

November 2007

Security, Rehabilitation, and Sustainable Livelihoods: Securing durable solutions for displaced people in northern Uganda

The peace negotiations in Juba between the government of Uganda and the Lord's Resistance Army have yielded more tangible results than all previous attempts to end the conflict in northern Uganda. In June 2007 the government and the LRA signed a landmark agreement on Agenda Item No. 3 on accountability and reconciliation. The Cessation of Hostilities Agreement between the parties has recently been extended to 31 January 2008.

Since the start of the peace talks in July 2006, the security situation in northern Uganda has much improved. But emergency-level humanitarian needs persist, and the people of northern Uganda still lack the security guarantees they need to start rebuilding their lives.

At this critical time the Norwegian Refugee Council (NRC) and the Internal Displacement Monitoring Centre (IDMC) urge all stakeholders, including the government of Uganda, the LRA, regional stakeholders, and the international community, to ensure that the 1.7 million people¹ who have been affected by the conflict are finally offered durable solutions to their plight. While the process must be led by the Government of Uganda, close attention and support from the international community has never been more important.

A Sustainable Peace Agreement for Northern Uganda

Security in the north has significantly improved, but in the absence of a signed peace agreement the majority of the people displaced by the conflict in the Acholi sub-region are hesitant to abandon their homes in the camps for good. In the course of this war, previous lulls in the violence have led to a false sense of security, shattered each time by a resurgence of hostilities. The unprecedented promise of the Juba talks has meant that more and more IDPs have begun to access their land for cultivation, and some have even moved to new settlements closer to their land. However, only when peace is certain will the majority of IDPs abandon their caution and return all the way home.

While arbitrary deadlines are unhelpful, both parties to the conflict must show evidence of their willingness to negotiate in good faith, including through confidence-building measures. Neither party to the conflict must be allowed to undermine the peace process by needless delays or talk of military solutions if the Juba talks were to fail.

To this end, NRC/IDMC recommend to the international community:

- Support both parties and the mediator to ensure that the Juba peace process continues to make progress toward a sustainable peace agreement. Both the Government of Uganda and the LRA must be encouraged to continue to build on the progress made so far.
- Hold both parties to the conflict to their commitment to a peaceful resolution of the conflict. A resumption of military hostilities must be ruled out.

¹ United Nations, *Consolidated Appeals Process 2007*, 30 November 2006.

- Continue to provide support for the Juba peace talks, including through continued funding for the Juba Initiative Fund and the Government of Southern Sudan's peace secretariat.
- Continue to support the mandate of UN Special Envoy Joaquim Chissano.
- Continue to remain engaged and press the parties for updates and progress made toward the remaining agenda items of the Juba peace process.

The Need for Justice

War-affected communities in northern Uganda are very clear that peace is a priority. That, however, does not mean that communities in the Acholi sub-region are willing to trade justice for peace. People want to see justice for the atrocities committed during the war. However, justice for people in northern Uganda does not necessarily have to take the form of retribution.² Indeed, there are real concerns that a peace agreement which does not make sufficient provision for justice will not be sustainable. In particular, any peace agreement that hinges on the unconditional forgiveness by victims of the perpetrators of atrocities risks being undermined by outbursts of revengeful violence.

The agreement of 29 June 2007 between the government of Uganda and the LRA on basic principles of reconciliation and accountability outlines a national legal framework, buttressed by traditional justice mechanisms, to substitute for prosecutions by the ICC. The agreement calls for consultations of stakeholders on the details of these transitional justice mechanisms.³ The outcomes of these consultations are not binding on the government and the LRA, but offer an opportunity for shared solutions and building consensus on a way forward.

The June 2007 agreement also states that the government of Uganda and the LRA will negotiate an annex to set out the details of the implementation of the justice agreement once consultations have concluded. For a peace agreement to be sustainable, final decisions on transitional justice mechanisms must reflect the views of the victims of the war, address the need for local reconciliation, and be consistent with the Rome Statute. NRC/IDMC recommend to the international community:

- Support the Government of Uganda to establish a comprehensive transitional justice process which supports the victims of the war and is consistent with the Rome Statute.
- Ensure that the national transitional justice process investigates abuses committed by both parties to the conflict. In particular, people must see justice served not only for abuses committed by the LRA during the course of the conflict, but also for abuses committed by the UPDF.
- Support the involvement of the war-affected population in the national transitional justice process. In particular, if provision is made for a truth commission or other forms of truth-telling, such truth-telling must happen at a local level, and at locations that allow for the participation by victims.

