

# FROM ARID ZONES INTO THE DESERT

THE UGANDA NATIONAL IDP POLICY  
IMPLEMENTATION 2004-2012



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**Vision**

**Human rights for all people in Uganda irrespective of their legal status. This vision is informed by relevant international laws as well as the Constitution of Uganda.**

**Mission**

**To empower asylum seekers, refugees, deportees, IDPs and host communities in Uganda to enjoy their human rights and lead dignified lives.**

**Mandate**

- To promote the protection, well-being and dignity of forced migrants and their hosts.**
- To empower forced migrants, communities and all associated actors to challenge and combat injustices in policy, law and practice.**
- To influence national and international debate on matters of forced migration, and justice and peace, in Uganda.**
- To be a resource for forced migrants and relevant actors.**

**All of the above is achieved through a combination of activities broadly categorised under legal aid and counseling, research and advocacy, and training and education.**

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## Forward

The representative of the United Nations (UN) Secretary General on internally displaced persons visited Uganda in August 2003 and followed up with 26 recommendations regarding Internally Displaced Persons (IDPs). The Ugandan government, with the aid of civil society and the UN, drafted a formal National Policy for Internally Displaced Persons<sup>1</sup> that was adopted in 2004. In 2006, the Refugee Law Project—a community outreach project of the School of Law at Makerere University mandated to protect and promote the human rights of forced migrants within Uganda—issued a report<sup>2</sup> addressing the Secretary General’s recommendations. That same year, the government of Uganda hosted a review workshop<sup>3</sup> to examine the implementation of the Policy, identify the trouble spots and make recommendations for going forward. As additional follow-ups, the Refugee Law Project issued two additional reports based on research it carried out involving those displaced in Adjumani (2006) and the plight of the IDPs displaced into urban areas like Kampala (2010).<sup>4</sup> Being that the conflict involving the Lord’s Resistance Army (LRA) has ended and nearly all IDPs have gone home, this current study traces the Policy’s impact on IDPs from the beginning of that displacement to the present time. The Policy also controls for non-conflict displacements and, to round the circle, the impact of the Bududa landslide, the cause of the largest non-conflict displacement since 2004, is also examined. The Juba Peace Talks (2006-8), between the government and the LRA, facilitated relative peace that in turn marked the beginning of the gradual return of the IDPs and decongestion of the camps. Now that virtually all<sup>5</sup> of the camps have been closed and northerners are in varying stages of recovery and settlement, this report brings forward the latest comprehensive analysis of the Policy from 2006 to the present, with the view that understanding the interim years is critical to be able to identify the important issues going forward.

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<sup>1</sup> Referred to hereafter as the “Policy”.

<sup>2</sup> *“Only Peace can restore the Confidence of the Displaced,”* IDMC and RLP, 2d Edition, October 2006

<sup>3</sup> *“Workshop on the Implementation of Uganda’s National Policy for Internally Displaced Persons,”* The Brookings Institution-University of Bern Project on Internal Displacement

<sup>4</sup> *“Invisibly Displace Persons in Adjumani District,”* Refugee Law Project working paper No. 19, September 2006, and *“Why being able to return Home should be part of Transitional Justice: Urban IDPs in Kampala and their quest for a Durable Solution,”* RLP’s Beyond Juba Project’s working paper No. 2, March 2010.

<sup>5</sup> Four in the Acholi sub region remain open to respond to unique situations.

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## **OUTLINE OF THE STUDY**

Although camp life before 2006 is examined, the primary focus of this study is to examine the implementation of the Policy with respect to the return and resettlement phase, and to outline durable solutions. The government has used the Peace Recovery and Development Plan (PRDP), which is now well into its second stage, as the vehicle for fulfilling its post-camp responsibilities under the Policy. As such, PRDP acts as the backdrop for this study. We have analyzed the process of closing of the camps, the process' effects on returnees, the major challenges, and how the local and central governments have worked with the international and civil society organizations during the transition from the humanitarian to the recovery and development stages. This report reveals that whereas critical challenges were faced in implementing the Policy, its adoption in 2004 significantly improved the protection and assistance framework for humanitarian and government responses to the dire IDP situation in northern Uganda. Most importantly, the Policy enshrined the rights of IDPs expressed in the UN Guiding Principles on Internal Displacement, particularly the right to voluntary return and resettlement as one of its most important provisions.

This report also considers the Policy itself: its successes, problems and relevance to the future. The written Policy is the starting point for analyzing how IDPs have been treated from the beginning of encampment to the present time. Parts of it are clear and laudable, and it has been an important tool in administering the government's response to displacements. However, far too many provisions are internally inconsistent and difficult to comprehend. Moreover, it provides conflicting guidance on its scope, leaving one to wonder where government's responsibilities end.

A unique displacement issue is presented in those situations when IDPs are resettled in a new area that doesn't constitute a durable solution to their displacement. The report examines the complex set of factors concerning the dangers for those returning home after being displaced by the Bududa landslide of 2010, compared to the complexities of resettling elsewhere. Faced with starkly competing realities, the research highlighted the difficult decisions the government confronted in the aftermath of that disaster.

It is difficult to make meaningful comparisons between the conflict and non-conflict induced displacement experiences. The Bududa landslide of 2010 displaced 5000 people for one year; whereas, the northern conflict displaced 360 times that number for up to 15 years, and war threatened the northern camps areas for more than half of that time. Nonetheless, the research findings demonstrate that government resources available to deal with even a modest-sized displacement were woefully inadequate. The problem was much worse at the local government levels. The international community's massive investment in the displacement resulting from the northern conflict was essential, but it came at the cost of marginalizing the government. The government, judging by its lack of support in elections and popularity, understandably wanted the displacements to end as quickly as possible. The government's concern was that the camp experience would lead to a culture of entitlement and disillusionment was prescient. Unfortunately, the government's solution was to artificially minimize the extent of the displacement in three ways: it sought to close the camps before sustainable programmes were in place for the IDPs; it promised benefits available to the IDPs if they left the camps that it failed

to keep; and it created a dual system of IDPs by denying the existence and entitlement to benefits to those who stayed outside of the encampment process.

The true marker of the successful end of displacement will be when a former IDP achieves a durable solution.<sup>6</sup> Ongoing programmes such as the PRDP, Northern Uganda Social Action Fund (NUSAF) and National Agriculture Advisory Services (NAADS) have been useful, houses for the Bududa settlers are being built, and the former landscape of the north dominated by IDP camps is being replaced by new villages and crowded roads with people transporting goods to market. These realities, coupled with the ever increasing chance that lasting peace has returned to the north, are encouraging. On the other hand, the former IDP population feels let down by its government, mainly because of a perception of broken promises and insufficient help in restarting their lives. However, it is too early to quantify the extent to which those attitudes are inhibiting the chances of achieving fully successful reintegration.

Interviews ranging from senior government officials in Kampala to former IDPs in every part of the country revealed a major disconnect between aspirations and reality. The provisions of the Policy stress the rights of IDPs and are accompanied by UN pronouncements to the same effect. Yet, too often the government's actions have given the impression that its commitment to the Policy was lukewarm, either because of limited capacity or lack of political will to comply with the Policy parameters. The research revealed the government's efforts to push early camp closures, its unwillingness to address the urban IDP problem, and its curious classification of "night commuters" as hybrid IDPs, as indicators of its conflicted view as to how it should respond to the IDP crisis.

However, the government in the post-camp period has provided and improved infrastructure in the north, and has also distributed aid to those displaced to enable them to re-establish their livelihoods. The wholesale destruction of the cultural and social infrastructure in the north, coupled with years of dependency while living in the camps, has hindered the recovery process and these citizens' self-motivation to first look to their own resources in moving forward. Some of the critiques against the government perhaps unfairly ignore the difficulties of responding to the extensive issues of this massive displacement.<sup>7</sup> Even so, these problems could be minimized if the Policy was more practicable. Our analysis strongly suggests that the Policy should be rewritten, to more clearly state exactly what government will actually do rather than what it would like to do. By staying closer to the ground, government's performance will more closely mirror its written commitment.

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<sup>6</sup> When a formerly displaced person no longer has protection and other related needs directly associated with the fact of having been displaced in the first place.

<sup>7</sup> An Internal Displacement Monitoring Center paper refers to the difficulty of addressing the needs of urban IDPs without also addressing the needs of the urban poor. (See Refstie, H. et. al., "*Urban IDPs in Uganda – victims of Institutional Convenience*," Forced Migration Review 34, February 2010) Another one by the Refugee Law Project on that population in Uganda focuses on their unique needs and government's failure to respond as the Policy requires. . . . (See "*Why being Able to Return Home should be part of Transitional Justice: Urban IDPs in Kampala and their quest for a Durable Solution*," RLP Working Paper No. 2, March 2010) Neither of them explores the ability of the government to respond to the financial challenges of fairly assisting those two populations as no need assessment has ever been undertaken.

## **GLOSSARY OF ABBREVIATIONS**

DDMC	District Disaster Management Committee
IDP	Internally Displaced Person
LC	Local Council
LRA	Lord's Resistance Army
NAADS	National Agriculture Advisory Services
NGO	Non-governmental organization
NUSAF	Northern Uganda Social Action Fund
OPM	Office of the Prime Minister
PRDP	Peace Recovery and Development Plan
UN	United Nations
UPDF	Uganda People's Defence Force
WFP	World Food Programme

## INTRODUCTION

### METHODOLOGY

This report is based on field research data collected between 20 January and 24 March 2012 in Bududa, Kiryandongo, Lira, Gulu, Amuru, Kitgum and Adjumani Districts, together with interviews in Kampala and surrounding suburbs like Kireka, Mukono and Jinja between 10 January and 30 March 2012. In all, 169 individual interviews were conducted. Interviews occurred with representative individuals and groupings of current and former IDPs from each district, international and local non-governmental organizations (NGOs), community leaders, the military, and central and local government officials. Approximately 15 interviews, mostly seeking supplemental information, were also conducted.

The interviews were semi-structured with the aid of interview maps in order to ensure a degree of consistency. They were modified several times during the research as the interviews uncovered new issues that came up repeatedly. Of necessity, the maps varied depending on the nature of the respondent since those interviewed ranged from rural citizens with little education to high-ranking policy makers.

The research team relied on the use of qualitative research methods. The small number of people interviewed in comparison to the vast numbers impacted by these displacements limits the extent to which their views can be seen as representational of the whole. A significant effort was made to minimize that problem by soliciting the views of as widely a divergent group as possible. Given the topics under investigation, it was determined that this research approach offered the best opportunity to explore the perceptions of all those concerned with the Policy. The key informants interviewed included eminent persons who played a critical role in the conceptualization, adoption and implementation of the Policy and whose insights reflected deeply on the expectations and shortcomings of the Policy. Another key group was the significant number of former IDPs who were interviewed since their voices were central to an understanding of how it really worked.

The researchers included Stephen Oola at team leader, assisted by Juliet Adoch, David Danielson, Brian J. Oneka, Moses Tumusiime, and Levis Onegi. Three field researchers (Richard Obedi, Denis Otim and Gerald Anyinobya) were only available for some of the field trips. The report was written by David Danielson of the Refugee Law Project with valuable comments from his colleagues Stephen Oola, Moses Chrispus Okello and Dr. Chris Dolan. This study was funded by the Danish Refugee Council's Great Lakes Civil Society Project as part of a regional programme looking at the relevance of national-level policy frameworks for addressing displacement locally. The report reflects RLP's views and opinion, not that of the Danish Refugee Council. RLP is also grateful to Glasswaters Foundation who funded Dave Danielson.

