

UGANDA'S POLICY FOR INTERNALLY
DISPLACED PERSONS. A COMPARISON
WITH THE COLOMBIAN REGULATIONS
ON INTERNAL DISPLACEMENT

*LA POLÍTICA DE UGANDA PARA LA POBLACIÓN
DESPLAZADA. UNA COMPARACIÓN CON
LAS REGLAMENTACIONES COLOMBIANAS
SOBRE EL DESPLAZAMIENTO FORZADO*

FRIEDARIKE SANTNER*

1692-8156(201301)13:22<87:UPFIDP>2.0.TX;2-9

* Doctoral Candidate at the Department for Political Science of the University of Vienna, Austria, and has a Magister of Philosophy from the Department for Social and Cultural Anthropology from the same university. She is currently a Lecturer at the Department of Development Studies of the University of Vienna and has 10 years of work experience in development cooperation, mostly on african countries. Email: friedarike.santner@univie.ac.at.

ABSTRACT

This contribution is a result of a research within the framework of my doctoral thesis on the Ugandan and Colombian regulations on internal displacement in spring, respectively autumn/winter 2010/11, complemented by documents on further developments since then. The contribution aims at presenting contents and principles of the Ugandan IDP Policy and reflects similarities and differences with the Colombian regulations on internal displacement. It is based on qualitative research, including critical review of documents and literature and semi-structured interviews with experts from national and local government administrations, NGOs and international organizations, as well as informants, especially IDPs, traditional leaders and lower local government members. It is concluded that the Ugandan IDP Policy represents a development-oriented, as opposed to Colombia's assistance-focused, framework for dealing with displacement that, however, is strongly premised on support by external actors, such as development donors, which so far did not materialize to the expected extent. The focus on public infrastructure in the rehabilitation program for the affected region that did not support the needs of returning IDPs' sufficiently indicates the necessity of a higher orientation on IDPs' needs.

Keywords author: Internal displacement, Uganda, Colombia, norms, actors, implementation.

Keywords Plus: Forced migration-politic aspects, social norms, Uganda, Colombia.

RESUMEN

Esta contribución es el resultado de una investigación realizada en la primavera, otoño e invierno del lapso 2010/2011 en el marco de mi tesis doctoral sobre la normatividad de Uganda y Colombia en cuanto al tema del desplazamiento forzado, complementada con documentos sobre nuevos hallazgos. La contribución pretende presentar contenidos y principios de la política ugandesa para población desplazada y reflexionar sobre similitudes y diferencias con la normatividad colombiana sobre el tema del desplazamiento forzado. La investigación se llevó a cabo de forma cualitativa e incluyó la revisión crítica de documentos y de la literatura. Adicionalmente, se realizaron entrevistas semiestructuradas con expertos de instituciones nacionales y locales de los gobiernos respectivos, así como de varias ONG y organizaciones internacionales, con personas en situación de desplazamiento y en proceso de retorno o reasentamiento y con líderes tradicionales o locales. La conclusión es que la política ugandesa sobre desplazamiento forzado representa un marco orientado a objetivos de desarrollo, contrario al modelo de Colombia, enfocado en brindar asistencia pero con un fuerte apoyo de actores externos, como entidades de cooperación internacional, lo cual no ha ocurrido al grado esperado hasta ahora. Las medidas para ofrecer soluciones a los desplazados comenzaron con un enfoque en infraestructura pública que no consideró de manera suficiente las necesidades de la población desplazada para garantizar condiciones dignas. Esto indica la necesidad de una mayor orientación hacia las necesidades de la población desplazada.

Palabras clave autor: Desplazamiento forzado, Uganda, Colombia, normatividad, actores, implementación.

Palabras clave descriptores: Desplazamiento forzado, normas sociales, Uganda, Colombia.

I. INTRODUCTION

Since its enactment of the National IDP Policy in August 2004, the African country Uganda has become one of the biggest rights' defenders of Internally Displaced Persons (IDPs). There are obviously many differences between Uganda and Colombia, ranging from specific colonial legacies and histories, to social organization, ethnic diversity and cultural patterns. According to the method of difference, despite the comparison of dissimilar cases, such as reactions to a phenomenon as the internal displacement, it can offer insights that help to increase a conceptual clarity. Under this logic, the contribution presents an outline of the reasons for the proactive engagement of Uganda on internal displacement, major characteristics of conflict-induced displacement in Uganda and contents of the Ugandan IDP-policy.

The focus of the analysis to follow is on North Uganda, Acholiland, as this was the Ugandan region most affected by displacement, as this country's IDP Policy was developed largely in response to the humanitarian IDP crisis between 1996 and 2006, and as this region is in a recovery process that involves significant resources. Based on the elaboration of major differences and similarities, moreover, this study tries to locate this policy in comparison with the colombian regulations on internal displacement. Due to the many aspects involved, this study does not claim to give a complete picture in thorough detail. Rather the aim is to provide an overview, stimulate a comparative reflection and support exchange on the respective internal displacement situation and normative responses.

This contribution is based on a research within the context of my doctoral thesis in Northern Uganda between April and June 2010, and the Colombian Caribbean region between September 2010 and March 2011, complemented since then by published reports and documents. The research method was based on a critical review of documents and literature, as well as semi-structured interviews, with interview partners selected under the theoretical sampling approach. Following the usual

practice in Ugandan studies in the field, interviewees are not quoted by name, but by their functions and role, to facilitate freedom of expression and reduce the risks of negative consequences of critical remarks. I would like to thank all the support that extends to me, and the exchange of information during my research. In Colombia I would like to thank especially William Renán Rodríguez, from the Department of Legal Studies at the Universidad del Magdalena.