Humanitarian Assistance

The improved security situation in northern Uganda has resulted in increased freedom of movement in northern Uganda, allowing people to access their land for farming and move to return sites closer to home. Nevertheless, with over one million people displaced even now,⁴ there are still emergency-level

² Recent surveys found overwhelming support of northern Ugandans for the establishment of a truth commission, and for a written historical record of all that has happened in the course of the 21-year long war to be produced. See University of California Human Rights Center, Payson Center for International Development, and International Center for Transitional Justice, *Research Note on Attitudes about Peace and Justice in Northern Uganda* (August 2007); Justice and Reconciliation Project in Acholiland, *The Cooling of Hearts: Community Truth Telling in Acholiland* (July 2007); and Office of the United Nations High Commissioner for Human Rights *Making Peace Our Own: Victims' Perceptions of Accountability, Reconciliation, and Transitional Justice in Northern Uganda* (August 2007).

³ The government has since concluded its consultations, while the LRA has only recently embarked on consultations inside Uganda.

⁴ In September 2007 the Inter Agency Standing Committee in Uganda estimated that out of 1,112,000 people originally displaced in the Acholi sub-region, only 2% of IDPs (23,000 people) had returned to their homes of origin, with 63% (702,000 people) remaining in mother camps and 35% (387,000 people) in transition sites.

humanitarian needs in the Acholi sub-region. The people in the camps continue to depend on humanitarian assistance.⁵ Extremely vulnerable individuals in particular are dependent on humanitarian aid for their survival. Such assistance is still so vital that when recent flooding in Uganda blocked access to some IDP camps and caused delays in food distribution, humanitarian agencies reported cases of some extremely vulnerable persons dying of starvation. Against this background, NRC/IDMC recommend:

- At this crucial stage of progress, donors must guard against the impulse to phase out their assistance to humanitarian programs in the north until it is clear that emergency-level humanitarian conditions have subsided.
- People who have moved out of the camps but who are not yet food-secure must continue to be included in food distributions.
- Some individuals who previously relied on the support of relatives and the wider community in the camps are cut off from this support as their relatives leave the camps to move closer to their land. Special provision must be made for these extremely vulnerable individuals.
- While real investment in early recovery is an urgent priority (see below), donors and humanitarian agencies must be prepared for the worst-case scenario of a failure of the peace process and must have contingency plans for a reversal to a humanitarian emergency situation.

Rehabilitation of Northern Uganda

For a peace agreement to be sustainable, historical grievances must be addressed. In particular, the government of Uganda must be seen to lead efforts to reintegrate the north with the rest of the country on political as well as economic levels. The Peace, Recovery, and Development Plan (PRDP) which was launched in October 2007 is an important step on the path toward national reconciliation.⁶

The launch of the PRDP has raised real expectations in northern Uganda that people from the north will benefit from a peace dividend, and that steps will finally be taken to address the devastation and underdevelopment caused by over twenty years of war. Many war affected people expect the national government to provide compensation for their suffering and deprivation during the war, and the PRDP can play an important role in this regard, especially when it is seen to have a genuine impact on peoples' lives in the north. Conversely, failure of the PRDP to affect real changes on the ground will fuel suspicions in northern Uganda that the national government lacks the political will to address the marginalization of the north and will thus risk undermining any peace agreement. Previous initiatives launched by the national government, including the National IDP Policy, have failed to be fully implemented. It is essential to ensure that the PRDP does not meet the same fate.

It is important that communities in northern Uganda have genuine ownership of the PRDP. Northern Uganda is emerging from more than twenty years of war, which has destroyed much of the social, political, and economic infrastructure in the north. The region cannot be expected to move seamlessly from a humanitarian emergency to development. Instead, there is a real need for a transitional period of early recovery aimed at restoring the basic economic and community infrastructure in the north, and empowering communities to make their own decisions about development priorities.

As part of this transition approach, the humanitarian community is supporting a "parish approach" to basic service delivery, under which basic services are established at the parish level (or sub-county level, as appropriate) so as to guarantee IDPs equal access to services whether IDPs are settled in transit sites or home sites. These basic services constitute the backbone of social service support for the population of northern Uganda, and the parish approach is aimed at ensuring that humanitarian interventions are realigned with early recovery and development priorities.

NRC/IDMC recommend to Uganda's donors:

⁵ For example, figures published by the World Food Program in August 2007 indicate that an estimated 68% of the population in northern and northeastern Uganda are unable to produce enough food to sustain themselves. (WFP, *Emergency Food Security Assessment of IDP Camps and Settled Areas in the Northern and Northeastern Conflict Affected Regions.*)

⁶ The PRDP covers not only the Acholi region, but also the regions of West Nile, Karamoja, Teso, Lango, and Elgon.

- Ensure that there is real ownership and leadership from war-affected communities in the implementation of the PRDP.
- Ensure that benchmarks are set to measure the implementation of the PRDP.
- Engage actively in monitoring the implementation of the PRDP through the Stakeholders Forum that is provided for by the PRDP.
- Contribute generously to the funding of the PRDP so as to ensure that communities in northern Uganda can see its impact.
- Prioritize capacity building programmes under the PRDP for local government structures in northern Uganda.
- Support the parish approach to basic service delivery as an appropriate transition mechanism between humanitarian emergency interventions on the one hand, and early recovery and development efforts under the PRDP on the other.

