



THE REPUBLIC OF UGANDA

WORKSHOP ON THE IMPLEMENTATION OF UGANDA'S NATIONAL POLICY FOR INTERNALLY DISPLACED PERSONS

**KAMPALA, UGANDA
3-4 JULY 2006**

Hosted by:

The Government of Uganda

Convened by:

**The Representative of the United Nations Secretary-General on the
Human Rights of Internally Displaced Persons**

**The Brookings Institution—University of Bern
Project on Internal Displacement**

In consultation with:

The Inter-Agency Standing Committee (IASC) Country Team

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INTERNALLY DISPLACED PERSONS**

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“The Government of Uganda is to be commended for developing a policy on internal displacement. The work of a policy cannot, however, stop at its adoption. In order to enhance the protection of internally displaced persons, it must also be effectively implemented. ... The political will to set priorities, cooperate and coordinate will be critical in implementing the policy and upholding the human rights of IDPs.”

Representative of the Secretary-General on the Human Rights of
Internally Displaced Persons
Walter Kälin

“It is in our own interest to look quite objectively at the various weaknesses and strengths [of the IDP policy’s implementation] so that we can make various corrections and meet the real goals and objectives for which the policy was formulated.”

Permanent Secretary, Office of the Prime Minister
Martin Odwedo

“Are we ready now to do better work when we leave [this workshop] or are we going to wait for another year to do the work of the IDP policy? I want to tell you from the government’s point of view, we are going to do what it takes to make sure that where criticisms are valid, they will be addressed...Next year will find a different situation.”

Minister for Relief and Disaster Preparedness, Office of the Prime
Minister
Tarsis Kabwegyere

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TABLE OF ACRONYMS

| | |
|-------|--|
| CAO | Chief Administrative Officer |
| CSO | Civil Society Organization |
| DDMC | District Disaster Management Committee |
| DDPC | District Disaster Preparedness Coordinator |
| DPP | Directorate of Public Prosecutions |
| HRPP | Human Rights Promotion and Protection Sub-Committee |
| IASC | Inter-Agency Standing Committee |
| IATC | Inter-Agency Technical Committee |
| ICC | International Criminal Court |
| IDP | Internally Displaced Person |
| IGAD | Inter-Governmental Authority on Development |
| IMPC | Inter-Ministerial Policy Committee |
| JMC | Joint Monitoring Committee |
| LC-V | Local Council Chairperson |
| LRA | Lord's Resistance Army |
| NGO | Non-Governmental Organization |
| OCHA | United Nations Office for the Coordination of Humanitarian Affairs |
| OHCHR | Office of the United Nations High Commissioner for Human Rights |
| OPM | Office of the Prime Minister |
| RDC | Resident District Commissioner |
| RSG | Representative of the UN Secretary-General on the Human Rights of IDPs |
| UHRC | Uganda Human Rights Commission |
| UN | United Nations |
| UNHCR | United Nations High Commissioner for Refugees |
| UPDF | Uganda People's Defence Forces |

Introduction

A Workshop on the Implementation of Uganda's National Policy for Internally Displaced Persons took place in Kampala, Uganda, from 3 to 4 July 2006. The workshop was hosted by the Government of Uganda and convened by the Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons (IDPs) and the Brookings Institution–University of Bern Project on Internal Displacement in consultation with the Inter-Agency Standing Committee (IASC) Country Team.

The purpose of the workshop was to examine the provisions of Uganda's *National Policy for Internally Displaced Persons*¹; discuss how these have been implemented to date; and

“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.”

- Excerpt from Workshop Background Paper

identify challenges to implementation, best practices, and ways that the Government of Uganda together with the international community, donor governments and civil society could reinforce its efforts and guarantee full protection for the human

rights of internally displaced persons. Over 100 participants attended, including representatives of the Government of Uganda, military and police forces, the United Nations (UN), the Uganda Human Rights Commission (UHRC), donor governments, local and international non-governmental organizations (NGOs), internally displaced persons, and experts from research institutions. More than 40 participants from conflict-affected areas attended, representing eight districts and three sub-regions in northern and northeastern Uganda.

Recommendations for action were identified for national and local government, as well as for international actors, with the aim of improving the implementation of the IDP policy. These recommendations are summarized and presented at the close of the report. In addition, the workshop produced Action Plans corresponding to the themes of five focus groups. The Action Plans consider the challenges, responses, and responsibilities in implementing the IDP policy. The *Agenda, List of Participants, Focus Group Action Plans* and *Background Paper* are included as Appendices.

¹ Uganda's *National Policy for Internally Displaced Persons* was passed in August 2004 and launched in February 2005. Hereafter referred to as the IDP policy.

Opening Session

Introduction:

Martin Odwedo, Permanent Secretary, Office of the Prime Minister

Welcoming Statements:

Martin Mogwanja, Humanitarian Coordinator, United Nations, Uganda

Walter Kälin, Representative of the UN Secretary-General on the Human Rights of IDPs

Tarsis Kabwegyere, Minister for Relief and Disaster Preparedness, Office of the Prime Minister

Martin Odwedo, Permanent Secretary in the Office of the Prime Minister extended a warm welcome to participants, noting with appreciation the presence of those who traveled from conflict-affected districts as well as from outside Uganda. He explained that the Government of Uganda had worked closely with the United Nations and specifically with the former Representative of the UN Secretary-General on IDPs (RSG), Dr. Francis Deng, in developing Uganda's National Policy for IDPs. He observed that an objective look at the IDP policy's strengths and weaknesses would be an important step in achieving its goals.

Martin Mogwanja, Humanitarian Coordinator for the UN in Uganda, thanked and recognized the participants, including district chairpersons, UN representatives, donors, academic institutions, and the Brookings-Bern Project on Internal Displacement. He underscored that a workshop on the implementation of the IDP policy was particularly important in the context of 20 years of ongoing conflict in northern Uganda, where close to two million people had been displaced, making the scope and scale of displacement the third largest in the world. While a number of IDPs had returned home and others were in the process of return, Mr. Mogwanja pointed out that displacement was ongoing and existing responses were not commensurate with the need.

Mr. Mogwanja explained that the workshop built upon RSG Deng's official visit to Uganda in 2003, during which a recommendation for the adoption of a national policy on internal displacement first had been made.² The workshop also sought to build on the outcomes of the *Protection of Civilians in Armed Conflict* workshop organized by the UN Office for the Coordination of Humanitarian Affairs (OCHA) in 2004. Mr. Mogwanja welcomed the fact that the Government of Uganda had adopted a policy to address the protection and assistance needs of IDPs, but reiterated that challenges to implementation posed a significant problem.

While the IDP policy's adoption and the subsequent creation of the Inter-Agency Technical Committee (IATC), district coordination structures and sub-committees all demonstrated progress in addressing the plight of IDPs, Mr. Mogwanja noted that this had not yet translated into full attainment of minimum humanitarian standards and freedom of movement – critical steps in ensuring durable solutions and return. More would need to be done, including effective action on the part of the line ministries, more flexible use of conditional grants to address priority IDP issues, strengthening of

² UN Doc. E/CN.4/2004/77/Add.1, "Profiles in displacement: Mission to Uganda," Report of the Representative of the Secretary-General on internally displaced persons, Francis M. Deng, 3 March 2004.

coordination in the districts, and increased presence of humanitarian agencies in northern Uganda. Mr. Mogwanja emphasized that it would be the responsibility of all workshop participants to ensure that the IDP policy was translated into action on the ground.

Walter Kälin, the Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons and Co-Director of the Brookings Institution–University of Bern Project on Internal Displacement, expressed appreciation to the Government of Uganda for hosting the workshop and to the Inter-Agency Standing Committee (IASC) Country Team for its support in convening the meeting. He acknowledged with particular appreciation the presence of the internally displaced persons who had traveled to the workshop from northern and northeastern Uganda.

Dr. Kälin noted that while Uganda was one of the countries worst-affected by internal displacement, it was also one of the first countries in the world to adopt a national policy aimed at upholding the rights of its internally displaced population. In this connection, the Government of Uganda was commended for developing a policy which adapted the *Guiding Principles on Internal Displacement*³ to its national context and acted as a sound example for other countries to follow. However, the existence of a policy alone, he reiterated, was insufficient. There was a need to ensure its effective implementation on the ground. Recalling the official visit of RSG Deng in 2003 as well as OCHA's 2004 workshop on the *Protection of Civilians in Armed Conflict*, Dr. Kälin noted that the workshop would build on previous recommendations. Specifically, the workshop would aim to identify current challenges to implementing the IDP policy in Uganda and to develop appropriate responses. He urged participants to approach discussions from a pragmatic standpoint, focusing on specific aspects of the policy's implementation.

Dr. Kälin had recently returned from a working visit to three districts in northern Uganda (Pader, Lira and Gulu) where he met with IDPs, local government officials, the Uganda People's Defence Forces (UPDF), representatives of the humanitarian community and civil society groups – actors who together with national human rights institutions, regional bodies, international organizations and donors, have an important role to play in reinforcing national responsibility and accountability for addressing internal displacement. The level of commitment demonstrated by Honorable Musa Ecweru, Minister of State for Relief, Disaster Preparedness and Refugees, and Commissioner Veronica Bichetero of the Uganda Human Rights Commission, both of whom accompanied Dr. Kälin on a portion of the field visit, was gratefully acknowledged. In addition, Dr. Kälin pointed out that such dedication, coupled with the high level of participation at the workshop, boded well for positive outcomes.

