

Workshop on the Implementation of Uganda's National Policy for Internally Displaced Persons

BACKGROUND PAPER

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At the end of 2005, there were some 24 million internally displaced persons (IDPs) worldwide uprooted by conflict, communal violence and internal strife. Unlike refugees, who have crossed an international border, IDPs remain within the borders of their home countries, where they are often vulnerable to human rights abuse, violence, deprivation and disease. In northern Uganda, between 1.7 and two million people have been displaced as a result of the conflict between the Lord's Resistance Army (LRA) and the government. Attacks by armed Karamojong cattle rustlers also contribute to displacement.

National governments have the primary responsibility to protect and assist internally displaced populations and to develop durable solutions to their plight. The government of Uganda's adoption in 2004 of a National Policy for Internally Displaced Persons is an important first step toward addressing the problem of internal displacement. By means of the policy, the government has committed itself to protecting its citizens against arbitrary displacement and during all phases of displacement; promoting the search for durable solutions to causes of displacement; facilitating voluntary return, resettlement, integration and re-integration of IDPs; and ensuring that every person, internally displaced or otherwise, receives information relating to the policy.

The government has recognized that the benefits of the policy to IDPs will only be realized through its successful implementation.ⁱ This presents significant challenges.

PURPOSE OF THE WORKSHOP

The purpose of the workshop is to examine the provisions of the policy; discuss how these have been implemented to date; and identify best practices, challenges to implementation, and ways that the government of Uganda together with the international community, donor governments and civil society can reinforce its efforts and guarantee full protection for the rights of IDPs.

INTERNAL DISPLACEMENT IN UGANDA

The majority of displacement in Uganda has been the direct result of the conflict between the Lord's Resistance Army (LRA) and the government. This conflict has been ongoing for nearly 20 years. Led by Joseph Kony, the LRA insurgency claims to be fighting to overthrow of the government. While Kony himself is Acholi, he does not have the popular support of the Acholi people, who have borne the brunt of the LRA violence.

The government of Uganda has recently made statements that it believes the LRA to be greatly weakened but it has also expressed concern that the LRA is rebuilding its capacity in the Democratic Republic of the Congo (DRC), where the rebel group was responsible for the deaths of eight Guatemalan peacekeepers in January 2006. In April 2006, Uganda's Minister of Defence briefed the United Nations Security Council on the implications of the LRA for regional security, stating that the group is becoming a stronger threat to peace in the region. He emphasized the importance of developing combined regional efforts with the support of the international community to deal with the LRA. UN Security Council resolution 1653 calls for the Council to receive proposals on how the UN can address the problem.

Civilians have been the primary targets of LRA violence. The rebel group has perpetrated numerous atrocities against civilians in the Acholi, Lango and Teso regions, including looting, burning houses, murder and mutilation. In particular, the LRA has relied upon abduction, primarily of children, for forced conscription and sexual servitude. It is estimated that some 25,000 children have been abducted by the LRA since the conflict began. The majority of LRA insurgents are abducted individuals, often IDPs.

LRA attacks were originally confined primarily to the northern sub-region of Acholiland, the traditional home of the Acholi people, comprised of the districts of Gulu, Kitgum, and Pader. Beginning in 1996, the government of Uganda ordered the population of Gulu district into "protected villages," an initiative intended as a short-term counter-insurgency measure. In May 2002, the Ugandan army launched the military operation, "Operation Iron Fist," to root out the LRA in Southern Sudan. The LRA then extended its incursions into northeastern sub-regions previously less affected by the conflict, causing additional civilians to flee their homes. In October 2002, the Uganda People's Defence Force (UPDF) ordered the population of Acholiland to move to camps within 48 hours. Today, largely due to LRA violence and also as a result of government counter-insurgency operations, approximately 90 percent of the population of Acholiland is displaced.

While displacement as a result of LRA attacks was new to the northeastern regions, displacement as a result of attacks by armed Karamojong cattle rustlers has been occurring repeatedly in these regions for over 25 years. The Karamojong-displaced are sometimes called the "invisible" or "forgotten" displaced and have complained of neglect by humanitarian agencies and government authorities.ⁱⁱ Fear of attacks by the Karamajong warriors continues to lead to displacement. Nonetheless, assistance programs are often directed at LRA-displaced, leaving Karamojong-displaced in a difficult and precarious position, though there is no possibility of imminent return for this population.

