooperating with the International Criminal Court against Sudan, threatening to expel all other foreign aid organizations within a year.

According to resolution 1593 which mentioned that "*the Security Council Decides that the GoS and all other parties to the conflict in Darfur shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor*". Hence, international law compels Sudan to extradite any individual suspect or wanted by the ICC, notwithstanding their governmental positions. In 2010, the ICC informed about Al-Bashir's visit to Kenya and directed Kenya to take any actions considered needed to arrest Al-Bashir, but the Kenyan officials failed in that, they also failed to meet their international obligations as a party to the Rome Statute. While Sudan is not

a party state, and therefore not obligated to take action in regard to the investigation, Kenya is legally bound to act as a signatory to the statute.

Al-Bashir was able to visit some states such as Chad, another party state to the Rome Statute, without arrest, despite Moreno-Ocampo's call for international cooperation. In accordance with the Rome Statute, States members of the ICC that do not respond with calls for cooperation can be referred to the Security Council, therefore, in 2011 a Kenyan court ordered that Al-Bashir should be arrested if he returned back again to Kenya.

Laurence Blairon, the spokeswoman for the court in Hague said *“Al-Bashir was suspected of being criminally responsible for murdering, exterminating, raping, torturing and forcibly transferring large numbers of civilians and pillaging their property.”*, she added that *“the violence in Darfur was the result of a common plan organised at the highest level of the Sudanese government, but that there was no evidence of genocidal intent”*, thus the 3 genocide charges were removed from the indictment. The Court upheld 7 counts of crimes against humanity and war crimes allegedly committed during the course of a counter-insurgency campaign against armed groups such as the SLM/Army and the JEM, who are opposed to the GoS.

According to the Rome Statute, to obtain an arrest warrant the prosecution had to prove that there were ‘reasonable grounds’ for believing that the person in question committed the crimes in the indictment, not only was he criminally responsible for one or more of the enumerated acts. In this case, the Prosecution alleged that al-Bashir had the intent to destroy the Fur, Masalit and Zaghawa groups of the Darfur region, which made the decision rejected.

Rejecting the decision of the Court that the Prosecution had failed to prove the existence of reasonable grounds that al-Bashir intended to commit genocide, ICC Prosecutor Luis Moreno-Ocampo appealed the decision on March 13. He referred in his application to the Genocide Convention, saying that genocide could also be defined as ‘dictating living circumstances to a particular group’ with the intention to destroy that group in whole or in part. As he said after the Court’s decision *“Omar al-Bashir’s destiny is to face justice”*, explaining that *“What is happening in Darfur is that 2.5 million people are dying slowly in the camps... 5,000 are dying each month. It is time*

*to protect the victims, it is time to stop bombing civilians, it is time to stop the rapes, it is time to stop the crimes” (CNN, 2009).*

Throughout its rule, the Bashir government has failed to implement the key recommendations of the Darfur Human Rights Experts Group, which are contained in the Human Rights Council's 2007 report, where the government has made no significant progress in providing accountability for the crimes committed in South Kordofan and the Blue Nile (HRW, 2016). The ICC reports that Sudan is still refusing any form of cooperation with it to hold the accused accountable for serious crimes committed in Darfur and allow them to escape prosecution (ICC, 2005).

### **3.3. THE REFUGEES LAW IN SUDAN**

Despite the scarcity of its potential, Sudan treats the refugees with an open-door policy based on its cultural heritage, in which the values of the hospitality of the guest and the relief of the victim have been embedded. However, the influx of refugees, which reached more than one million refugees in the mid-1980s, led to the thought of organizing their presence, where the citizens were affected by the participation of refugees in basic services in the absence of international aid parity with the magnitude of the problem.

Sudan has adopted several refugee policies, beginning with the relief phase and then the development phase for the self-reliance of refugees through the establishment of a number of projects as an income source and gave the refugees the right to use agricultural land without owning it, as well as a number of programs in the framework of integrated development to compensate refugee-affected areas. Despite the weak funding of the international community for these projects, the implementation of these projects came within the framework of Sudan's commitment to international and regional charters, stressing that what is provided to the refugee comes within the framework of the humanitarian peace and not in the hostile framework of the country of origin.

Between 1986 and 2007, Sudan concluded a number of tripartite agreements with a number of countries in the field of voluntary repatriation, UNHCR and the state of origin, according to which a number of refugees returned to their country. However,

Sudan faced the problem of the refugees' unwillingness to return voluntarily because the international community did not provide aids to implement the voluntary return agreements, the lack of basic services in the areas of return, the reluctance of donors to finance the Sudan as needed after their attention to the areas of renewed conflict, the thing that led to the deterioration of services in camps hosting refugees and then to the infiltration of refugees into major cities, including Khartoum.

The infiltration of refugees into major cities has put great pressure on the basic services provided to the Sudanese citizens, therefore, Sudan had adopted the approach of integrated development for the development of rural and urban areas by integrating international humanitarian and in-kind assistance with what Sudan offers as a host country for the benefit of both refugees and citizens. This approach means the integration of international and national programs and not the fusion of refugees in Sudanese society.

Sudan has its own asylum and refugee law, enacted in 1974, which consider as the first national law for the regulation of asylum, where consisting of 15 articles. The law clearly defines who is a refugee in the article 2 as that (*every person who leaves the country of his nationality for fear of persecution or danger because of race, religion, membership of a social or political group, or fear of war, external aggression, occupation, foreign domination or internal unrest, and cannot or will not, because of that fear, return to her/his country*). This definition was taken from the definition contained in the Geneva Convention, to which the definition contained in the OAU Convention Governing the Aspects of Refugee Problems was added.

The law also referred to the rights and duties of the refugee, where the refugee is allowed to take out the property she or he entered with her or him to Sudan upon her or his return to her or his country of origin, may be granted a passport, may be granted a personal identification card for the period in which he or she is allowed to remain in Sudan and allowed to work in non-state security or national defence work.

While the law also imposes some restrictions on refugees, where article 9 of the law states that refugees are not allowed to own land and real estate in Sudan, article 10 (2) stipulates that they are not allowed to leave their place of residence by the relevant authorities to imprisonment for a term not exceeding one year. In addition to that, the



refugee is not allowed to practice any political activity while in Sudan, the refugee is subject to the general laws applicable to all Sudanese (Nobel, 1982).

In 2012, the National Assembly in Sudan approved a draft law regulating the asylum for the year 2012, which included 33 articles for the purpose of legalizing asylum and monitoring the situation of refugees in the country. The draft law introduced new provisions, most of which were stipulated in the Geneva Convention relating to the Status of Refugees and the OAU Convention, and contained many new provisions that were not provided for by the 1974 law, such as the cases of exclusion from refugee status and application for asylum, as well as durable solutions to the problem of asylum.

Article 28 and 29 of the draft resolution referred to the problem of deporting a refugee, where article 28 states that a refugee shall not be subjected to a return to the border before deciding on his application, stay in a place where his life or safety is at risk, or to return to borders of a State where his life or freedom is threatened by race, nationality, membership of a particular social group or political opinion. The draft resolution also does not impose any penalties for illegal entry or presence of asylum seekers who came directly from territories where their lives or freedoms were at risk (Juma, 2012).

Despite the existence of a law regulating the presence of refugees, the authorities during the 1970s and 1980s are currently contradictory in their treatment of some refugees, regardless of whether refugees are confined to their specific camps, the Government does little to meet the rights and needs of refugees. One reason is that the government does not have enough economic capacity to absorb refugees, the lack of political will, as the way the government treats some refugees is subject to sensitive political and diplomatic considerations.

Although Sudan has signed international law that prohibits states from deporting asylum seekers without being allowed to apply for asylum, UNHCR reports indicate that the Sudanese authorities continued to arrest, prosecute and convict them of "illegal entry" Sudan. Some HRW reports also states that the Sudanese authorities deported at least 442 refugees, including 6 registered refugees in May 2016, also indicated Sudanese authorities' refusal to enter UNHCR to identify those who wanted to seek

asylum, in addition to preventing UNHCR from reaching 64 refugees still in detention and threatened with deportation (HRW, 2016).

One of the most challenges that facing refugee protection in Sudan is the prosecution of asylum seekers and refugees as illegal immigrants through the use of immigration law rather than the asylum law, some refugees are not given access to refugee status determination procedures and the Sudanese authorities rejection the requests of some international organizations working in the field of humanitarian assistance to reach some refugees. As well as increased refugee displacements as a result of security concerns, which were offset by an increase in human trafficking, the smuggling of asylum-seekers and refugees and the restriction of movement.

### **3.3.1. Commission of Refugees-Sudan**

In 1966, Sudan established a mini-committee of the Ministry of the Interior to oversee the resettlement of southern refugees who fled abroad as a result of the military rebellion led by the Equatorial Division in the mid-1950s. Only one year later, this committee became an independent department for the care of refugees within the organizational structure of the Ministry of Interior on the basis that the problem of refugees until that time is a temporary and security problem as the humanitarian aspect of the refugee problem is not yet clear.

As a result of the continued influx of large numbers of refugees across the border at the end of the 1960s, the Government of Sudan called on the international community to intervene to provide urgent humanitarian assistance, which was met by the United Nations response, where an agreement was signed with the High Commissioner for Refugees that requires the delegation of the refugees in 1967 and opened a sub-office of the High Commission in Khartoum to work together to care of refugees in Sudan. As a culmination of these efforts, the Sudanese Refugee Organization Act of 1974 was issued, as it began the establishment of reception centres on borders, building settlements and building the administrative structure of projects in cities and villages in different states.

In 1985, with the influx of refugees to the country of more than one million refugees, in addition to the massive influx of international aid and the proliferation of

voluntary organizations and international bodies in the camps and reception centers, a negative effects of asylum began to appear on Sudan, namely environmental degradation, health and education, therefore, a number of projects have been implemented to compensate the refugee-affected areas in eastern, central and southern Sudan.

One of the most important of these projects was the establishment of a refugee fund called the National Council for the Welfare of Refugees to finance refugee relief and development projects through a single government department that collects local and foreign aid from various confiscations to be disbursed according to clear plans and programs prepared in advance to avoid crises and bottlenecks resulting from sudden inflows.

The National Council for the Welfare of Refugees was established under the chairmanship of the Minister of the Interior. It also included representatives of the various central ministries and territories where the refugees were located, as well as some national figures related to refugee issues. The Council has been given the task of securing the highest possible coordination between the relevant ministries in addition to formulating public policies for refugee relief and housing projects.

During the three years following the National Salvation Revolution (1989), the Commission of refugees in Sudan worked to consolidate a new strategy to continue to move internally and externally to achieve several objectives, including the affirmation of Sudan's religious and moral obligations towards the refugees while adhering to all international and regional conventions governing the status of refugees , to ensure continued international support from the Office of the High Commissioner, UN specialized agencies, voluntary organizations and donor countries, to seek to mitigate the effects of asylum on affected States by supporting basic services, rehabilitation of infrastructure and restoration the reconstruction of the environment, the transition from relief to development to achieve self-sufficiency for refugees and dispensed gradually for aid and external grants in line with the national strategic requirements, to activate and encourage the voluntary return of refugees as the best solution to the problem of asylum if the conditions in the countries of origin appropriate.

Since its establishment, the Commission of refugees in Sudan has taken over the Sudanese Refugee Organization Act of 1974 and the OAU Charter for African Refugees (1969) in addition to the 1951 Geneva Convention and the 1967 International Convention on the International Protection of Refugees as laws governing its work. Also, the Commission of refugees in Sudan has 6 state offices in the refugee-affected states, as well as a number of sub-offices and camps to help them organize their work (Commission of refugees in Sudan, 2019).

### **3.4. THE SUDANESE-EUROPEAN AGREEMENT ON REFUGEES**

Instead of providing assistance to refugees fleeing Europe from the hell of war, Europe has adopted policies of harsh expulsion and deterrence as a result to the refugee waves towards Europe, which reached levels not reached since World War II. In 2017, the number of asylum seekers who arrived in Europe dropped dramatically as a result of measures taken by Europe to stem the flow of migrants and refugees from Africa, as well as the European Union's efforts in the Mediterranean region, where the EU spends hundreds of millions to ensure that asylum seekers remain in the African continent instead of making the risky trip across the Mediterranean to the European shores. The EU has actively sought to prevent refugees from reaching its territory. In the framework of the policies known as the Castle of Europe, the European Union has erected fences on the land border, and a number of border guards, and deals with neighbouring countries to prevent people from entering its territory.