Overall, the workshop was an important part of the momentum in Uganda to reinforce the government's commitment to enhance IDP protection. In this regard, Dr. Kälin noted that the launch of the Joint Monitoring Committee (JMC) also reflected such efforts. In

³ UN Doc. E/CN.4/1998/53/Add.2. The *Guiding Principles on Internal Displacement* were developed by the Representative of the UN Secretary-General on Internally Displaced Persons and a team of legal experts and were presented to the United Nations in 1998.

closing, Dr. Kälin conveyed his hope and expectation that the outcome of the workshop would contribute to improving the situation of IDPs in Uganda.

Tarsis Kabwegyere, Minister for Relief and Disaster Preparedness, welcomed the participants on behalf of the Government of Uganda and thanked them for their participation. He drew attention to the fact that the workshop would be his first major exchange with local officials, UN representatives and NGOs since he took up his mandate as Minister for Relief and Disaster Preparedness; and he expressed eagerness to meet each participant face-to-face.

Minister Kabwegyere explained that the Government of Uganda developed the IDP policy through wide consultations with stakeholders. Building on the *Guiding Principles on Internal Displacement* and relevant national laws, the IDP policy outlined institutional structures for coordination of efforts on the part of central, district and sub-county government entities and designated various roles to other stakeholders. While the IDP policy was designed to promote the rights of IDPs, Minister Kabwegyere underscored that awareness of the IDP policy among internally displaced persons themselves was low. In this respect, he stressed the importance of ensuring greater participation and representation of IDPs in the future, noting its particular importance with regard to issues of voluntary return, reintegration, and resettlement.

“...starting today, the third of July, something new has to happen; this workshop must put into place a new momentum”

Tarsis Kabwegyere,
Minister for Relief and Disaster Preparedness,
Uganda

At the regional level, he noted, Uganda aligned itself with the efforts of the Inter-Governmental Authority on Development (IGAD) and the Great Lakes region regarding IDP and property rights issues. In addition, the Minister stated that the government welcomed the new UN ‘cluster approach’ and hoped that government/UN collaboration would be strengthened through the new Joint Monitoring Committee.

The Minister emphasized his desire for the workshop to capture the views of those working on the ground in northern Uganda and called for increased communication between local and national governments on IDP issues. Describing the camp conditions as “totally unacceptable,” he declared that “starting today, the third of July, something new has to happen; this workshop must put into place a new momentum” to resolve the situation in northern Uganda, which had gone on for too long.

Overview of the Situation of Displacement in Uganda

Moderator:

Martin Odwedo, Permanent Secretary, Office of the Prime Minister

Presenters:

Veronica Bichetero, Commissioner, Uganda Human Rights Commission

James Otto, Human Rights Focus (HURIFO)

This session provided an overview of the situation of internal displacement in Uganda, where between 1.7 and two million people – up to 90 percent of the population in certain districts – 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 have also contributed to displacement. The presentations gave particular focus to the challenges to human rights that had arisen for the displaced.

Veronica Bichetero, a Commissioner of the Uganda Human Rights Commission, pointed out that displacement in Uganda had been taking place since at least the 1950s, when it was the result of Karamojong cattle rustling. Over the years, Ugandans had been displaced by conflict due to rebel activity, cattle rustling, and to a lesser degree, natural disasters and development. Development was highlighted as a growing cause of displacement that would deserve greater attention in the future.

Ms. Bichetero focused on the numerous challenges faced by IDPs in Uganda, including insufficient access to food, water and healthcare; land and property rights; and lack of security. Though she noted that increased security in some regions had created an enabling environment for IDP return, other areas remained unsafe. In this respect, she also addressed the UPDF’s responsibility for the protection of IDPs and drew attention to reported abuses by UPDF soldiers. Moreover, low numbers of police in and around camps deprived displaced citizens of access to proper law enforcement authorities or an adequate justice system. It was also noted that where police were present, lack of transportation often seriously constrained their movements – and thus their ability to provide protection.

With regard to the effects of displacement, Ms. Bichetero catalogued several key consequences including the collapse of the economy, the breakdown of family structures, exposure to sexual and gender-based violence, and increased prevalence of HIV/AIDS. The Commissioner noted with concern that children had been particularly affected, since more than 50 percent of the displaced

“Many have lost their lives while in displacement, others have lost all their property, and many have continued to roam in conditions that are unfit for human settlement, denying them of their human dignity.”

Virginia Bichetero, Commissioner,
Uganda Human Rights Commission

population was under the age of fifteen. She called attention to the lack of security for children in and around camps as well as in and on the way to night commuter centers, where there have been reports of rape and sexual exploitation.

The general progress made by the adoption of the IDP policy was underscored. For example, positive institutional developments in addressing the plight of IDPs included the creation of committees such as the Human Rights Promotion and Protection Sub-Committee (HRPP) and the Inter-Agency Technical Committee (IATC). However, the Commissioner underlined that several areas needed strengthening including increased funding to the Uganda Human Rights Commission to enable it to monitor the human rights of IDPs; disarmament of the Karamojong; expanded social services in camps and areas of return; strengthening of police; and building the capacity of local officials to address potential land conflicts.

James Otto acknowledged with appreciation the Government of Uganda's role in conceiving the IDP policy, noting that the wide consultation that had taken place with stakeholders – including civil society – had resulted in a user-friendly document. However, Mr. Otto pointed out that prior to the adoption of the IDP policy, there had been many years during which the responses to the IDP situation by the government and other stakeholders were wholly inadequate. Mr. Otto advocated that the government declare the northern region a national disaster area, observing that because this was a constitutional prerequisite for taking emergency measures, it would be a critical step in making the response to the IDP situation more effective.

Some of the challenges faced by displaced communities in northern Uganda were outlined. Specifically, Mr. Otto pointed out that IDP needs had not been sufficiently addressed – IDPs in Uganda were socially marginalized and lived in conditions of extreme poverty. Significant protection issues included sexual and gender-based violence, prostitution as a means of livelihood, early marriages, abuse and rape of children, dependency on the UPDF for security and protection, and lack of education. Challenges specifically surrounding return centered on issues of economic and social needs, freedom of movement, access to justice, and rule of law. Mr. Otto reiterated the importance of consulting with IDPs, particularly with regard to voluntary return and resettlement.

The communities in the north, Mr. Otto stressed, naturally hoped for peace and justice to be delivered together, but where this was not possible, they wanted peace first. In this respect he called on the International Criminal Court (ICC) to support new peace initiatives, shifting its focus to post-conflict management – a move that would receive overwhelming support from the affected communities, according to Mr. Otto. On the whole, Mr. Otto declared that “the devastating northern Uganda conflict has gone on for too long under the watchful eyes of the humanitarian community” and “the dire need to work in concert to address the root causes of displacement in Uganda as a whole [had become] more apparent and urgent now than before.”

Uganda's National Policy for Internally Displaced Persons and the Structure for its Implementation

Moderator:

Martin Odwedo, Permanent Secretary, Office of the Prime Minister

Presenters:

Shem Mwesigwa, Department of Disaster Management, Office of the Prime Minister

George Adoko, Chair of District Disaster Management Committee, Lira District

Commentator:

Maarit Kohonen, Head of Office, OHCHR

This session began with a presentation of the IDP policy, the rights and entitlements it gives to IDPs, and the institutional arrangements necessary for its implementation at national and local levels.

The IDP policy's stated mission is to ensure that IDPs enjoy the same rights and freedoms under the Constitution and all other laws as do non-displaced citizens of Uganda. It has been translated into three local languages and commits the government to protect its citizens against arbitrary displacement; minimize the effects of internal displacement; promote the search for durable solutions to displacement; facilitate the voluntary return, resettlement, integration and re-integration of IDPs; promote integrated and coordinated response mechanisms to address and causes and effects of internal displacement; and ensure that every person, internally displaced or otherwise, receives information about its provisions. Further, it specifies that national and local authorities shall take into account international and regional instruments in implementing the policy, most notably the *Guiding Principles on Internal Displacement*.

In order to meet its objectives, the IDP policy establishes structures for implementation and assigns the task of integrating sectoral efforts to the Office of the Prime Minister's (OPM) Department of Disaster Preparedness and Refugees. The IDP policy further establishes several committees to coordinate the protection and provision of humanitarian assistance: the Inter-Ministerial Policy Committee (IMPC) comprised of line ministries; the Inter-Agency Technical Committee (IATC) comprised of representatives from numerous line ministries, the Uganda police, the Uganda Human Rights Commission, the United Nations, donor technical groups, and local and international organizations operating within affected communities; and the Human Rights Promotion and Protection Sub-Committee (HRPP), which includes national and local authorities as well as humanitarian agencies.