II. CONTEXTUALIZATION OF UGANDA'S IDP-SITUATION

The East African country Uganda was colonized since the early 1860s by Great Britain under unequal alliances that favored the kingdoms in the South-West of the territory, which were more easy to interact with for the colonizers than the many smaller chiefly societies that dominated the other regions. From 1963, post-independence regimes tried to invest equally in the country, but failed to balance the existing inequalities. Under the challenges between the dynamics of the Cold War and the balance of power in the new country, which is a conglomerate of very diverse societies, authoritarianism became a feature of the early post-independence regimes under Idi Amin and Milton Obote¹.

Only in 1986 the National Resistance Army led by Yoweri Museveni, pronouncing a pro-democracy and a development agenda, managed to end decades of dictatorship, and pacify most of the territory. The national army had consisted of a high proportion of soldiers coming from the North, a region of origin of, both Amin and Obote, and was subjected to revenge in the transition period², upon the mass-desertion of Northerners from the army reprisals that took place in the Northern Ugandan

1 G.W. Kanyehamba, *Constitutional And Political History Of Uganda. From 1894 To Present*, 1 (2nd ed., Law Africa, Kampala, 2010).

2 Due to the regional inequalities that were even reinforced in the colonial period, there was less infrastructure and socio-economic development, and consequently less employment opportunity, in the Northern region. Therefore, the army offered one of rather few career options for many Northerners. (J. Okuku in S. Finnström, *Living With Bad Surroundings. War, History, And Everyday Moments In Northern Uganda*, 75 (Duke University Press, Durham and London, 2008).

villages and sparked rebellion in this region. Hence, peace and stabilization for Uganda, in North Uganda and other marginal zones of the country, meant the start of an internal conflict, which, in the case of North Uganda, lasted 20 years and led to an internal displacement crisis of unconceivable dimensions³.

Under an agenda of fighting against the marginalization of the North and with elements of spiritism in their ideology, the Lord's Resistance Army (LRA) recruited an estimated number of 20,000 people, progressively also using abduction of especially young persons, to be integrated in the rebel forces and the terrorist attacks on government infrastructure and settlements. While at first this caused sporadic internal displacement, the intensity of the conflict increased over time. Amongst others, this was also due to counterinsurgency strategies that included local government and civilians and exposed these to retaliation by the LRA⁴.

In 1996 by decision of the central government, the military forcibly evacuated nearly the entire population from the conflict-affected areas to the hastily established camps near trading posts and (peri-) urban centers. Once there people had to build up housing on their own, after some time humanitarian aid started to come in⁵. Interrupted by calm periods without fighting, the LRA attacks in new areas continued and the government reacted repeatedly with further "*protective*" displacement⁶. Although some improvements in the planning of new IDP-camps were made, the policy of forcibly displace people in the conflict-affected regions was maintained.

The IDP-camps had between 10,000 and 75,000 inhabitants and were characterized by the over-crowding, lack of employment and income opportunities, deterioration of social norms, in-

3 A.M. Tripp, *Museveni's Uganda. Paradoxes of Power In A Hybrid Regime*, 150ff (Lynne Rienner Publishers, Boulder, London 2010).

4 C. Rodríguez Soto, *Tall Grass. Stories Of Suffering And Peace In Northern Uganda*, 25-35 (Fountain Publishers, Kampala, 2008).

5 MP 3: Interview with local government staffs Kitgum, Gulu, IDP-leaders Amuru Camp (May. 18, Jun. 04, 2010). (Recorded by the author)

6 MP 3: Interview with Civil-Military Relations coordinator of Uganda People's Defense Forces (May. 28, 2010). (Recorded by the author)

creasing rates of suicide, alcoholism, prostitution, gender-based violence, poor sanitary, education and healthcare infrastructure. A problem that arose was the rebel attacks against the poorly protected camps⁷.

In reaction to the increasingly severe situation that overwhelmed public institutions in terms of lack of support, coordination, capacities and ongoing insecurity, the local media, NGOs with international human rights groups and relief agencies in the late 1990s managed to make the IDP-crisis more known. Parliamentarians questioned the increasing military budget and, under the leadership of Scandinavian diplomacy, donors increased pressure on the government in order to end the conflict and solve the IDP-crisis. The pressure exerted on the government was hard to achieve, as Uganda had for so long an excellent reputation for development gains since Museveni had come to power and was considered an African success story⁸. Public discourse and disarticulation of the LRA labeled the North Ugandan conflict as mysterious without clear demands of the rebels, only atrocities⁹.

The determination of the government to bring peace through military siege over the rebels long ignored and, in part, marginalized, is a situation that calls for alternative solutions. Threats to aid cuts and conditions of terminating the conflict, in the end, parallel to the increasing humanitarian disaster, contributed mainly to the shift in the Ugandan public policy¹⁰. In March 2003, the UN Special Representative on IDPs Francis Deng and UN Under Secretary for Humanitarian Affairs, Jan Egeland visited North Uganda and the latter called the situation in the

7 J. El-Bushra, & I. Sahl, *Cycles Of Violence. Gender Relations And Armed Conflict*, 19ff (Agency for Cooperation and Research in Development [ACORD], Nairobi-London, 2005).

8 C. Rodríguez Soto, *Tall Grass. Stories Of Suffering And Peace In Northern Uganda*, 254 (Fountain Publishers, Kampala, 2008).

9 S. Finnström, *Living With Bad Surroundings. War, History, And Everyday Moments In Northern Uganda*, 100ff. (Duke University Press, Durham and London, 2008).

10 C. Rodríguez Soto, *Tall Grass. Stories Of Suffering And Peace In Northern Uganda*, 254 (Fountain Publishers, Kampala, 2008); MFPEP/PEAP in *GNPF Strategic Plan 2010-2014*, 5 (2010); A.M. Tripp, *Museveni's Uganda. Paradoxes of Power in a Hybrid Regime*, 171 (Lynne Rienner Publishers, Boulder- London, 2010).