The tension between the EU and Sudan has remained tense over the accusations that the Union has been making against Khartoum about human rights violations, sometimes considered to amount to war crimes. However, this situation began to change markedly recently, especially with the beginning of the crisis of asylum that swept the European coasts from some North African countries (Bibi, 2017).

Europe classified Sudan as one of the most African countries that play a pivotal role in the "export" of refugees from Africa to Europe, due to its geographical location and its extended borders bordering six countries, where Sudan has long been considered a transit link for immigrants to reach Europe. Also, the diversity of races and tribes and their overlap with the races and tribes of neighbouring countries made

it easier for some citizens of these countries to use the matter to seek asylum in the name of the Darfur issue (Al-Hussein, 2016).

In 2016, the EU began a high-level dialogue with Sudan on migration with a view to reaching an agreement to reduce human trafficking, smuggling of migrants and protect the rights of all migrants, refugees, asylum seekers and victims of trafficking, where the dialogue touched on issues of concern to the Sudanese authorities (EU, 2018).

In line with the recent agreement on the return of refugees to Turkey, the European Commission has sought an agreement with four African countries - Eritrea, Ethiopia, Sudan and Somalia - to return refugees from Europe in exchange for benefits including economic assistance and visa facilities for European countries, where the European Union spent \$ 200 million earmarked to help Sudan as part of the so-called "Khartoum Process", the common name of the European Union and several Horn of Africa conventions to curb illegal immigration.

The agreement aims to enhance cooperation in the field of migration and mobility, identifying and implementing concrete projects to address human trafficking and smuggling of migrants according to IOM standards, the thing that was confirmed by the Sudanese Foreign Ministry of receiving Sudan 110 million euros for border control, the establishment of camps, the provision of health care and the establishment of development projects (L.Chandler, 2018).

The EU mission in Sudan has announced the arrival of a team of immigration experts from Brussels to Khartoum to discuss cross-border migration issues, as well as Sudan has already begun implementing its agreement with the European Union, where Sudan handed over Mirad Medani to Italy, an Eritrean nationality known as "General", as he is suspected of being a key figure in the smuggling of migrants from Africa to Europe where he was arrested by the Sudanese authorities on a Khartoum street.

According to a recent report published by the IRIN, a large proportion of EU funds are misused causing a rise in the incidence of human rights violations affecting migrants in Africa, rather than addressing the root causes of migration. At the same

time, the European Union denounced accusations of abuse of funds indirectly, stressing that "*the union does not work with the repressive government or exchange funds with them directly.*"

Moreover, it is important to point out that the EU donated € 100 million as financial aid in 2016 to the most vulnerable population in Sudan under the EU Emergency Trust Fund for Africa (EUTF) which was framed to address the root reasons behind the instability engendered by forced displacement and random migration. In addition to providing an additional € 60 million in September 2017 that has been routed through EUTF to provide more support for the homeless, migrants and host communities in Sudan (EU, 2018).

The article, however, revealed that the UNHCR financed the purchase of motorcycles for Sudan's national intelligence and security services, an intelligence agency accused of arresting and torturing political opponents of the government. In addition to the financing of border guards patrolling the border between Sudan and Libya directly from this money, where these border guards are composed of the Janjaweed militia, the militia that involved in war crimes during the conflict in Darfur, as a result of their integration into the Sudanese army and making them responsible for arbitrary arrests and deportations the asylum seekers who entered Sudan illegally (L.Chandler, 2018).

Although the EU sought to make the Sudanese-European agreement on refugees secret, where at the EU meeting on March 23, 2016, the ambassadors stressed the importance of this document not being leaked to European public opinion, where a senior EU foreign affairs representative, Federica Mughnerini, warned that Europe's reputation could be at stake, but the leaking of the document led to the publication of a number of reports that put the EU in an embarrassing situation where the attempts of the union did not succeed in denying and repudiating (Dahlkamp, Popp, 2016).

It was also surprising that the document was exposed to the human rights situation in Sudan and described it as catastrophic, however, the poor situation did not prevent the cooperation with Sudan in the security areas, where the document focused in particular on cooperation in the areas of migration, travel and repatriation of

refugees, in return, Sudan would be removed from the list of countries supporting terrorism in the event of its response.

This document has become a source of criticism to the EU in the refugee crisis issue, where the Geneva-based Médecins Sans Frontières (MSF) has called to rejected any fund that comes from the EU, protesting the European Union's shameful deterrence policies, and its intensifying efforts to keep migrants off European shores. Human Rights Watch also said in a statement: "It is ironic that the European Union, founded on a base of values, collaborated with tyrannical governments that despised human rights simply because they want to prevent refugees from reaching Europe" (Al-Hussein, 2016).

According to one report in 2016, Sudan's rapid support forces said they had "intercepted hundreds of illegal immigrants, of whom 600 said they were Ethiopians," but there was little information on how they were treated after they objected (Dabanga, 2016), which made Amnesty International consider that refugees and migrants intercepted by Sudan's rapid support forces or other Sudanese security forces face serious risks of human rights violations.

It also said that the Sudanese authorities did not deal with the record of violations by Sudan's Rapid Support Forces or by other Sudanese forces. So, if the EU does not provide direct funding to the Sudanese security forces, it cannot be ignored that Sudan's move to curb illegal immigration involves a very serious risk of human rights violations against refugees and migrants, where the EU-Sudan partnership provides funding and legitimacy to a context in which violations of the rights of refugees and migrants can very well occur (Amnesty International, 2016. Pp. 49-54).

### **3.5. NOWADAYS REFUGEES IN SUDAN**

Despite its civil war that has created millions of refugees, Sudan has remained one of the first and favorite refugee destinations of many of them fleeing conflict in their countries from neighboring African countries suffering from political turmoil, wars, drought or ethnic persecution, where the refugees came either to live temporarily or permanently or to cross the borders to Europe, and sometimes to Israel across the Sinai Peninsula to the northeast of neighboring Egypt, where Sudan's expanded

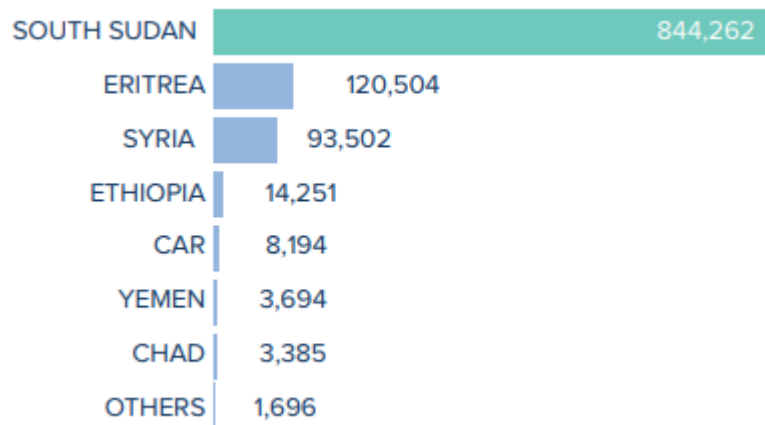
borders and geographic location have helped hundreds of thousands of refugees cross into other countries.

The first group of refugees arrived in Sudan were Congolese (DRC / Zaire), who fled the war in their country in 1965, they numbered nine thousand refugees at that time, of whom 200 remained in Sudan, according to government statistics. They were followed by the arrival of refugees from Ethiopia and Eritrea in 1967, during the reign of Emperor Hellaslasi (1930-1974). They continued to be evacuated during the reign of his successor Mencesto Haile Meriam (1974-1991), where they reached 830 thousand refugees in Sudan and remained tens of thousands of whom.

Ugandan refugees began their flow into Sudan in 1972, during the reign of President Idi Amin (1971-1979) and continued until 1985, with some 259,000 refugees, most of whom returned home. In Chad, over the past 30 years, political conflict, drought and persecution have led to the flight to Sudan, and even after stability, they have preferred to remain in Sudan, where the government estimates that there are currently more than 8,500 refugees.

The refugees in Sudan are not limited to those coming from African countries, especially from neighbouring countries, where there are also Arab refugees. Sudan has received a large number of nationals from Arab countries, such as Syria and Yemen, following the security conditions in the region since late 2010, Civil wars and political conflicts since the overthrow of popular revolutions regimes in countries including Tunisia, Egypt, Libya and Yemen. ( Figer 4). On the other hand, Sudanese refugees have been expelled from Sudan since the civil war in the south (1983-2005), the conflict in Darfur (west) since 2003, and the fighting in South Kordofan (South) and Blue Nile (south-east) regions since 2011 (Anatolia Agency, 2018).

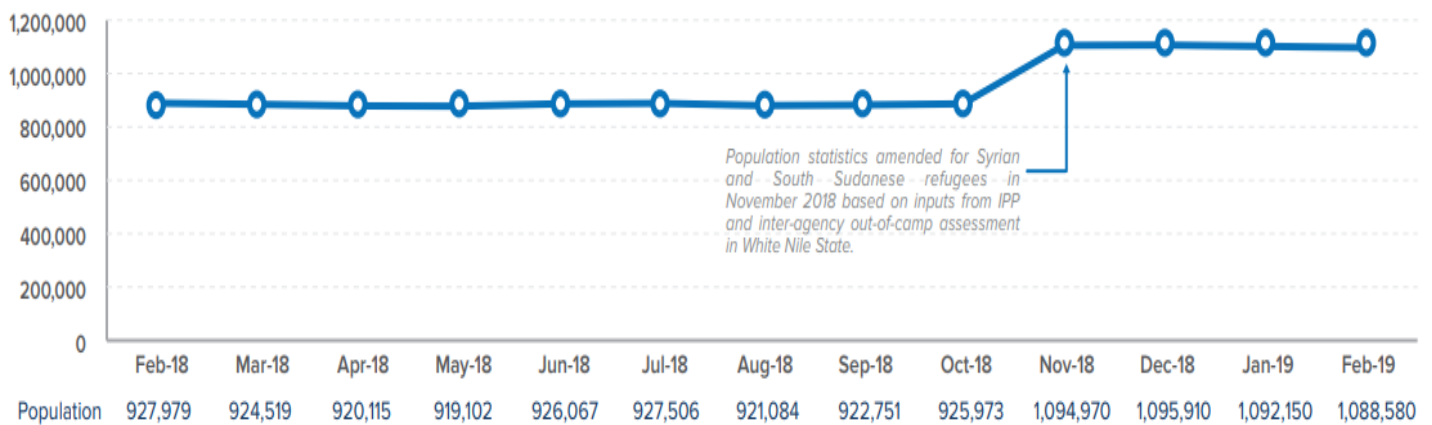




Figur 4: The Number of Refugees in Sudan Until Feb 2019 (UNHCR, 2019).

Despite the increase in the number of refugees in Sudan, which contributed to the negative effects on the economic situation and its heavy pressure on public services, in addition to the reduction in the volume of international aid and the slow implementation of the agreements signed on voluntary return and the full arrangements and preparations made by the Government of Sudan for that program, where the refugees issue became insolate to the state and citizens together as a result of the heavy pressure on services, however, the situation of refugees in Sudan is characterized by a state of stability (Al-Jaili, 2018).

Hamad al-Jazuli, Commissioner for Refugees in Sudan, said: "*The number of refugees is increasing, especially since Sudan is receiving large numbers of the State of Southern Sudan, as well as Eritrean refugees fleeing compulsory military service. Sudan's refugee situation has become very complex and needs Khartoum to the cooperation and support of all concerned to play its full role towards the refugees*". (Moneim, 2018) ( Figur 5)



Figur 5: The Monthly Arrival of The Refugees to Sudan Until February 2019 (UNHCR, 2019).