Participants pointed out that effective implementation of the IDP policy falls to the district level, where the District Disaster Management Committee (DDMC) is tasked with implementing the policy on the ground. The DDMC is headed by a Chief or Assistant Chief Administrative Officer (CAO) and is comprised of members of the local departments of health, education, the HIV/AIDS focal point, members of the humanitarian community, and IDP representatives. The District Disaster Preparedness Coordinators (DDPCs) were recruited by OPM to further coordinate the activities of the DDMC. In addition to the DDMC, participants pointed out that sector working groups

(on topics including health, education, food security, water and sanitation, and HIV/AIDS) as well as District Human Rights Promotion and Protection Sub-Committees had been launched in several districts with the support of the Office of the UN High Commissioner for Human Rights (OHCHR) and the UN Office for the Coordination of Humanitarian Affairs (OCHA). However, at the sub-county level, presenters agreed that there was little capacity for implementation, noting that, for example, in Lira, there were no functional committees in most sub-counties due to the displacement of personnel.

Additional challenges identified by the presenters included limited financial and human resources; reliance on inadequate conditional grants from central government; the creation of new districts, which stretched already thin resources and personnel; limited awareness by stakeholders about their role in the implementation of the IDP policy; and an inadequate transportation system to reach affected populations (it was noted that some districts do not even have one vehicle at their disposal).

“The stakes are higher than ever before in resolving the conflict in northern Uganda.”

Norbert Mao,
Local Council Chair, Gulu

In the discussion, participants acknowledged the strength of the IDP policy and the structures for its implementation. They affirmed that its effective implementation would no doubt improve conditions for IDPs. However, serious concerns were voiced about government participation in key coordination committee meetings. For example, the highest level coordination committee – the IMPC – had apparently never met. Furthermore, while participants were encouraged by the efforts made by the IATC, it was pointed out that it lacked participation of the line ministries. Participants also drew attention to the absence of religious leaders and DDMC members at Human Rights Promotion and Protection Sub-Committee meetings, noting that their attendance would be vital to effective implementation of the IDP policy.

One government representative indicated that the Ministry of Relief and Disaster Preparedness had recently agreed with the Prime Minister to increase contact and communication with the districts so that government decisions affecting the displaced would be informed by the situation on the ground. He mentioned that some of the newly elected Ministers had already made several trips to the north, including with Dr. Kälin. In addition, the government noted that it plans to develop a law on IDPs to give legal backing to the IDP policy.

It was also stressed that the IDP policy could only be implemented effectively if adequate economic resources were made available, particularly at district and local levels. In this regard, participants underscored the budgetary constraints which prevented them from properly addressing the needs of the displaced. The DDMC’s responsibility for mobilizing local resources, for example, was inhibited due to the absence of a graduated tax and the prohibition on collecting taxes at the district level. Participants stressed that the money provided by the central government was barely enough to pay salaries and did not provide an adequate operational budget. This situation was reportedly even more dire at the sub-county level. Further, it was noted that certain resources, such as iron sheets,

were now being channeled through the offices of the Resident District Commissioners (RDCs) while they could be more effectively distributed through DDMCs. Generally, participants expressed a lack of clarity regarding the RDC's role with respect to resources.

Some participants recommended a shift in functions and responsibilities as stipulated by the IDP policy. It was suggested, for example, that the Local Council Chairpersons should play a greater role in its implementation. A number of local government participants put forward that the DDMCs should be accountable to the District Council as an elected body, noting that while the committees at the national level were

“In order to develop appropriate responses to these challenges, there is a need to consult with IDPs and get their views as to when, how, and what is required for them to move from one place to another...the IDPs do know better than the agencies what threats exist within their areas.”

James Otto
Human Rights Focus (HURIFO)

composed of elected officials, district level committees were only composed of civil servants.

Participants expressed concern that additional problems relating to law and order would arise following the disbandment of IDP camps. They called upon the authorities concerned, particularly at the district level, to ensure that an adequate justice system be put in place to address such issues. Magistrate courts, it was noted, would be particularly important in resolving simple conflicts. In addition, the importance of reestablishing a strong police presence in northern Uganda was emphasized repeatedly.

Participants expressed concern that additional problems relating to law and order would arise following the disbandment of IDP camps. They called upon the authorities concerned, particularly at the district level, to ensure that an adequate justice system be put in place to address such issues. Magistrate courts, it was noted, would be particularly important in resolving simple conflicts. In addition, the importance of reestablishing a strong police presence in northern Uganda was emphasized repeatedly.

With regard to safety issues, participants noted that despite recent efforts made by the UPDF to improve security, there remained ongoing concerns about human rights abuses in the camps. In this connection, the Inspector General of Police emphasized that the task of protecting the rights of the displaced could not simply be assigned to the army and police – there would have to be linkages, for instance assigning a greater role to the Directorate of Public Prosecutions (DPP), the judiciary and others. Other security issues included landmines and unexploded ordnances which continued to pose a threat to IDPs. While it was noted that the Office of the Prime Minister along with the UPDF was currently working on the issue of de-mining, participants stressed that the process should be accelerated to correspond with the rate of return.

An IDP participant highlighted the issue of formerly abducted children, who face many difficulties in the camps as a result of the trauma they have undergone. She also suggested that humanitarian agencies and government partners implement microfinance programs that would allow IDPs to open small businesses in the camps.

Challenges to Implementation of the IDP Policy

Moderator:

Walter Kälin, Representative of the UN Secretary-General on the Human Rights of IDPs

Presenters:

Security, protection and human rights

Jesse Bernstein, Internal Displacement Monitoring Centre (IDMC), Norwegian Refugee Council (NRC)
Norbert Mao, Local Council Chair, Gulu District

Land and property issues, with particular attention to women and other vulnerable groups

Fabius Okumu-Alya, Chairman of the District Land Tribunals in the Acholi sub-region (Gulu, Kitgum, and Pader) and Director of the Institute for Peace and Conflict Studies, Gulu University

Education and health services

Christopher Wimon Okecho, Assistant Commissioner, Special Needs Education, Ministry of Education
G. Bwire and *Sam Okware*, Ministry of Health
Geoffrey Oyat, Assistant Director, Children in Conflict and Emergencies, Save the Children, Uganda

Voluntary return, reintegration and early recovery

Peter Deck, Protection Adviser, UNHCR
Giovanni Bosco, IDP Protection Adviser, UN OCHA
R.M. Wafula, Department of Disaster Management, Office of the Prime Minister
Michael Otim, Gulu NGO Forum
Peter Nyaku, Internally Displaced Person, Katakwi District

Capacity and Coordination in Support of the Implementation of the IDP Policy

Moderators:

Martin Mogwanja, Humanitarian Coordinator, United Nations, Kampala
Chris Mburu, Deputy Head of Office, OHCHR

Presenters:

Shem Mwesigwa, Department of Disaster Management, Office of the Prime Minister
Lucy Hovil, Senior Research and Advocacy Officer, Refugee Law Project
Lt. Gen. Edward Katumba Wamala, Commander of Land Forces, Uganda People's Defence Forces
Julius P.O. Odwe, Deputy Inspector General of Police, Uganda Police Force
Charles Uma, Chair of District Disaster Management Committee, Gulu District
Gloria Fernandez, Head of Office, OCHA

During these two sessions, held on consecutive days, participants addressed challenges facing effective implementation of the *National Policy for Internally Displaced Persons*. Discussions focused on the following issues:

Security

Ongoing insecurity in several regions of Uganda was identified as a primary concern. Participants commended the UPDF for securing certain regions but noted that IDPs' lives and safety continued to be at risk in a number of districts. In particular, participants pointed to ongoing attacks and abductions, human rights abuses in and around camps, and landmines and unexploded ordnances as significant threats. While exact mortality figures were disputed, it was agreed that the high mortality rates and conditions in IDP camps were unacceptably high.

Participants also highlighted areas of concern with regard to the return of IDPs. It was noted that the return process had begun in some regions of Uganda – specifically in Lango and Teso. While this was welcomed as a positive development, some participants cautioned that the absence of a peace agreement or an official cessation of hostilities would make it difficult to ensure the safety of returning IDPs. In addition, it was stressed that Lord’s Resistance Army (LRA) incursions had not ceased. In this respect, participants urged that protection measures be put in place in areas of return. Moreover, it was pointed out that return had not yet begun in the Acholi sub-region. UPDF representatives acknowledged that LRA elements continued to present a threat to the population there and did not recommend IDP return in the sub-region. Instead, a program of decongestion was being implemented to encourage greater access to land for agricultural production while allowing time for continued security assessments by both military and IDPs. Overall, it was stressed that in order to be a viable option, returns should take place with dignity and security assured for returnees.

“I want to speak up to correct the impression that all is fine in Teso.”

Local Official
from Teso

In addition to LRA activity, participants also pointed out that attacks by armed Karamojong cattle rustlers continued to plague Teso and Lango regions. As a result, a significant number of people in these areas remained in camps. Other participants noted that the Karamojong had also attacked people in Acholiland. In this connection, the Commander of the Land Forces of the UPDF called attention to the military disarmament exercises being carried out among the Karamojong. Some participants, however, criticized the campaign as ineffective. Moreover, according to one IDP leader, the government was seen by IDPs as providing the Karamojong with greater assistance than that given to displaced populations in the same areas. It was also underscored that a significant number of displaced originated in the Teso region despite the characterization of displacement as an “Acholi” problem.