IDP-camps the worst humanitarian crisis in the world. This sped up efforts to an extent that a consultation process started and, supported by international organizations like UN-OCHA and UN-HCR with civil society groups, in August 2004, the National Policy for Internally Displaced Persons was launched and entered into force in February 2005¹¹.

At the peak of the crisis in 2005, when the LRA-rebels had expanded the attacks to the neighboring Teso- and Lango-regions, 1.8 million people, corresponding to approximately 98% of the North Ugandan population, were displaced in IDP-camps.

The reduced support from neighboring Sudan, increasing military pressure from Ugandan military offensives supported by the USA, as well as the Amnesty Act of 2000 caused debilitation of the LRA, at a point of time when increasing international and national attention and pressure built up on the Ugandan government to ending the conflict: intensive mediation efforts by the church, traditional and regional leaders, supported by the international community, led to a ceasefire in summer 2006 and peace-negotiations. These did not lead to a peace agreement, as the LRA-leaders' demanded for amnesty for their deeds, however, this was not accepted by the Ugandan government. Despite this, a negative peace, in terms of no further attacks taking place on Ugandan soil, has prevailed since August 2006¹². Hence, the IDP policy came into being based on the humanitarian challenges and the public pressure to get the situation under control.

III. UGANDA'S NATIONAL IDP POLICY

The Ugandan IDP policy of August 2004 is built on constitutional provisions for the protection of citizens¹³, regional human rights

11 IRIN in C. Dolan & L. Hovil, *Humanitarian Protection In Uganda. A Trojan Horse?* 6 (Humanitarian Policy Group/Overseas Development Institute, Background Paper, London, Dec. 2006).

12 The LRA is still active in the neighboring countries South Sudan, Central African Republic and DRC.

13 The Ugandan Constitution's bill of rights refers to all universal human rights standards as well as provisions on the rights of Ugandans, especially XIV. General Social and Economic Objectives, and Chapter Four. Protection and Promotion of Fundamental

policies¹⁴, standards and the UN Guiding Principles on Internal Displacement, it offers a comprehensive framework for dealing with internal displacement, caused by conflict as well as natural hazards. Additional programs and plans have been designed to address specific aspects: the National IDP Return, Resettlement and Reintegration Strategic Plan for Lango and Teso sub-regions of 2005, the Emergency Plan for Humanitarian Interventions in North Uganda of 2006, and the Karamoja Integrated Disarmament and Development Program of 2007 as well as the latest program, the Peace and Recovery and Development Plan (PRDP) of 2007¹⁵. The latter is running since 2009.

Uganda is a signatory country to the Pact on Security, Stability and Development in the Great Lakes Region, which obliges its member states to protect and support IDPs, respect their property rights and to work towards sustainable solutions for IDPs¹⁶. Since December 6th, 2012, additionally, the African Union Convention on Internal Displacement, also called Kampala Convention¹⁷, is in force and binding for Uganda, as it was one of the first countries to ratify it. In advocacy for it and its development, Uganda played an important role, as the Ugandan government since the enactment of its policy on internal displacement has been the main driving country on promoting the IDP-rights on the African continent.

Published in August 2004 and officially launched in February 2005, the National Policy for Internally Displaced Persons in its section Background justifies the creation of the policy with repeated occurrence of internal displacement due to conflict and

and Other Human Rights and Freedoms, see Government of Uganda: Constitution of the Republic of Uganda, 25-39ff, 1995.

14 The Republic of Uganda-Office of the Prime Minister, Department of Disaster Preparedness and Refugees: *The National Policy For Internally Displaced Persons*, 2 (Aug. 2004).

15 Brookings-LSE Project on Internal Displacement, *Laws and Policies: Uganda*. <http://www.brookings.edu/about/projects/idp/laws-and-policies/uganda>. (2012).

16 International Conference on the Great Lakes Region, *Pact On Security, Stability And Development In The Great Lakes Region*, articles 12, 13 and 20. <http://www.internal-displacement.org/8025708F004CFA06/%28httpPages%29/8E4644C3046B061AC-12576D400616500?OpenDocument>. (15.12.2006).

17 African Union, *African Union Convention For The Protection And Assistance Of Internally Displaced Persons In Africa (Kampala Convention)*. <http://www.internal-displacement.org/kampala-convention>. (23.10.2009).

natural hazards. Its Glossary explains central terms and in the Preamble the Ugandan government declares its commitment to the protection of citizens against internal displacement for arbitrary reasons, promotion of durable solutions, to facilitate IDPs voluntary return, resettlement, (re-) integration, and making sure that the population gets to know about the existence of this policy¹⁸.

Chapter 1 covers the mission, goals, objectives and principles of the policy and stresses that IDPs have the same rights as other citizens. To achieve the management of IDP situations, it envisages the creation of institutions addressed to internal displaced populations, specifying the roles of these and other relevant institutions and actors. The policy objectives are to reduce the problem of, supporting an integrated response to displacement, voluntary return and resettlement, and to orient recovery programs for easier return options. As guiding principles the policy recognizes regional human rights instruments such as the Charter of African People's and Children's Rights, the UN Conventions on Elimination of All Forms of Discrimination against Women, Torture, and Child rights, the International Covenant of Civil and Political Rights as well as of Economic, Social and Cultural Rights, as well as the Geneva Accords, the UN Guiding Principles on Internal Displacement and the Sphere Project's Minimum Standards in Disaster Response. On an institutional level, internal displacement is addressed in an integrated manner in planning and management of government programs¹⁹.