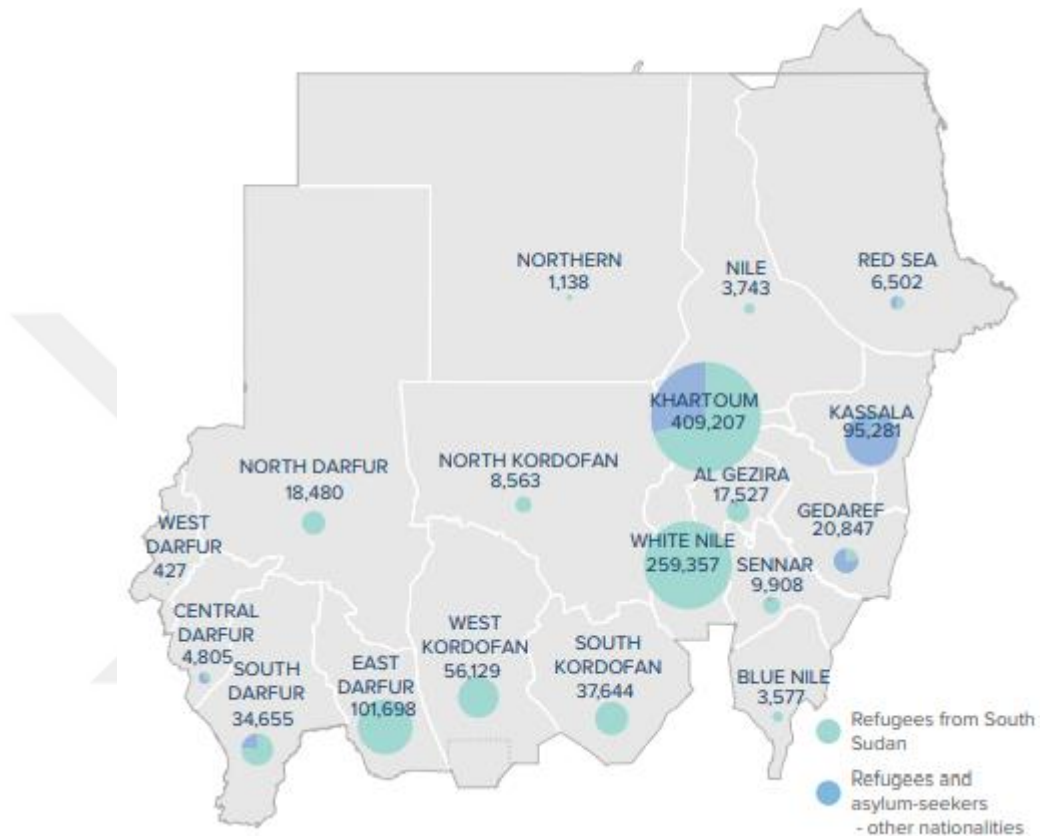
He noted that *"a large group of refugees from Eritrea, Ethiopia and Somalia are using Sudan as a crossing point to reach the Mediterranean Sea, reaching Europe, where they became victims of smuggling networks and human trafficking during this long and dangerous journey."* He explained that *"this phenomenon began six years ago in eastern Sudan and the victims of refugees and asylum seekers."*

He also said refugees in Sudan are divided into three types, the first group is the refugees who are in the camps, where they are provided with the necessary services through the UNHCR, and they are better off than others, where they have no problem in providing services and basic needs and counting them, according to statistics, they live in camps in eastern Sudan and Central Sudan And western Sudan.

Refugee camps are located in eastern, southern and western Sudan, where Eritreans and Ethiopians are located in seven camps in the east. Chad refugees are in three camps in the states of the Darfur region of western Sudan. While South Sudan refugees are in 14 camps in the Border States, while others reside on the outskirts of the capital, Khartoum, in what resemble camps. (Map 5)

The second group is the refugees in urban or ruler areas, where there are no accurate statistics on their numbers, as the Commissioner for Refugees in Sudan has worked on counting them on the Red Sea, Gedaref and Kassala regions as a first stage and has not been able to count them so far in the state of Khartoum and the Aljazeera state.

The third group is asylum seekers who are newly entering the country and use Sudan as a transit point to Europe, where this category is more vulnerable to human trafficking and is restricted to refugees from Eritrea, Ethiopia and Somalia, according to the government commission. (Al-Fahal, 2014)



Map 5: The Distribution of Refugees in the Sudan States Until March 2019 (UNHCR, 2019).

In its report on the 2019-2020 Refugee Response Plan, UNHCR noted the active participation of the Sudanese Government in responding and engaging with United Nations agencies and international partners to provide basic assistance, including health, nutrition, education, food and livelihood support, as well as continuous registration of new arrivals, where state-level coordination mechanisms have been established by the Sudanese Government to organize regular meetings to oversee the response process in all sectors in cooperation with UNHCR and in line with the coordination mechanisms Led by UNHCR in the states. In addition, local authorities

and state governments have identified additional land and granted permission to develop a new site to host new refugees (UNHCR, 2019).

In 2018, UNHCR began an investigation following a 10-month IRIN investigation in 2017, where IRIN investigation included a large number of interviews with refugees in Khartoum and ex-worker in UNHCR in Khartoum, reported that individuals working with the Sudanese branch of the United Nations agency responsible for resettlement were involved in corrupt practices and that changing decisions were often made on the basis of bribes rather than eligibility, where a number of people told IRIN that individuals associated with the UNHCR asked for money in exchange for a few degrees of refugees' progress on the long ladder of resettlement as part of the "pay-for-play" policy (Hayden, 2018).

IRIN also reported in its investigation that many refugees in Khartoum described a well-established system of bribery and exploitation practices associated with UNHCR's resettlement program in Khartoum, where refugees interviewed said that they had been contacted by Eritrean or Ethiopian individuals who claimed to have contacts within the UNHCR and indicated that the funds could bring their cases. Some of the refugees who applied for resettlement also said that their documents had disappeared under vague circumstances and that the figures for some of their cases had changed without explanation.

The investigation also indicated that the current rate of speeding up the registration and resettlement of unregistered asylum seekers in Khartoum is around \$ 15,000 while the price increases from \$ 35,000 to \$ 40,000 for the resettlement of an entire family, where these bribes are paid to a network of intermediaries, UNHCR and protection staff (Hayden, 2018).

The IRIN investigation also included the complaints of a former UNHCR staff member in Khartoum who explained that the alleged corruption had continued for a long time but it had become much worse over the past four years, with no clear action taken to address it, *“the magnitude of corruption in the office is on an unprecedented scale, this operation is the worst in terms of corruption and mismanagement”*, he also added that *“If they one of the staff talk they will lose their job, they will be attacked and harassed, I believe lots of people in UNHCR know about this but no one wants to*

*talk about it, that's a problem, they know talking about it will not do anything, even IGO takes a long time and nothing happens, everybody prefers to be quiet."*

As a result of the UNHCR investigation, some refugees reported that their cases were being reassessed, in addition to the suspension of the resettlement process, where the spokesman for the UN agency responsible for resettlement in Khartoum said they were not aware of such allegations, stressing that the Geneva-based Inspector General's Office (IGO) is charged with considering allegations of misconduct (Hayden, 2018).

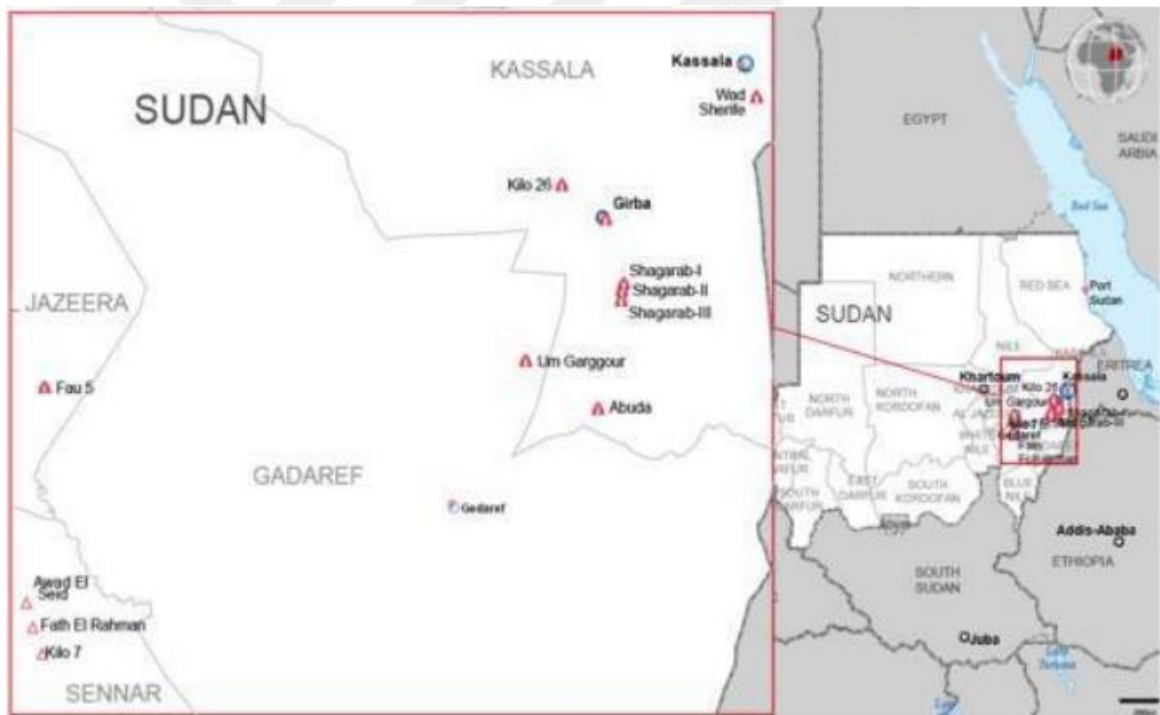
As UNHCR continues to investigate allegations of bribery and corruption in the resettlement process in Sudan, dozens of refugees have been told that they are too afraid to give full details to UNHCR-appointed investigators as they fear retaliation against them, thus losing their right to legal protection and associated services, citing to the lack of witness protection and close links between some local UNHCR staff and Sudanese security officials.

Also dozens of refugees mentioned that they had been intimidated and harassed by some Sudanese staff in the UNHCR in Khartoum and by State security officials and Sudanese government refugee commission officials since the investigations began, saying they had been called by phone or asked to meet with officials and then they were under pressure not to testify in the investigation or their case for resettlement would be closed and they will loss of the access to other assistance (Hayden, 2018).

In another report in 2017, Jehanne Henry, assistant director of the Africa division at HRW, said that "*in Sudan, migrants are vulnerable to a litany of abuses*", adding that "*many live in legal limbo, can be rounded up and arrested at any time and summarily tried for immigration violations, and can be jailed, fined, and deported without due process or transparency*". These sites provide assistance for foreigners, particularly Syrians, to illegally have Sudanese nationality (Henry, 2017). The violations against refugees in Sudan were also mentioned in the Human Rights Report 2017 issued by the US State Department, where the report said that "Refugees and asylum seekers in Sudan are subject to arbitrary arrest and harassment in urban areas because of incorrect or lost identity cards and credentials" (US Department of State, 2018).

### 3.5.1. Eritrean

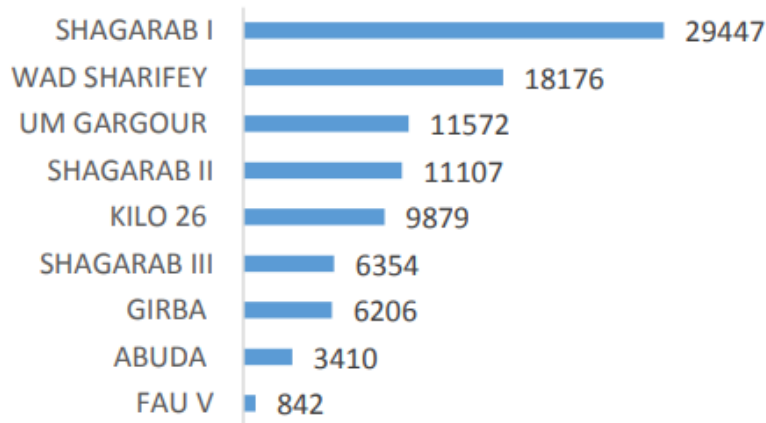
Eritrean refugees still live in eastern Sudan (Map 6) after a half a century of the story of asylum the most bitter chapter in the story of Eritrean refugees, where currently they numbered 120.504 registered refugees distributed in the nine camps in the states of eastern Sudan. (Table 1, Figer 6)The first wave of the Eritrean refugees arrived in Sudan in 1962 as a result of the decision of the Ethiopian Emperor Haile Selassie to annex the territory of Eritrea, which was considered as one of the Italian colonies until 1952, to Ethiopia, the Ethiopian colonizer applied the scorched earth policy that targeted the Gash region and the west of the country bordering Sudan as they were the popular incubator of the Eritrean revolution at the time, but this decision was met with armed resistance led by the Eritrean Liberation Front (ELF) at the beginning and continued until the end of the Independence War.