Security, protection and human rights issues

Today there are an estimated 200 IDP camps in Acholiland and the northeastern sub-regions of Lango (Lira and Apac districts) and Teso (Soroti, Katakwi, Kumi, Amuria and Kaberamaido districts). IDPs

face security threats inside and outside the camps. The UPDF has been charged with primary security responsibilities in and around the camps. While the Uganda Police Force by law is responsible for protecting the life and property of Ugandan citizens, given the scale of conflict in northern Uganda, it possesses neither the size nor the capacity to do so. At present the Uganda Police Force has few communication, transportation and personnel resources in the north, leaving the security function largely to the military, with the reported result that the law and order system has been militarized.ⁱⁱⁱ

IDPs have reported abuses and attacks by criminal elements, the LRA and Karamojong warriors. Although IDPs report that they appreciate and need UPDF protection, they also have reported abuses by members of the UPDF, Police and Local Defence Units (LDUs), which were deployed following an increase in LRA attacks in 2002. There have been reports of security force members shooting unarmed civilians, stealing food, and perpetrating sexual violence.^{iv} There have also been concerns regarding LDUs and militia, in particular the militarization of the IDP camps. Some IDPs question whether their security has been significantly improved by being in camps. However, fear of the LRA remains high and most IDPs do not wish to return home until their security can be guaranteed.

Owing to lack of food security, IDPs leave the camps during the day to farm. However, freedom of movement in some districts is limited to the distance of three to five kilometers outside the camps and to the hours of 9 to 5pm. There have been reports of the UPDF abusing IDPs while they are outside camps or when returning to the camps outside of these hours.^v

Humanitarian actors also face security threats, limiting humanitarian access and protection. Most NGOs and international agencies rely on military escorts to access remote camps, though the high cost of the escorts is reducing the number of NGOs using this service.

Even greater than the threats posed by violence are the threats posed by deprivation within the camps. The World Food Program provides a significant source of food for IDPs, though it has reduced its rations in some districts as IDPs have gained greater access to land, allowing them to grow their own food. Water and sanitation facilities are extremely poor, as is the quality of and access to education and health services. The UN Cluster Approach, introduced in Uganda in 2006, is aimed at strengthening the humanitarian response in areas with serious response gaps.

A July 2005 health and mortality study, carried out by the World Health Organization, and several other agencies and NGOs, together with the Ministry of Health, concluded that there was an excess mortality rate in Acholiland of over 1,000 persons per week.^{vi} The Ministry of Health has since disputed the report, stating that there are flaws in the data and that the correct figure is 378 per week.

Like other institutions, judicial institutions have been devastated by conflict and lack of access to justice poses a serious problem.^{vii}

Land

Owing to their displacement, a large number of IDPs no longer have access to their land. Recent population movement outside camps has marginally improved IDPs' access to land for food production. However, some of the recent IDP movement is on to land that does not belong to them. Once the security situation in northern Uganda has stabilized, the vast majority of IDPs will want to return to their land, which in many cases is within just five or six kilometers from the camps. Challenges relating to land will include compensation for the owners of land occupied by camps and

army barracks; the loss of land boundaries within communities; the takeover of land by other occupants; and access to land for women, orphans, and children born in the camps. Issues of land access and land tenure will have serious implications for the process of return and for long-term stability in northern Uganda.

In Acholiland, the majority of land was traditionally held under customary tenure, owned at the family or household level. The 1998 Land Act recognized customary tenure along with other forms of land tenure of the formal state legal system. The relationship between these forms of land tenure is one that will need to be examined in order to prepare for IDP return and to protect women and children's access to land.

Return and decongestion

The government of Uganda has stated that the security situation has improved sufficiently in some districts to allow IDPs to return to their homes. In Lira, as many as 50,000 IDPs have returned voluntarily due to improved security conditions and an estimated 150,000 are in the process of returning to their homes. In Teso, those who were displaced by the LRA in 2002 and 2003 have begun going home. Security, however, cannot be guaranteed in Acholiland, and attacks on IDPs there continue. LRA attacks have markedly decreased in the first half of 2006, partly due to seasonal reasons but also as a result of UPDF counter-insurgency operations and changes in neighboring Sudan. Karamojong attacks also continue and there is no prospect of imminent return for Karamajong-induced displaced.

The government has also promoted a policy of "decongestion," under which IDPs will be moved out of the larger camps into smaller camps closer to their homes. However, concerns have arisen about the policy, in particular whether security can be guaranteed and whether freedom of movement can be ensured. The UN Country Team considers freedom of movement of IDPs around the concept of area rather than site security.

Freedom of movement has become a core concern for the UN and NGOs. Questions have arisen about whether a focus on freedom of movement could lead to IDPs returning to their homes before the security situation warrants it. In response, it has been pointed out that freedom of movement does not necessarily imply return but is rather a gradual process by which IDPs will be allowed to make their own choices, assess the situation in their home villages and receive security information from the government to inform their decision-making. Nonetheless, as the majority of IDPs in Uganda will remain in camps for the foreseeable future, emergency and humanitarian assistance will continue to be critical.