The military, it was pointed out, faced numerous difficulties in providing adequate security on the ground. The Commander of Land Forces catalogued the challenges that the UPDF faced in implementing the IDP policy, including high demand for return and decongestion amidst continuing insecurity; weak infrastructure, including poor roads and lack of water facilities; the spread of misinformation; recurring insurgencies; and future challenges, such the demobilization of auxiliary forces.

Law and order

Participants advocated for the re-establishment of the rule of law and specific measures to ensure respect for human rights. It was recommended that the Uganda Police Force play a key role in the protection of IDPs, and to that end its activities should be supported and expanded. A representative of the UPDF underscored that the police force currently did not have sufficient resources, resulting in a severe shortage of presence in IDP camps. Consequently, the UPDF had been given *de facto* responsibility for IDP security; if the

police had the capacity to maintain law and order, the UPDF could devote itself solely to its designated military role.

In remarks delivered by his deputy, the Inspector General of Police urged that greater resources be devoted to the police, pointing out that they did not have the capacity to coordinate security in affected areas. Furthermore, issues of return necessitated police presence in camps as well as in areas of return, stretching resources even further. Currently, police priorities included community mobilization and coordination of security, crime investigation and prosecution, and security intelligence. Overall, however, lack of personnel, transportation, fuel for vehicles, and access to radio communication hindered police activities.

In addition to weak police presence, the effective absence of a judicial system in the north was a serious cause for concern among participants, one of whom observed that “where there is no justice, there is impunity.” Participants called for those who committed crimes against displaced persons to be brought to justice. Recommendations were made to create a functioning judicial system that could settle disputes and administer punishment and reparations. Participants also called for a civilian police presence in both urban and rural areas of northern Uganda and for the implementation of community policing programs.

“Where there is no justice, there is impunity.”

Justice P.K.K. Onega
Chair, Amnesty Commission

Political will and government participation

In the view of many participants, there was a lack of political will on the part of the government to implement the IDP policy or to create conditions in which the policy could be effective. It was suggested there had been a reluctance to address the root causes of the conflict and sometimes an overoptimistic perspective that the conflict was drawing to an end, when in fact it was ongoing. For example, participants voiced serious concerns about the lack of government participation on committees responsible for implementing the IDP policy – as well as at the workshop – and the apparent reluctance to facilitate the coordination mechanisms outlined in the policy. It was pointed out that these same government institutions were to be responsible for implementing the mechanisms of the newly-formed Joint Monitoring Committee.

In response, participants called for greater participation on the part of line ministries in implementing the IDP policy. Specifically, it was agreed that line ministries should assume a more active role on committees as well as in facilitating the process of return. The Office of the Prime Minister was likewise urged by participants to promote greater understanding of the IDP policy and to work to foster the political and social will to implement it. The support of authorities in the districts, sub-counties and parishes would also be needed. In this respect, the importance of increased participation of sectoral delegates at the district level was emphasized. The need for coherent technical support at the district level was also underscored.

With regard to political will, it was suggested that the government was at times over-reliant on the international community and NGOs for protecting the rights of IDPs. Some

“The IDP policy is not a silver bullet – it cannot succeed if the broader policy and legislative context within which it is intended to operate – and for which national government is responsible – is not conducive.”

*Dr. Lucy Hovil,
Refugee Law Project*

participants pointed out that the rapid expansion of NGOs and humanitarian actors in northern Uganda had a potentially undermining effect. One participant stated that at the district level, the working relationship between the government and NGOs was good, but that there was unease at the central

level. Overall, governmental and non-governmental actors agreed that the government bore primary responsibility in ensuring that the protection and assistance needs of internally displaced persons were met. Humanitarians could reinforce national efforts – in particular with respect to assisting vulnerable populations.

Coordination and communication

As envisaged by the decentralized system of governance in Uganda, significant responsibility for implementing the IDP policy was conferred upon local officials, placing considerable resource demands on district governments. However, the IDP policy, it was suggested, did not adequately address the question of coordination between central and local government. Moreover, lack of human and fiscal resources at the district level undermined the effective implementation of the IDP policy.

Several local officials highlighted the perceived gap between the DDMCs and the central government, pointing out that the IDP policy’s failure to make the DDMCs accountable at the local level (i.e. to the District Executive Committee) was a significant problem. It was also emphasized by local officials that communication between the central and district levels should be more transparent, with Resident District Commissioners (RDCs) and Local Council Chairpersons (LC-Vs) sharing information about activities and resources flowing into the districts. Districts should also share written reports on district activities with the central government in order to ensure that central government decision-making would be informed by the district.

A study by the Refugee Law Project (RLP) and the Internal Displacement Monitoring Centre (IDMC) suggested that local officials, camp commanders and IDPs themselves were generally unaware of the policy.⁴ Participants affirmed this finding and suggested that efforts be made to inform the stakeholders about the policy and to engage affected communities.

Emphasis was placed on greater involvement and more extensive consultation of stakeholders in planning humanitarian interventions and activities. In particular, participants reiterated the importance of consulting with and providing information to

⁴ “Only Peace Can Restore the Confidence of the Displaced,” Refugee Law Project and the Internal Displacement Monitoring Centre of the Norwegian Refugee Council, March 2006.

IDPs regarding movement and issues of return. Participants stressed that security forces must work closely with IDPs and district officials to provide better information to displaced communities. For example, participants urged the UPDF to dispel rumors that IDPs would be considered rebel collaborators upon departure from the camps.

The need for more and better trained personnel at both the local and central levels of government – including OPM’s Department of Disaster Preparedness and Refugees – as well as computers, reliable systems of transportation and communication (such as email and phones for DDMCs) was identified. The shortage of qualified personnel in the education and health sectors was raised as an area of particular concern. In response, participants suggested instituting greater support and incentives to attract skilled and experienced teachers and health personnel to northern Uganda. Participants noted, moreover, that the root causes of health problems in the camps, for example, water and sanitation, must be more effectively addressed through closer collaboration among health and other sectors.

Resources and fiscal mechanisms

Several participants, including from the government, UPDF and police, stated that lack of resources and budget constraints seriously inhibited effective implementation of the policy. Doubts were raised about the effectiveness and sustainability of the current funding structure.

At the district level, it was reported that some DDMCs had no operational budgets and that they would require additional resources in order to plan interventions for a disaster. According to the policy, these resources should come from the District Disaster Management Fund and should be mobilized by district and sub-county chairpersons. However, as one local official pointed out, there had been little guidance, which left district officials uncertain as to how to create or manage such a fund. Participants therefore recommended that a method of funding the DDMCs be devised that was flexible and would allow for the timely release of conditional grants.

Education and health services

Participants underscored the importance of focusing on the needs of IDP children, for whom the experience of displacement was particularly devastating. It was pointed out that the conflict had severely undermined the delivery of education in the north, affecting children, parents, teachers, administrators, as well as the overall school infrastructure. Indeed, most of children in the north were displaced, as were schools and teachers. Effective learning was also hindered due to problems of class size, the lack of basic materials and buildings, and the lack of qualified teachers. A significant number of IDP children, it was reported, did not start school at all and the drop-out rate remained high.

“I don’t need wealth, but I do want education – I want there to be a future for our children.”

IDP Participant

In general, participants emphasized the importance of ensuring displaced children’s access to schooling. In addition to providing education, it was pointed out that schools

were a potential vehicle for psychosocial support and could be a source of protection by preventing children from joining militias.

It was suggested that decongestion had particularly negative consequences for children⁵, as schools or “learning centers” did not move with IDPs, with the result that some children remained behind, largely unaccompanied. This led to additional protection problems. It was suggested that return assistance be linked to early recovery activities.

The Ministry of Education highlighted the need for more accurate and extensive data with which to plan humanitarian interventions. Other participants echoed this

“A typically displaced school is one whose structures are in a sorry state, teachers don’t have morale to deliver due to poor working conditions and terms. Classrooms are congested, hygiene and sanitation are poor.”

Assistant Commissioner,
Special Education
Ministry of Education

recommendation, pointing out that accurate health and mortality statistics would help guide the administration of health services. Moreover, the need for targeted assessments – particularly at the sub-county level – was identified as a step towards making specific interventions to support return. With regard to health issues, one participant noted a lack of clarity about the humanitarian standards (e.g. SPHERE) to be applied in the camps, calling

for an agreement to be reached among all actors responsible for sectors such as food, shelter, and sanitation.

Land

On the issue of land, attention was drawn to the customary land tenure that was traditional in Acholiland, which, according to one speaker, was recognized in municipal law and regulated by traditional rules that had developed over generations. Some participants suggested that it would be important to harmonize traditional cultural institutions with laws in order to develop an effective solution to land disputes.

An IDP participant confirmed that conflicts were already brewing within the camps regarding land and property. In his view, aid agencies’ focus on women had also stirred resentment by making men – culturally the heads of families – feel dependent on women. In one speaker’s view, traditional resistance in Acholiland toward allowing women to own or inherit land and property played a particularly detrimental role for already marginalized women and other vulnerable groups.

“The ability of the IDPs to secure land for both food security and livelihood sustenance has long term implications for peace, stability and sustainable development.”