Map 6: The East Sudan Refugees Camps Map (UNHCR, 2019).

State	Location	Camp Name
Kassala	Wad El-Heliw	Shagarab I
		Shagarab II
		Shagarab III
		Abuda
	Rural Kassala	Wad Sharifi
Gedaref	Khashim Girba	Kilo 26
		Girba
	El-Fascia	Umgargour
Al-Gezira	Um El-Quora	Fau V

Table 1: The List of The Eritrean Refugees Camps in East Sudan and its Locations (OCHA, 2019)



Figur 6: The Estimation of The Eritrean Refugees in East Sudan Camps Until JAN 2019 (UNHCR, 2019).

According to the statistics of the Sudanese interior then, the numbers of the first wave during the first week only amounted to 30 thousand refugees. This number increased to more than 200,000 Eritreans displaced between 1975 and 1978 when the conflict combined with periods of drought has pushed more Eritrean civilians into Sudan gradually searching for safety (Plaut, Gilkes, 1999).

The influx of refugees into Sudan has not ceased since the arrival from the Eritrean refugees in the whole of the Eritrean territory. According to some relief organizations, the number of refugees rose by more than 400,000 between 1980 and 1985, as well as about 500,000 exiles. The number of refugees has exceeded to one

million during the 1990s, a large number of them lived in different camps until they were confined to 14 camps later (Plaut, Gilkes, 1999).

After the liberation of the country and the declaration of the State of Eritrea in 1993, bilateral agreements were signed in 1994 between the Sudanese Government, Eritrean Government and the Office of the UNHCR, with the aim of assisting refugees in the voluntary repatriation process, where around 25000 refugees returned to Eritrea at the end of the same year, but the process was quickly hindered for several years due to political tensions in the region (UNHCR, 2002).

Although hundreds of thousands of refugees returned after independence, there were still an estimated 142,000 Eritreans in refugee camps in eastern Sudan, in addition to a large number of them live in urban areas in Sudan, particularly in Khartoum. These refugees were unable to return to their homeland because of the absence of coordination between the Eritrean government and the United Nations, in addition to the lack of means to help the refugees to settle and live in their homeland (Ali, 2017).

In 2000, a new tripartite agreement was signed between UNHCR, Sudan and Eritrea with a view to restarting the resettlement process, where contributed to the repatriation of 9,000 Eritrean refugees, but these efforts were interrupted again by the outbreak of hostilities between Eritrea and Ethiopia, where thousands of additional Eritrean refugees have fled to Sudan fleeing the new fighting, additional camps have been set up for some 95,000 new refugees. Since then, the number has either returned spontaneously or with the assistance of UNHCR, where UNHCR has helped to transport more than 25,000 on its trucks in 2000, and 12,000 others in 2001 (UNHCR, 2002).

The war between Eritrea and Ethiopia was not the only reason for the Eritreans to flee to neighbouring countries. In 1995, the Asmara government imposed 18 months of national service on all citizens aged 18 to 50 years after their secession from Ethiopia to help rebuild the country following the liberation war which lasted 30 years, consisting of a six-month training period in military service and a year of development projects.



In 1998, however, the Asmara government imposed compulsory conscription indefinitely since a two-year border war with Ethiopia and the continuation of the conflict despite the signing of a ceasefire in 2000. The Eritrean government justified the national service system as necessary for self-defence, in the light of the old enmity with Ethiopia. It also stated that not all conscripts performed military functions, where many recruits were required to assume civilian roles such as agriculture, construction, teaching, and public.

According to a report by Amnesty International, although Eritrean officials say compulsory service is limited to 18 months, it is still unchecked and lasts for decades, mostly involving recruits and children as young as 16. The report also indicated that, based on interviews with 72 Eritreans who had fled the country to a number of negative effects of national service such as boys dropping out of school to avoid compulsory recruitment, girls rushed to early marriage in the hope that they would not be eligible for conscription, the inability of young people to create stable life or even planning for it, in addition to the low level of salaries that makes it impossible to meet the basic needs of the family in view of the salaries they receive (Amnesty International, 2015).

The report of the African Center for Justice and Peace Studies (ACJPS) of 2017 states that Eritrean refugees enter Sudan through two routes, one of which is the Ethiopian border, which is safer compared to other routes, where the ultimate goal of all of them is to reach Europe and the Middle East. While the second route from Eritrea is through open border crossings into eastern Sudan, which has four refugee camps, including the Al-Shajarah camp, which is the largest in the border area between Sudan, Ethiopia and Eritrea.

Juba in Southern Sudan also is one of the most important areas for Eritrean refugees to stop during the period 2005-2013, where some travel from Juba to Dubai and then to other stops, while others go to Ethiopia and then to East African countries such as Kenya and Uganda with regional offices of the UNHCR where they can apply for resettlement in other countries.

In recent times, a large number of Eritreans fled to Sudan via the unknown Karora crossing, which is located in a desert area where fugitives face problems in drinking water and drought. In addition to the Karora area being too remote and

deserted, many people disappear as they flee Eritrea to Sudan, where a large number of people die while travelling to Sudan. According to African observers, in the year 2017 alone, more than 10 Eritrean youths were reported missing on their way to Sudan for unknown reasons (Africa Monitors, 2018).

As refugees are among the most vulnerable to human trafficking, Human Rights Watch said that between 2010 and 2013, human traffickers in Sudan continued to kidnap Eritrean refugees from eastern Sudan and sell them to human traffickers in Sinai, exposing hundreds of them to horrific acts of violence in order to extort the relatives of the victims and force them to pay huge amounts of ransom.

According to Human Rights Watch, the facilities and cooperation provided by the Sudanese police, the Egyptian police and the military have sometimes helped to complete the human trafficking operations, where the collaborating policemen hand over the victims to the traffickers in the police stations, ignore their passage at the security checkpoints, in some cases they often return victims to traffickers.

Human Rights Watch also noted that Sudan's rare prosecutions of Eritrean traffickers and Egypt's failure to investigate and prosecute, which means that the two countries have breached their obligations under national and international laws to combat human trafficking, international human rights law. The organization also said that the Sudanese government prosecuted only four security officials in 2012 and 2013, while the Egyptian authorities did not pursue a single security suspect on suspicion of complicity (HRW, 2014).

The entrance of the Eritrean refugees is facilitated by Eritrean border guards in coordination with human traffickers at the Sudanese border, where 22 refugees cross the border weekly with the help of Eritrean border guards. The ACJPS report estimated that the cost of crossing Sudan's eastern border near the reception centers with \$ 6,000- \$ 10,000 per person, where human traffickers took refugees from camps or reception centres to the capital Khartoum for a fee of \$ 2,000, the human trafficking gangs then transfer individuals to Libya across the Sudanese border for a fee of \$ 2,000, also the cost of trafficking people from Libya to Europe across the Mediterranean Sea estimated with \$ 2000.

The report estimated that the minimum cost of trafficking in individuals from Eritrea to Europe is about \$ 14,500 but, in some cases, it may reach \$ 20,000 per person. According to the ACJPS interviews, the total weekly cost of the group ranges from \$ 319,000 to \$ 440,000, which some Sudanese government officials have pointed out that it would reach to be \$ 8 billion a year in human trafficking, with 143 criminal records related to human trafficking in 2016 by 780 victims.

The report also pointed out that the city of Kassala on the eastern border of Sudan considered as one of the main centres from which human trafficking begins in the period from 2010 to 2014, and also as a centre for receiving ransom through the networks of smugglers in cities, where the members of these networks have the ability to move freely within the cities (Africa Centre for Justice and Peace Studies, 2017).

According to the ACJPS report, refugee camps in eastern Sudan witnessed a deterioration in the security situation between 2012 and 2015, especially in the largest camp of Al-Shajarab, that located about 20 km east of Kassala on the Eritrean border and includes more than 37,000 refugees, 70% of whom are Eritreans aged between 18 and 50 years. The tension was the result of the intervention of the National Intelligence and Security Agencies in the distribution of food aid to the camp, where NISS prevented the entry of a shipment of flour sent to the camp in November 2017 on the grounds that those who reside in the camp are refugees must be supported by UN agencies, this intervention also led to a recent increase in tuberculosis among refugees in the camp due to lack of aid. Consequently, a large number of refugees have left the camp to move to cities to settle or plan to move to another country (Africa Centre for Justice and Peace Studies, 2017).

Some reports said that after Adam Gamma the representative of the Sudanese National Congress Party (NCP) was appointed as the governor of Kassala state after the government reshuffle following the 2015 general elections, Gamma announced his plan to tackle illegal immigration and trafficking in eastern Sudan, thus, the State Criminal Courts issued decisions to deport 175 Eritrean refugees forcibly to their homeland as a result of his intervention in the direction of court orders. The reports of ACJPS also indicated coordination between the Governments of the Sudan and Eritrea on this issue, where Eritrean authorities sentenced those forcibly deported to prison for

up to 14 years and may have been tortured (Africa Centre for Justice and Peace Studies, 2017).

The UNHCR said in 2014 that 74 Eritrean refugee and asylum-seekers were forced to leave Sudan and were sent home in the first half of the year, the UNHCR also stated that they were accused of illegally entering Sudan, but they had no asylum procedures to review their requests by the competent authorities. UNHCR spokeswoman Melissa Fleming expressed grave concern over the forcible return of Eritrean citizens, asylum seekers and refugees, which said "*such deportations are a forcible return and a serious violation of the 1951 Refugee Convention and the Sudanese Political Refugee Act of 2014, we remind the Sudanese government of its obligations under Sudan law and urge the authorities to provide for all asylum-seekers and protection against refoulement. According to international refugee law, no person should be returned involuntarily to a country where he or she feels the fear of being subjected to persecution*" (Ferry, 2014).

This was not the only case in which Eritrean refugees were subjected, where Africa Monitors said that in May 2018, police in the border of Kassala arrested a number of Eritrean refugees who did not have residence permits in the city and were released after payment and ordered to apply for a residence permit at the Immigration Office of the city. But most of those who were released ignored the request to apply for a residence permit because they need to pay 2,300 Sudanese pounds (US \$ 1 = 18 Sudanese pounds), which is not a small amount of money that the refugees can get easily. Accordingly, Eritrean refugees became victims of arrests and fines as a result of their disregard for the country's laws and a good source of income for the Sudanese police. (Africa Monitors, 2018)

Although Sudanese-Eritrean relations have been described as friendly at present, they have been weak and complex, due to the great role played by both governments in influencing the policy of others, where the Eritrean government has allegedly supported opposition groups to destabilize eastern Sudan, similarly, the Sudanese government supported Islamic elements among Eritrean youth in refugee camps in the 1990s. Between 1990 and 1994, Sudanese-Eritrean relations enjoyed a degree of political stability, which in turn reflected positively on the Sudanese government's

policy towards Eritrean refugees, easing restrictions on refugees and allowing them to move between their camps and their specific towns, they were also allowed to work without formal work permits.

But this stability did not last long as relations between Sudan and Eritrea deteriorated dramatically in 1995 when Sudan was accused of plotting to kill the Egyptian president, where Eritrea accused Sudan of supporting dissident opposition groups. On the other hand, the Sudanese government has changed its generous policy towards Eritrean refugees, many of whom have been arrested, reduced and harassed and deported in some cases.

Therefore, the diplomatic contacts have not been established again between the two governments until 2006, where Eritrea brokered peace talks between the Sudanese government and the Eastern Front, since then, relations between the two countries have improved and visits were exchanged between high-level officials. This improvement has once again affected the situation of Eritrean refugees in Sudan, where the restrictions that imposed on them have been relaxed which allowed them to move and work in urban areas, although the majority of Eritrean refugees were confined to camps in rural areas of eastern Sudan (Assal, 2007).