Durable Solutions

The people who have been displaced by the conflict in northern Uganda need durable solutions to their plight. To this end, IDPs must be empowered to make informed and voluntary decisions whether to return to their homes, settle permanently in their current locations, or settle elsewhere in Uganda.

Solutions to displacement will only be durable if people are provided with sustainable livelihoods. Since the economy in northern Uganda is primarily based on agriculture, access to land is paramount. With greater numbers of IDPs returning to their homes, the number of land disputes is increasing. Protecting the rights of returning populations is essential, in particular the rights of vulnerable people, including widows, orphans, disabled people, and formerly abducted people.

During the conflict in northern Uganda, owners of the land on which IDP camps are located accepted their role in providing IDPs with a safe haven and generally refrained from asserting their rights to access their land. However, this situation is now beginning to change as prospects for peace emerge. Land owners want their land back. Some IDPs, including extremely vulnerable individuals, will remain either unable or unwilling to leave the IDP camps, while other IDPs intend to return home but are not yet ready to do so. The rights of land owners may be on a collision course with the protection of IDPs.

Currently, too many people who decide to leave the camps do not have access to basic services such as clean water and health centres. The absence of functioning schools in many return sites gives rise to particular protection concerns, because many parents leave their children behind in the camps when they themselves return home, so that the children can continue their education. Children left behind in camps without adult caregivers are vulnerable to abuse and exploitation.

It is a challenge for many formerly abducted persons to reintegrate into their communities because of stigmatization and social exclusion. The situation faced by women and girls is especially difficult, with many being blamed for the fact that they were raped by LRA commanders, and their children are often not recognized as members of the family. Adequate support for all formerly abducted persons is missing, therefore risking the creation of a large group of disenfranchised people with potentially destabilizing consequences for the community.

NRC/IDMC recommend to the international community:

- In the absence of a peace agreement IDPs must not be forced to leave the camps and return home. All stakeholders must ensure that IDPs are able to make informed and voluntary decisions about durable solutions.

- Where IDPs' right to make a free and voluntary decision to remain in their current location conflicts with the right of landowners to enjoy the benefit of their land, adequate mechanisms must be put in place to balance these rights, and to ensure that IDPs are not forced to return home.
- Urge the government of Uganda to provide compensation to owners of land on which IDP camps are located, in line with the Constitution of Uganda and the National IDP Policy.
- Assist the government of Uganda in building the capacity of dispute resolution mechanisms to resolve land disputes and ensure that all people in northern Uganda, including vulnerable individuals, have equal access to these mechanisms.
- Ensure that adequate provision is made for durable solutions for vulnerable individuals, including widows, orphans, disabled people, and pay special attention to formerly abducted persons.
- Support efforts that assist the people of northern Uganda to enjoy without discrimination an adequate standard of living including shelter, health care, food, water, and others means of survival.⁷

Civilian administration of justice

Criminality is on the rise in northern Uganda, fuelled by over twenty years of extreme poverty and lack of livelihoods. The capacity of both the police and the local courts in northern Uganda to address this rise in crime is wholly inadequate, not least because they too have been impacted by the war. Frustrations on the part of northern Ugandans with inadequate policing and long delays in the administration of justice are resulting in increasing levels of extrajudicial or "mob" justice. NRC/IDMC recommend:

- Northern Ugandans' faith in justice administered by the state must be restored as a matter of urgency. To this end, donors supporting the government of Uganda must prioritize capacity-building measures for the police force and local courts in northern Uganda.
- Donors should fund capacity-building projects as envisaged by the PRDP as a matter of priority, so as to ensure that northern Uganda has a qualified, well-trained, and well-resourced police force in the north, and local courts capable of administering justice in a timely and effective manner.

Conclusion

Northern Uganda is presently at a crossroads. The prospects for peace have never before been so promising, but progress toward a sustainable peace agreement remains fragile. The international community must remain fully engaged to capitalize on the current momentum for a durable peace. Donors must work together with the Government of Uganda and war-affected communities to ensure that northern Uganda makes a successful transition from humanitarian emergency to early recovery and ultimately development, thus laying the foundations for a stable, peaceful, and united Uganda.

Endnotes:

The **Norwegian Refugee Council** has been active in Uganda since 1997, implementing projects in Gulu, Amuru, Kitgum, Pader, Lira, Arua and Moyo, distributing food and non-food items, supporting food security initiatives, improving and providing education for children and youth, constructing schools, managing camps, monitoring return, and providing information counselling and legal assistance to both IDPs and refugees.

⁷ See the *Framework for Durable Solutions for Internally Displaced Persons*, adopted by the Inter-Agency Standing Committee Working Group in March 2007, Section II.

The **Internal Displacement Monitoring Centre**, established in 1998 by the Norwegian Refugee Council, is the leading international body monitoring conflict-induced internal displacement worldwide. Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations.

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