Fabius Okumu-Alya, Chairman
Land Tribunals in the Acholi sub-region

⁵ Under the policy of “decongestion,” IDPs will be moved out of the larger camps into newly created smaller camps closer to their homes.

The importance of land security to the return and resettlement process of IDPs was also emphasized. The Chairman of the District Land Tribunals in the Acholi sub-region suggested that if land rights were not appropriately addressed, “the ending of the current armed conflict may only be a prelude to renewed conflict.”

It was put forward that the IDP policy did not adequately cover the way that land and property issues should be addressed after communities and individuals were away from their land for significant periods of time; nor did it include provisions for community reconstruction as a strategy of post-war recovery, development and peace-building. Further, it was suggested that the policy was also silent on issue of sustainable development and environmental protection, such as maintaining natural resources. The need for institutional structures to handle the registration of certificates of customary ownership was also raised.

In addition, the Chairman of the Land Tribunals in the Acholi sub-region observed that the tribunals faced problems due to insufficient resources. However, the difficulty that IDPs faced in paying the high filing fees was also considered; it was suggested that fees be commensurate with IDPs’ incomes in order to facilitate access to the tribunals.

Amnesty

Participants discussed Uganda’s Amnesty Act of 2000, which residents of Acholiland were said to have initially favored as a method of encouraging people to return home. The Amnesty Commission had been tasked with resettlement of individuals taking advantage of amnesty. However, participants pointed out that the Commission faced many challenges, including caring for individuals who were under 18 years old, uneducated, and traumatized.

While the Amnesty Act was an important step toward peace, having now granted amnesty to almost 20,000 persons, it was pointed out that the Act’s failure to require full disclosure of the nature of committed crimes or apologies to the community posed an impediment to long-term reconciliation. The Chairman of the Amnesty Commission indicated that the Commission itself would recommend an amendment to the Act to require some disclosure or admission of guilt. Moreover, the Chairman would advocate certain types of punishment, for example, in the form of community service. One local official spoke on behalf of his district saying that his community supported amnesty as an important element of peace building and that the return of former combatants would be a necessary condition for reconciliation in northern Uganda.

Several participants from the north noted that while they support the principles of the International Criminal Court, their communities prioritized peace before justice.

Reports of the Focus Groups and Conclusions and Recommendations

Focus Groups

Moderator:

Martin Mogwanja, Humanitarian Coordinator, United Nations, Kampala

Capacity and coordination

Facilitator: *Stephen Lukudu*, UN OCHA

Security, protection and human rights

Facilitator: *Timothy Bishop*, International Rescue Committee (IRC)

Issues relating to land and property rights

Facilitator: *Nancy Hebeisen*, Norwegian Refugee Council (NRC)

Resources and fiscal mechanisms

Facilitator: *Gerald Owachi*, Department for International Development (DfID), United Kingdom

Voluntary return, reintegration and early recovery

Facilitator: *Michael Otim*, Gulu NGO Forum

Conclusions

Moderator:

Walter Kälin, Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons

Presentation of Rapporteurs:

Khalid Koser, Deputy Director, Brookings-Bern Project on Internal Displacement, assisted by Joy Miller and Balkees Jarrah, Brookings-Bern Project on Internal Displacement

Closing Remarks:

Martin Mogwanja, Humanitarian Coordinator, United Nations, Kampala

Walter Kälin, Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons

Musa Ecweru, Minister of State for Relief, Disaster Preparedness and Refugees, Office of the Prime Minister

Participants broke into five groups, each led by a facilitator, in order to consider the challenges, responses, and responsibilities in implementing the IDP policy related to the following themes: capacity and coordination; security, protection and human rights; issues relating to land and property rights; resources and fiscal mechanisms; and voluntary return, reintegration and early recovery. Following the discussions, representatives of the focus groups presented the conclusions and recommendations for action, which were captured by the rapporteurs and included in their final presentation. (For *Focus Group Action Plans*, see Appendix C.)

Participants welcomed the rapporteurs' summary of the deliberations, which grouped the challenges and recommendations raised in the plenary and focus groups into six main areas: security; access; political will; capacity and coordination; information; and gaps in the national policy.

Overall, it was agreed that notwithstanding the efforts of the government and humanitarian actors, numerous challenges continued to hinder effective implementation of the *National Policy for Internally Displaced Persons*. The following conclusions and recommendations were made by participants in the plenary and focus groups to address the challenges raised during the workshop.

Security: Insecurity in and around camps remains the paramount issue for IDPs and is a precondition for their return. The UPDF should continue to expand the secure areas beyond camp boundaries, including de-mining and clearing unexploded ordnances. Disarmament of Karamojong should continue along with security measures to stop incursions. A more effective system of reporting human rights abuses, including persistent sexual and gender-based violence, should be implemented to provide greater protection for victims.

Law and order: Responsibility for law and order must be shifted from the military to civilian authorities. The civilian police must be strengthened in number and capacity. Police presence must be significantly expanded, with particular attention paid to areas of return. The police must be well trained and resourced, and any integration of demobilized militia members must be undertaken with great care. A judiciary must be established with both criminal and magistrate courts.

Political will and government participation: The government should ensure that government officials and ministries responsible for implementing the policy actively participate in meetings of the different national and local committees set up for the implementation of the IDP policy. At the central government level, all relevant line ministries should be involved in implementing the policy, especially ministries responsible for health, education, land issues, local government, finance, gender, law enforcement, and security. Particular priority should be given to IMPC and IATC meetings which should be attended regularly by line ministries. Special measures will be required to address problems related to low representation of district and sub-county level officials at meetings.

Coordination and communication: The national and local governments and the humanitarian community will need to sustain and improve their planning and coordination. Related to this, improved coordination and communication between central and district levels of government should be promoted. Efforts should also be made to clarify the allocation of responsibilities among actors and between different levels of government. It was suggested that as elected officials, Local Council Chairpersons should be given a greater role in implementation.

Capacity: It will be crucial to build the capacity and technical skill of local and central level government officials to implement the policy and carry out related activities. National and local authorities with responsibilities for the implementation of the IDP policy should receive guidance on how best to operationalize its provisions. Capacity-building support and technical assistance from relevant line ministries would be valuable in this regard. Building the capacity of local officials to resolve land conflicts was

considered particularly important. Training of officials at the sub-county level was also highlighted by participants.

Resources and fiscal mechanisms: The central government must make needed resources available and channel a relevant portion through local governments in order to enable them to fulfill their role and responsibilities under the IDP policy. Participants recommended greater transparency of resource allocation and that local governments be allowed to re-allocate funds in emergencies.

The system of resource allocation to district governments should be re-evaluated and improved. Conditional grants should be made more flexible⁶. This would be an important step towards implementing the policy more effectively. At the same time, it was suggested that the use of conditional grants be less extensive. Moreover, local officials – who are expected to mobilize funds according to the policy – should be clearly informed of how they are expected to do so. District governments should be provided with an operational budget to be utilized in the event of emergency.

Funding will be necessary for expanding the police and judicial systems. Moreover, additional funds will be required to improve transportation and communication systems available to DDMCs. Increased contributions from the international community will be needed for humanitarian concerns and to support reconstruction, development and institutional capacity building.

Social services: Both in IDP camps, where most IDPs reside, and in areas of return, access to social services and their infrastructure must be expanded. Participants expressed concern about the sub-standard humanitarian conditions in the camps, in particular when it came to health and education services. Water, sanitation, health, education and transportation infrastructure all needed to be strengthened, repaired or constructed. Teachers and health care providers need to be supported and additional ones recruited through incentives or other measures.

Data collection: Participants highlighted the need to increase capacity for data collection, research and monitoring. More accurate data are required, not just on the number of IDPs, but also on other socio-economic and demographic characteristics such as mortality rates, education and nutrition. Needs-based assessments were advocated, particularly at the sub-county level. Consistent monitoring is also required, not just of the conditions of IDPs, but also of the extent to which the national policy is being implemented. With regard to monitoring, it was suggested that further resources be devoted to the Uganda Human Rights Commission for this purpose.

⁶ This refers to a type of transfer from central to local governments that may only be spent in accordance with certain conditions, e.g. targeted to certain sectors and/or to certain expenses.

Land: Local officials and courts should be provided with special training to resolve land disputes. Use of traditional mechanisms for dispute resolution and community land allocation should be supported, while ensuring conformity with human rights standards. Such mechanisms may operate in conjunction with administrative land tribunals, which must be vested with the proper jurisdiction, knowledge and capacity to resolve disputes.

Consultation: It is crucial that IDPs and their communities be fully informed and consulted on their needs, concerns, and choices, particularly with regard to security and return. Special efforts should be made to consult with certain groups of IDPs who may have particular assistance and protection needs: widows, the elderly, people with disabilities and child-headed households. Generally, IDPs and their communities should be integrated more fully into the implementation of the IDP policy.

Return: IDPs and their leaders, local and national government, civilian police, the UPDF, and the NGO and international humanitarian community should agree on a plan for coordinated and phased return, including criteria for safe, voluntary and sustainable return. Local governments should be consulted in the development of the plan, which should be coordinated with them. In addition, the process of return should include:

Transitional assistance: Returning IDPs will have immediate need for seeds, tools, and access to land in order to begin the transition to self-sufficiency. The ready availability of assistance for return is therefore essential.