UGANDA'S NATIONAL IDP POLICY

Uganda's National Policy for Internally Displaced Persons was passed in August 2004 and launched in February 2005. It has been translated into three local languages: Acholi, Ateso, and Lango. The policy sets out the rights of IDPs and designates responsibility for upholding these rights to national and local government authorities, in consultation with humanitarian and development agencies. The policy draws from the Guiding Principles on Internal Displacement – the first international standards on internally displaced persons – and specifies that international and regional human rights instruments ratified by the government as well as the Guiding Principles must be taken into account in its implementation.

The policy's stated objectives are to minimize internal displacement; to minimize the effects of internal displacement by providing an enabling environment for upholding the rights and entitlements of IDPs; to promote integrated and coordinated response mechanisms to address the causes and effects of internal displacement; to assist in the safe and voluntary return of IDPs; and to guide the development of sectoral programs for recovery through rehabilitation and reconstruction of social and economic infrastructure in support of the return and resettlement of IDPs.

The policy relies on existing structures of government to carry out its implementation, either by assigning new responsibilities or by bringing together government officials in new committees.^{viii} At the national level, the responsible authorities are the Office of the Prime Minister's Department of Disaster Management and Refugees (OPM/DDMR), which is charged with coordinating, monitoring and supervising the implementing the policy.^{ix} Two national level committees that may include members of the humanitarian community – the Inter-Ministerial Policy Committee (IMPC) and the Inter-Agency Technical Committee (IATC) – are also responsible for policy formulation and oversight.

However, Uganda's decentralized system of governance devolves to district level officials the primary responsibility for implementing disaster management related activities and coordinating humanitarian responses. At the district level, it designates the District Disaster Management Committees (DDMCs) as the lead agencies for protection and assistance of IDPs, tasking them with the responsibility of planning, identifying, and designing responses to disasters. Other responsibilities of district level officials range from ensuring the security of persons and property to ensuring that IDPs have the correct documents, to designing disaster related interventions and management plans, and raising the necessary funds to implement these plans.

According to the policy, DDMCs are to be constituted by heads of local government offices, humanitarian and development agencies, and a male and a female IDP. In practice, IDPs are reported to have participated little and there are indications that there is little awareness of the policy among IDPs.^x

The Uganda Human Rights Commission has a special role in the implementation of the policy, both as a member of the IATC and through the Human Rights Promotion and Protection Sub Committee (HRPP), which is charged with monitoring and ensuring the protection of IDPs' human rights. This is consistent with a growing international trend to involve National Human Rights Institutions in addressing internal displacement in their countries.

While the policy assigns national, district, and sub-county institutions and committees their own responsibilities, international and local experts have observed that more detail may be needed regarding reporting mechanisms and lines of authority.^{xi}

A report issued by the Refugee Law Project and the Norwegian Refugee Council in March 2006 identified major areas of concern regarding the policy's implementation: lack of clarity in the lines of communication and coordination between the central committees under the OPM and the DDMCs; considerable disparity across districts in implementation; lack of information about the structures and responsibilities mandated by the policy among local government officials; and insufficient resources to implement the policy.^{xii} Other reports indicate that additional duties and responsibilities assigned to

local structures and officials to carry out the policy have not always been accompanied by a commensurate increase in human or financial resources to effectively implement them.^{xiii}

Financial Issues.

As part of the decentralization process, a significant part of the financial decision-making has been transferred from the national to the district level. Each DDMC is called on to establish a district disaster management fund to supplement budgetary allocations from the central government. However, according to a 2005 report to DANIDA and COTIR, some DDMCs have reported not having received sufficient guidance on where and how they are expected to find the means to fund the implementation of the policy.^{xiv} The Graduated Tax – previously a major source of income – was abolished nationwide, leaving districts with less money. Since emergency assistance goes to the central government, DDMCs are reported to be left without resources to address emergency IDP situations.

There are also problems reported with regard to the flexibility DDMCs have in spending money allocated to them. There are reports that DDMCs do not have much flexibility in conditional grants^{xv} and therefore cannot reallocate funds from development budgets that may no longer be relevant to emergency activities. The World Bank has proposed to do a Public Expenditure Review (PER) of Northern Uganda later this year.