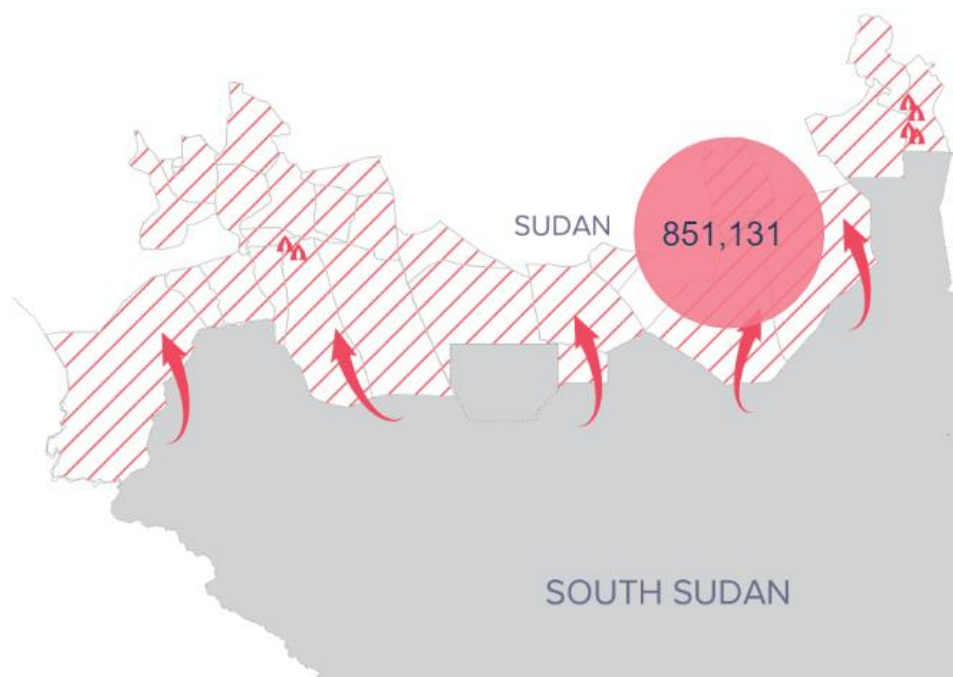
### **3.5.2. South Sudanese**

More than six years have of civil war in South Sudan has doubled the suffering years of South Sudan people under the civil war between the north and south, and as they saw a glimmer of hope ending the tragedies of killing and displacement following the decision to secede in 2011, but the ghosts of death found them again after the outbreak of conflict between the two factions of SPLM in late 2013 to draw the tragedy of millions of southern Sudanese who have suffered between dead and displaced, refugees and others do not know the fate.

The refugee crisis in South Sudan's considered as the largest in Africa and the third globally, after Syria and Afghanistan, but with less attention and chronic levels of underfunding, where Sudan was the biggest future of war-fugitives by virtue of its geographical borders and common history between the two peoples, where Sudan shares a 2,000 km border with South Sudan (Osman, 2017).

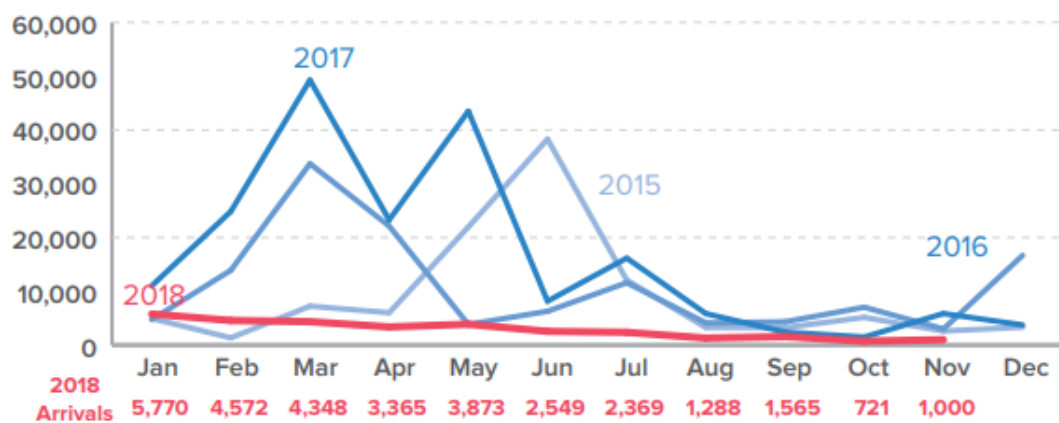
The ongoing violence and conflict in the newly born country of southern Sudan have been the main cause of the displacement of millions, with nearly a third of the population fleeing their homes. Besides that, food insecurity as a result of the ongoing conflict in South Sudan has been another reason of displacement, where Southern Sudan has suffered for long periods of acute food insecurity and malnutrition especially in the border states of Northern Bahr el Ghazal, Unity and Warab as insecurity continues in southern Sudan (OCHA, 2016).

According to the latest UNHCR reports, Sudan is the second country to hosts the largest number of refugees from South Sudan, where more than 850,000 refugees from South Sudan have been counted throughout Sudan since December 2018, including approximately 385,000 people living in Sudan since the outbreak of conflict in South Sudan in 2013, where they registered in reception areas ( Map 7). In addition to around 467,000 refugees from South Sudan who were registered by the Sudanese government and UN sources, where most of them lived in Sudan before the conflict in South Sudan and are recognized by the Sudanese government as refugees because they cannot return safely to their homes. On the other hand, the Sudanese government estimated up to 1.3 million refugees from South Sudan in Sudan, many of whom have not been registered (UNHCR, 2019).



Map 7: South Sudan Refugees In Sudan until May 2019 (UNHCR, 2019).

The UNHCR reports that Sudan continues to receive a steady flow of refugees from southern Sudan each month, with the number of newcomers peaking in 2017 when it reached nearly 200,000 refugees, but this rate slowed in 2018 compared to previous years, which reached nearly 27,000 refugees. The report also noted that 82% of them are women and children who arrive in Sudan in very poor health after a continued journey of several days on foot, where they are in dire need of protection, nutrition, shelter and health support (UNHCR, 2019). (Figer 7)

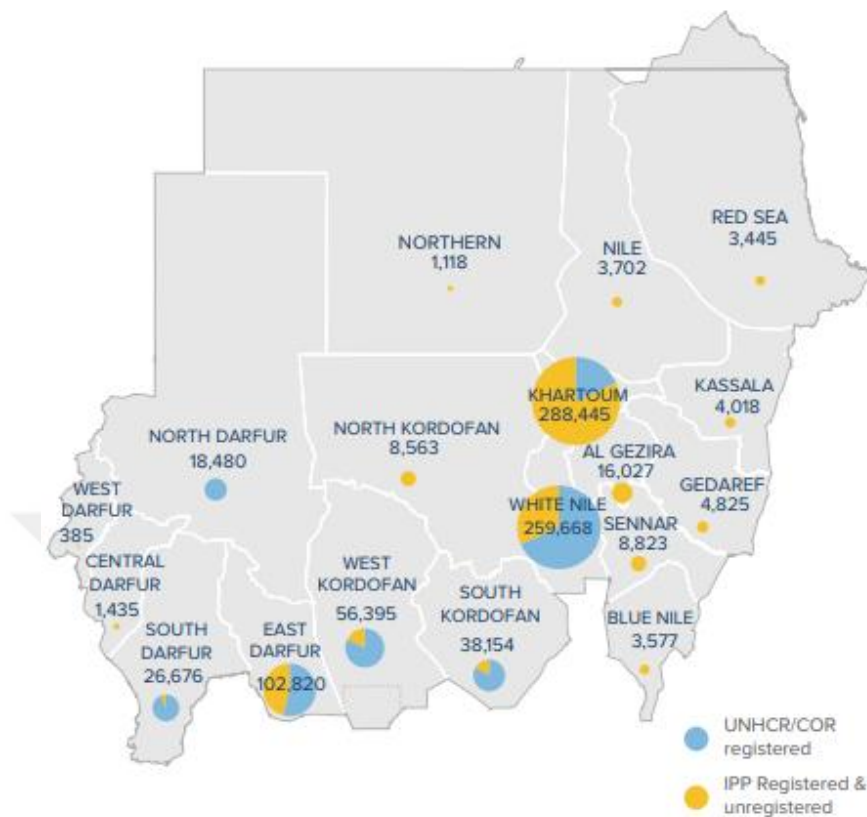


Figur 7: The Monthly Arrival of South Sudan Refugees to Sudan Until Nov 2018 (UNHCR, 2018).

According to the Sudanese Ministry of the Interior, Babakr Dokneh, the number of Sudanese refugees in Sudan exceeded one million refugees, some of them in refugee camps and others penetrated into cities, including Khartoum, where he said, "*The number of South Sudanese in Sudan is more than one million people, only 400 thousand refugees were counted*", stressing the commitment of Sudan to shelter and provide services to them and help in the stability of the security situation in their country (Osman, 2017).

The refugees from southern Sudan are distributed in many Sudanese states, including the states of White Nile, South Kordofan, West Kordofan, East Darfur and South Darfur, where they enter Sudan through at least 14 different entry points. (Table 2) However, the states of North Darfur, North Kordofan and Khartoum are receiving

continued movements of refugees seeking opportunities to earn a living. (Map 8).



Map 8: The distribution of South Sudan Refugees in Sudan states Map Until March 2019 (UNHCR, 2019).

State	JAN	FEB	MAR	TOTAL
East Darfur	1,552	2,338	1,528	5,418
West Kordofan	767	438	620	1,825
South Darfur	487	259	60	806
South Kordofan	167	68	200	435
White Nile	138	39	174	351
<b>TOTAL</b>	<b>3,111</b>	<b>3,142</b>	<b>2,582</b>	<b>8,835</b>

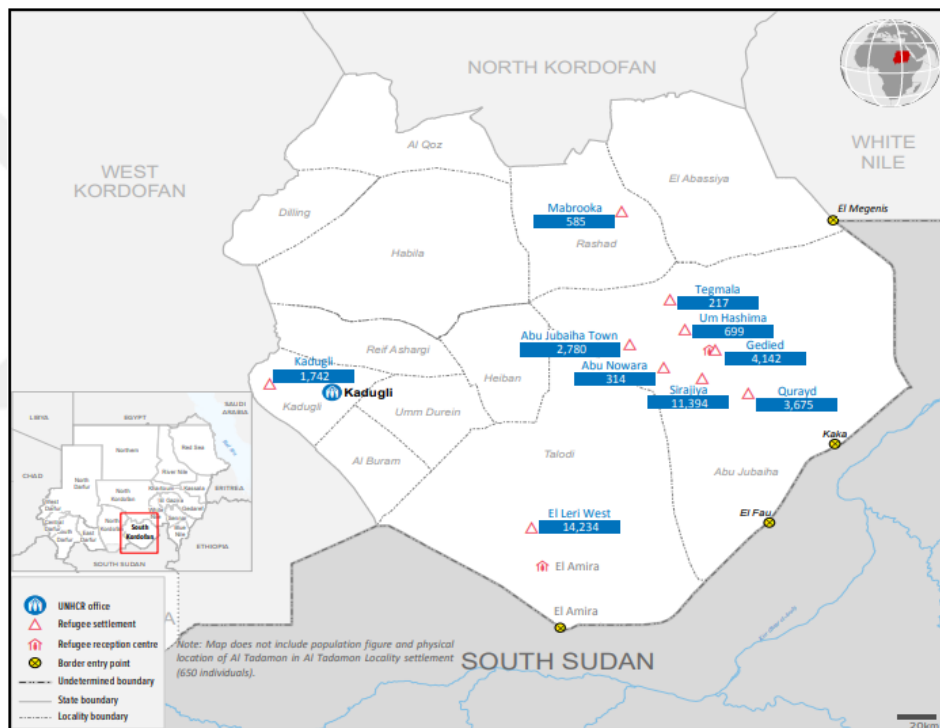
Table 2: The distribution of South Sudan Refugees in Affected Sudan states Until March 2019 (UNHCR, 2019).

