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# **Refugee Law Project**

*Faculty of Law, Makerere University*



## **"Only Peace Can Restore the Confidence of the Displaced"**

*Report of the Launch  
17 March 2006*

**Speakers:** Associate Professor Dr Sylvia Tamale, Dean of Law, Makerere University  
Ms Elisabeth Rasmusson, Norwegian Refugee Council Representative,  
Head of the Internal Displacement Monitoring Centre  
Dr Lucy Hovil, Head of Research, Refugee Law Project and lead author of  
the report  
Mr Dennis McNamara, Director of the Inter-Agency Internal  
Displacement Division (UN OCHA)

**Chair:** Mr Zachary Lomo, Director, Refugee Law Project

On 17 March 2006, the RLP launched the results of its latest research which was conducted in October and November 2005. The report, "*Only Peace Can Restore the Confidence of the Displaced*", was produced in conjunction with the Internal Displacement Monitoring Centre (IDMC) of the Norwegian Refugee Council (NRC). The report assesses the implementation of the recommendations made by Dr Francis M. Deng, former Representative of the UN Secretary-General on IDPs, following his visit to Uganda in August 2003. The report covers several areas Dr Deng focused on, but the findings showed that the overall response remains sporadic and insufficient. While the National IDP Policy provides a constructive framework to address the humanitarian crisis, its implementation has proven to be an enormous challenge and has had little impact on the situation.

The Dean of Law, Makerere University, Associate Professor Dr Sylvia Tamale opened the launch, welcoming everyone to the RLP for the launch. The purpose of the launch was not simply to produce the report, but because 1.7 million people have not known peace or justice in the last 20 years, and there seems to be no end to the situation. The Faculty of Law, Makerere University, she noted, was gravely concerned with the situation in northern Uganda, particularly the human rights violations occurring on a daily basis, particularly sexual and gender based violence, poverty, and conflict. Thus the Faculty has been involved in issues relating to the north through the RLP and HURIPEC. It not only sought to generate and impart knowledge, but to tear down the walls of the ivory tower through working with communities.

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The report highlights the war in northern Uganda as a political conflict, and makes recommendations—particularly that without political commitment from the government, the LRA, and other actors on the ground, there will not be a peaceful solution. To understand the context of the war, one must take the perspectives of the people seriously. The military approach has not got rid of the rebellion, while protection and safe return of IDPs cannot take place without the war ending. It is a despicable tragedy, she added, and a huge shame for the Government of Uganda, the international community, and the population of Uganda that a generation of Ugandans have grown up only knowing life in IDP camps. Finally, she expressed gratitude that the NRC/IDMC had shown confidence in the Faculty of Law and Refugee Law Project in funding and commissioning the report.

The Head of the IDMC, Ms Elisabeth Rasmusson, next spoke on the work commissioned by NRC/IDMC. She was extremely happy with the relationship with the RLP and that the report was very good. The NRC's project was to use international mechanisms in a local context. Dr Deng had visited Uganda in 2003 in order to understand the situation and explore ways of enhancing the response of other actors, and his recommendations were produced in 2004. The IDMC thus initiated a series of reports to take stock of how they had been implemented. These reports were to be tools for actors in the field, in order to allow them to develop effective responses. Three studies had been carried out in Turkey, Russia, and now in Uganda by prominent local civil society organisations.

The RLP of Makerere University had been chosen as the local partner in Uganda. The linkage to the field was important, and Ms Rasmusson stated that they can see this report reflects the realities they face when implementing a humanitarian programme. The issues in the report are crucial when delivering humanitarian assistance. While the challenges are daunting, they hope to move forward in partnership—the UN, local and international organisations must work together to develop effective responses: New York and Geneva had emphasised strategic partnerships with NGOs in the field. She stressed that the voices of those most affected must be heard and amplified, and that local organisations must be supported. This project was a true partnership between RLP and NRC with a good working relationship and close cooperation. She was very pleased with Dennis McNamara's involvement which underscored the importance of this study.

Dr Lucy Hovil, Head of Research & Advocacy at RLP and co-author of the report, began by thanking her colleague Moses Chrispus Okello, who co-wrote the report with her. The report had been based on 151 interviews in Gulu, Kitgum, and Lira districts, with additional ones in Kampala. However, she regretted that the planned visit to Pader district had been cancelled due to insecurity and it represented a weakness in the study due to the gap it left. Six thematic areas were covered according to recommendations made by Dr Deng, namely Resolving the Conflict, the National IDP Policy, Protection, Humanitarian Access, Livelihoods, and Return.