Chapter 2 outlines the institutions and their duties in the implementation of the policy: The Office of the Prime Minister through its Department of Disaster Preparedness and Refugees (OPM/DDPR) is the responsible lead agency for protection, and support for IDPs²⁰, supervising governmental and humanitarian

18 The Republic of Uganda-Office of the Prime Minister, Department of Disaster Preparedness and Refugees, *The National Policy For Internally Displaced Persons*, vii-xii (Aug., 2004).

19 *Op.cit.*, 1f.

20 I.e. supervision and responsible for coordination of the relevant interventions by minis-

institutions' activities on IDP protection and welfare. It is authorized to request relevant officials and institutions to act on IDP concerns within their mandate²¹.

On a national and local government-level there are four different committees to ensure integrated planning and coordination of prevention, protection and humanitarian assistance to IDPs, including reporting and evaluation²². The Inter-Ministerial Policy Committee (IMPC) and Inter-Agency Technical Committee on Internal Displacement (IATC) operate at national level. At both, national and local levels, there is the Human Rights Promotion and Protection Sub-Committee (HRPPSC). On local level, there is the District Disaster Management Committee²³ (DDMC). Whereby the former two committees have mostly a policy- and supervision mandate, the latter two focus on implementation and quality control at district and sub-county levels. Hereby, the district and sub-county disaster Management Committees have the tasks of coordination and quality control. The Human Rights Promotion and Protection Sub-Committee is responsible for ensuring human rights protection.

- The Inter-Ministerial Policy Committee (IMPC) is responsible for policy formulation and overseeing of IDP-concerns and chaired by the Minister in charge of Disaster Preparedness and Refugees (currently the Prime Minister), and includes all relevant Ministries. The UN Resident/Humanitarian Coordinator, humanitarian agencies and donors may be invited to participate in its deliberations²⁴.
- The Inter-Agency Technical Committee on Internal Displacement (IATC) is in charge of planning and coordinating activities of ministries, governmental departments, private sector,

tries, humanitarian- and development agencies and making sure that IDPs are effectively and timely protected and supported. *Ibidem*, 3

21 *Ibid.*, 3-4.

22 *Ibidem*, 6-10.

23 The DDMC exists on district and sub-county level. The Ugandan territorial administrative system consists of national government, below that districts, sub-county, parishes and villages.

24 The Republic of Uganda-Office of the Prime Minister, Department of Disaster Preparedness and Refugees, *The National Policy For Internally Displaced Persons*, 6-10 (Aug., 2004).

international organizations and NGOs, including legislative proposals, monitoring IDPs' human rights situation, protection, preparation of relief, rehabilitation and reconstruction plans and enabling IDPs to return, resettle and reintegrate, mobilizing and overseeing of funds, establish disaster preparedness and management committees locally responsible, and dissemination of the IDP Policy. The tasks also include regular reporting and recommendations to stakeholders. The IATC consists of senior ministry officials, the Uganda Human Rights Commission, the Amnesty Commission, relevant international organizations, donor technical groups, and the head of the UN Office for the Coordination of Humanitarian Affairs (UN-OCHA)²⁵.

- The Human Rights Promotion and Protection Sub-Committee (HRPP) has the task of monitoring and ensuring that the processes respect national and international human rights standards. It is composed by actors from ministries, local authorities, humanitarian and development agencies and the Uganda Human Rights Commission (UHRC) and is the focal point at community level regarding feedback, claims, legal aid and independent reporting on the human rights situation. At district level, this committee is constituted by religious groups representative, humanitarian and development agencies and NGOs, the UHRC, the District Police Commander, the Amnesty Commission, and the District Disaster Management Committee²⁶.

The District Disaster Management Committee (DDMC) is the lead agency at district level. It is constituted by relevant government department representatives, the Resident District Commissioner (RDC)²⁷, responsible for the security of IDPs, humanitarian agencies, the Private Sector Resident and one male

25 *Op.cit.*

26 The Republic of Uganda – Office of the Prime Minister, Department of Disaster Preparedness and Refugees: *The National Policy for Internally Displaced Persons*, 10f-15f (Aug., 2004).

27 The RDC is appointed by the President and the liaison point between the district and central government.

and female IDP representative. The local government's Chief Administrative Officer (CAO) heads the DDMC and the mobilization of local resources for the support to IDPs, has the obligation of the policy on displacement and ensure the consultation of displaced women and youth. The DDMC can employ staff, use outside assistance, delegate duties and conduct consultations. This committee also exists on sub-county level²⁸.

Chapter 3 explains the conditions that have to be respected and adhered, as well as important topical areas of implementation: Security, freedom of movement, protection against arbitrary displacement, voluntary return and resettlement, legal status, and registration, rights regarding property, family reunion, basic needs such as shelter, food, clothes, education and health, access to drinking water, kits for resettlement, infrastructure renovation, tax exemption and the importance of environment protection.

Chapter 4 gives guidance on the coordination between national and international governmental and developmental institutions and actors. Chapter 5 states the importance of public information and demands that the actors who work in public policy implementation provide information on the policy and its contents, also in local languages²⁹.

According to the policy IDPs have the right to equal protection and non-discrimination by government, as well as to request protection, humanitarian assistance from national and district authorities. The policy is consistent with international humanitarian and human rights law, as well as with the UN Guiding Principles on Internal Displacement. The aims of the IDP policy are the alleviation of effects of internal displacement through the designation of responsibilities and multi-sectoral, multi-disciplinary intervention structures for timely protection and assistance to IDPs³⁰.

28 The Republic of Uganda-Office of the Prime Minister, Department of Disaster Preparedness and Refugees, *The National Policy For Internally Displaced Persons*, 11-15 (Aug., 2004).

29 *Op.cit.*, 39.