Social services in area of return: The reach of social services and protection measures should extend into areas of return, linking return assistance to early recovery.

Decongestion: Decongestion can also be used as a step in the process of full return where it is (1) voluntary, (2) in the direction of the IDPs' home communities, and (3) increases access to arable land. To support return, however, the location of decongestion sites should be determined in consultation with IDPs and local governments, and must not be established by the UPDF on the basis of security alone. Planned movement of populations to decongestion sites should not be undertaken without the prior establishment of necessary facilities and assistance capabilities

Targeted measures: Giving full effect to the protection of IDPs' rights after return may require special measures such as waiving the otherwise standard fees imposed for secondary education, access to courts and filing cases with the land tribunals.

Dissemination and translation of the policy: Wide dissemination of the IDP policy among stakeholders, particularly IDPs, together with activities to foster a greater understanding of its provisions will be necessary. Training in the provisions of the IDP policy is required at all levels of government, as well as for the police force and military. Particular attention should be paid to the need to train local officials (particularly at the

sub-county level). IDPs themselves should also be properly informed of their rights as set forth in the policy. They should receive clear and accurate information about the policy's provisions. In this respect, it was suggested that further translations of the policy be supported. It was pointed out that civil society could also play a valuable role in promoting awareness and understanding of the policy among IDPs as well as in monitoring and reporting on the extent to which it was being implemented. Outreach efforts by civil society organizations should be encouraged and supported.

Closing Remarks

The RSG expressed appreciation for participants' open and frank dialogue regarding the policy's implementation and the positive responses to his suggestions of the Ministry of Disaster Relief and Preparedness and His Excellency the President of Uganda. He reinforced the point that the political will and dedication of all participants to set priorities, cooperate and coordinate would be critical in implementing the policy and upholding the human rights of IDPs. He expressed hope that the current momentum for protecting the rights of IDPs in Uganda and ending the conflict would be maintained.

Minister Kabwegyere said he had been eager to learn everything that had emerged during

“Are we ready now to do better work when we leave here or are we going to wait for another year to do the work of the IDP policy? I want to tell you from the government’s point of view, we are going to do what it takes to make sure that where criticisms are valid, they will be addressed...Next year will find a different situation.”

Tarsis Kabwegyere
Minister for Relief and Disaster Preparedness
Uganda

the course of the workshop. He reported that the issues raised would be looked at very closely by the government and emphasized that there were signs that the situation would improve. The Minister concluded by calling for a brief meeting between all participants from the districts and himself immediately following the workshop, during which he reinforced

the need to work together in resolving the situation in northern Uganda.

-Report prepared by Balkees Jarrah and Joy Miller, Rapporteurs

APPENDIX A

AGENDA

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

Hosted by the Government of Uganda
Convened by the Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons and the Brookings Institution—University of Bern Project on Internal Displacement in consultation with the Inter-Agency Standing Committee (IASC) Country Team

Hotel Africana
Kampala, Uganda
3-4 July 2006

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| DAY ONE - 3 JULY 2006 |
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8:30 AM REGISTRATION AND MORNING TEA AND CAKES

9:00 AM WELCOMING STATEMENTS AND INTRODUCTIONS

Mr. Martin Mogwanja, Humanitarian Coordinator, United Nations, Kampala

Dr. Walter Kälin, Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons and Co-Director, Brookings Institution-University of Bern Project on Internal Displacement

Hon. Prof. Tarsis Kabwegyere, Minister for Relief and Disaster Preparedness, Office of the Prime Minister

9:30 AM OVERVIEW OF THE SITUATION OF DISPLACEMENT IN UGANDA

Worldwide, there are some 23.7 million internally displaced persons (“IDPs”) as a result of conflict, ethnic strife and communal violence. It is estimated that between 1.7 and two million people have been displaced in northern Uganda as a result of the conflict between the Lord’s Resistance Army (LRA) and the government. Attacks by armed Karamojong cattle rustlers have also contributed to displacement. This session will give particular focus to the challenges to human rights that arise for the displaced.

MODERATOR:

Mr. Martin Odwedo, Permanent Secretary, Office of the Prime Minister

PRESENTATIONS:

Ms. Veronica Bichetero, Commissioner, Uganda Human Rights Commission
(10-12 minutes)

Mr. James Otto, Human Rights Focus
(10-12 minutes)

Discussion

10:30 AM Tea break

**11:00 AM UGANDA’S NATIONAL POLICY FOR INTERNALLY
DISPLACED PERSONS AND THE STRUCTURE FOR ITS
IMPLEMENTATION**

This session will examine the provisions of Uganda’s National Policy for Internally Displaced Persons, the rights and entitlements it gives to IDPs, and the institutional arrangements to carry it out at the national and district levels.

MODERATOR:

Mr. Martin Odwedo, Permanent Secretary, Office of the Prime Minister

PRESENTATIONS:

• **Uganda’s National Policy for Internally Displaced Persons**

Mr. Shem Mwesigwa, Department of Disaster Management, Office of the Prime Minister
(7-10 minutes)

• **The structure for implementation of the Policy at the local level**

Mr. George Adoko, Chief Administrative Officer and Chair of District Disaster Management Committee, Lira District
(7-10 minutes)

COMMENTATOR:

Ms. Maarit Kohonen, Head of Office, Office of the United Nations High Commissioner for Human Rights (OHCHR)
(7-10 minutes)

Discussion

12:15 PM Luncheon

1:30 PM CHALLENGES TO IMPLEMENTATION OF THE POLICY

This session will identify and discuss challenges to the implementation of the National Policy.

MODERATOR:

Dr. Walter Kälin, Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons

PRESENTATIONS:

- **Security, protection and human rights**

(each presentation 5-7 minutes)

Physical security of IDPs, including protection from non-state actors and the relationship between the UPDF, police and IDPs

⇒ Mr. Jesse Bernstein, Internal Displacement Monitoring Centre

Access to justice and combating impunity

⇒ Norbert Mao, Local Council-V, Gulu District

Discussion

- **Land and property issues, with particular attention to women and other vulnerable groups**

(presentation 10-12 minutes)

⇒ Mr. Fabius Okumu-Alya, Chairman of the District Land Tribunals in the Acholi sub-region (Gulu, Kitgum, and Pader) and Director of the Institute for Peace and Conflict Studies, Gulu University

Discussion

4:00 PM Tea break

4:30PM CHALLENGES TO IMPLEMENTATION OF THE POLICY (cont.)

- **Education and health services**

(each presentation 5-7 minutes)

⇒ Mr. Christopher Wimon Okecho, Assistant Commissioner, Special Needs Education, Ministry of Education

⇒ Drs. G. Bwire and Sam Okware, Ministry of Health

⇒ Mr. Geoffrey Oyat, Assistant Director, Children in Conflict and Emergencies, Save the Children, Uganda

Discussion

- **Voluntary return, reintegration and early recovery**

(each presentation 5-7 minutes)

- ⇒ Joint presentation by Mr. Peter Deck (UNHCR) and Mr. Giovanni Bosco (OCHA)
- ⇒ Mr. R.M. Wafula, Department of Disaster Management, Office of the Prime Minister
- ⇒ Mr. Michael Otim, Gulu NGO Forum

Discussion

6:30 PM **Close of session**

7:00 PM ***Dinner at Hotel Africana with dance performance by Ndere Dance Troupe and internally displaced children from Kitgum Children's Cultural Revival Group***

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| DAY TWO - 4 JULY 2006 |
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8:00 AM **MORNING TEA AND CAKES**

8:30 AM **CAPACITY AND COORDINATION IN SUPPORT OF THE IMPLEMENTATION OF THE NATIONAL POLICY**

MODERATOR:

Mr. Martin Mogwanja, Humanitarian Coordinator, United Nations, Kampala

PRESENTATIONS:

- **Capacity and coordination between national, district and sub-county levels of government, including the role of IDP representatives**

(each presentation 5-7 minutes)

- ⇒ Mr. Shem Mwesigwa, Department of Disaster Management, Office of the Prime Minister
- ⇒ Dr. Lucy Hovil, Senior Research and Advocacy Officer, Refugee Law Project

- **Capacity and coordination of the military and police (in camps as well as in situations of return)**

(each presentation 5-7 minutes)

- ⇒ Lt. Gen. Edward Katumba Wamala, Commander of Land Forces, Uganda People's Defence Forces
- ⇒ Mr. Julius P.O. Odwe, Deputy Inspector General of Police, Uganda Police Force

Discussion

- **Resources and fiscal mechanisms**

(each presentation 5-7 minutes)

⇒ Mr. Charles Uma, Assistant Chief Administrative Officer and Chair of District Disaster Management Committee, Gulu District

Discussion

- **Capacity and coordination of the international community**

(each presentation 5-7 minutes)

⇒ Ms. Gloria Fernandez, Head of Office, United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA)

Discussion

10:45 AM Tea break

11:00 AM FOCUS GROUPS – OVERCOMING CHALLENGES

During this session, the participants will break into five groups, each led by a facilitator, to make recommendations for overcoming the challenges identified in implementing the National Policy. Focus groups will be on the following themes:

Capacity and coordination

Facilitator: Mr. Stephen Lukudu, (UN OCHA)

Security, protection and human rights

Facilitator: Mr. Timothy Bishop, International Rescue Committee (IRC)

Issues relating to land and property rights

Facilitator: Ms. Nancy Hebeisen, Norwegian Refugee Council (NRC)

Resources and fiscal mechanisms

Facilitator: Mr. Gerald Owachi, Department for International Development (DfID)

Voluntary return, reintegration and early recovery

Facilitator: Mr. Michael Otim, Gulu NGO Forum

1:30 PM Luncheon

2:30 PM REPORTS OF THE FOCUS GROUPS TO PLENARY

MODERATOR: Ms. Montserrat Feixas-Vihe, Deputy Representative, UNHCR

4:00 PM Tea break

4:45 PM CONCLUSIONS AND RECOMMENDATIONS

This session will review the major conclusions of the workshop, including best practices and recommendations for implementing the National Policy for Internally Displaced Persons.