## UGANDA'S HISTORY OF DISPLACEMENT

Conflict and resulting displacement readily brings to mind the Idi Amin years of 1971-1979 and the most recent displacement of nearly two million citizens resulting from the conflict involving the Lords' Resistance Army. The LRA conflict was just one episode of the many displacements although it and the one during the Idi Amin years were amongst the largest. The Allied Democratic Forces insurgency resulted in the displacement of about 150,000 citizens and the National Resistance Movement (NRM) bush war in Luwero Triangle equally displaced thousands into camps. Over seven million Ugandans have been affected by internal conflicts, cattle rustling and natural disasters since independence in 1962. The majority of these have been due to conflicts. In 44 of the 50 years since then, significant portions of the population has either been displaced or in the midst of conflict.<sup>8</sup>

Not all of the instigating disasters have been man made. Slides and floods from mountainous regions and those of the Nile River basin in northern and eastern Uganda have contributed to significant displacement. The massive 2010 landslide in the eastern Mt. Elgon area alone resulted in a displacement of 5000 citizens and the resettlement of 3000 to a distant district.<sup>9</sup> Nor are all of the disasters large in scope, although citizens of Dzaipi Sub County in Adjumani whose land has been ruined by elephants would not characterize their losses as minimal.<sup>10</sup>

Smaller displacements continue to occur. While this research project was underway in March 2012, 15,000 people<sup>11</sup> from five districts were evicted from private and government land in Sembabule District.<sup>12</sup> In northern Uganda, residents of Lakang and Apaa in Amuru districts and parts of Adjumani faced a double displacement.<sup>13</sup> Many who had been displaced into camps during the LRA conflict have since returned home, only to be displaced again, this time to pave way for a sugar cane plantation and a controversial wild life reserve. Borderland conflicts between communities in Uganda and South Sudan around Moyo and Adjumani continue to generate conflicts and associated back and forth displacements. Uganda displacement woes are not unique. The estimated total displacement worldwide at the end of 2010 was 11.1 million people, 40% of whom were in Africa.<sup>14</sup>

## PART I: THE POLICY AND ITS IMPLEMENTATION

### KEY PROVISIONS OF THE POLICY

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<sup>8</sup> The National Policy for Internally Displaced Persons, 2004, pp. vii-viii

<sup>9</sup> Interview with local government official, Bududa, 23 January 2012

<sup>10</sup> Interview with local government official, Adjumani, 25 March 2012

<sup>11</sup> These Sembabule citizens may not fit the definition of an IDP in the Policy since it is limited to those displaced from their "...homes or places of habitual residence..." to avoid "...armed conflict, situations of generalized violence, (and) violations of human rights, or natural or human-induced disasters...."

<sup>12</sup> See *Daily Monitor*, 12 March 2012, "Police evict 15,000 Sembabule residents"

<sup>13</sup> Interview with local government official, Adjumani, 25 March 2012

<sup>14</sup> Internal Displacement Monitoring Centre, [www.internal-displacement.org](http://www.internal-displacement.org)

The Policy was written in response to the increasing displacement resulting from the war with the LRA.<sup>15</sup> However, it applies to all forms of displacement arising out of human created disasters and conflicts, or disasters created by nature. Displacement caused by elephants trampling gardens and huts near the park border in Kiryandongo and the massive displacements such as the one that resulted from the northern war are both included within its scope. In other words, the policy gave both conflict and non-conflict induced IDPs recognition and additional protection.

### **GOVERNMENT’S STRUCTURE FOR ADMINISTERING THE POLICY**

The Office of the Prime Minister, Department of Disaster Preparedness and Refugees is the lead agency with overall responsibility for dealing with IDPs.<sup>16</sup> To coordinate all IDP related activities amongst the central, district and sub county levels, an Inter-Ministerial Policy Committee was created. Chaired by the Minister of Disaster Preparedness and Refugees, its members are the Ministers of the various line ministries most likely to be impacted by the Policy. The Ministers of Defence, Education, Health, Local Government and Gender are amongst the more important ones.<sup>17</sup> An Inter-Agency Technical Committee composed of the same ministries but also including UN agencies and major NGOs was created to handle the coordination details, planning and research.<sup>18</sup> A Human Rights Promotion and Protection subcommittee was the final committee at the national level.<sup>19</sup>

For each district, the Policy establishes a District Disaster Management Committee, chaired by each districts’ chief civil servant, to be the lead IDP agency at the district level.<sup>20</sup> Under it, a District Human Rights Promotion and Protection Subcommittee was created.<sup>21</sup> Lastly, a Sub County Disaster Management Committee is called for.<sup>22</sup> The Policy also states that the District Disaster and Preparedness Committees (DDMC) and its subcommittees shall invite UN agencies, NGOs and other humanitarian organizations to participate and assist in their efforts.

### **SCOPE OF THE POLICY**

The Policy lacks clarity on its exact scope and application. Both a detailed and cursory reading clearly demonstrate the Policy is about IDPs who are defined as: “...persons who have been forced or obliged to flee...their homes...as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-induced disasters...”<sup>23</sup> The Preamble highlights that topic, and the Policy’s Mission, Goal and Objectives speak of little else.<sup>24</sup> Chapter 2 follows with 13 detailed pages of the committee structure to be used in administering the Policy during the displacement. Only the Preamble hints

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<sup>15</sup> Interview with senior government official, Kampala, 13 January 2012

<sup>16</sup> Ch. 2.1 of the Policy

<sup>17</sup> Ch. 2.2.1

<sup>18</sup> Ch. 2.2.2

<sup>19</sup> Ch. 2.3

<sup>20</sup> Ch. 2.4

<sup>21</sup> Ch. 2.5

<sup>22</sup> Ch. 2.5.1

<sup>23</sup> Glossary of Terms, IDP Policy, p. x

<sup>24</sup> Preamble and Ch. 1

at a broader scope when it includes, “Facilitating the voluntary, return, resettlement, integration and re-integration of the IDPs.”

Reading the Policy, an IDP will clearly understand that its application and relevance for their lives begins from the moment of displacement. With a few exceptions (potable water, resettlement kits) it is much less clear when its application ceases or if the conditions for receiving aid have been met. There are no time limits nor are there benchmarks based on measurable criteria (e.g. when he/she has been continually receiving a specific amount of food/day for a given period), or even partially clear criteria to define a “durable solution.” That dichotomy is at least somewhat understandable since a “one size fits all” definition of the end of displacement would often have no connection with the varying realities experienced by each person. What is clear from various provision of the Policy is that it sets out to protect and assist displaced persons from the beginning of displacement until their return. After return, the Policy’s application is unclear.

The 2004 Policy was written long before the PRPD funding hit full stride in 2008. Its first priority was to rebuild government structures and presence in the conflict areas. It then turned to economic revitalization, which continued into the second phase of PRDP. As such, it extends aid to former IDPs after their return home, providing a continuity of at least some services beyond the end of displacement.

### ***THE CLEAR PROVISIONS***

For the displacement period, some of the government’s undertakings are clear. Residence in a camp is not part of the definition. The determining factor is how one came to be displaced, not where that person lived during the displacement. The Policy commits government to assure the security of their persons and property for the entire period of displacement. The Uganda police in consultation with the Ugandan People’s Defence Force (UPDF) are charged with that responsibility wherever the IDPs are living, in the camps or elsewhere.<sup>25</sup> The IDPs have freedom of movement and the UPDF is charged with their security during that period as well.<sup>26</sup> Also, IDPs are free either to return to their homes or settle elsewhere.<sup>27</sup> The government’s duties concerning resettlement kits and clean water are equally unambiguous.

### ***THE CONFUSING PROVISIONS***

As to food security, the sense in reading all the provisions is that the government will provide food during the displacement and thereafter until they are food secure.<sup>28</sup> Yet a close reading suggests certain stipulations will be applied. Chapter 3.8.1 states the government will only maintain “...grain stores for IDPs and other emergencies...”<sup>29</sup> The clause immediately following, however, provides for complete food security through the resettlement phase, but only

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<sup>25</sup> Ch.3.1 Objective and Strategies

<sup>26</sup> Ch.3.2

<sup>27</sup> Ch. 3.4

<sup>28</sup> Ch. 3.8.1, .2 and .4

<sup>29</sup> Grain stores are not thought to be in the category of an “emergency.” Perhaps the Policy attempts to oblige the government to assist with certain emergencies having nothing to do with food.

if the IDP had relied on the food from his garden in the past and only if the displacement was “prolonged.”<sup>30</sup> Reading on, the Policy contains another wrinkle and contradicts the conditions under which the government will provide food. In Chapter 3.8.4, no food will be provided until after the IDP returns to his land and harvests his first crop. After the harvest, food will be provided “...for a period to be determined,” not until food security is achieved. Lastly, these somewhat bewildering food commitments only apply to IDPs who rely on their land for food. A former lorry driver, for instance, is out of luck. And so is an IDP who settles in Kampala and stays alive by crushing stones and selling bananas on city streets.

The government’s promise to provide “basic housing and shelter” only exists “...with the support of humanitarian and development agencies.”<sup>31</sup> At least this is not connected to a requirement that the IDP former relied on his land for his sustenance. Unlike food and shelter, all IDPs, regardless of their former occupation or the support of humanitarian and development agencies, are entitled to “clean and safe water,” both before and after resettling.<sup>32</sup> As in the case of water, each IDP family is also entitled to a resettlement kit at the end of its displacement, without any preconditions.<sup>33</sup> No time limit or definition of “resettling” is contained in the Policy.

### ***THE POLICY’S INSTITUTIONAL ARRANGEMENTS REGARDING FORMER IDPS***

The Policy articulates a detailed structure of committees at the central and local government levels for administering the Policy. Comprising about one-third of the Policy, this section is virtually all about IDPs and very little about resettlement and recovery. However, the government’s obligations concerning food, housing, education, water and health after displacement ends are very significant. The only reference to the post-IDP period occurs in the provisions calling for the District and Sub County Disaster Management Committees to do some planning for their return and resettlement.<sup>34</sup> Beyond that, the Policy is completely silent about which government agencies are responsible for fulfilling its substantive obligations regarding food, housing, etc.

### **THE POLICY’S TREATMENT OF LAND**

In one respect, the Policy is quite clear: “Local Governments shall endeavour to assist IDPs to return, resettle and reintegrate, by acquiring or recovering their land...” If that is not possible, the local governments shall “endeavour to” acquire substitute land. It also states that each local government has a higher duty to assist women in obtaining rights to customary land.<sup>35</sup> The “endeavour to” standard is not defined, and a standard for assisting women is equally unclear. Thus, every local government is free to fulfil its responsibilities according to its own understanding, which will necessarily result in significant variation in responses. The duty to additionally assist women is understandable given their disenfranchised status. Yet, what of child

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<sup>30</sup> Ch. 3.8.2

<sup>31</sup> Ch. 3.9

<sup>32</sup> Ch. 3.13

<sup>33</sup> Ch. 3.14

<sup>34</sup> Ch. 2.4.1 and 2.5.1

<sup>35</sup> Ch. 3.6.3. & 5

soldiers, orphans and children born in captivity—groups whose special needs are equal to if not greater than those of women?