30 The Republic of Uganda-Office of the Prime Minister, Department of Disaster Prepared-

Under the section of General Provisions, 3.1 Security, the IDP-policy amongst others explained that the OPM-DDPR, UHRC, humanitarian and development agencies must sensitize the police and other armed forces on this policy, the UN Guiding Principles on Internal Displacement, Child Rights, regional and international human rights law and International Humanitarian Law. Also, a provision requests special measures, by government with support of humanitarian and development agencies, to prevent sexual violence, early marriage and other forms of exploitation of the most vulnerable IDPs. Furthermore, freedom of movement, voluntary return and resettlement, property rights, family reunion, governmental efforts to ensure food security, shelter, clothing, education, health, water and sanitation, resettlement kits, rehabilitation of infrastructure are guaranteed in the policy³¹.

UN, bi- and multilateral aid agencies and international NGOs are expected to channel support as much as possible through the relevant line ministry, or where there is no clear line ministry, as e.g. in non-food items, through the OPM/DDPR or the Local Government/communities in need. Channeling of assistance through local humanitarian and development agencies and the private sector is encouraged to support local capacities. The policy recognizes the important role of media and communication, the free broadcast of IDP-assistance shall be made, it engages the OPM/DDPR to encourage cooperation among governmental institutions and other role players to support information availability and requests support with radios from donors³².

IV. THE PEACE RECOVERY AND DEVELOPMENT PLAN (PRDP)

As foreseen in the IDP-policy a reconstruction and post-conflict rehabilitation program was drawn up with the National Peace, Recovery and Development Plan (PRDP) under leadership of

ness and Refugees, *The National Policy For Internally Displaced Persons*, 3-4 (Aug., 2004).

31 *Op.cit.*, 19ff.

32 *Ibidem*, 36-39.

the Inter-Ministerial Technical Committee and building on a two-year long consultation phase “*with all stakeholders at the district and national level*”. According to the PRDP, this program is a commitment of the Ugandan government to stabilize and recover the North within three years by means of coherent programs in a framework to be adopted by all stakeholders involved in the implementation. The PRDP covers not only the regions explicitly targeted and most-affected by the LRA-insurgency, but the entire Northern Ugandan region. The PRDP is called a plan to “*disaggregate the North from national sector plans*”, based on lessons from previous support to North Uganda, with targets sensitive to the specific needs of the covered regions to bring their socio-economic indicators to the national level³³.

The PRDP's overall goal is to consolidate peace and security and lay the foundation for peace and development. Its four strategic objectives are, (1) consolidation of state authority; (2) community rebuilding and empowering; (3) economic revitalization; and (4) peace-building and reconciliation. These are to be reached through 14 programs, according to the framework document prioritized by the districts as most critical for stabilizing the North³⁴.

The PRDP is harmonized with the national Poverty Eradication Action Plan and will be evaluated after its duration against it. The PRDP has to contribute to an empowering environment and to address causes, consequences and related vulnerabilities caused by the conflict in a comprehensive manner³⁵.

The PRDP is under the political supervision of the Minister of State for Northern Uganda and is managed and coordinated by the Office of the Prime Minister. The already on-going programs and projects in Northern Uganda have to be realigned with the

33 Government of Uganda, *The Poverty Reduction And Development Program (PRDP), 2007-2010*, vi, xiii, 17. <http://www.ugandaclusters.ug/downloads/0502Programs/PRDP/PRDPSept2007.pdf>. (Sep. 2007).

34 *Op.cit.*, vii-viii.

35 Government of Uganda, *The Poverty Reduction And Development Program (PRDP), 2007-2010*, 20-26 (Sep., 2007).

Table 1 Programs under the PRDP

a) Facilitation of peace agreement initiatives	h) Return and resettlement
b) Police enhancement	i) Community empowerment and recovery
c) Prisons enhancement	j) Production and marketing
d) Judicial services enhancement	k) Infrastructure rehabilitation
e) Enhancing local government	l) Environment and natural resource management
f) Rationalization of auxiliary forces	m) Public information, education and communication, sensitization and counseling
g) Emergency assistance	n) Amnesty, demobilization and reintegration.

PRDP -objectives³⁶. A policy committee and a PRDP Coordination and Monitoring Unit are set up at central level to oversee the implementation and coordination of the activities by the sector ministries and local government, using the existing structures. The budget of the PRDP is 606,519,297 USD with 31%, 30% and 39% respectively to be spent in the three envisaged years³⁷.

Policy and budget are supervised by the Northern Uganda Rehabilitation Policy Committee (NPC), chaired by the named Minister of State. NPC has biannual meetings and is tasked with advocacy and resource mobilization, ensuring coherence and consistency of the PRDP programs with national policies, reviewing on-going interventions and providing advice on broad government policy on the Northern region. Additionally to the NPC there is a forum for international cooperation actors with meetings every 3 months to analyse and discuss the progress reports on the implementation of the PRDP. A Unit is the focal point for the ministries, districts and local governments to lower

³⁶ *Op.cit.*

³⁷ *Ibidem*, 103, viii-ix.

levels, development partners and NGOs to guarantee harmonization of actions with PRDP objectives³⁸.

At local government level, the Chief Administrative Officer (CAO), together with the Political Leadership of the district, is responsible for the general management and coordination of the PRDP, especially the implementation plans, supervision and management of the PRDP. A PRDP Liaison Officer to follow up on PRDP -implementation according to the PRDP is to be hired by the CAO³⁹. The District Technical Planning Team is responsible for the development and implementation strategies, identifying the key activities and implementation partners, supervision of procured work, coordination of sectoral activities, monitoring and accounting of sector budgets and investments. They also work in their technical sub-committees that also include development partners and other stakeholders for better coordination within the districts⁴⁰.