MODERATOR:

Dr. Walter Kälin, Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons

PRESENTATIONS OF RAPORTEURS:

Dr. Khalid Koser, Deputy Director, Brookings-Bern Project on Internal Displacement, assisted by Joy Miller and Balkees Jarrah, Brookings-Bern Project on Internal Displacement

Discussion

6:15 PM CONCLUDING REMARKS

Mr. Martin Mogwanja, Humanitarian Coordinator, United Nations, Kampala

Dr. Walter Kälin, Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons

Hon. Musa Ecweru, Minister of State for Relief, Disaster Preparedness and Refugees, Office of the Prime Minister

6:30 PM Close of meeting

APPENDIX B

LIST OF PARTICIPANTS

NATIONAL GOVERNMENT

- Mr. Philip Alecho
National Information Coordinator
Department of Disaster Preparedness and Refugees
Office of the Prime Minister
- Ms. Rose Nakabugo Bwenvu
Principal Disaster Management Office/National Counterpart Manager
Department of Disaster Preparedness and Refugees
Office of the Prime Minister
- Dr. Godfrey Bwire
Ministry of Health
- Hon. Musa Ecweru
Minister of State for Relief, Disaster Preparedness and Refugees
Office of the Prime Minister
- Hon. Prof. Tarsis Kabwegyere
Minister for Relief and Disaster Preparedness
Office of the Prime Minister
- Mr. Shem Mwesigwa
Department of Disaster Management and Refugees
Office of the Prime Minister
- Mr. Martin Odwedo
Permanent Secretary
Office of the Prime Minister
- Mr. Christopher Wimon Okecho
Assistant Commissioner, Special Education
Ministry of Education
- Dr. Sam Okware
Ministry of Health
- Ms. Josephine Wasike Orya
Under-Secretary
Ministry of Internal Affairs

- Mr. Carlos Twesigomwe
Commissioner for Disaster Management and Refugees
Office of the Prime Minister
- Mr. R.M. Wafula
Principal Officer
Department of Disaster Preparedness and Refugees

LOCAL GOVERNMENT

- Mr. George Adoko
Chief Administrative Officer
Lira District
- Mr. Cancere Banabas
Assistant Chief Administrative Officer
Kitgum District
- Mr. Eswilu Donath
Assistant Chief Administrative Officer
Soroti District
- Mr. Robert Ekongot
Local Council V Chairperson
Katakwi District
- Mr. Robert Engulu
Local Council V Chairperson
Kaberamaido District
- Mr. Norbert Mao
Local Council V Chairperson
Gulu District
- Mr. Michael Nidoi
District Disaster Preparedness Coordinator
Gulu District
- Mr. Nicholas Ockara
Chief Administrative Officer
Katakwi District

- Mr. Silver Onyait Ochan
Assistant Chief Administrative Officer
Amuria District
- Mr. Julius Ochen
Local Council V Chairperson
Amuria District
- Mr. Stephen Ochola
Local Council V Chairperson
Soroti District
- Col. Walter Ochora
Resident District Commissioner
Gulu District
- Mr. Franco Ojur
Local Council V Chairperson
Lira District
- Mr. Geoffrey Okaka
Chief Administrative Officer
Kaberamaido District
- Mr. John Komakech Olowok
Local Council V Chairperson
Kitgum District
- Mr. Felix Omuu
District Disaster Preparedness Coordinator
Lira District
- Mr. Kenneth E. Onyait
District Disaster Preparedness Coordinator
Katakwi District
- Mr. Richard Odoch Poromoi
Assistant Chief Administrative Officer
Pader District
- Mr. Charles Uma
Assistant Chief Administrative Officer
Gulu District

- Mr. Peter Odok W'Ocheng
Local Council V Chairperson
Pader District

NATIONAL INSTITUTIONS

- Mr. Willy Agirembabazi
Human Rights Officer
Uganda Human Rights Commission
- Ms. Veronica Eragu Bichetero
Commissioner
Uganda Human Rights Commission
- Mr. Nathan Byamukama
Director of Monitoring and Treaties
Uganda Human Rights Commission
- Maj. Gen. Kale Kayihura
Inspector General of Police
Uganda Police Force
- Mr. Edward Ochom
Spokesman
Uganda Police Force
- Mr. Julius P.O. Odwe
Deputy Inspector General of Police
Uganda Police Force
- Hon. Justice P.K.K. Onega
Chair
The Amnesty Commission
- Lt. Gen. Edward Katumba Wamala
Commander of Land Forces
Uganda People's Defence Forces

INTERNALLY DISPLACED PERSONS

- Ms. Florence Arengo
Amuria District

- Mr. Sam Echatu
Kaberamaido District
- Mr. Denis Lemoyi
Gulu District
- Mr. Bosco Lubangakene
Pader District
- Mr. Peter Nyaku
Katakwi District
- Mr. Tom Ogiki
Kitgum District
- Mr. Francis Olupot
Soroti District
- Mr. Johnson Opito
Lira District

NON-GOVERNMENTAL ORGANIZATIONS

- Ms. Brenda Amito
Acholi Religious Leaders Peace Initiative
- Ms. Harriet Anyango
Concern Amuria
- Ms. Christine Asutai
Soroti Catholic Diocese Integrated Development Organisation (SOCADIDO)
- Mr. Jesse Bernstein
Internal Displacement Monitoring Centre
Norwegian Refugee Council
- Mr. Timothy Bishop
International Rescue Committee
- Mr. Stig M. Hansen
Northern Uganda Peace Initiative
- Ms. Nancy Hebeisen
Norwegian Refugee Council

- Mr. Peter Kamalingin
CARE International
- Mr. Ian Kibirango
Civil Society Organisations for Peace in Northern Uganda (CSOPNU)
- Mr. Aaron Kirunda
Global Forum on International Cooperation
- Mr. James Okucu
Development Training and Research Centre (DETREC)
- Mr. George Pele Okumu
Kitgum NGO Forum
- Mr. Jimmy Abondio Ongom
Pader NGO Forum
- Mr. Michael Otim
Gulu NGO Forum
- Mr. Godfrey Orach Otobi
Concerned Parents Association – Uganda (CPA)
- Mr. James Otto
Human Rights Focus (HURIFO)
- Mr. Geoffrey Oyat
Save the Children in Uganda
- Ms. Hilda Oyella
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United Nations Office for the Coordination of Humanitarian Affairs (OCHA)
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DONOR AGENCIES

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APPENDIX C

FOCUS GROUP ACTION PLANS

Each of the five focus groups presented an Action Plan based on their discussions. These Action Plans are reproduced below.

| I. CAPACITY AND COORDINATION | | |
|---|---|--|
| Challenge | Response | Actors responsible |
| Lack of coordinated and accurate information at district and national levels | <ul style="list-style-type: none"> Strengthen data collection, analysis and information dissemination by the DDMCs | OPM, districts and partners |
| Inadequate commitment by government heads of department | <ul style="list-style-type: none"> Increase political supervision Invoke paragraph 2.1.1 (vi.) of the policy | PS, CAOs, District Chairpersons |
| Inadequate IDP policy provisions about the role of District Councils | <ul style="list-style-type: none"> Harmonize the IDP policy with the Local Governments Act of 1997 | OPM and Ministry of Local Government |
| Financial gaps | <ul style="list-style-type: none"> Identify actual gaps and lobby partners | Government and partners |
| Human resource gaps | <ul style="list-style-type: none"> Recruit, train and motivate personnel | Districts and respective ministries |
| General lack of awareness of the IDP policy among stakeholders | <ul style="list-style-type: none"> Conduct more sensitization activities Translate the policy into more local languages | OPM, CAOs, and District Chairpersons |
| Insecurity constrains coordination | <ul style="list-style-type: none"> Implement disarmament and development programs in Karamoja Talk peace with LRA and extend amnesty for them | Minister/Ministry of Internal Affairs, Minister/Ministry of Defence, line ministries and partners for development programs |
| Inadequate political will, especially at the center | <ul style="list-style-type: none"> Sensitize Ministers on their role and hold them responsible or accountable | Rt. Hon. Prime Minister |
| Lack of transparency and cooperation by some humanitarian partners and district and national level government | <ul style="list-style-type: none"> Harmonize MOUs at all levels Encourage joint planning, implementation, monitoring and evaluation | Local governments, partners and ministries |