### **AND JUST WHAT IS A NIGHT COMMUTER?**

The Policy defines them as “...civilians (mainly children) seeking sanctuary at night in towns or centres of camps and returning to their schools/homes in the morning.”<sup>36</sup>

The definition of an IDP mentioned above includes elements of the “night commuters” definition since both have the element of seeking safety. The definition of a night commuter fits into the one for an IDP provided the additional elements of fleeing from armed conflict or natural disaster. By the time the Policy was adopted in 2004, night commuters were understood to be those seeking safety from the LRA, which puts them squarely within the definition of an IDP. Yet, by defining them separately, the Policy says they are not IDPs or are a special class of IDP. The only reference to them beyond the definition is in Chapter 3.1 under “Strategies,” which states that “the police will be responsible for maintaining law and order among the...communities where the displaced persons are returning or resettling including night commuters.”<sup>37</sup>

The Policy classifies night commuters as separate from IDPs in the sense that they do not come from “displaced communities.” However, it then says they are to be protected by the police in the same way the police will protect “displaced persons,” without actually placing them in that category. Law and order assistance is the only specific benefit they receive under the Policy. However, they are already entitled to this, as are all Ugandan citizens. By only specifying they are to receive police protection, the Policy suggests they are something different than IDPs. Yet, such a distinction would have been easy to state, if that was the Policy’s intention. It is hard to imagine a more confusing treatment of night commuters’ status.

## **IMPLEMENTATION: COMMONALITIES BETWEEN CONFLICT AND NON-CONFLICT DISPLACEMENTS**

### **THE EFFECTIVENESS OF THE POLICY’S INSTITUTIONAL FRAMEWORK IN COMPARISON TO OPERATIONAL REALITIES**

The Department of Disaster Preparedness and Refugees at the central government level had staffing problems early in the displacement period; but it built up to its planned staffing level by 2011 and has operated continuously since the inception of the Policy. The Inter-Ministerial Policy and Inter-Agency Technical committees established in the Policy to provide the interface between the DDPR and the line ministries have undergone a name change but have met regularly since the Policy’s inception.<sup>38</sup>

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<sup>36</sup> “Glossary of Terms,” National IDP Policy

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<sup>38</sup> Interview with government officials, Kampala, 10 Jan 2012 and 30 March 2012.

The DDMC operated in each of the districts investigated, albeit sporadically and with very limited capacity. That was largely true for the sub counties as well.<sup>39</sup> One respondent said the rapid expansion of the number of districts, currently at 113, meant that additional government structures were required at the sub county level and that this was virtually impossible to provide during the war.<sup>40</sup> The committee in Bududa met only occasionally both before and after the big 2010 slide.<sup>41</sup> The Lira DDMC and its sub county counterparts in the district provided some services but mainly with the assistance of NGOs before the resettlement. Afterwards, very few services were provided.<sup>42</sup> As to Gulu, its DDMC operated throughout the conflict and still continues to meet and coordinate other emergencies responses, including for land conflicts.<sup>43</sup> Of three local government officials interviewed in Kitgum, two said that sub county disaster management committees were not functioning whereas one said they had met recently concerning Nodding Syndrome.<sup>44</sup> As to Adjumani, the committee operated during the conflict but is not currently active.<sup>45</sup> None of those interviewed reported that any of the district or sub county disaster management committees were doing any planning of a preventive or response preparedness nature. A common finding across all districts is the absence of a disaster fund for quick responses. Each district will have to mobilize NGOs and other actors after a disaster occurs. The Gulu disaster relief manager believes that a relief fund is needed. While he admitted that such funds would be a magnet for corruption and may be diverted to meet other district funding needs, it makes no sense to receive the money after the date it could do the most good. The fact that most NGOs have left the north means that the delay in getting funds will be even greater.<sup>46</sup> Prior to the adoption of the Policy, NGOs and government were operating on different wavelengths, but the Policy significantly reduced these coordination problems. In this respect, the UN Cluster approach complemented the Policy and eased its implementation. Even so, officials across all the districts mentioned that huge funding disparities between NGOs and local government makes local government always dependent on NGOs in emergency responses. The result is that humanitarian NGOs become unaccountable to local authorities.

As the northern conflict continued, the government became concerned about the way the international community was working independently and without government oversight.<sup>47</sup> One former UN employee working in the north observed that some NGOs were acting as if they were government.<sup>48</sup> Some NGOs were also reluctant to tell government the source of their funds. The result was poor coordination or accountability to the government and programme beneficiaries. As a result, government cracked down and started requiring that NGOs both explain their projects and the amount they budgeted for that work, under threat of decertification if they refused.<sup>49</sup>

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<sup>39</sup> Interview with sub county official is one example of many, Kitgum, 7 March 2012

<sup>40</sup> Interview with UN agency official, Gulu, 3 February 2012

<sup>41</sup> Interview local government officials, Bududa, 20 & 23 February 2012

<sup>42</sup> Interviews local government officials, Lira, 28 February & 1 March 2012, NGO official, Lira, 28 February 2012

<sup>43</sup> Interview with NGO official, Gulu, 9 Feb 2012, and local government official, Gulu 6 February 2012

<sup>44</sup> Interview local government officials, Kitgum 7 & 10 March 2012

<sup>45</sup> Interviews local government officials, Adjumani, 19 & 25 March 2012

<sup>46</sup> Interview district disaster official, Gulu, 6 February 2012

<sup>47</sup> Interview with government official, Kampala, 13 Jan 2012.

<sup>48</sup> Interview with UN representative, Kampala, 17 Jan 2012.

<sup>49</sup> Interview with government official, Kampala, 13 Jan 2012.

## WHEN IS AN IDP NOT AN IDP?

Night commuters and so-called “urban IDPs” live on their own island in the world of displacement. It is a world created by government fiat for night commuters and, mostly by government denial for urban IDPs. They are fraternal twins, joined by a common negative. Neither type lived in the camps, which is the only characteristic that could deny them the benefits received by the camp IDPs. At the same time, they are also dissimilar in a legal sense. “Night commuter” is a defined term in the Policy, whereas urban IDPs do not even exist. They are also dissimilar owing to where they sleep; night commuters find sanctuary in town or in a camp but live elsewhere during the days. Urban IDPs are often far removed from their former homes, having made temporary homes in urban centres. Night commuters exist due to conflict; urban IDPs exist due to displacement, regardless of the cause.<sup>50</sup>

In the main, government denies that urban IDPs exist. One very senior government official who was involved in formulating the Policy was frank when asked about the so-called urban IDPs in Kampala. “We can’t have a policy about them. The policy is that they should go back and do some work that will assist them.”<sup>51</sup>

Another government official maintained that it is difficult to differentiate them from the other urban poor and that urban IDPs should live elsewhere if they are genuinely displaced. He was candid in giving the reason for this position:

*Looking at our level of development, we are not up to the task unlike what takes place in some countries. We can’t afford it and it is not sustainable. We do not want to support and entertain it, because it does not get us anywhere.*<sup>52</sup>

Sharing this view, an official from the Ministry of Gender, Labour and Social Development flatly said they do not exist, explaining they were advised to return to their home communities because they were no longer fleeing conflict.<sup>53</sup> Although another senior government official admitted that they exist, he reiterated the practical problem of treating them differently than other equally poor people.<sup>54</sup> One former UN official agreed, saying the operational reality of the displacement is the camps and that is where IDPs should go if they need help. He observed:

RLP has long recognised the dilemma of IDP displaced to urban centres. Papers have been written about the plight of the urban IDPs—the total absence of aid from the government or

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<sup>50</sup> The National Policy for Internally Displaced Persons, glossary p. xii; “Why being able to return home should be par of transitional justice: Urban IDPs in Kampala and their quest for a durable solution,” RLP, Working Paper No. 2, March 2010

<sup>51</sup> Interview senior government official, Kampala 13 January 2012

<sup>52</sup> Interview with government official, Kampala, 10 Jan 2012

<sup>53</sup> Interview with government official, Kampala, 17 Jan 2012

<sup>54</sup> Interview with local government official, Kiryandondo, 31 Jan 2012.

anyone else.<sup>55</sup> Other materials also make clear the international standards governments should meet in their treatment of these people.<sup>56</sup>

Given the difficulties in responding to the needs of IDPs who have woven themselves into the fabric of urban poor communities and the likely difficulty of differentiating poor people who are IDPs from poor people who are not, one can sympathize with the government's unwillingness to stretch its thin resources even further. In the absence of an assessment of their numbers and status, one can only say that the government is aware that they exist and that the conditions under which they exist are appalling. What the government seems unwilling to do is to make them aware that a Policy and a government exist for them. In many suburbs around Kampala, urban-based IDPs shared their stories. One woman living in a Kampala slum recounted her ordeal:

*I have been attacked by rebels who abducted my son and beat up the other badly. I continued sleeping in the bush for two weeks with Okello who was badly beaten. In the two weeks, the conditions were worsening. I was advised to bring him to Mulago by my relatives but unfortunately, reaching in Kampala I did not know where Mulago was located. So I had to take him back to Patongo government hospital. My late husband was also a member of the Local Council and he was being hunted frequently with an intention of arresting him. Then he escaped to Kampala. Then I could not continue sleeping in the bush alone. I had to follow him to Kampala. I had to join the government escort bus which brought me from Kitgum to Kampala. Then, my husband picked me from Kampala bus park and took me to Kireka where I am now.<sup>57</sup>*

Government's approach to the night commuters was virtually the same during the LRA conflict. In Kitgum, roughly 10,000 night commuters were sleeping in seven shelters between 2005-2009. Mainly women and their children, they would come in from their gardens each afternoon around 4 p.m. and return home the next morning. Some were able to use their homes, but other homes had been burned to the ground by the LRA. Some felt it was safe to work in their gardens; some did not. In 2006, the Resident District Commissioners ordered that all night shelters be closed. The NGO community resisted, but the pressure continued until some of them were curtailed. Some of night commuters then lived with friends or relatives around Kitgum, particularly if they could find a building where they could sleep at night. Those without buildings created mini shelters with tarps under which the children slept with their parents on the ground nearby. An effort was made to register children whose parents had been killed as heads of households in the camps and to register widows as well. That effort was often not successful. The government made it clear that if such people were able to be on their land during the day, then they were not displaced. None of them received resettlement kits or any other services when it was safe to return home.<sup>58</sup> This is consistent with the Policy's statement that night commuters are only entitled to police protection.

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<sup>55</sup> Refstie, H. et. al., "Urban IDPs in Uganda – Victims of Institutional Convenience," Forced Migration Review 34, Feb. 2010; "Urban IDPs in Kampala and their quest for a Durable Solution," Refugee Law Project Working Paper no 2, March 2010

<sup>56</sup> *UN's Framework on durable Solutions for Internally Displaced Persons*, "Inter-Agency Standing Committee, 2009 is but one example.

<sup>57</sup> Interview with urban IDP, Kampala, 14 Jan 2012.

<sup>58</sup> Interview with NGO official, Kitgum, 3 Mar 2012.

## SUMMARY OF FINDINGS

**AMBIGUITIES.** Of the various parts of the Policy that are either unclear or inconsistent, the one causing the greatest confusion concerns the extent to which it applies beyond the end of displacement. In essence, the question is to what extent will government undertake to assist former IDPs with respect to land disputes, water and sanitation, food, housing, psycho/social needs, etc. after their life in the camps ends. The other part of the question is how long will this assistance be provided. A few possibilities include aid for a certain number of years, or until a certain standard of self-sufficiency is met, or until a “durable solution” is achieved.

The practical effect of these ambiguities is less clear. Few of those interviewed had read the Policy, meaning that various inconsistencies and grey areas could not have influenced their behaviour. The Policy references night commuters in by guaranteeing their protection by police, a right to which all Ugandans are entitled. That the Policy charges the police with maintaining law and order amongst the night commuters and not other IDPs seems misleading because the police hold that duty for all citizens. However, vague language is only important if a person’s conduct is altered because of it. The same cautionary point applies to the problematic provisions.