Budget-wise the PRDP has the following attributions⁴¹: (1) Consolidation of state authority (23.8% of the budget), (2) Rebuilding and empowering communities (47.40%), (3) Revitalization of the economy (23.18%), and (4) Peace-building and reconciliation (2.70%).

V. IMPLEMENTATION OF THE IDP-POLICY

The Office of the Prime Minister, Department for Disaster Management, is responsible for the overall implementation of the IDP-policy. It has its head-office in Kampala and opens chapters where there are situations of (larger scale) displacement, which exist until displacement has ended. The regional offices support the main responsible institution, local government, in implementing and ensuring the linkage between the center and

38 *Ibid.*, 103f.

39 Government of Uganda, *The Poverty Reduction And Development Program (PRDP)*, 2007-2010, 104. (Sep. 2007).

40 *Op.cit.*, 108.

41 *Ibidem*, 113ff .

the district. The staff seconded by the OPM to the DDMC is the secretary of the DDMC and has to ensure that there is an adequate service in the covered area, in which there is close cooperation with UN-OCHA⁴².

In Uganda a strongly decentralized system of government has been put in place from the late 1980s, formalized with the Local Government Act of 1996. The basis of this system is the so-called Local Councils (LC) that bring together representatives of different constituencies within the respective community and decide on local issues. These exist from the village level (LC 1), to the parish (LC 2), to the sub-county (LC 3) up to the so far highest decentral political entity, districts (LC 5)⁴³.

However, the local government capacity is a problem, also in the North of Uganda. At sub-county level often eight positions are foreseen, but only one to three are filled. Both human technical capacity and funds for staff are lacking⁴⁴. Also, as indicated in interviews there is no separate budget for the coordination of the IDP policy by local government that according to law must take the lead in this aspect. Through improvisation, an interim solution was found in the form of support of OPM-staff, however a local government staff, judges this as not sustainable: When the displacement crisis passes, the OPM and its staff will leave⁴⁵.

Similarly, a construction engineer feared that external support will decrease as, humanitarian aid is already less urgent, whereas reconstruction and wholistic recovery will need time, and in comparison with the greater resources and technical expertise⁴⁶. Meanwhile, in 2012 this has already become reality: as the most acute crisis and media attention passed, most international actors and development partners have withdrawn and continued

42 MP3: Interview with Disaster Management Officer, OPM-Gulu (Jun. 01, 2010). (Recorded by the author)

43 Republic of Uganda, *Local Government Act*. Cap.243 (as amended) (2006).

44 MP3: Interview with Former Kitgum Local Government Staff (Jun. 04, 2010). (Recorded by the author).

45 MP3: Interview with Gulu Local Government Staff (May. 18, 2010). (Recorded by the author)

46 MP3: Interview with Construction engineer, Gulu (May. 26, 2010). (Recorded by the author).

financing of reconstruction has become even more difficult⁴⁷. Hence, reliance on external staff in the period of early recovery might have disadvantages in the long run.

According to the IDP policy the local government remains responsible at the time of research in spring 2010, this meant a degree of double work and resulted in over-burdening of the responsible local authorities. That happened in combination with their disempowerment regarding projects' management, which, in effect, was made by members of the OPM. This seems to be a continuation of a previous circumstance, as according to a former local government staff, in the years of on-going conflict and IDPs-camp crisis, 1996-2006, the lacking resources disposition played itself out by dependence on external actors and financial sources, such as humanitarian NGOs and international agencies.

Apart from coordination difficulties and interculturally different interpretations of what must to be done, external actors often had very specific mandates and conditions for their support and could not necessarily orient on local government priorities. As a result, sometimes, the concerns that were more urgent and more difficult to solve for local authorities were neglected. The strong reliance on donor-support also discouraged capacity-development for the main implementing institution, the local government⁴⁸.

While it is positive that the displacement policy foresees the establishment of a disaster fund, in 2010 alone there were movements in the direction by the Local Government Disaster Fund Association⁴⁹. UN-OCHA closed its Uganda office in January 2011, after a hand-over of advocacy for durable solutions

47 *Refugee Law Project, From Arid Zones Into The Desert. The Ugandan National IDP Policy. Implementation 2004-2012*, 23 (Refugee Law Project, Working Paper, Oct. 23, 2012).

48 MP 3: Interview with Former Kitgum local government staff (Jun. 04, 2010). (Recorded by the author).

49 Thrusted by the land-slides in May 2010 the Uganda Local Governments Association have taken a joint step to set up a disaster management support pool, into which every district is supposed to pay 500,000 Ushs and every sub-county 100,000 Ushs. See D. Mafabi, *Local govts develop strategy to handle disasters*. Daily Monitor, May. 17, 2010. <http://www.monitor.co.ug/News/National/-/688334/919750/-/wynryf/-/index.html>.

to the government⁵⁰. UNHCR ended its protection program for IDPs and gave its duties further to the Uganda Human Rights Commission, which had received capacity building from UNHCR amongst others, since 1999⁵¹. A good practice in the IDP-policy was the Human Rights Protection and Promotion Committee on district and sub-county levels, which guaranteed monitoring and regular analysis of the human rights situation of IDPs⁵².

Despite efforts to demonstrate the broad participation of IDPs and local institutions in developing the IDP Policy and PRDP⁵³, in short, the process was not transparent enough: NGOs and IDPs repeatedly make the reproach of insufficient consultation and consideration of concerns of IDPs. Members of the Refugee Law Project and Ugandan Women Parliamentarians Association argue that in the PRDP there is an imbalance between expenditures for military, security, and infrastructure expenditures compared with community support and reconciliation. The Gulu NGO Forum criticizes inefficient communication structures and requests that the government would present itself as service provider rather than building a framework stimulating initiative for reconstruction and recovery⁵⁴. Many IDPs say that they were not consulted, that implementation started late and question the timing and sequence of the implementation focus of the PRDP: while near their settlements in 2010 there was already construction of public infrastructure under way, returnees had a very hard time to reestablish themselves in the return areas⁵⁵.