The International Organization for Migration (IOM) said that the situation of refugees from Southern Sudan in Kordofan is different from the situation in Darfur, so there are no official camps for the displaced, therefore, southern refugees are deployed alongside IDPs in different cities, towns and regions, some of which are controlled by

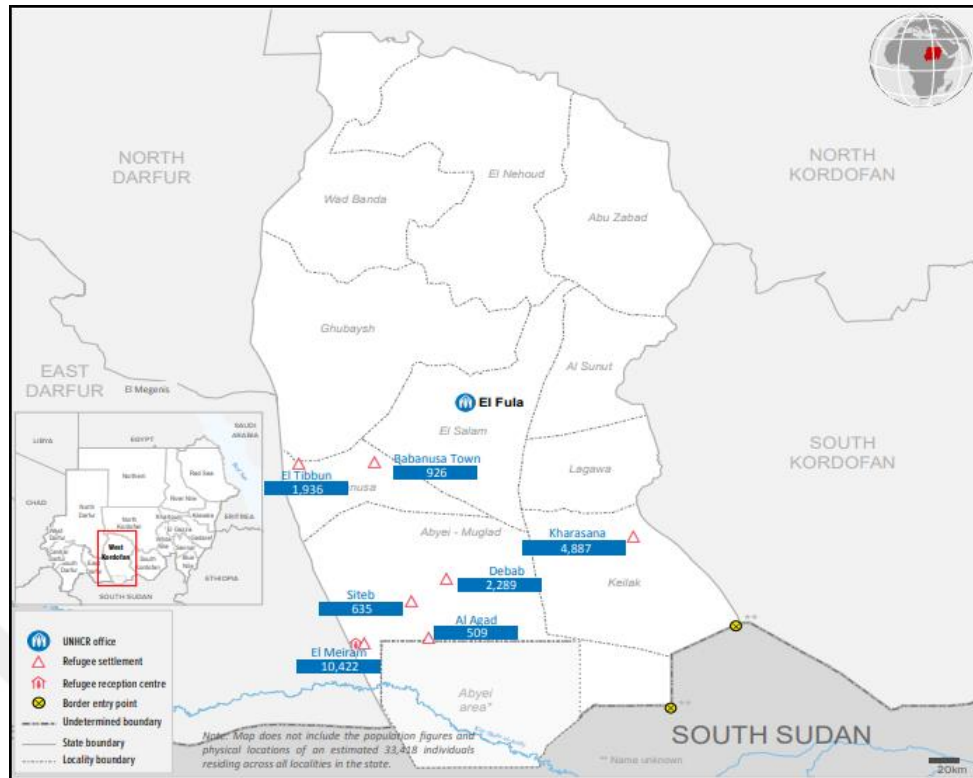


armed groups, which means that a large number of refugees and IDPs need urgent humanitarian assistance (IOM, 2018).

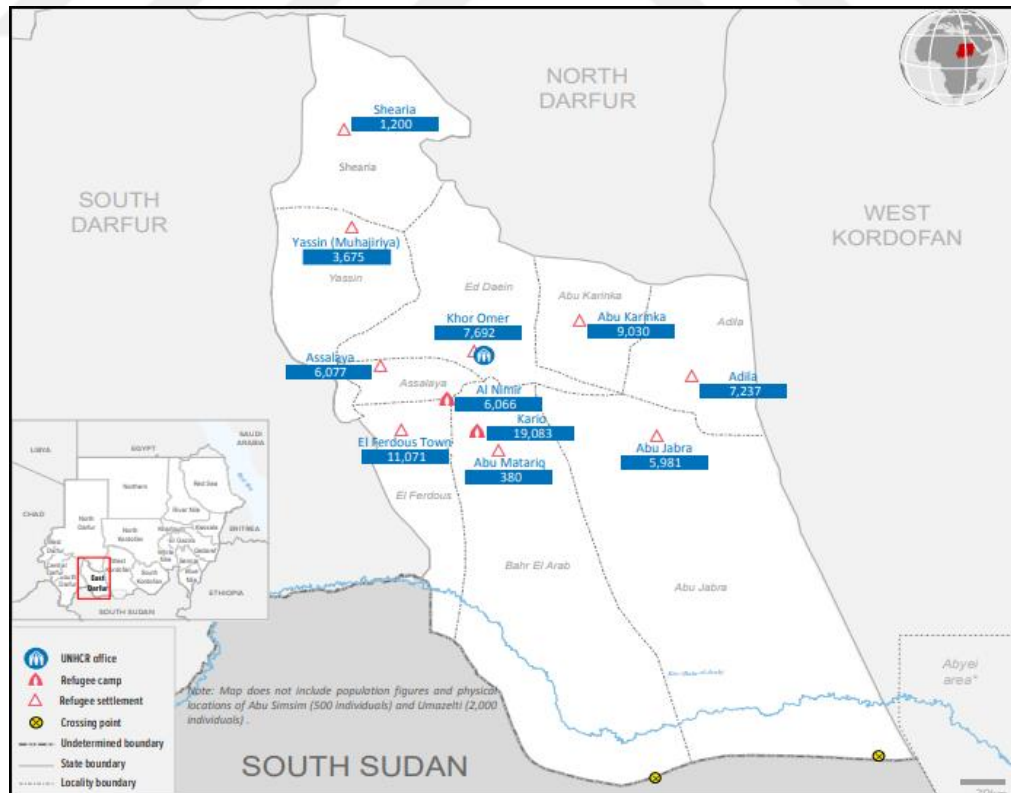
As that UNHCR said, about 79% of current South Sudanese refugees live with host communities in more than 100 settlements outside official camps in several states including South Kordofan (Map 9), West Kordofan (Map 10), East Darfur (Map 11), South Darfur (Map 12) and North Darfur (Map 13), where they include large collective settlements that accommodate thousands of refugees near reception centres, as well as smaller self-dispersed settlements where refugees live in an integrated style with the host community.



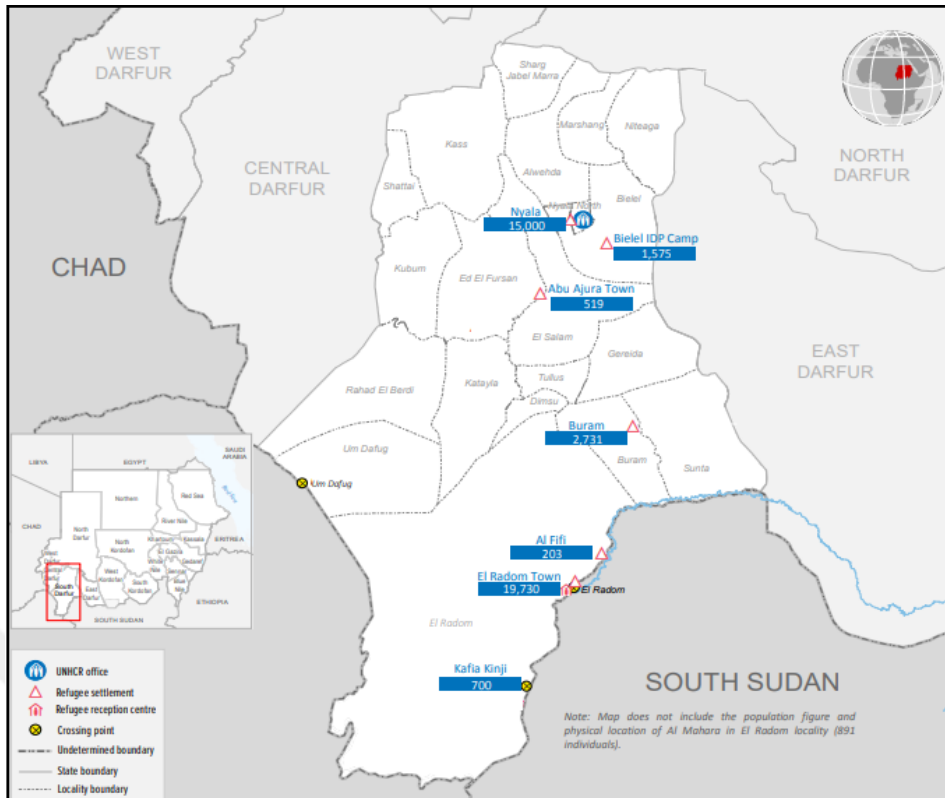
Map 9: South Kordofan State Refugees Camps Map (UNHCR, 2017).



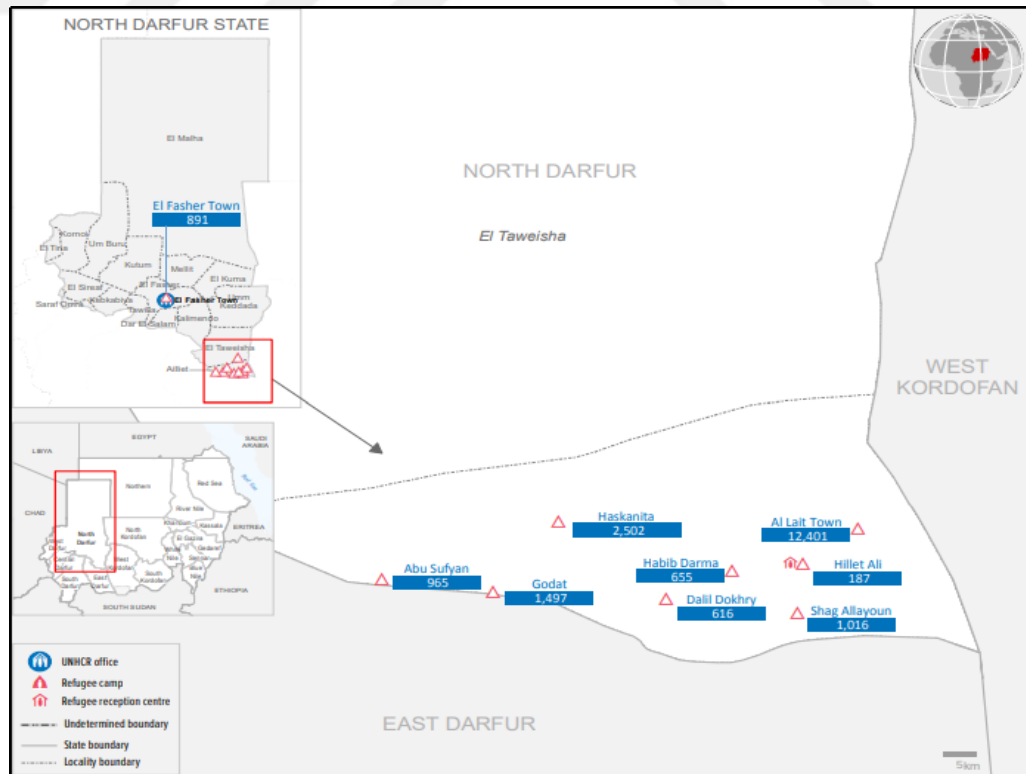
Map 10: West Kordofan State Refugees Camps Map (UNHCR, 2017).



Map 11: East Darfur State Refugees Camps Map (UNHCR, 2017).



Map 12: South Darfur State Refugees Camps Map (UNHCR, 2017).



Map 13: North Darfur State Refugees Camps Map (UNHCR, 2017).

UNHCR also noted that a large number of these settlements are located in remote areas that are difficult to access as the resources, infrastructure and basic services in these areas are very limited, also, the rainy season in Sudan makes it difficult to reach many camps and areas outside the camp or inaccessible to it completely for weeks and months (UNHCR, 2019).

The UNHCR also noted in its report that nearly 180,000 refugees living in 9 camps in White Nile state and two camps in East Darfur state face the problem of overcrowding in the camps, where all these camps are currently hosting a population that is beyond their initial capacity, particularly in the White Nile State, where the majority of southern Sudanese refugees arrived in 2017, therefore, UNHCR has worked with the states government to establish a new camp as well as secure land extensions to three other camps in White Nile State to accommodate an additional 5,000 families, while requests for additional land for camps are continuing and negotiations with the Lands owners and host communities in the state of East Darfur.

On the other hand, nearly 58,000 refugees from southern Sudan continue to live in dire humanitarian conditions in Khartoum because of the lack of funding in the inter-agency response plan, where these funding gaps have been exacerbated by the continuing economic crisis in Sudan, which has caused high inflation in the Sudanese pound, the lack of fuel and import restrictions that have slowed the delivery of goods and services for the refugees (UNHCR, 2019).

Since the refugee crisis began in southern Sudan, the Government of Sudan has declared that arrivals from southern Sudan who have entered Sudan will be treated as "brothers and sisters" and are considered Sudanese citizens but exclude them from refugee status. This announcement has been criticized for its negative effects on the situation of refugees from southern Sudan, making them living in an unclear legal situation, where they lost their Sudanese nationality and are not considered refugees.