**THE POLICY’S COMMITTEE STRUCTURE.** Many, if not most, of the local government committees called for in the Policy did not function in any meaningful sense beyond dealing with immediate disasters. They did not plan nor develop strategies to minimize future risks. With the assistance of the international community, some of them functioned during the war. Otherwise, they mainly acted as if they were *ad hoc* committees created to solve an immediate problem instead of standing committees performing day-to-day duties consistent with their mandate. The main reason given was lack of money. They simply did not have the resources to do more.

**THE OUTLIERS: NIGHT COMMUTERS AND URBAN IDPS.** Night commuters are a specialized form of IDPs that were labelled as such during the northern conflict. Since the conflict has ended, they no longer exist. Urban IDPs cannot be as easily ignored. As the Policy is currently written, one can argue whether a person is an urban IDP in contrast to an economic migrant or homeless person. Clearly, though, they exist in both conflict and non conflict induced displacement situations investigated. Their common trait is displacement due to conflict or natural disaster. This study did not systematically measure their prevalence in the studied districts or elsewhere. However, they were visible in a great variety of circumstances, thus it is reasonable to assume they exist in more than minimal numbers throughout the country.<sup>59</sup>

## RECOMMENDATIONS

**REWRITE THE POLICY TO MAKE IT CLEAR.** Some of the confusing provisions will require minor changes to make them consistent. Other issues, such as clarifying the government’s undertaking to render aid on land conflicts, are more complicated. The ambiguities surrounding the scope of the Policy and what assistance the government will provide and for how long are both important and complex. While it does not seem possible to delineate a precise date or

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<sup>59</sup> As an example, Adjumani district officials estimated that some 11,000 urban IDPs and night commuters existed there at the height of the conflict. . . . Interview with district official, Adjumani , 19 March 2012

benchmark for the end of the Policy's application, it would be helpful if government was as specific as possible. A former IDP is entitled to know, for example, how long and under what circumstances she or he will receive assistance. As it is written, it will take more than a cadre of lawyers to answer that question.

**SUBSTANTIVE CHANGES.** In light of the way the institutions created by the Policy functioned since 2004, the central government should consider amending the Policy by either eliminating district human rights subcommittees or providing financing and technical training so that they can function in a meaningful sense. Essentially the same approach should be taken for the sub county disaster management committees. Their current roll of responding to emergencies is useful. It would be far preferable if both they and the district disaster management committees also had the ability to do important risk reduction assessment and planning work.

**THE NON-CAMP IDP POPULATION.** Amend the Policy to make the government's position clear concerning the IDPs who do not live in camps. So-called "night commuters" and "urban IDPs" are logically the same thing—IDPs who chose not to access the camp system. One is identified in the Policy, and the other is not. Government, by defining night commuters as special category, has determined that they will not receive benefits like other IDPs under the Policy for where they end up in displacement. It made the same decision as to urban IDPs by simply ignoring them, as no attempt has been made to even profile their existence or assess and real needs.

Government has both the right and duty to make a policy decision respecting these citizens. In so doing, it should amend the Policy to express its decision clearly. If government simply does not have the capacity to serve this community, it should make that fact known. Otherwise, government should endeavour to treat these IDPs equally. It is hard to see how shrouding its intentions under a veil of obfuscation serve any purpose. Urban IDPs are entitled to know what awaits them when they move out of "protected camps" into safer urban centres. Even though the knowledge of what happens when one moves out of "arid zones into a desert" may not prevent displaced persons moving out of camps into towns, one can hope that such knowledge will assist them in choosing more durable solutions.

In implementing any of these recommendations, or the ones below, we strongly urge that a bottom up approach is used. Grass root communities have not been effectively consulted during implementation, and this has limited the effectiveness of the Policy. For instance, there is limited understanding among communities on the relevance and impact of the Policy.

## **PART II: NON-CONFLICT DISPLACEMENT**

### **BUDUDA**

#### **INTRODUCTION**

At 8:00 p.m. on 3 March 2010, a wall of mud caved off one of Mt. Elgon's countless steep foothills in Namethi Parish. For days prior to the slide, the surrounding villagers experienced torrential rains that are common during the rainy season. This storm was a major one, but not shockingly so; these hills have seen them before. Each year during heavy rains, rivers overrun

their banks, hills slough, trees are uprooted, gardens are lost, and huts are destroyed. Damage often results with occasional loss of life. But this time, the result was catastrophic. By morning, a 300-meter high pie-shaped section of densely planted gardens was replaced with mud and boulders. Small sections of roofs, the leaves of Banana plants, small trees, and trapped cattle—some alive—and human body parts occasionally interrupted the ubiquitous mud.<sup>60</sup> Never had a mudslide of this magnitude hit these hills, or any others in Bududa District. Six years after the National IDP Policy was adopted, this was the first major non-conflict displacement and the country's first opportunity to apply the Policy in an environment for which it was not designed.

The genesis of the 5000 IDPs suddenly created out of the Bududa landslide and the context of those from the northern conflict could not be more dissimilar. The Bududa local government's operations were not compromised, unlike many northern districts and sub counties where even the most basic activities could not be performed. Dislocated citizens of Bududa had the choice—albeit an unattractive one—of living inside or outside the camp. In the north, it was too dangerous to live on the outside and there was no way to make a living. Most significantly, the Bududa slide highlights the issue of resettlement. At least in relative terms, this was a minor issue in the northern IDP story. One official knowledgeable about both displacements maintains the northern conflict was easy in one respect because the vast majority of the IDPs were going home – an option the Bududians did not enjoy.

### **THE DISASTER RESPONSE**

Led by the Uganda Red Cross, aid immediately started to pour in, soon followed by the UPDF in frantic efforts to save lives and later, to exhume the dead for burial. Some 300 victims are thought to have died nearly instantly, and many bodies remained buried where they died. The area's health clinic disappeared and has never been found. Otherwise, there were no serious injuries. One either died or survived.

Heavy-lift helicopters brought in bulldozers and other heavy equipment from the UN forces in the Democratic Republic of the Congo (DRC) but that equipment was worthless against the huge boulders that came down with the mud.<sup>61</sup> President Museveni arrived by helicopter, dressed in army fatigues with an AK47 slung over his shoulder. While seeing their President prepared for war struck some as odd, the fresh devastation and the need for bold action perhaps explained a message he sought to convey.

In the shadow of Mt. Elgon, Bududa is exquisite. The steep hillsides are smothered with rich soil from which anything seems to grow. Residents of Bududa make their living as farmers. Apart from the occasional rocky cliffs, the huts where people live, trading centres and the lattice work of interconnecting footpaths, crops cover nearly all other surfaces. The area is remote. Hard on the Kenyan border, Bududa District was carved out of Mbale District as a part of Uganda's decentralization plan. The district's dirt roads are mostly only wide enough for one vehicle and provide access to only a fraction of the land area. Many of them are impassable during the heavy rains.

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<sup>60</sup>Interview local government official and camp commander, Bududa, 23 January 2012

<sup>61</sup> Interview with local government official, Bududa, 20 January 2012

## THE HUMANITARIAN STAGE

### ENCAMPMENT

Additional factors significantly differentiate this camp from the conflict camps in the north. IDPs were free to safely come and go, and many did – an option their northern brethren would presumably have cherished. The Bududa camp was established quickly and only existed for a year, in sharp contrast to the long-standing conflict camps in the north. These differences should caution one seeking to use the same yardstick to compare and contrast the two experiences and draw meaningful conclusions.

The camp closed in March 2011.<sup>62</sup> Of the estimated 5000 displaced citizens, most of them were in the camps at one time or another. While displaced persons from the affected parishes were the only ones entitled to stay in the camps, many others seeking aid were able to access those facilities. That number assisted was never known, although it is believed to be significant. Many people who were entitled to use camp facilities refused to leave their villages where they stayed with relatives or erected temporary huts.<sup>63</sup>

### COORDINATION

The Uganda Red Cross continued to be the lead coordinating agency in the immediate aftermath of the slide and in the operation of the camps. The Office of the Prime Minister (OPM) under the leadership of Major General Oketta soon arrived on the scene and worked in cooperation with the Red Cross. The District's Deputy Chief Administrative Officer arrived early on 4 March and was subsequently selected to be the camp commander. He served in that capacity until the camp closed.<sup>64</sup> The two schools who had served the affected parishes were relocated to the camp where their teachers continued in their duties.

## DISTRICT GOVERNMENTS' RESPONSE: BEFORE AND AFTER

Before the Namethi slide, landslides of a minor scale were frequent occurrences in the Bududa area. A DDMC was in place and was chaired by the District's Chief Administrative Officer. Its mandate was to plan for and coordinate the response to disasters, including landslides. However, it was understaffed and under-funded and had met only infrequently before this slide.<sup>65</sup> The District had only one of the four planners required in its staffing plan and virtually no money to spend on disaster management. In addition, the committee had no technical expertise. Before 3 March 2010, it would receive information about slides informally and mobilize the police or any others who were available to lend a hand as necessary. Historically its activities were on a very small scale. A slide covering a garden would prompt a request that the OPM provide some rice and beans; if a hut was destroyed, assistance to locate temporary housing with friends or relatives would be facilitated.<sup>66</sup>

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<sup>62</sup> Interview with local government official, Bududa, 21 January 2012

<sup>63</sup> Interview with IDP, Bududa, 23 January 2012

<sup>64</sup> Interview with local government official, Bududa, 23 Jan 2012

<sup>65</sup> Interviews with local government officials, Bududa, 20, 23 January 2012

<sup>66</sup> Interview with local government official, Bududa, 23 Jan 2012

Since this catastrophe, few changes to the DDMC's operations have occurred. Aside from regular meetings leading up to the resettlement, the committee has met only occasionally during the rainy season. The District claims to have received no additional funding or resources (such as rain measurement equipment it has requested) from the central government.<sup>67</sup> Nor has the police department received any additional funds or disaster related response equipment such as radios or vehicles capable of getting to disaster sites in bad weather.<sup>68</sup> Bududa only collects two percent of its budget from its own taxing sources, limiting its ability to raise additional funding for disaster preparedness.<sup>69</sup>

A few positive steps have been taken. Various NGOs now provide educational sensitization information to hillside residents concerning slide dangers, encouraging people to leave high-risk areas during the heavy rains. The DDMC has prepared a rapid response plan for communicating with the key people in the event of a disaster. The committee has also discussed the need for preventive measures, such as slide mapping assistance and modified agricultural practices such as terracing or a reduction in heavy digging during the rainy season.<sup>70</sup> There is general agreement from the district government respondents that it is simply a matter of time before the next big slide occurs, and that they remain woefully unprepared for it.

## RESETTLEMENT OR RETURN

From the very beginning, neither the central nor local governments expected the IDPs to return to their home area. Bududa District was already overpopulated, and the conditions in the slide area were regarded as too dangerous.<sup>71</sup> The central government was unwilling to rebuild the health clinic, provide or maintain boreholes or re-staff the two existing schools.<sup>72</sup> One of the schools is now a police post. Nor did the government provide temporary assistance for those still living in the parishes. None of the IDP respondents who remained in or returned to Bududa disputed that the danger of future slides was great. Even so, they were conflicted on this issue, with some willing to consider relocation and others fearful of losing the only lives they have ever known by moving to less fertile land. All those willing to move clearly preferred to remain somewhere in Bududa, even though no alternative space was available.<sup>73</sup>

To facilitate resettlement, the central government offered relocation to Busia, Kayunga, or Kiryandongo Districts. The IDP community rejected the first two options, but agreed to consider

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<sup>67</sup> Interview with local government official, Bududa, 20 Jan 2012

<sup>68</sup> Interview with local police official, Bududa, 20 Jan 2012

<sup>69</sup> Interview with local government official, Bududa, 20 Jan 2012

<sup>70</sup> According to a government geologist, studies on terracing have shown that this area's volcanic soil will actually slide more readily if terracing is employed. . . . Instead, the preferred soil stabilization approach is to plant *Cordia Africana*—'kumukikhili' in the local language—which is an indigenous tree with a deep root system. . . . Kampala, 8 February 2012

<sup>71</sup> It is illegal to inhabit or cultivate on slopes steeper than 15 degrees without complying with safety requirements that were not followed in this area, and the Namethi slide area was steeper than that. . . . One government official familiar with Bududa estimates that 75% of the district's landmass exceeds 15 degrees.