50 Republic of Uganda, *Humanitarian Profile 2012*, 8. <http://www.internal-displacement.org/countries/Uganda>. (21.12.2011).

51 UNHCR in Internal Displacement Monitoring Centre, Uganda: Need To Focus On Returnees And Remaining IDPs In Transition To Development. A Profile Of The Internal Displacement Situation, 47. <http://www.internal-displacement.org/countries/Uganda>. (May. 24, 2012).

52 MP3: Interview with UHRC member (May. 27, 2010). (Recorded by the author).

53 MP3: Interview with Gulu local government staff (May. 18, 2010). (Recorded by the author). Government of Uganda: *The Poverty Reduction And Development Program (PRDP), 2007-2010*, 19f, 103ff. <http://www.ugandaclusters.ug/downloads/0502Programs/PRDP/PRDPSept2007.pdf>. (Sep. 2007).

54 MP3: Interviews with staff of Refugee Law Project in Gulu (Apr. 12, 2010); UWOPA staff in Kampala, Gulu NGO Forum (Apr. 26, 2010). (Recorded by the author).

55 Interview IDPs in Adac, Gulu, observation outreach event Ongom, Pader, as well as P. Aworo & Cissy Makumbe, *Stuck in the Camps with no where to go*, Daily Monitor. <http://www.monitor.co.ug/News/National/-/688334/861562/-/wii5lw/-/index.html> (Feb. 14, 2010).

Even a Disaster Management Officer of the OPM admits that consultation for the first year of implementation “*might have been a bit technical*” and that the focus on socio-economic recovery was planned only from the second year of the PRDP’s implementation⁵⁶.

Another issue, not considered to the necessary degree, is socio-cultural transformation in the long time of displacement. Up to two generations were subjected to camp-life for up to 15 years and, as mentioned, were living in surroundings more corresponding to urban areas than rural cosmology and where social roles underwent significant transformation⁵⁷. Amongst others, this today calls into question the role of traditional leaders should have and how they should be treated by central government and external actors, such as development partners. On the one hand, the legitimacy of traditional leaders is low among sectors of the predominantly young population, as the camp life did not allow continuation of all their duties⁵⁸.

On the other, several traditional leaders have fallen for the trap of financial resources and corruption⁵⁹ in the return process where land, different to formerly practiced communal land-use, has become a valuable asset⁶⁰. In the absence of cadasters, traditional leaders are supposed to make sure everyone can go back to his/her land. There seems to be consensus on their role with regard to performing rituals⁶¹. Instead of limiting interven-

56 MP3: Interview with Disaster Management Officer of the OPM Gulu (Jun. 01, 2010). (Recorded by the author).

57 MP3: Interview with Kitgum Local Government Staff (Jun. 07, 2010). (Recorded by the author).

58 ICTJ in Liu Institute, Gulu District NGO Forum, Ker Kwaro Acholi, Roco Wat I Acoli, *Restoring Relationships In Acholi-Land. Traditional Approaches To Reconciliation, Justice And Re-Integration*, 6. <http://www.ligi.ubc.ca/?p2=modules/liu/publications/view.jsp&id=16>. (Sep. 2005); *Ibidem*, 22.

59 MP3: Interview with IDP leaders in Amuru Camp, Amuru (Jun. 06, 2010). (Recorded by the author).

60 MP3: Interview with Kitgum Local Government staff (Jun. 07, 2010). (Recorded by the author as well as interviews, local government officials Kitgum 3 and 4 March 2012 quoted in Refugee Law Project: *From Arid Zones Into The Desert. The Ugandan National IDP Policy. Implementation 2004-2012*, 25 (Refugee Law Project, Working Paper 23, Oct., 2012).

61 MP3: Interviews with Resident District Commissioner Gulu (May. 11, 2010) and IDP leaders in Amuru Camp, Amuru (Jun. 06, 2010) (Recorded by the author)

tion to this rather uncontested area, some donors and central government, through the PRDP among others, started to support developmental activities and built palaces for traditional leaders, who traditionally did not possess them and could carry out their activities only based on support of, and accountability to, their communities⁶².

As a Norwegian Refugee Council staff in Gulu analyzes, factors weakening the policy are that first of all it was “*only*” a policy, not a law, and with this it would be very hard to enforce its implementation⁶³. Even the Office of the Prime Minister (OPM), which coordinates and conducts the process at national level, would not have the possibility to sanction stakeholders for not-performing their duties⁶⁴.

VI. DIFFERENCES AND SIMILARITIES WITH THE COLOMBIAN LEGAL FRAMEWORK ON INTERNAL DISPLACEMENT

The most striking differing point is obviously that the Ugandan IDP Policy is so-called “*soft law*”, as opposed to the Colombian Law 387 of 1997⁶⁵ that additionally was backed up with legal measures such as Court sentences, notably sentencia T0-25 of 2004⁶⁶ and numerous *autos* following and regulating specific aspects in relation to Law 387. As on December 06, 2012 the African Union’s Kampala Convention became legally binding for Uganda, this has changed meanwhile. While the policy being soft law has been criticized by several actors, in the context of

62 MP3: Interview with Kitgum Local Government Staff (Jun. 07, 2010). (Recorded by the author).

63 With the entering into force of the Kampala Declaration this changed on 06 December 2012.

64 MP3: Interview with Staff Norwegian Refugee Council Gulu (May. 17, 2010). (Recorded by the author).

65 Ley 387 de 1997. Por la cual se adoptan medidas para la prevención del desplazamiento forzado; la atención, protección, consolidación, estabilización socio-económica de los desplazados internos por la violencia en Colombia, Jul. 18, 1997, DO. No. 43091 (Colombia). http://www.secretariassenado.gov.co/senado/basedoc/ley/1997/ley_0387_1997.html.