The most stark recommendation was to end the war, and this must be a priority, as the LRA now threatens the entire region, including the Democratic Republic of Congo and

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Sudan, where a fragile peace process is in balance. Support for Betty Bigombe's peace initiatives suffered from a lack of government commitment because of the military approach it took, and its characterisation of the conflict as a localised concern. The involvement of the International Criminal Court had also undermined her initiatives by its timing while the war was still ongoing. Thus genuine commitment to ending the conflict through peaceful means was needed, possibly following the process that had been used in the West Nile.

The National IDP Policy launched in February 2005 had been a progressive move, she said, but there remained numerous problems with its implementation. Inadequate commitment, lack of resources, and low participation were all cited as failures of the government. Meanwhile, NGOs were filling in the vacuum, but that was allowing the government to abdicate its responsibility. She also noted fears that the IDP Policy was reinforcing displacement as the status quo in the north.

Considerable efforts had been made in terms of protection, but it was still perilous, and life a daily struggle for survival. The role of the military and auxiliaries was ambiguous, while they were often threats to the IDPs themselves. Sexual and gender based violence remained high, requiring immediate attention, while night commuting was a cause for concern, but there were fears that this would overshadow other issues, particularly the quality of life in camps. Freedom of movement showed some improvements, but obstacles needed to be removed. Institutional oversight for IDP protection was weak, requiring increased police presence and strengthening judicial institutions.

Humanitarian access remained vulnerable to fluctuating security conditions, and military escorts only provided limited protection. The role of NGOs needed to be re-examined, especially considering their ability to speak out in a highly-charged context. There were slight improvements in livelihoods, but still highly limited access to farming. The clear need was to balance the immediate needs with finding longer term solutions that would not entrench the situation.

Finally, return was complicated by the current limitations on freedom of movement. IDPs must be allowed to determine the process of return as they were best placed to make the decision, yet they are not adequately consulted. "Decongestion" policies had led to confusion and the motivations of the government were questioned. In conclusion, relatively little has changed and IDPs continue to live in appalling conditions. Peace remains the most pressing issue in the north, Dr Hovil stated.

Mr Dennis McNamara thanked the RLP, NRC, donors, and the UN Humanitarian Coordinator for coming, and congratulated them for the timely publication of the report. There had been a very intense international effort in Uganda and a meeting would be held in Geneva the next week to put together a comprehensive approach involving the government of Uganda at a ministerial level. Jan Egeland, the UN Emergency Relief Coordinator, was arriving on 30 March and the UN Secretary-General was personally

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involved. This was in large part due to NGO lobbying, and he hoped that the Security Council would be more courageous than it had been in the past with respect to Uganda.

He stated that the security situation is a shame for all of us, for we failed the people in northern Uganda. The camps were slums with no basic services and were unprotected. “We haven’t succeeded, we’ve failed,” he added, but hoped that “we can recognise the failure and put it to good use.” Large IDP populations remained though the war was said to be over, yet he noted the irony of being escorted by two armoured cars and 35 soldiers. He criticised the UN system for not having done what it should. The situation in the north had double the mortality rate of Darfur and three times the average Ugandan mortality rate, and this represented an increase since last year.

The UN’s cluster approach was the most substantive part of the larger UN Humanitarian Reform agenda, which he criticised for being decimated by politics in New York. Designated UN agencies were to have responsibility for key sectors. UNHCR would take the lead role, while answering to the Humanitarian Coordinator. He praised the impressive record of local NGOs and human rights groups, recognising that IDPs were still not being protected properly and the vulnerable being abused. The government needed to be mobilised, and demilitarisation of the north was agreed as a need, but without the resources. The military should not be in the front line of protection, but a backing of the collaborative effort for development and stability in the north was needed. With government interest there was a real possibility of progress, even as the situation had become a sub-regional problem. Humanitarian action had become a substitute for political action, but a wider discourse and collaboration was needed, including talking to those who don’t agree, and with those who control the reality on the ground. This would involve the UN talking to the UPDF, and the input of civil society organisation was especially important—large organisations needed to be criticised he said—it was a healthy reality check. The UN, he noted, should not be overestimated and required constant monitoring and criticism. Donors and government must also be evaluated.