<sup>72</sup> Interview central government officials 10 and 13 Jan 2012

<sup>73</sup> One possible exception is relatively flat property owned by the Uganda Wildlife Service in the district. One informant suggested that that property should be swapped with the Service that would receive mountainous land currently under cultivation for restoration to its natural state. . . .

Kiryandongo. The government took sixty IDP representatives to inspect that site. The government promised each family a 2½-acre plot upon which a house would be constructed for them by the end of 2012. They were shown drawings of the two-room hydra foam houses. They were also told that a new health clinic and primary school would be built and that school fees would be paid for their children to attend the existing secondary school. Government further agreed to upgrade the main access road in the area. A new police post would be built and staffed. They were assured that adequate boreholes existed.<sup>74</sup> As a result, 602 families relocated. The first 110 families arrived in November 2010 with the final 100 coming in March 2011.

Many of the OPM's promises were broken.<sup>75</sup> As of late January 2012, 100 houses have been built to varying degrees of completion. The researchers conducted a representative sample of 10 houses and found the following completion rate for each major component of the houses:

Exterior Walls	1 of 10	Interior Walls	0 of 10
Tin Roof	10 of 10	Windows	10 of 10
Doors	2 of 10	Wiring	0 of 10
Latrines	5 of 10		

By that time, all 602 houses were to have been built. The government now says it will take, owing to financial difficulties, until the end of 2017 to build all the houses.<sup>76</sup> The vast majority of the settlers continue to live in tents and other types of temporary shelters. Some continue to spend their limited resources traveling long distances back to Bududa to work in their gardens there. The police station has been built and is fully operational, thanks to funding via the PRDP.<sup>77</sup> The new health clinic is only operational part time since no housing was built for its staff. The transport costs of getting staff to the clinic from town hamper recruiting for the clinic.<sup>78</sup> No effort has been made to build a new primary school and 1043 students from Bududa are now attending the pre-existing one that was built to handle 400 students.<sup>79</sup> The OPM's agreement to pay the school fees for the secondary school students was not honoured initially due to logistical problems, but now payment has been arranged. The main road has been substantially improved as promised. Finally, the four boreholes are frequently broken. Only one was operating at the time of this study in January 2012. The nearest alternative source of water is a borehole three kilometers away where water is sold for 200 Ush per 20-litre jerry can.<sup>80</sup>

## THE CENTRAL AND KIRYANDONGO DISTRICT GOVERNMENTS' FRAYED RELATIONSHIP SURROUNDING THE RESETTLEMENT

<sup>50</sup> Interview with local government official, Bududa, 23 January 2012

<sup>75</sup> Interviews with Bududa settlers, district education official and central government official, Kiryandongo, 30 & 31 January, 2 February 2012

<sup>76</sup> Interview central government disaster official, Kampala, 27 February 2012, interview with Bududa settler, Kiryandongo, 31 January 2012

<sup>77</sup> Interview with police official, Kiryandongo, 30 January 2012

<sup>78</sup> Interviews with Bududa settlers in Kiryandongo, Kiryondongo, 30 & 31 Jan 2012

<sup>79</sup> Interview of primary school teacher, Bududa settlement, Kiryandongo, 31 January 2012

<sup>80</sup> Interview with Bududa settler in Kiryandongo, Kiryondongo, 31 January 2012

The National IDP Policy is clear that the lead agency in the protection and assistance of IDPs is the Office of the Prime Minister, Department of Disaster Preparedness and Refugees.<sup>81</sup> The districts also have significant responsibilities,<sup>82</sup> but these are limited to district level activities. Given the breadth of the central government's mandate, it is clear that it has primary authority between the two levels of government. No Kiryandongo District official thought otherwise. The problem revolved around capacity and coordination for effective implementation.

During the initial resettlement process, the local government authorities felt marginalized, if not completely ignored, by the OPM. They maintain that they were willing and able to assume the responsibility of providing most of the services to the IDPs. A senior district official summed up the sentiment by saying, "When someone comes into my house, I feel a duty to welcome and provide for that person."<sup>83</sup> Another stated that ignoring the health care capability of the district may have caused more than one child fatality since the first group of settlers arrived in the rainy season and were housed in tents with poor services and sanitation.<sup>84</sup>

The central government's disaster management authorities claim that the district officials were notified of the resettlement plans. The land chosen was gazetted as central government land that had recently been used to house Sudanese refugees. They insist that resettlement after a disaster is a clearly defined function of the central government.<sup>85</sup>

## INTEGRATION

The consensus is that the Bududa settlers have not yet become a part of the Kiryandongo community in any meaningful way. Their settlement is referred to as Bududa by the local communities, and they remain isolated from the other citizens in the district. Geographically, they are disconnected from the population centres. On one side, a refugee camp separates them from the main communities on the Kampala-Gulu highway. And on the other, they are astride an area historically used for grazing by the Banyankole tribe of pastoralists. Conflicts have occurred between IDP settlers who claim crop damage by the cattle and the Banyankole who make counterclaims that grazing land was given away. The Bududa settlers do not speak the local language, limiting their communication with others and causing struggles for their children in the local school. Many earlier residents in Kiryandongo moved there to escape conflict or were resettled as refugees and are now well settled in the local communities. They resettled without getting any government support, and many of these people resent the free houses and land given to the Bududa settlers.<sup>86</sup>

These challenges are offset by the very nature of Kiryandongo's history of settlement and inclusion. Its tribal diversity, resulting from the successful integration of Ugandans displaced from other parts of the country with immigrants from several surrounding countries like Kenya,

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<sup>81</sup> Ch. 2.1 of the Policy

<sup>82</sup> Ch. 2.4 *et seq*

<sup>83</sup> Interview with local government official and district education officer, Kiryandongo, 31 January and 1 February 2012

<sup>84</sup> Interview with local government official, Kiryandongo, 31 January 2012

<sup>85</sup> Interview with local government official, Kiryandongo, 31 January 2012, and central government disaster management official, Kampala, 27 January 2012

<sup>86</sup> Interviews with local government official and local resident, Kiryandongo, 31 January 2012

Sudan and Rwanda, has created a regional melting pot boosting economic and cultural diversity.<sup>87</sup> The experiences of these earlier residents may make them more tolerant of these settlers, ultimately easing their path to integration.

## SUMMARY OF FINDINGS

**THE RETURN OR RESETTLEMENT DILEMMA.** No respondent argued that living in the area of the Namethi slide is safe, and they believe the danger of another big slide is increasing each year.<sup>88</sup> Clearly then, the government's original policy that resettlement to safer areas is the only viable option seems unassailable. What greater duty does any government have than to protect its citizens? In this light, the actions taken by the government to withdraw services (schools, health facilities and boreholes) from the affected area are consistent with the need for the people in the slide area to relocate.

And yet, that decision completely ignores the realities on the ground. It is a false truth that is blind to an equally unassailable, but opposite conclusion. There is no possible way that the vast areas equally at risk of major slides can be evacuated since neither land nor government capacity exists to resettle so many people. Many Bududians remained settled in their land adjacent to the disaster sites, and even the displaced continue to cultivate their former lands. Some farmers are planting much higher on virtual cliff sites of Mt. Elgon itself. Ironically, the former slide area is now safer than the other steep slopes in Bududa, since there is no unstable soil left to slide.<sup>89</sup> But this cannot justify business as usual in terms of settlement and cultivation practices. A comprehensive government strategy would aim at mitigation and adaptation to the fragile terrain for the settled population. The resettlement of 602 families from the slide area, at great cost and use of available resources, has therefore plugged one hole in the dike while ignoring all of the other ones on the precipice of rupture. It is also seen as denying basic services to citizens who refuse to leave the immediate area bordering the slide while continuing to provide those services to others in equally dangerous locations. The strategy treats citizens unequally for no justifiable reason, and by forcing people to move in exchange for services, the government breaches the spirit of the Policy to minimize displacement where possible.

**THE RESETTLEMENT REPRESENTATIONS.** The government's duties on this issue are expressed in section 3.4.2 of the IDP Policy:

In order for IDPs to be able to make the decision to return with full knowledge of the facts and freedom of choice, the Government shall use appropriate means to provide Internally Displaced Persons with objective and accurate information relevant to their return and reintegration to their homes or areas of habitual residence, or to resettle voluntarily in another part of the country. (*Emphasis added*)

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<sup>87</sup> Interviews with citizens of Bweyale, Kiryandongo, 4 & 7 February 2012

<sup>88</sup> Interview central government geologist, Kampala, 8 February 2012

<sup>89</sup> Ibid.

Strategy No. 2 under section 3.2 of the Policy could not be clearer where the government commits to insuring “...that all IDPs (men and women) freely choose their places of residence.”<sup>90</sup>

The OPM commendably engaged the Bududa citizens interested in considering the resettlement options. While all of them hoped to stay near home, no land was available. Two locations were proposed by government and each was rejected. No respondent suggested that government tried to force either option on him or her. When government proposed Kiryandongo, it took a 60 person IDP delegation to the site to allow them to make an informed decision.

While some dispute remains about what was promised, all agreed the OPM committed to:

- 1) give each family a 2 ½ acre plot of government land;
- 2) construct a two bedroom home for each family within two years and furnish it with basic supplies;
- 3) build a new primary school to supplement the one already there;
- 4) provide adequate boreholes;
- 5) build and staff a police station;
- 6) repair the existing road and construct new ones as necessary;
- 7) build a new health clinic; and
- 8) build a new secondary school.

The OPM kept its promise concerning the land, the police station and significantly improved the main road into the area. While only marginally adequate, the boreholes are not materially different than for any other area in the district.<sup>91</sup> No secondary school has been built, but funding was eventually made available for students to attend the existing one in the area. All other promises were broken. Due to budget restraints, OPM now claims that 100 houses will be built each year, indicating that the complete process will take about seven years after resettlement instead of the original two years.<sup>92</sup> The primary school with a capacity of 280 has had over 1000 students since the beginning, and the health clinic has been built, but is only staffed three days out of the week.

The result is a deeply unhappy community with little trust in its government. Despite the fact that the boreholes are equal to the ones used by the other citizens in this deeply water starved district, the IDP respondents lived with adequate water in Bududa and now complained bitterly about the inadequacy of the Kiryandongo boreholes. Continued complaints about the road, particularly in the rainy season, are problems they also share with many others in the district. Many are finding that 2 ½ acres are inadequate to both farm and raise animals; but it is exactly what the government promised, and owning their own plot gives them land security.