*"We encourage the Sudanese authorities to formalize the establishment of South Sudan in the country by enacting legislation clarifying their status and rights to enjoy them while in exile in Sudan,"* said the representative of the UNHCR (Nuba Reports, 2014). While the interested in the affairs of southern refugees, Awadya Agok, pointed out that the decision taken by the Sudanese authorities had a negative impact on them,

as international organizations considered this a reason for non-intervention on the basis that they enjoy all rights, explaining "*on the contrary, the southern refugee in Sudan is facing many problems, the most important of which is not allowed to work, lack of food and health care, and lack of educational opportunities for his children*" (Awad, 2018).

In 2016, the UNHCR signed a Memorandum of Understanding (MoU) with the Government's Commissioner of Refugees (COR) to grant refugee status to new arrivals from South Sudan, where the Government of Sudan allows them safe and unrestricted access to its territory for the needy, ensuring their immediate protection and safety within its borders, where the IOM said the return to South Sudan is not a viable option (IOM, 2018).

In 2012, the UNHCR estimated that around 300,000 people of South Sudan are still in Sudan, including 250,000 in Khartoum state, with 109,000 people registered to move to South Sudan in December 2011 while the rest never wish to return to South Sudan. In addition to that number, the Sudanese Red Crescent Society (SRCS) estimated that about 50,000 people from South Sudan were still in the Darfur region in 2012, as well as around 30,000 people in eastern Sudan, where the UNHCR noted the difficulty in counting the numbers of people of South Sudan who are still present in Sudan, where the Government of Sudan does not provide detailed details on the numbers of South Sudanese in Sudan (OCHA, 2012).

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in 2016 reported a large influx of refugees from South Sudan in the state of East Darfur, where it was reported that in just 9 months the number of refugees in the state increased from 164 in 2015 to more than 54,000, (OCHA, 2016) where the vast majority of them are women and children who have reached a poor food and health situation as they come from areas in South Sudan facing unprecedented levels of food insecurity and malnutrition, with up to 4 million people in South Sudan suffering from severe food insecurity (OCHA, 2016).

The new arrivals enjoyed a high degree of freedom of movement in Sudan that has enabled them to spread throughout East Darfur, where they live in areas including the newly established Kario camp, Khor Omar, al-Firdous camp (Old Raja camp), Abu

Jabra, Adila and Asalaya, where these are underserved areas due to difficult access, making assistance difficult (OCHA, 2016), however, the majority of new arrivals received initial assistance at Khor Omar camp, which included supplies for emergency relief.

In an interview with the Anadolu agency, Anas Omar, the governor of the East Darfur state, announced the arrival of 39 thousand new refugees within 8 months in 2018 from South Sudan to the state where he said that "*the number of refugees from South Sudan in the state, increased to 140 thousand refugees, with an increase of 39 thousand refugees compared to the latest statistics recorded in February of the same year, amounting to 101 thousand refugees*". He added that "*the flow of refugees from the southern neighbour is still continuing*", noting that the borders of the state of East Darfur with the State of Southern Sudan "safe, stable and open". (Badawi, 2018)

In its report on the South Sudan Regional Refugee Response Plan, UNHCR noted that the health and nutritional status of many refugees are poor, as screening services at border points and reception centres continue to face a significant challenge for a large number of arrivals. UNHCR also said that although refugees in several areas relied on wood for cooking, housing and lighting, but only 5% of households were able to buy firewood by selling food rations, causing forest degradation, which increased tensions in the host community (UNHCR, 2019).

According to Médecins Sans Frontières (MSF), the Kario camp is the first stop for new refugees from South Sudan, where the refugee registration unit receives a large number every day. The organization also said that its mobile medical team visits the Kario camp twice a week to assess the health of new arrivals, providing vaccinations, screening for malnutrition and referral to the Médecins Sans Frontières facility in Carrio as necessary (Frontières, 2018).

Vanessa Rossi, the field coordinator for MSF in East Darfur, said the situation of the refugees in the Carriów camp "*They are living in shelters made of local materials like wood and grass, usually, big families of 5 to 10 people live in one small shelter in a very crowded space. The camp is full right now. People share the latrines outside their houses, which are filthy and muddy. The rainy season is approaching,*

*and it's going to be very long and difficult. Both in the camp and outside there will be many swamps and pools of stagnant water”* (Frontières, 2018)

The severe overcrowding in the camps has led to the spread of diseases such as acute watery diarrhoea in 2017, prompting MSF to open treatment centres with 20 beds to help reduce the number of cases. At the same time, MSF transformed the Karo Health Center into a hospital to provide free primary and secondary health care services, including maternity, nutrition and vaccination programs for some 40,000 people living in the area (Frontières, 2018).

Since the end of 2017, the Sudanese government has sought to transfer all southern refugees out of Khartoum, where Hamad al-Jazuli, Commissioner for Refugees in Sudan, said that work has begun to conduct a survey of the refugees from southern Sudan, how to deal with them, register them and identify their needs for deportation them outside the capital, after a presidential decision to determine the sites allocated for it where the aim was to resolve the problems of identity, provide good access to services, as well as planning and programming with the UNHCR in the assumption of tasks and responsibilities. He added that *“the southern refugees are deployed in all the states, and share the power and services with the Sudanese citizens, despite the lack of them, which is a basic challenge to the government in how to deal with it, especially those in open areas”* (Awad, 2018).

In 2012, the governments of Sudan and South Sudan signed a number of economic, trade and security agreements in Addis Ababa, where these agreements allowed the two countries to resume oil exports, generate much-needed revenue for both governments, establish a demilitarized border area and stop fighting between the two countries. Among the "Four Freedoms" agreement was among the nine signed agreements, which considered as an important step following the secession of South Sudan 2011 for tens of thousands of southern Sudanese remaining in Sudan.

But although Sudan is part of the Four Freedoms Agreement, which guarantees southern Sudanese refugees the freedom to move, reside, work and own property in Sudan while maintaining their unique historical ties with the country, the agreement is not fully implemented with increased political pressure on refugees from southern

Sudan in some areas in order to impose restrictions on camps and movement (OCHA, 2012).

In September 2018, the parties of the conflict in southern Sudan signed a new peace agreement, showing modest progress in the country's security situation during the first six months of it (Hauenstein, Joshi, Quinn, 2018). Although important provisions such as the disarmament, demobilization and reintegration program were not implemented, the UNHCR reported a steady decline in the number of new arrivals from South Sudan to Sudan, with only 721 new arrivals in October 2018, including zero new arrivals to East Darfur state compared to the number of arrivals in January of the same year, which amounted to approximately 5800 individuals (UNHCR, 2018).

### **3.5.3. Syrian**

The current presence of the Syrians was not new to Sudanese society, where Syrians began arriving in Khartoum in the early 1990s, most of them belonging to the currents of political Islam and exiled from Syria, as they were welcomed by the Sudanese government at the time, which helped them to form a class of traders and investors with a strong relationship and the prestige of the ruling class, where informal statistics estimate their numbers at about 7,000 before the outbreak of the "Syrian crisis" (Al-Azn, 2016).

Since the war began in Syria in 2011, a number of countries have closed their borders in front of the Syrian refugees, while other countries have restricted visa restrictions for Syrian citizens to effectively prevent them from entering, with the exception of Sudan, a large African country that forms a social and cultural bridge between the north Speaking Arabic and sub-Saharan Africa, which was the only country that did not follow this policy, decided not to restrict entry to the Syrians and the Sudanese border would remain open for them, in addition to the Syrian citizens would be allowed to remain as they wished on Sudanese soil.

To this day, Sudan continues to pursue the same policy towards refugees from Syria, also, Sudan is one of the few countries to permit the use of Syrian passports to enter its borders (Gustaffson, 2019). And emphasizing the country's policy of keeping an open door, local media in 2016 quoted many Sudanese officials as saying that the restrictions on the Syrians would not be imposed "*as long as the Nile is going on*" (Al-



Azn, 2016) However, this policy has made it difficult to find any form of support for Syrian families by international organizations such as the UN, as in the cases of other countries such as Lebanon and Jordan (Gustaffson, 2019).

Currently, Sudan is the only country in the world that allows Syrians to enter without visas and without restrictions upon arrival, also the Sudanese government has granted the Syrians the right to work and education, which means that any Syrian can attend school or a Sudanese public college and apply for jobs without a permit, while many Syrians have to pay an annual residence fee in some countries of \$ 200 in Lebanon, for example, if they are not registered with the UNHCR (Almajdoub, 2017). In addition, two direct air flights from Damascus International Airport to Khartoum International Airport continue every week and return almost empty, where Syrian families pass effortlessly through passport control without the need for visas in clear contradiction to strict border controls around the world (Elbagir, 2016).

Although the Sudanese government has given the Syrians the right to work in Sudan without the need for a permit, this does not mean they can easily find jobs, as job opportunities in Sudan are very limited with an unemployment rate of about 20%. But the Syrians were entrepreneurs, as some Syrians managed to make their own way in Khartoum, where the Sudanese were influenced by the Syrians in terms of food, dress, furniture and others. Thus, popular Syrian restaurants spread throughout the capital, although they were mainly concentrated in high-end neighbourhoods, in addition to Syrian furniture and clothing stores, shoes and small factories, which helped Syrian products spread in the markets (Almajdoub, 2017).

Since the Syrian crisis is under the spotlight, the Sudanese government has worked to exploit it to improve its image in the international community, through equating Syrian refugees with Sudanese citizens in terms of rights, in an attempt to demonstrate that they are acting in good faith to protect the rights of at least some refugees, in the hope that the sanctions imposed on them will eventually be relaxed. This policy was the result of widespread criticism that the Sudanese government suffered from because of its neglect of internally displaced refugees in several parts of the country, especially the displaced from Darfur (Almajdoub, 2017).

Nowadays, the presence of the Syrians is a noteworthy thing in the streets of Khartoum, where the Syrian society grew rapidly in Sudan and with most of them settled in the capital Khartoum, as the Syrian bakeries, restaurants and shops have doubled rapidly since 2012, wherein 2016 the Sudanese Refugee Commission has estimated that there are more than 100,000 Syrians residing in the country since the Syrian crisis appeared (Gustaffson,2019), while other reports estimated that this number could reach 250,000 (Almajdoub, 2017).

Although the Sudanese government did not grant refugee status to Syrian refugees, in 2016 it received \$ 10 million from UNHCR to support them, compared to \$ 58 million provided to Egypt, which hosted a similar number of Syrian refugees as Sudan in the same year, which estimated by 100,000 Syrian refugees. Since most Syrians in Sudan are not designated by the Sudanese government as refugees but rather as residents with a range of legal rights, this support was for the purpose of helping Sudan to improve its ability to assist refugees, as Sudan hosts more than 2 million refugees, mostly from neighbouring African countries regardless of the IDPs (Almajdoub, 2017).

In addition to that, in 2015, the joint UNHCR / COR registration process for Syrian refugees began, with 5,515 Syrian refugees registered by the end of 2016, where the registration process provides the registered Syrian refugees with access to the same services and assistance provided by the UNHCR to the other registered refugees from other nationalities living in Khartoum too, including financial assistance (OCHA, 2016.).

The Bashir government granted Syrians access to Sudanese nationality only six months after their arrival to Sudan, as some news reports reported that 4,000 people were granted Sudanese citizenship in 2016, bringing the figure to about 10,000 in 2018, which means that the final figure is higher today. News reports also said that obtaining a Sudanese passport would be of great value to Syrian refugees because they were allowed to travel more freely as many countries had stopped issuing visas to Syrian passport holders (Almajdoub, 2017).

Some Syrian refugees also explained that for most of them there was one reason to apply for a Sudanese passport is that it opens doors, where it becomes very easy for

them to live and get jobs in different countries as Sudanese citizens, in addition to that, the Sudanese passport has provided some comfort to some countries, especially the Gulf countries, which received criticism of the non-acceptance of refugees in their countries (Almajdoub, 2017). In addition, not all Syrians want to remain in Sudan with the economy suffering from a combination of sanctions and endless internal conflicts, where they consider the Sudanese passport facilitating their way to Europe rather than a deadly sea crossing (Suleiman, Dijken, 2018).

But many doubts and questions have made a number of journalists and interested began to search and investigate the file of granting Syrian refugees to the Sudanese passport, where the Sudanese journalist Abdulmoniem Suleiman documented how smugglers can get illegally benefited from refugees living in Sudan. He said there was a growing illegal trade in passports designed specifically for Syrians with links to the highest levels of government. According to his survey, the passports were sold for much higher than the official price of \$ 200 if they did so legally, saying "it's a business, and that's why they do it, they can earn \$ 10,000, up to \$ 15,000 for a passport, because there is a market for it. It's a big business" (Suleiman, Dijken, 2018).