Stopping the conflict and protecting civilians required political action, and it needed to be politicised positively, yet it was a realistic course of action within political parameters. He expressed concern at the lack of accountability, abuse of women, atrocities by the LRA, and now the recent attacks in Southern Sudan on UNHCR at Yei and the killing of Guatemalan Peacekeepers in DRC. The UN needed to use both political and peacekeeping arms and this was both a humanitarian and human rights crisis. Dr Deng’s recommendations and visits and the UN Guiding Principles on Internal Displacement now provided a framework for working in DRC, Sudan, Uganda, Colombia, and Liberia among others. The fundamental starting point for IDPs is different from refugees because they are citizens in their own country: the primary responsibility for them is thus by the host governments, but they are failing in their responsibilities all over the world. Humanitarian agencies needed to be careful with assistance: monitoring and making authorities meet their responsibility was important, and much harder than dealing with refugees because issues of sovereignty of the government was met head on in dealing with IDPs.

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Mr Zachary Lomo, RLP Director, closed by thanking all who had come. He stressed that Ugandans needed to accept the challenge to take more responsibility for what was happening. It was a reminder that we can only do very little, and donors who hold the key sometimes distort the picture—in 1998, the Horn of Africa was seen to have a “breed of new leaders” and become “a beacon of hope”. However, he welcomed the international community in taking seriously its responsibility. The only way that 1.7 million people could go home was if the insurgency ended. However, there remained accountability issues because the government had vested interests which were demonstrated in the history of events. The war could end, he said, if the President wanted it to—the fact that the military dispensation had changed from north to south, yet the Acholi had refused to accept defeat, meant that negotiating peace would be a concession that the government could not defeat them militarily. Some efforts were finally being made, but some serious soul searching in the institutions and values was required in looking at how able humanity was able to deal with these issues. He admitted he had lost hope in the UN system and that inertia holds people back, yet he was grateful the issues had reached the table, and appreciated especially Mr McNamara’s honesty.

Questions and comments were opened to the floor, and the first question addressed to Mr McNamara was what lies behind the failure to protect IDPs? Mr McNamara responded by stating that Uganda had been a favoured country of the West, leaving a legacy that influenced government actions and the ambivalent stance of the Security Council. Other actors also had vested interests and thus Uganda had not been a Security Council issue until recently and even now there was some hesitation by the Permanent Secretary. Another member of the audience expressed gratitude but noted that the war was perceived as an Acholi issue, yet the whole of Uganda was affected. Mr McNamara agreed and added that a programme for national reconciliation was missing from the discourse.

A lady then asked rhetorically what kind of protection was being given, because she asserted that ex-rebels were being deployed to “protect” IDP camps. Major Felix Kulaigye, the UPDF spokesperson who was in attendance, responded that the UPDF understood the traumas, but stated that no ex-rebels were being deployed in camps, but instead were being deployed in Southern Sudan. National reconciliation involved absorbing the ex-rebels, counselling, and allowing them the option of joining the military forces if they desired. At the same time, he stated that training in human rights protection was being carried out in the UPDF.

A concern was raised that demilitarisation in the north might allow the LRA to return and abduct more people. Another person noted that donors must put pressure on how their money is being used as there existed massive corruption in the military. One question was also asked about what the people in the north themselves were willing to do for peace. These concerns were all noted and Dr Hovil responded that there still remained many valid and important issues requiring further study and attention.

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A reporter then asked about the disjoint between the government stating that it is safe to return, while the report stated that the situation was still bad. Mr Lomo responded that truth is contested, and the government's set of truths must be sold because it was a reactionary rather than pro-active government in stating that it was safe to go back for political reasons. Major Kulaigye disagreed, asking why the government does not get confidence—his own experience in the north was from 2003-2005, and he stated that in 2003, the roads were not passable, there were landmines, and people needed to move in convoys, for example between Gulu and Kitgum. However, the roads were now passable and footpaths de-mined. The data in the report, he claimed, may have been accurate in 2003 but not at the present time. He restated that it was safe for people to return and that the UPDF had been selective in marking Teso and Lango regions as safe, while in Acholi the return needed to be more gradual. He admitted there had been weaknesses, but that they had learnt their lessons and addressed those weaknesses: soldiers had been court-martialled for abuses and IDPs were adequately protected. Camps like Pabbo had been decongested into satellite villages. While the UN had its own problems and DRC had its own problems, they needed to solve them and Uganda was willing to help.

With that, the guests and members of the audience were thanked for coming, and urged to continue to work towards peace in the north.