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<sup>90</sup> See UN’s Human Rights Council, “Report of the Representative of the Secretary-General on the human rights of internally displaced persons,” Walter Kälin. . . . Addendum Framework on Durable Solutions for Internally Displaced Persons

<sup>91</sup> Interview with district water officer, Kiryandongo, 31 Jan 2012

<sup>92</sup> Interview with resettlement area government official, Kiryandongo 30 January 2012 DD 19

Most agree the police presence is adequate, and that they are secure. Critically, no one gave any indication that they wanted to return to Bududa, mainly because the slide danger is too great. It is unclear how many would have agreed to resettle had they known that a great many of them would be living in tents or mud wattle shelters for up to seven years, or that their primary school children would have to share a classroom with 140 other students, or that the only health clinic open full time would be three kilometres away.

A key tenet of the National IDP Policy giving each IDP the freedom to choose where to live was severely tested in the very difficult relocation of 602 families to far away Kiryandongo District. Although the government takes Bududa as a success story for effective response and achieving a durable solution, virtually none of the Bududians interviewed share that view. Even though the village where they have resettled in Kiryandongo is renamed Bududa, the reality is they are very much away from home. Broken government promises are the expressed reason for their discontent, but it is not clear if that is the main one. This relocation suggests there is no way to have a “good” resettlement, although it seemed clear that much more candor on the part of the central government’s disaster management authorities would have helped. Bududa also demonstrates the inherent limitations of a local government’s disaster management and relief capability when it has very few resources. Finally, tension between the central government and the two districts, while significant, played a secondary role in the problems surrounding preparation for the disaster and the relocation difficulties.

**CENTRALISED CONTROL OF RESETTLEMENT.** The Kiryandongo District government’s criticism of OPM’s response to the disaster must be weighed against its own ability to do the job. While it has useful resources in the areas of health, schools and water, its citizens are in need of every available resource. The local government’s very tight budget suggests it could not respond to a potential disaster. The actions of the central government to build a new police post in the heart of the Bududa community and a much improved road into the area has provided residents with good access and security that the district had never provided. Perhaps the distrust between the two levels of government is primarily a problem of communication. In any event, the limited resources of both make it even more critical that they efficiently utilize their combined specialties in serving a community of citizens who have been resettled due to a disaster.

## **RECOMMENDATIONS**

**GIVE THE IDPS TRUE FREEDOM OF CHOICE.** No one would suggest that that freedom, which is a central tenant of the Policy, includes an obligation of government to help the IDPs return to a home in a dangerous area. Equally, the government should not deny basic services to those who return to that area, since it provides those same services to others who live on equally slide-prone hillsides. The government should also make sure, in making future resettlement commitments, that it can fulfil them. Failure to assure that the Ministry of Finance is willing to pay for the houses before promising to build them is irresponsible. Government was obliged under the Policy to tell those interested in resettling that they had choices—choices with pluses and minuses—and to explain what government would do for them under each of the available options. Its failure to do that was a material violation of section 3.4.2 of the Policy requiring it to “...provide Internally Displace Persons with objective and accurate information relevant to their return...or to resettle voluntarily in another part of the country.”

It was not possible to measure the extent to which bitterness over the broken promises is blocking the community's resolve to achieve a durable solution. Some of their problems are likely endemic to the resettlement process. But for the Bududians in Kiryandongo, it is apparent that much of their collective energy is spent waiting for government to give them what they were promised. In the short term, government may have succeeded in getting significant numbers of people to resettle, but the long term price it will pay could be significant if it thwarts those settlers from becoming independent and if the word spreads that government promises cannot be relied upon.

**MITIGATE THE DANGER.** Clearly, everyone living on Bududa's steep slopes cannot be moved to Kiryandongo or anywhere else. That leaves the option of lessening the impact on human life when the next landslide occurs. The government should take this step. Various respondents suggested a number of things. One thought it would be useful to have an early warning system using meteorological data of heavy rainfall along with geological mapping to identify the most dangerous areas. Another suggested community outreach sensitization programmes highlighting the slide danger; another wanted education on better tree planting and farming practices to minimize soil disruption, and on the need for residents to temporarily relocate at times of danger. Construction of community emergency shelters was another idea. The roads in Bududa remain impassable with no better means of transporting goods than the human head. Thus the President's pledge in the aftermath of the disaster to construct the road should be fulfilled. One possible solution is the possibility of a land swap between the district and the Uganda Wildlife Authority (UWA), in which the UWA would receive land high on the slopes of Mt. Elgon in exchange for the flat land it currently owns that could be used for housing and gardens. Others emphasized the need for disaster relief responders and local authorities to be equipped with the skills, vehicles and other devices to immediately respond to slides. The implementation and funding of the National Disaster Risk Reduction and Management Policy to develop risk reduction strategies is a constructive initiative, if properly funded.

**THE CENTRAL GOVERNMENT'S ROLE IN DISASTER MANAGEMENT AND PLANNING.** The IDP Policy's provisions establishing that the disaster management responsibilities are to be vested in the OPM are sensible. Like Uganda, some other countries recognize that disaster management is a logical responsibility for the central government, reasoning that most local governments lack the capacity to prepare for something that may not come for many years, if at all.<sup>93</sup> Relocating citizens in the height of the rainy season, failing to construct adequate housing, and neglecting health and sanitation services are examples of poor implementation rather than a misplacement of responsibility for the resettlement. That authority also means that OPM needs to be at the forefront of assuring that the district disaster management committees have sufficient funds and expertise to do the job assigned to them in the Policy. In Bududa, those committees existed but had very little capacity to be useful.

### **PART III: CONFLICT DISPLACEMENT**

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<sup>93</sup> An example is the U.S. Federal Emergency Management Act giving the central government authority of disaster throughout the country

## **THE LRA WAR**

Although this study is mainly focused on the post humanitarian crisis stage, an understanding of life in the camps is crucial since those years were of great significance to the IDPs' lives after encampment. Significant segments of many northerners' lives were spent living there, and most people under the age of 20 know little else. Many of the elders died in the camps, and their collective wisdom so critical to transition into village life was lost.

Many of those displaced were in camps before the Policy was adopted, but virtually none left the camps until it had been in place for a few years. In the main, those interviewed spoke of their experiences late in their camp lives and after returning home. To get a cross-section of experiences with life under the Policy, inquiries were made from one side of the spectrum (the so-called forgotten Adjumani displacement, where few were in camps) to the other extreme (the massive and nearly total encampment of rural Ugandans in the Acholi Sub Region).

## **A HUMANITARIAN STAGE**

The displacement story in the north is the story of camp life since the vast majority of IDPs were forced into encampment by a combination of government orders and general insecurity. Adjumani is a more nuanced story. Many parts of the district were relatively safe and the government actively discouraged the creation of camps. In fact, those displaced commonly first moved in with friends and relatives in safer locales; when the capacity to host them was exceeded, they moved in groups closer to former Sudanese refugee camps, which they took over. Although the World Food Programme (WFP) was already there to serve the refugee community, no food was provided to the IDPs.

## **ENCAMPMENT**

Of the 169 interviews conducted, about 60 percent were with former IDPs who had lived in the camps of Lira, Gulu, Amuru, Kitgum and Adjumani Districts. Ranging in ages from 22 to 75, these respondents—both women and men—ranged from uneducated farmers, widows from the war, former abductees, camp leaders to current employees of NGOs and elected members of district and sub county governments. Their years of displacement were from 1997 to the present. Some were in multiple camps, and others moved from camps to their villages to living in the bush; a few were encamped for about a year, and others knew nothing but camp life since the late 1990's.

Responses were remarkably consistent in many respects. Nearly all of them said the food ration was adequate for survival, but barely.<sup>94</sup> One informant recalled that schoolteachers would compete with their students for food when the WFP trucks came.<sup>95</sup> There was no way for all but a few of the IDPs to get any supplemental food.<sup>96</sup> The camp hygiene was deplorable, and a lot of people died from resultant contagious diseases. The health services were minimal. There were early pregnancies owing to the close proximity of the huts and a breakdown in social order.

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<sup>94</sup> Interview with local government official, Agweng, 28 February 2012

<sup>95</sup> Interview with NGO representative, Lira, 29 February 2012

<sup>96</sup> Interview with former IDP/local government official, Lira, 3 March 2012

Inadequate schools and inadequate water sources were cited repeatedly as examples of why camp life was nearly unbearable.<sup>97</sup> Security provided by the UPDF from the LRA was generally good, but it came at a terrible price.<sup>98</sup> One camp commander reported that soldiers regularly took “wives” from the camps right after they were paid and slept with them for three days before giving them back. Their husbands could not complain for fear that their wives would divorce them. In mediations that occasionally followed, wives would sometimes choose the soldiers over their husbands because the soldiers had money.<sup>99</sup> When IDPs left the camp searching for food or fuel, they were beaten up by the soldiers and then forced to do manual labour on the roads. When relatives died, the army sometimes did not allow the family to bury the deceased at home, maintaining it was not safe.<sup>100</sup> Sometimes they were beaten up by the soldiers for no apparent reason.<sup>101</sup> The human rights violations in the camps were a major concern. Some informants reported that they were sensitized concerning their rights, but most said they were not. Instead of worrying about their rights, one informant explained that most of them simply thought that they would get good news if they just woke up the next morning.<sup>102</sup> The police were trained by the Justice, Law, and Order Sector of government but they were also afraid for their lives. The schoolteachers were also very frightened about the possibility of LRA abductions, which made it very hard for them to teach; they sometimes refused to live in the camps so they could not teach at all.<sup>103</sup>

The IDPs mainly had positive comments about the very broad array of services provided by NGOs.<sup>104</sup> Various NGOs left northern Uganda at different times. By the end of 2011, nearly all of the international NGOs were gone. Although the long-term effect is not yet known, one experienced disaster management official is only confident of one thing—it will now take longer for the former IDPs to achieve a durable solution.<sup>105</sup>

## **GOVERNMENT’S EFFORTS TO END THE DISPLACEMENT**

The government was not anxious to have any of the encampments examined last any longer than was absolutely necessary. The initial plan to close the Bududa camp in four months had to be greatly delayed. The Kitgum Residence District Commission issued a directive that all Kitgum night commuter shelters be closed in 2006.<sup>106</sup> The end of food deliveries to one camp in Kitgum in December 2006, before any infrastructure had been constructed in the return villages, further signalled governments’ strong goal of closing the camps and ending the displacement as soon as possible.<sup>107</sup> Many informants, in commenting on the condition of these conflict camps, expressed their reaction to that goal by voting with their feet. They left the camps, not because they

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<sup>97</sup> Interviews with former IDPs, Lira, 27 February 2012, Kitgum, 3 & 6 March 2012,

<sup>98</sup> Interview with former IDP, Lira, 3 March 2012

<sup>99</sup> Interview with local government official, Lira, 1 March 2012

<sup>100</sup> Interview with former IDP, Kitgum, 8 March 2012

<sup>101</sup> Interview with former IDPs, Kitgum, 3 & 6 March 2012

<sup>102</sup> Interview with former IDP, Kitgum, 5 March 2012

<sup>103</sup> Interviews with NGO representative, Lira, 29 February 2012, and former IDP/local government official, Lira, 3 March 2012

<sup>104</sup> Interviews with numerous former IDP’s, Lira, 3 March 2012, Kitgum 5, 6 and 8 March 2012

<sup>105</sup> Interview local disaster management official, Gulu, 6 February 2012

<sup>106</sup> Interview with local NGO, Kitgum, 7 March 2012

<sup>107</sup> Interview with former IDP, Lira, 27 February 2012

necessarily felt conditions were ripe for a return to their homes, but because the conditions in the camps were deplorable and nearly any other option was better.<sup>108</sup> From this reality, it does not follow that that government pressure was not sometimes appropriate. Many IDPs did not believe they were being pushed, all the while acknowledging the difficulty of living in the camps.<sup>109</sup> Others said it was time to go home even though the government forced their departure by tearing down huts in the camps. Others went home because the WFP had stopped delivering food, and people were worried they would starve.<sup>110</sup>