The investigation also noted a number of announcements in recent years on social networking sites saying that "*Are you interested in Sudanese citizenship? Call this number*", which provides assistance to illegally obtain the nationality targeting Syrians in particular. The investigation shows that there is an illegal network with links to the highest levels of government behind these vague declarations, and it is alleged that this network includes the younger brother of former President al-Bashir, which is referred to as the "shark" within the network (Suleiman, Dijken, 2018).

Many wealthy refugees buy an illegal Sudanese passport in order to leave legally to any other country, to avoid the hazardous crossing of the Mediterranean from Libya or Egypt, where the passport and visa are checked once during a trip and then apply for asylum once they have landed using their original Syrian documents. The investigation has not been able to tell the real number of Syrians travelling to Europe using the Sudanese passport whether by air or land but noted a flourishing trade in passports attributed to the number of smugglers in the streets of Khartoum and public announcements on social media (Suleiman, Dijken, 2018).

The investigation also found that refugees looking to buy a Sudanese passport have multiple options, where the cost of a simple 48-page Sudanese passport that considers the cheapest type of passport is \$ 10,000, they can also buy a 64-page business passport with longer validity and greater cost, while the diplomatic passport is classified as the most expensive in the cost of the release. The investigation also cited an official in the passport authority saying that most Syrians choose the normal passport (Suleiman, Dijken, 2018).

Despite the governmental cooperation and popular welcome enjoyed by the Syrian refugees, they suffer from the high standard of living in Sudan compared to the rate of income, forcing most members of the family to work. The Syrian Families Support Committee was established by the Syrians who lived in Sudan before the crisis, where their relations with the ruling class in Sudan contributed to their access to tangible governmental facilities under official and informal directives in their efforts to facilitate the situation of their countrymen fleeing the war, where it provides food parcels and financial support for newcomers (Naib, Gambo, 2015).

In 2015, the Committee succeeded in providing 51 university scholarships, as well as providing many job opportunities for Syrians, but housing availability remains the main problem facing the Syrians because of the high rents, as the Committee has only provided accommodation for about 500 families, while more than 5,000 families need assistance. In the purpose of providing better aids, the Committee classified the Syrian refugees into three groups, the first those who need food and money to help pay their rent, the second those who need food aid only, and the third who need help finding a job (Aboul Gheit, 2015).

In an effort to improve the income of Syrian families, the Syrian Women's Association in Sudan launched the "Kitchen Eve" project, funded by the Ihsan Kuwait team, to secure job opportunities for the Syrian women, where the project employs 15 women housewives and university students, with efforts to expand it to accommodate more women. The project helps and supports Syrian women for temporary periods until their financial situation improves, and then they are replaced by women who have recently come from Syria or are in need of money (Aboul Gheit, 2015).

## CONCLUSION

Since time immemorial, the refugee issue has remained as old as human beings because it is linked to wars, disasters and conflicts, as well as famine, while the disappearance of this phenomenon could be possible with the disappearance of its causative, which is inevitable of as long as human remains the main cause, where human causes disasters and wars and returns again by himself looking for solutions. Through creating and developing a number of laws and declarations for the purpose of protecting human being and its rights, such as the Universal Declaration of Human Rights and the 1951 Refugee Convention and its 1967 Protocol.

Despite hard work to consolidate the declaration of human rights and to seek the development of international laws and treaties to be agreed all over the world, the world still faces poverty in full compliance with the provisions of the declaration, where human rights violations continue throughout the world, making the world more hypocritical. But the terms human rights have become frequently used but applied in rare cases, where human rights are not subject to any political forces that protect human dignity and rights at all times and in all places.

The UDHR has faced several criticisms, the first being that it is not a formal international law binding on all its parties, as it was adopted by the parties as a resolution rather than as a treaty, resulting in the failure of UN systems to respond quickly to abuses and solutions without the occurrence of many tragedies. Therefore, the Declaration is considered to be of moral force only, as it is obligated in the level of conscience only. Which gives each State the right to interpret the provisions of the Declaration as it deems appropriate with regard to moral rights and ethics in any particular situation. In addition, the declaration was outdated, requiring revision and enabling dialogue between east and west to ensure a compromise to update.

Also, despite the wording of the Convention relating to the Status of Refugees in 1951 and its 1967 Protocol and the amendments thereto which led to the removal of temporal and geographical limitations, while adopting a global definition related to the cause in the case of refugees, however, the definition of a refugee as amended by the 1951 Convention remains some of the shortcomings that are evident in its application,

which made it not even sufficient in its time. Where the definition of the term "persecution" is still insufficient, so that it is widespread, which may render it difficult to implement, as it exists in a non-legally binding document.

In addition, the refugee definition defined five elements that may be causative the persecuted, including race, religion, nationality, belonging to a particular social group and political opinion, but the refugee definition did not address economic, social and cultural rights for the purpose of determining refugee statuses, also, the definition does not include any compatibility or integration with the basic human rights, where this can be seen in environmental issues, as that the right to a healthy environment is one of the fundamental human rights, but people who flee their areas due to climate change or natural disasters cannot be considered as refugees and they cannot benefit from shelter protection.

The definition of refugees that accepted by the parties' countries, which is considered as the cornerstone of international refugee law, is a broad definition covering a wide range of possibilities in its formulation, where the vague language of the definition left significant gaps that enabled countries to circumvent their international obligations through Leaving room for interpretation for itself as well as the ability to prevent protection for security reasons.

The situation in some regional and international countries has led to an increase in the number of refugees coming to Sudan, where Sudan has been providing assistance to refugees despite its limited capacity. Sudan, by hosting large numbers of refugees, is a pioneering experience with the testimony of the international community, where refugees in Sudan enjoy a stable situation.

Despite the fact that the refugees in Sudan enjoyed stability in their situation, the increase in their numbers contributed to the production of some negative effects on the economic situation in Sudan, as well as a reduction in the volume of international assistance and a slowdown in the enforcement of signed voluntary repatriation agreements, despite the full arrangements and preparations made by the Government of the Sudan for that program.

Sudan is subject to various types of international sanctions, imposed by the Security Council, USA and Canada but these sanctions are implemented by the EU and a number of financial institutions and other commercial institutions that exist in other countries and have transactions with the USA the biggest sanctions regime on Sudan in the world. As a result, Sudan is now subject to de facto unilateral and universal coercive measures that have a negative impact on the segments of the population, especially the weaker ones.

Because of that, the file of refugees in Sudan became a troubling problem to the government and citizens together as a result of the heavy pressure on the public services, but Sudan has kept working to improve the conditions and create new camps, where there are a number of states get more influential in the concentration of refugees and camps, especially the border states.

Despite its civil war that has created millions of refugees, Sudan has remained one of the first and favorite refugee destinations of many of them fleeing conflict in their countries from neighboring African countries suffering from political turmoil, wars, drought or ethnic persecution, where the refugees came either to live temporarily or permanently or to cross the borders to other countries, where Sudan's expanded borders and geographic location have helped hundreds of thousands of refugees cross into other countries. The refugees in Sudan are not limited to those coming from African countries, where Sudan has received a large number of refugees from Arab countries, such as Syria and Yemen, following the security conditions in the region since late 2010, Civil wars and political conflicts since the overthrow of popular revolutions regimes in many countries.

The refugees in Sudan are divided into three types, the first group is the refugees who are in the camps, where they are provided with the necessary services through the UNHCR, and they are better off than others, where they have no problem in providing services and basic needs and counting them. The second group is the refugees in urban or ruler areas, where there are no accurate statistics on their numbers, and the third group is asylum seekers who are newly entering the country and use Sudan as a transit point to Europe, where this category is more vulnerable to human trafficking and is

restricted to refugees from Eritrea, Ethiopia and Somalia, according to the government commission.

Most of the refugee camps were concentrated in certain areas, which included eastern, southern and western Sudan, where Eritreans and Ethiopians are located in seven camps in the east, Chad refugees are in located three camps in the states of the Darfur region of western Sudan, in addition to that, South Sudan refugees are located in 14 camps in southern Sudan. While others reside on the outskirts of the capital, Khartoum, in what resemble camps.

Since 1993 and until now, the human rights issue in Sudan has entered the proceedings of the sessions of the UN Human Rights Council, during which the Council issued a number of resolutions condemning Sudan, especially with regard to the issue of the conflict in Darfur. According to Human Rights Watch, the human rights record in Sudan remained poor, wherein Sudan have reached wide human rights violations at various levels.

Since it's coming to power in 1989, the National Salvation Revolution has had a long record of serious violations of the laws of war and crimes against humanity during the civil war in southern Sudan and in conflicts in Darfur, South Kordofan and the Blue Nile. Government forces and allied militias were responsible for killings, rape, sexual violence, looting and widespread destruction during ground operations. As well as indiscriminate shelling in civilian areas, especially in rebel-held areas. In addition to that, in 2009 the International Criminal Court issued an arrest warrant against Sudanese President Al-Bashir for masterminding a campaign of crimes against humanity and war crimes by government troops and Arab militias in the Darfur region.

Despite a unilateral ceasefire by the Government and the reduction of fighting in the three war zones in Sudan, Sudan's "rapid support forces" and other pro-government forces kept attacking civilians in war zones, including those in IDP. Where the Government of Sudan did not punish those responsible for major crimes committed during conflicts or other serious human rights violations. In addition to the repression of civil society organizations and the independent media, and the arbitrary arrests of the NISS widely among activists, human rights activists, members of opposition parties, and journalists, for their reports and the confiscation of their newspapers.



Despite Sudan treats the refugees with an open-door policy based on its cultural heritage, and considered some of them as guests, in addition to adopted several refugee policies in the purpose of aide them and the existence of a law regulating the presence of refugees, the authorities are contradictory in their treatment of some refugees, where the Sudanese authorities continued to arrest, prosecute and convict them of "illegal entry" Sudan, where the prosecution of asylum seekers and refugees as illegal immigrants through the use of immigration law rather than the asylum law, some refugees are not given access to refugee status determination procedures and the Sudanese authorities rejection the requests of some international organizations working in the field of humanitarian assistance to reach some refugees.

Regardless of the tension between the EU and Sudan over the accusations that the Union has been making against Khartoum about human rights violations, sometimes considered to amount to war crimes, in 2016, the EU began a high-level dialogue with Sudan on migration with a view to reaching an agreement to reduce human trafficking, smuggling of migrants and protect the rights of all migrants, refugees, asylum seekers and victims of trafficking, where the dialogue touched on issues of concern to the Sudanese authorities.

The agreement sought to returns the refugees from Europe in exchange for benefits including economic assistance and visa facilities for European countries, plus to enhance cooperation in the field of migration and mobility, identifying and implementing concrete projects to address human trafficking and smuggling of migrants according to IOM standards, as the European Union spent \$ 200 million earmarked to help Sudan as part of the so-called "Khartoum Process", in contrast, Sudan will control its borders and prevent human trafficking to Europe.

This agreement was considered by many as a substantial misuse of EU funds causing a rise in the incidence of human rights violations affecting migrants in Africa, rather than addressing the root causes of migration, where Sudanese authorities are using these funds to finance a number of Sudanese security forces accused of gross human rights violations against refugees and migrants in order to curb illegal immigration.

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## RESUME

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She was born on 29th June, 1990, in Al-Kharj, Saudi Arabia. She has finished her elementary and secondary education in Saudi Arabia and Sudan, respectively. In 2007, she got accepted in the BA program of Rural Extension, Education and Development at Ahfad University for Women, Sudan. In 2013, she successfully completed her undergraduate degree with a very good grade. Her excellent academic preparations helped her win a scholarship for the M.Sc. program of International Relations at Institute of Social Sciences in Kocaeli University, Turkey, the scholarship provided by Ministry of Education (YTB), Republic of Turkey. After she finished one year of Turkish Language Preparation Program, beside her master studies, she was ready to be a devoted volunteer in the Turkish society by helping also her international friends getting into Turkish student life and people in need, migrants to find the perfect second home in Turkey, through KUOFD and Red Crescent. During the academic years, she has always raised her voice for unprotected people of the society, like refugees, children in slavery and more, through her publications and presentations in different international conferences. Now she is looking for a PhD program which can perfectly fit to her humanitarian profile and future career goals.