NEW GOVERNMENT INITIATIVES

Since the first half of 2006, the government of Uganda has been working with international partners on a comprehensive peace, recovery and development strategy for northern Uganda. The initial step was the April 2006 launch of the “Emergency Plan for Humanitarian Interventions in Lord’s Resistance Army (LRA) Affected Areas of Northern Uganda,” which is designed to enhance protection of the civilian population, increase humanitarian assistance to IDPs, and promote peace building and reconciliation. A Joint Monitoring Committee – composed of government officials, bilateral and multilateral donors, the World Bank, the UN Humanitarian Coordinator, and members of national and international civil society – will meet monthly to make decisions and to coordinate action concerning the emergency humanitarian action plan.

Additional components of the comprehensive strategy are a recovery and development program, a donor conference and increased government funding, strengthening civilian policing and justice systems, strengthening the capacity of the UPDF to fight the LRA and protect IDP camps and areas of return, allowing voluntary return of IDPs through accelerated camp decongestion, and improved service delivery. In addition to the short-term emergency plan, the government together with the World Bank is developing a Recovery and Development Programme that will focus on medium- and long-term objectives of peace, recovery, post-conflict reconstruction and development.

CONCLUSION

Significant efforts are being made to improve the situation of the internally displaced in Uganda. Nonetheless, the situation remains dire for the majority of IDPs in Uganda, who remain in camps where they are vulnerable to human rights abuse, disease, and deprivation. While the challenge of internal displacement is primarily one for national and local authorities to address with the affected population, it is also a problem that the international community can help to address, in particular by

promoting and reinforcing national efforts. In bringing together national, local, and international actors to discuss Uganda's National Policy for IDPs, the workshop seeks to lend support to more effective implementation of the policy. Towards these efforts, the workshop will focus on specific aspects of the implementation of the national policy, in particular the capacity of the different stakeholders (e.g. national and district authorities, the Uganda Human Rights Commission, military and police forces, civil society, and internally displaced persons); security and protection concerns and other challenges to the promotion of the human rights of IDPs; land rights issues, including the establishment of land settlement arrangements necessary for IDP returns; plans for voluntary and safe returns and reintegration; and the most effective ways of increasing IDP participation and improving institutional and financial arrangements for the implementation of the policy. The report of the workshop will make recommendations to reinforce the implementation of the National Policy for Internally Displaced Persons.

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ⁱ "Operationalising the National Policy for IDPs," Office of the Prime Minister, Department of Disaster Management and Refugees, April 2005 (OPM RA 01 Draft).

ⁱⁱ Inter Agency Assessment Mission Report on Karamojong Induced Camps, Katakwi District, 13-15 June 2005. Katakwi District Local Government coordinated by UN OCHA Teso Sub Region Office.

ⁱⁱⁱ "Community Policing Assessment in Northern Uganda," produced for review by the United States Agency for International Development (USAID) by William D. Baker and Management Systems International (1-15 March 2005).

^{iv} "Chapter 7: Conditions of IDPs and Refugees," Uganda Human Rights Commission 7th Annual Report, 2004.

^v "Nowhere to Hide: Humanitarian Protection Threats in Northern Uganda," Civil Society Organisations for Peace in Northern Uganda (CSOPNU), December 2004.

^{vi} "Health and mortality survey among internally displaced persons in Gulu, Kitgum and Pader districts, northern Uganda," Ministry of Health of Uganda, United Nations Children's Fund (UNICEF), World Health Organization (WHO), UN World Food Programme, UN Population Fund, International Rescue Committee, July 2005.

^{vii} "Only Peace Can Restore the Confidence of the Displaced," Refugee Law Project and the Internal Displacement Monitoring Center of the Norwegian Refugee Council, March 2006.

^{viii} National Policy for Internally Displaced Persons and "Operationalising the National Policy for IDPs," Office of the Prime Minister, Department of Disaster Management and Refugees, April 2005 (OPM RA 01 Draft).

^{ix} "Operationalising the National Policy for IDPs," Office of the Prime Minister, Department of Disaster Management and Refugees, April 2005 (OPM RA 01 Draft).

^x "The Implementation of the National Policy for Internally Displaced Persons in Teso," Report submitted to DANIDA (Human Rights and Good Governance Programme) and to the Coalition for Teso IDPs Rights (COTIR), August 2005.

^{xi} Ibid.

^{xii} "Only Peace Can Restore the Confidence of the Displaced," Refugee Law Project and the Internal Displacement Monitoring Center of the Norwegian Refugee Council, March 2006.

^{xiii} Ibid.

^{xiv} Ibid.

^{xv} "Nowhere to Hide: Humanitarian Protection Threats in Northern Uganda," Civil Society Organisations for Peace in Northern Uganda (CSOPNU), December 2004.