Nor did anyone questioned on this issue think the camps should exist any longer than absolutely necessary. A number of IDPs were concerned that the cycle of dependency inherent in camp life would take root and be difficult to dislodge over time.<sup>111</sup> One IDP from Kitgum recalled being given advance notice that food for all but the extremely vulnerable would end soon. Even though he and his family stayed in the camp for another year and found ways of making enough money to buy food, he felt that the food cut-off date was reasonable and understood that if food delivery continued too long, they would become dependent on it and reluctant to leave.<sup>112</sup> Two central government officials deeply involved in the Policy were candid in saying their concern about dependency was an important factor in their decision to do everything possible to close the camps.<sup>113</sup>

The question of providing continued protection in the camps often came up when the question of whether to continue food deliveries was discussed. This issue was determined by government, a committee of stakeholders from the camp under discussion, the WFP and the United Nations High Commissioner of Refugees. If protection was no longer required, food aid was withdrawn; and that frequently occurred long before the camp was formally closed. Whether or not the IDPs had the necessary infrastructure in their villages was not a factor in making the decision; rather, it was a protection driven one.<sup>114</sup>

The IDPs seemed to understand that two factors determined when displacement has truly ended. One dealt with security and the other with the ability to lead a dignified life outside the camps. With near unanimity, the IDPs said that nearly all government promises concerning what aid, if any, they would receive when they left the camps were broken. In some cases, IDPs received seeds, tools and the like but these were distributed to very few beneficiaries and were of poor quality. Some local government officials reported that the promises were fulfilled by NAADS and NUSAF grants.<sup>115</sup> No resettlement kits were given to them even though the Policy states each family will be given one. A number of respondents recalled the broken promise that they would receive iron sheets to roof their huts.<sup>116</sup> One parish chief in Lira summed it up:

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<sup>108</sup> Interviews of former IDPs, Lira, 29 February and 3 March 2012, and Kitgum 6 March 2012

<sup>109</sup> Interviews with former IDP, Adjumani, 22 March 2012; district health officer, Kitgum, 9 March 2012, and local government official, Kitgum, 8 March 2012

<sup>110</sup> Interview with former IDP, Lira, 6 March 2012

<sup>111</sup> One government official interviewed told of pit latrines built by one of the government's development partners for former IDPs who refused to maintain them. . . . Interview with local government official, 6 March 2012

<sup>112</sup> Interview with former IDP, Kitgum, 8 March 2012

<sup>113</sup> Interviews with those government officials, Kampala, 13 January 2012 and 7 February 2012

<sup>114</sup> Interview with NGO, Gulu, 20 March 2012

<sup>115</sup> Interviews with local government officials, Lira 27 & 29 February, 2 & 3 March and Kitgum 8 March 2012

<sup>116</sup> Interviews with former IDPs, Lira, 28 & 29 February and 2 March 2012

Just only of recent that they started giving iron sheets. But they give to only 11 households per sub county. But in the case of Aromo, we have 1,036 households to be supported, so for how long will the rest take to get if only 11 households can get after 4 years?<sup>117</sup>

Many more complained about the lack of an adequate source of water.<sup>118</sup> One IDP was ordered by a district official to return to the place where he previously lived, even though he had only been renting that land and was no longer entitled to be there.<sup>119</sup> Another IDP from Lira recalls being ordered out of the camps by a certain date, after which their huts were torn down. Iron sheets were promised but only given to a few returnees. Those that lost vehicles during the war were told that they were replaced and the animals they lost would be replaced. They filled in forms for those, but nothing has been done in the two to three years since that time.<sup>120</sup>

Many but not all government officials agreed that government routinely broke its promises.<sup>121</sup> Significantly, others working on disaster management at the central government level respond that critics miss the point since various programmes of the PRDP have been the main government mechanism for providing former IDPs the assistance they need during the recovery stage. They point out that the PRDP did not exist when the Policy was written in 2004. Since it was designed as a programme to assist the north recover from the war, it was logical to also assist the former IDPs. One example was that under the PRDP, 500 duplex housing units were built for teachers to attract them to rural schools. While this is an indirect benefit, it is certainly a critical one. They also cite NUSAF as one of the main livelihood programmes under the PRDP that has greatly assisted the significant numbers of former IDPs who were farmers.<sup>122</sup>

The PRDP clearly was an instrument used by government to assist the IDPs transition home after the encampment. Its Strategic Objectives 2 and 3 called for the issuance of resettlement kits for about 70% of the IDPs, support and monitoring of livelihood programmes for IDPs, strengthening the coordination of humanitarian responses at both the central and local government disaster management levels, providing extra aid to those with special needs, demining and the rebuilding of schools, health clinics and boreholes. These operations largely parallel the services called for in the Policy. Yet, in a significant majority of cases, the services outlined in the PRDP are far less than what was needed and what various government officials promised when they encouraged IDPs to leave the camps.

Many IDPs reported that various NGOs provided various items of assistance that helped them to recover. However, the NGO response was varied, incomplete and sporadic, such that it failed to fill the gap between the government's promises and its performance in any meaningful way.

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<sup>117</sup> Interview with local government official, 1 March 2012

<sup>118</sup> Interviews with former IDP, Lira, 27 February 2012, Kitgum 5 March 2012, Gulu 10 February 2012

<sup>119</sup> Interview with NGO representative, 29 February 2012

<sup>120</sup> Interview with former IDP, Kitgum, 5 March 2012

<sup>121</sup> Interviews with local government officials, Gulu, Lira and Kitgum 9 February, 3,7 & 10 March and central government disaster official, Kampala 27 February 2012

<sup>122</sup> Interviews central government officials, Kampala, 10 January, 27 February and 30 March 2012

Also, those interviewed were mostly unhappy that most NGOs left after the encampment phase.<sup>123</sup>

## **THE CHALLENGES SURROUNDING EARLY RECOVERY AND THE QUEST FOR SOLUTIONS**

After the former IDPs returned home, the only other assistance available came from whatever the international community provided and from the existing government programmes like NAADS, NUSAF and the PRPD. Again, the NGOs provided assistance, but it was sporadic and in the main had a minor impact. That most NGOs left northern Uganda at the end of the humanitarian crisis is likely the major reason they contributed relatively little in the early recovery stage and beyond.

### **THE FORMAL GOVERNMENT PROGRAMMES**

NAADS is designed to assist farmers in revitalizing agriculture in the country. NUSAF is a social action fund to assist in the reconstruction of the post conflict north. The PRDP has a different focus. Mainly, it is a public works project that seeks to rebuild the infrastructure of northern Uganda, such as roads for farmers to take their products to market. As such, it has a very direct connection to the lives of individual citizens, but the link to meeting IDP needs is less clear than with programmes that, for example, provide hoes to farmers. None of these programmes are formally linked to government's IDP Policy prescribed interventions, perhaps because those are so nebulous. In any event, they are the programmes that help northerners—former IDPs or otherwise. This much less direct connection to individual citizens' lives was reflected in the interviews. Few former IDPs from rural environments knew anything about PRDP beyond its name.<sup>124</sup> The other two programmes elicited a significant reaction from former IDPs. While their reactions were mixed concerning how much help they have been, a number of people were grateful for them. Yet the major response was that a form of corruption existed, in that each programme favoured the rich and those relatives or friends of the administrators with the power to select programme beneficiaries. Both NAADS and NUSAF are programmes requiring applications for assistance from organized groups, and former IDPs may have lost the community networks they previously had.<sup>125</sup>

### **LAND WRANGLES—THE “SURPRISING” IMPEDIMENT TO A DURABLE SOLUTION**

The Policy has little to say about land. It simply provides that local governments shall “endeavour” to help the IDPs recover their land or find a substitute for it, and that women are to be given a greater level of assistance if they seek to recover “customary land.” In 2004, at the height of the conflict when no one was even thinking about going home, land was low on the list

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<sup>123</sup>Interviews with former IDP, Adjumani, 22 March, NGO, Adjumani 23 March, and local government officials, Kitgum, 7 & 8 March 2012

<sup>124</sup> Interviews with former IDP's, Lira and Kitgum, 27 February, 2,5,6 & 8 March 2012

<sup>125</sup> Interviews with Former IDP's, local government officials, and NGO representatives, Lira and Kitgum, 29 February – 8 March 2012

of government's concerns in preparing the Policy.<sup>126</sup> Now, land wrangles are on everyone's list as one of the biggest blockages to full recovery. One former IDP and now the Local Councillor (LC) I in his region believes the land problems could lead to anarchy.<sup>127</sup> That extreme view was only expressed by one person, yet it is worth mentioning to underscore the critical significance of land disputes in the minds of virtually everyone interviewed on this subject. One Lira District sub county office receives about four land disputes daily and is referring three per week to either the LC II or the cultural leaders to resolve.<sup>128</sup>

Every conceivable type of problem has arisen. Children and women whose fathers and husbands died in the camps are powerless to compete with uncles and influential males who claim their family's land.<sup>129</sup> One pending dispute involves the claim to land that has been serving as a school for 50 years.<sup>130</sup> Others revolve around land that was borrowed before the conflict.<sup>131</sup> Clans are now fighting with other clans over land ownership.<sup>132</sup> One widow from Kitgum vows to never leave her hut in the former camp because her brother now claims the land and argues that, having been married and with kids, she cannot return to her father's land.<sup>133</sup> In Adjumani, a Madi clan from Sudan was hosted by a different Madi clan on the Uganda side of the border. That clan was displaced during the war while its former guests now refuse to leave and are selling the land they never owned.<sup>134</sup>

Both the causes and possible solutions vary. One of the causes cited was the erosion of traditional values from years of dependency in the camps that led to increasing selfishness.<sup>135</sup> Another is that land is no longer seen as communal assets but rather as something having monetary value.<sup>136</sup> Yet another is that population pressure increases while the supply of available land does not.<sup>137</sup> Also, some unscrupulous persons allegedly lured displaced persons in camps to sell off their land back home, having told them that there would be no return.<sup>138</sup>

Much work is now being done to resolve these disputes, using a variety of mechanisms. One NGO informant believes the authority of cultural institutions was too weakened from the upheaval brought about by camp life to be an effective dispute resolution mechanism, particularly in the more isolated rural areas.<sup>139</sup> Other informants disagree.<sup>140</sup> Some disputes are

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<sup>126</sup> Interview with central government official, Kampala, 10 January 2012 and local government disaster official, Gulu, 6 February 2012

<sup>127</sup> Interview with local government official, Lira, 3 March 2012

<sup>128</sup> Interview with local government official, Lira, 1 March 2012

<sup>129</sup> Interview with NGO representative, Lira, 29 February, 2012

<sup>130</sup> Interview with local government official, Lira, 1 March 2012

<sup>131</sup> Interview with local government official, Kitgum, 6 March 2012

<sup>132</sup> Interview with local government official, Lira, 1 March 2012

<sup>133</sup> Interview with local government official, Kitgum, 7-March-2012

<sup>134</sup> Interview with local government official, Adjumani 25 March 2012

<sup>135</sup> Interviews with two local government officials, Lira, 28 February 2012 and 1 March 2012, and cultural leaders, Lira, 3 March 2012

<sup>136</sup> Interviews with local government officials, Kitgum, 3 & 7 March 2012

<sup>137</sup> Interview with local government official, Lira, 28 February 2012

<sup>138</sup> Interview with a former IDP in Gulu February 7, 2012.