| II. SECURITY, PROTECTION AND HUMAN RIGHTS | | |
|--|---|--|
| SECURITY | | |
| Challenge | Details | Response |
| Physical insecurity | LRA remnants, landmines, UXO, IDP camp layout, proliferation of small arms | Secure roads, mine clearing, decongestion/return, disarmament, UPDF/police training |
| Dilapidated infrastructure | Roads, social services, military equipment and facilities | Rehabilitation of rural facilities |
| Civil/military relations | Characterized by suspicion, rumors, collaborators, morale, indiscipline | Creation of liaison committees, documentation and reporting of incidents, monitoring of human rights, sensitizations |
| Lack of justice, law and order systems | Need for crime reporting, punishment, detention, training and orientation | Establishment of justice systems in all districts, awareness raising of legal redress |
| Redundant communities | Social breakdown, domestic violence, gender based violence, child abuse/exposure, reintegration | Empower cultural institutions, economic opportunities |
| Uncertainty of peace process | | Unified message from government, confidence-building measures |
| PROTECTION AND HUMAN RIGHTS | | |
| Challenge | Details | Response |
| Poverty | Idleness, alcoholism, corruption, theft, social breakdown, reduced access to justice, inappropriate behavior, moral breakdown | Income generating activities, support for improved social welfare mechanisms, counseling, awareness about alcoholism, capacity-building of cultural and traditional structures |
| Corruption | Lack of accountability mechanisms, bribery | Improved accountability, empower communities to demand accountability/transparency, anti-corruption initiatives, training in fiscal responsibility |
| Information/communication | Civil/military, community sensitization, human rights promotion, sector collaboration, distortion of information, health promotion, community participation, monitoring | Improved policy dissemination, bottom-up approach in information collection, meaningful participation of communities, establish proper up-down and |

| | | |
|-------------------------------|---|---|
| | | down-up channels of communication |
| Lack of social services | Especially at local level, access to health and education facilities, commodities, infrastructure, monitoring | Taking social services to rural/neediest communities, upgrading health centers, transparent planning, establishment of right-to-health desk |
| Protection of most vulnerable | Roles of families and communities, family unification during return, community response | All of the above with emphasis on family/community responsibility |

III. RESOURCES AND FISCAL MECHANISMS

Background

- a. Unproductive population
 - ⇒ Lower revenue
 - ⇒ Property rights?
- b. Local tax-raising powers
 - ⇒ Other revenue-raising too sophisticated (e.g. bonds)
- c. Transfers from center remain same
 - ⇒ Humanitarian agencies used as buffer
 - ⇒ Belief that development = government: emergency = UN
- d. Resource implications growing
 - ⇒ Poverty Eradication Action Plan (PEAP)
 - ⇒ National IDP Policy
 - ⇒ Disaster
- e. No fiscal decentralization
 - ⇒ Inflexible planning (10-20% allowed to exceed)
 - ⇒ Transfers are conditional but responsibilities are a given

Recommendations:

- Local government should be allowed to re-allocate funds in an emergency
- Enabling law for IDP Policy – include powers to local government
- Need a separate recovery fund to support recovery plan
- Case-by-case development of camps as urban centers
- Policy on non-absorption of funds needs revision (development led by money available rather than need)
- More funding for security (police)
- Policy needs to be directed for locality, not Kampala (with the participation of IDPs)
- Northern Uganda Social Action Fund (NUSAF) needs to be simpler and extended
- District structures need to be streamlined (resources divided now between RDC, CAO, LC-V)
- Greater transparency of resource allocation needed (e.g. what is budget of RDC?)
- Resources need to be used better (e.g. planning. structural problems, staff corruption)
- OPM role should be stronger (e.g. on monitoring role). Bring down lead to technical level (also at DDMC level)

| IV. LAND AND PROPERTY ISSUES | |
|---|---|
| Current Issues | |
| <ul style="list-style-type: none"> ➤ Land tribunal (creation and strengthen) ➤ Land ownership (documentation and sub-category of property in IDP Policy) ➤ Boundary disputes ➤ Access to land by vulnerable groups (single parents, children born in captivity, orphans) ➤ Current access issue with regard to UPDF, <i>de facto</i> authority ➤ Land grabbing ➤ IDP policy on acquisition of land for returnees ➤ Harmonization of land policies and laws (constitution, Land Act and IDP policy) ➤ Boundary disputes ➤ Compensation | |
| Priority issues | |
| <p>Land disputes</p> <ul style="list-style-type: none"> ⇒ Compensation ⇒ Boundaries ⇒ Documentation ⇒ Rights of vulnerable groups ⇒ Land grabbing ⇒ Ownership (illegal acquisition) <p>Laws/policies and institutional framework</p> <ul style="list-style-type: none"> ⇒ Land tribunal vs. other authorities ⇒ IDP policy vs. Land Act vs. Constitution ⇒ Communal vs. statutory ownership | |
| Plan of Action | |
| Challenge and response | Actors responsible |
| Need for comprehensive land law/policies/guidelines (due to inconsistent/insufficient land laws/policies/guidelines) | Ministry of Land |
| Strengthen/implement current Land Tribunal (courts, judges, computers, etc.) | Ministry of Justice and Constitutional Affairs |
| <p>Strengthen traditional Local Council court system/mechanisms</p> <ul style="list-style-type: none"> ⇒ CAO to train and facilitate ⇒ Local council to pass ordinances ⇒ Vulnerable groups be exempted from court fees ⇒ Compensation for land occupied by IDPs (boreholes, schools, degradation, etc.) | |
| Disseminate and sensitize population on value, purpose and policies | Ministry of Lands |
| Increase capacity of survey/registration | Government to implement systematic land demarcation |
| Increase access to land for IDPs (e.g. by consulting IDPs on curfew/perimeter issues) | Ministry of Defence, UN |

V. VOLUNTARY RETURN, REINTEGRATION AND EARLY RECOVERY

| Challenge | Response/action | Actors responsible |
|--|--|--|
| Security | <ul style="list-style-type: none"> ▪ Government through its organs to guarantee security | Security organs |
| Dependency syndrome | <ul style="list-style-type: none"> ▪ Sensitize and promote attitude change ▪ Initiate programs for self-sufficiency | All actors (government, religious leaders, CSOs, communities themselves) |
| Inability of government in terms of resources and structural (formal government structures, e.g. Local Councils) | <ul style="list-style-type: none"> ▪ Intensifying mobilization of resources ▪ Development of workplans by different line ministries for provision of social services ▪ Coordination of stakeholders | Government and development partners, respective line ministries |
| Access to justice | Reactivate/provide law and order in areas of return: <ul style="list-style-type: none"> ▪ police ▪ judiciary ▪ land tribunal ▪ support transitional structures for justice | Government, CSOs, traditional/cultural institutions |
| Social infrastructure | <ul style="list-style-type: none"> ▪ Rehabilitate/provide basic infrastructure | Government and development partners, CSOs, community |
| Land boundaries | Mobilization of community on land issues: <ul style="list-style-type: none"> ▪ District land board/land committee ▪ local authorities ▪ cultural leaders ▪ women leaders ▪ CSOs | Local government, cultural leaders, CSOs, etc. |
| Reintegration | <ul style="list-style-type: none"> ▪ Sensitization of community ▪ Conflict resolution and transformation ▪ Social transformation ▪ Provision of reintegration packages to formerly abducted children | Government, CSOs, development partners |
| Auxiliary forces | <ul style="list-style-type: none"> ▪ Development of plan for the demobilization and reintegration ▪ Mobilization of resources to facilitate the process | Government and development partners |
| Landmines and UXO | <ul style="list-style-type: none"> ▪ Assessment of return sites | OPM, local government, |

| | | |
|--|--|---|
| | <ul style="list-style-type: none"> ▪ De-mining and demolition ▪ Landmine awareness programs | CSOs, security organs |
| Access to information | <ul style="list-style-type: none"> ▪ Provision of accurate and timely information through appropriate channels to aid return ▪ On-spot visits by IDPs to areas of return | All stakeholders |
| Mismatch between IDP needs and stakeholders' responses/interventions | <ul style="list-style-type: none"> ▪ Coordinated workplan ▪ Participatory planning ▪ Clear time line | All actors |
| Mobilizing community on IGA | <ul style="list-style-type: none"> ▪ Encourage support of IGA | All stakeholders Micro-finance institutions |
| Trauma/social behavior | <ul style="list-style-type: none"> ▪ Psycho-social program ▪ Provision of mental health facilities ▪ Social mobilization | Government, CSOs, traditional institutions, religious leaders |
| Food security | <ul style="list-style-type: none"> ▪ Food security programs (seeds, tools, relief, food) ▪ Nutritional surveys ▪ Extension services | All actors |
| Land and environmental degradation | <ul style="list-style-type: none"> ▪ Social mobilization on danger of degradation ▪ Tree planting initiatives ▪ Promotion of energy saving technology | All actors |

APPENDIX D

BACKGROUND PAPER

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.¹ 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 Karamojong 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 Karamojong-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.