<sup>139</sup> Interview with local government official, Lira, 29 February 2012

<sup>140</sup> Interviews with local government official, Lira, 3 March 2012, and Former IDP, 27 February 2012

referred to the government's local council system.<sup>141</sup> Still others believe the district governments through their Land Boards should assert their authority to resolve these conflicts.<sup>142</sup> The PRDP allocated funds to strengthen the LC courts and Land Boards, and that is helping somewhat.

It will likely require a few years using these varying dispute resolution mechanisms before one can evaluate the relative merits of each approach. One former IDP from Kitgum District has described the land problems as huge, but improving because of the work being done by government, cultural leaders and NGOs.<sup>143</sup>

Interestingly, conflicts over land rights are less of a problem in Adjumani.<sup>144</sup> The percentage of the displaced living in camps, and thus more removed from their land, was much lower than in the Acholi Sub Region. The average time of encampment was also significantly shorter.

### CAN DURABLE SOLUTIONS BE SEEN FROM HERE?

The accepted definition of a “durable solution” is:

A durable solution is achieved when IDPs no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement.<sup>145</sup>

That definition is not a very useful measuring stick when attempting to employ it in these displacement situations. One experienced NGO who has been deeply involved in the northern conflict for many years defines a durable solution in more concrete terms, saying that it is achieved after former IDPs have been home for around two or three years without any indicators suggesting the displacement will return.<sup>146</sup> Monitoring during that interim period to determine if they are living in a sustainable way, or are at least making progress toward that result would be required.<sup>147</sup> A government official at the heart of the Policy and its implementation says the aim is to give the IDPs the same level of services other citizens receive. He suggested the goal would be better phrased as a “plausible durable solution,” emphasizing that the ability of the former IDPs to adapt in light of existing realities is an important part of understanding what the end game should look like.<sup>148</sup>

These random interviews, while conducted in large areas of the north with a varied population, cannot reflect the experiences of nearly two million people, let alone measure the subjective

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<sup>141</sup> Interview with former IDP, Lira, 27 February 2012

<sup>142</sup> Interview with former IDP, Lira, 2 March 2012

<sup>143</sup> Interview with former IDP, Kitgum, 8 March 2012

<sup>144</sup> This is not to say Adjumani is free from major disputes. . . . One major one involves a clan of 800 households who maintain that while they were displaced, much of their land near the Sudanese border was illegally sold by Sudanese refugees to unscrupulous Ugandans. . . . And now, much of it has been damaged by marauding elephants from Sudan.

<sup>145</sup> UN's Framework on Durable Solutions for Internally Displaced Persons

<sup>146</sup> Interview with NGO official, Kitgum, 5 March 2012

<sup>147</sup> Interview with NGO official, Kitgum 5 March 2012

<sup>148</sup> Interview with central government disaster official, Kampala, 22 February 2012

indicators of what makes up a sustainable existence for each of them. A sample of specific experiences and impressions may be useful, nonetheless, in an effort to understand the current situation in the north. One former IDP still has no water in his village after having been home for five years and estimates that his family still has less than half the possessions compared to their pre-displacement existence.<sup>149</sup> Another one has a better water supply now than before displacement, but has no accessible health facilities.<sup>150</sup> For her, Life is better than it was in the camps since the children now go to school, but her family does not have a reasonable market for its crops.<sup>151</sup> Another respondent reported that his village now has a health centre, but an unexploded land mine was discovered in a nearby village three days before the interview.<sup>152</sup> A Kitgum District government official reported that many boreholes were dug in the transit camps, leaving many villages without a water source. In addition, many parts of the district are having outbreaks of diseases attributable to poor sanitation facilities. Nearly all of the government's development partners from the NGO community have left the district with much more work to be done.<sup>153</sup> Another former IDP was pleased that her children now have a nearby school and a health centre but is worried about the high drug use that had never been a problem before encampment. In her village, the Ministry of Health promised to dig a borehole because they are now using an unprotected spring, provided the village first had adequate latrines. The local government will dig them after the village pays 200,000 Ush, and an effort is now being made to raise the money.<sup>154</sup> Echoing many of the informants, a sub county official said that land wrangles are a major part of the blockage to recovery for many people. He also reported that some people are experiencing secondary displacement. They are returning to camps since their villages have no water.<sup>155</sup>

## SUMMARY OF FINDINGS

**THE CAMP EXPERIENCE.** This research gathered qualitative information concerning the experiences of selected IDPs to acquire an understanding of the impact their camp experiences had on their efforts to rebuild their lives. The research disclosed that they did not leave the camps until they were satisfied that the LRA was no longer a significant threat. After that, the main reason they left the camps was because they thought the conditions were deplorable—a prevailing attitude even before the food rations ended. They understood they were safe from the LRA because the UPDF protected the camps. At the same time, one of the deplorable aspects of camp life was the army's abuse of their human rights.

**THE GOVERNMENT'S PUSH TO END THE DISPLACEMENT.** Alongside the impact camp life had on the IDPs, the government's promises to provide services once they went home were significant in scope yet very often broken.<sup>156</sup> That they benefited from the PRDP in many ways did not

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<sup>149</sup> Interview with former IDP, Lira, 27 February 2012

<sup>150</sup> Interview with local government official, Lira, 28 February 2012

<sup>151</sup> Interview with local government official, Lira, 3 March 2012

<sup>152</sup> Interview with former IDP, Kitgum, 5 March 2012

<sup>153</sup> Interview with senior government official, Kitgum, 6 March 2012

<sup>154</sup> Interview with former IDP, Kitgum, 6 March 2012

<sup>155</sup> Interview with local government official, Kitgum, 7-Mar-2012

<sup>156</sup> Northern Uganda has historically voted against the ruling party. . . . The forced encampment and abuse by the UPDF of the IDPs did nothing to change that attitude. . . . Those factors, combined with an understandable self-identification as the main victims of a war for which they were not responsible, likely made them predisposed to

overcome what was more immediately visible: a promise made and then a promise broken. As discussed above, government's resettlement commitments in Bududa were made to achieve the same end: the end of displacement. The impact of the government's misrepresentations following the northern conflict was ameliorated somewhat by the goods and services provided by various NGOs in the early recovery period. Early efforts to close the camps, the cessation of food aid, attempts to close the Kitgum shelters for the night commuters and denial of the existence of urban IDPs further highlighted the government's unstated policy of reducing the numbers of displaced in nearly any possible way.

**THE IMPACT OF PRDP, NUSAF AND NAADS.** The PRDP's significant infrastructure programmes in the north are barely appreciated by these citizens, with the result that they have no opinion on its impact on their lives. This underscored the desperate need for individual and community reparations. In Gulu and Kitgum, some respondents hailed NUSAF and NAADS for benefitting some former IDPs and helping them rebuild. Although this study did not assess how beneficial these programmes have been, it is clear that their positive impact has been limited to a few individuals and is diminished by impressions of favouritism if not corruption.

**LAND—ANOTHER UNEXPLODED MINE?** Virtually all informants mentioned land disputes as major problems. Many injustices have resulted, particularly for widows and children. Their vulnerability has been exacerbated by a perceived culture of selfishness that followed them home from the camps. Whether these individual inequities will morph into major conflicts or a further fracturing of communal responsibility is unclear. Dispute resolution processes involving the cultural leaders or the local governments are active. Civil society organizations understand the importance of the problem and the central government is very concerned. These are positive signs. Now that the vast majority of those formerly displaced have returned home, perhaps the number of land conflicts is near its peak and the various dispute resolution mechanisms will start reducing the number of cases.

**THE MARCH TOWARD A DURABLE SOLUTION.** From this research, the above examples seemed broadly representative of those displaced in the conflict. Nonetheless, the highly subjective definition of the ultimate goal (be it a "durable solution" or something else) inhibits the ability to measure when that goal is achieved. Moreover, the limits of this study did not permit an investigation into the rate of progress toward a full recovery or of the markers that would identify the key components of such an analysis.

## CONCLUSIONS AND FINAL RECOMMENDATIONS

**GOVERNMENT SHOULD DECIDE IF THE POLICY WILL BE ASPIRATIONAL OR A STATEMENT OF ITS COMMITMENTS.** Government significantly failed to do what it committed to do in both the Bududa and the northern conflict displacements. With these experiences largely behind it, government should decide if the Policy will reflect what it would *like* to do for its citizens, or what it *will* do for them. As it is written, government has made specific commitments. The PRDP and other development programmes may well turn the tide and provide all that is required to

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negatively prejudice the government. . . . Those factors were carefully considered in our assessment of conflicting narratives. . . . We also noted the overwhelming consistency of reports detailing the broken promises

bring the north into parity with the rest of the country. Yet, a policy review is still in order to set the right standard for future displacements. Various guidelines and best practices pronouncements by the international community for how governments should respond when confronted with internal displacements may accurately reflect the ideal. However, these do not speak to the subject of any given government's capacity to achieve that ideal. Following the international community's lead in making various commitments that the government is incapable of meeting or that are a lower priority than other pressing issues, sets the government up for failure. It also contributes to a collective sense by those displaced that they have been wronged by their government. While it cannot be expected they will be grateful for what has happened, no purpose is served by giving them additional reasons to be distracted from rebuilding their lives. The Policy should be amended to state the government's minimum commitments in the clearest possible way. Alternatively, it may prefer to express those commitments along with an additional section stating what it aspires to do, given its financial and technical capacity. The former IDP population will no longer direct any of the energy it should use to reach a durable solution on anger over broken promises. Moreover, the international community will then have a clear understanding of the areas where it can be of assistance.

**STATE WHEN THE POLICY'S MANDATE ENDS.** The beginning is simple: the Policy kicks in when displacement occurs. In contrast, setting the end date with such definitiveness is impossible, unless the Policy stated that it ends for any given IDP on the day she or he leaves the camp or by using some other mechanistic approach. Sensibly, the government rejected such an answer. The problem remains, however, and the substitute solution is hopelessly confusing. The Policy's limits for providing clean water (no limit, forever) are different than for housing and food (depends on the IDP's livelihood). Some of government's duties only exist if the international community also contributes to the undertaking. Other government undertakings are not conditional. Women get more help on getting their rights to customary land, but not if they lost non-customary land. Once government decides on its policy goals, it should take great care in articulating them clearly.

**CHANGE THE POLICY'S INSTITUTIONAL STRUCTURE TO MATCH BOTH ITS NEED AND ITS CAPACITY.** The past seven years have provided the clearest possible guidance for what works and what does not. While the horrific dislocation in the north during the LRA war partially explains the minimal district and sub county fulfilment of their duties as described in the Policy, one must remember that those government units did not function much differently in Bududa where no war occurred. Nor were those functions performed during the early post conflict years in the north. If the district governments are not likely to have truly functioning sub committees on human rights—laudable as such an objective is—then they should be eliminated. In its place, the Policy could authorize the central government's Department of Disaster Preparedness and Refugees to establish an *ad hoc* human rights committee in any district when it determines that that is the most appropriate way to respond to the institutional needs of a particular crisis.

**ADDRESS THE LAND PROBLEMS SYSTEMATICALLY.** On a priority basis, government should assess whether the land disputes are serious enough to block a return to a sustainable peace or impede a significant population of the former IDPs from achieving a full recovery. The government's land policy should be guided by the results of that assessment. For many years, land conflicts have been addressed by a combination of formal and informal dispute resolution

mechanisms by the cultural leaders, traditional justice practices or at the local council or police level, with the occasional intervention of the formal court system. A critical question now is whether those structures, at least in the near to medium term, are capable of promptly and fairly resolving the many land wrangles arising from the encampment. If they are not, government should assess whether a major programme to address these post encampment disputes should be initiated.

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