66 Corte Constitucional de Colombia, Sentencia T0-25, of 2004 (Decision by Judge Manuel José Cepeda Espinosa, Mar. 03, 2004). <http://www.corteconstitucional.gov.co/relatoria/2004/t-025-04.htm>.

the on-going conflict characterized by government unreadiness to accept negotiations with the rebel group LRA and future developments were not clear, the approach of a Policy might have made sense. Today's situation of negative peace allows a comprehensive census and determination of needs, but has been characterized by unequal priorities in reconstruction. Therefore the form of hard law will be of advantage in terms of increasing the possibilities of the returnee population to effectively demand prompt and full service delivery. Also, local government that in North Uganda historically has been viewed with suspicion of collaboration with the LRA rebel group could be backed up with legal claims of the population in their efforts of reconstruction and bargaining priorities with central government.

The role of local government institutions in the Ugandan IDP Policy and the Colombian norms on internal displacement is different insofar as the Colombian support system to IDPs has strongly centralized and deconcentrated features, that has some degree of participation of local governments, but within strict limits and authorization⁶⁷. Ugandan local governments are supposed to be in the forefront of support to IDPs and are their interfaces rather than the central government body Office of the Prime Minister, but are inhibited in their possibilities to effectively act.

Further, different is also that the Ugandan IDP Policy also covers IDPs caused by natural disasters, who are not included in the Colombian Law 387 of 1997. Colombian Decree 919 of 1989⁶⁸, restructured under decree 4147 of 2011, regulates this problem and defines persons displaced by natural disaster are entitled

67 The participation of local governments in Colombia on the hand hand has ben hampered by strong administrative centralization and a limited economic scope and in several cases by low initiative, sometimes in combination with (local) state capture by illegal armed groups active in the armed, internal, conflict. Cf. Brookings Institution & University of Bern Project on Internal Displacement: *Protecting the Displaced of Colombia. The Role of Municipal Authorities. Summary Report*. 2ff. (Bogotá, Nov. 14, 2008). Rodríguez Takeuchi, L.K., *Los municipios colombianos y el conflicto armado. Una mirada a los efectos sobre la efectividad en el desempeño de los gobiernos locales*. 95 Colombia Internacional, 70 (2009).

68 Decreto 919 de 1989 [con fuerza de ley]. Por el cual se organiza el Sistema Nacional para la Prevención y Atención de Desastres y se dictan otras disposiciones. May. 1, 1989. DO. No. 38799 (Colombia).

financing of reconstruction has become even more difficult⁴⁷. Hence, reliance on external staff in the period of early recovery might have disadvantages in the long run.

According to the IDP policy the local government remains responsible at the time of research in spring 2010, this meant a degree of double work and resulted in over-burdening of the responsible local authorities. That happened in combination with their disempowerment regarding projects' management, which, in effect, was made by members of the OPM. This seems to be a continuation of a previous circumstance, as according to a former local government staff, in the years of on-going conflict and IDPs-camp crisis, 1996-2006, the lacking resources disposition played itself out by dependence on external actors and financial sources, such as humanitarian NGOs and international agencies.

Apart from coordination difficulties and interculturally different interpretations of what must to be done, external actors often had very specific mandates and conditions for their support and could not necessarily orient on local government priorities. As a result, sometimes, the concerns that were more urgent and more difficult to solve for local authorities were neglected. The strong reliance on donor-support also discouraged capacity-development for the main implementing institution, the local government⁴⁸.

While it is positive that the displacement policy foresees the establishment of a disaster fund, in 2010 alone there were movements in the direction by the Local Government Disaster Fund Association⁴⁹. UN-OCHA closed its Uganda office in January 2011, after a hand-over of advocacy for durable solutions

47 *Refugee Law Project, From Arid Zones Into The Desert. The Ugandan National IDP Policy. Implementation 2004-2012*, 23 (Refugee Law Project, Working Paper, Oct. 23, 2012).

48 MP 3: Interview with Former Kitgum local government staff (Jun. 04, 2010). (Recorded by the author).

49 Thrusted by the land-slides in May 2010 the Uganda Local Governments Association have taken a joint step to set up a disaster management support pool, into which every district is supposed to pay 500,000 Ushs and every sub-county 100,000 Ushs. See D. Mafabi, *Local govts develop strategy to handle disasters*. Daily Monitor, May. 17, 2010. <http://www.monitor.co.ug/News/National/-/688334/919750/-/wynryf/-/index.html>.

the district. The staff seconded by the OPM to the DDMC is the secretary of the DDMC and has to ensure that there is an adequate service in the covered area, in which there is close cooperation with UN-OCHA⁴².

In Uganda a strongly decentralized system of government has been put in place from the late 1980s, formalized with the Local Government Act of 1996. The basis of this system is the so-called Local Councils (LC) that bring together representatives of different constituencies within the respective community and decide on local issues. These exist from the village level (LC 1), to the parish (LC 2), to the sub-county (LC 3) up to the so far highest decentral political entity, districts (LC 5)⁴³.

However, the local government capacity is a problem, also in the North of Uganda. At sub-county level often eight positions are foreseen, but only one to three are filled. Both human technical capacity and funds for staff are lacking⁴⁴. Also, as indicated in interviews there is no separate budget for the coordination of the IDP policy by local government that according to law must take the lead in this aspect. Through improvisation, an interim solution was found in the form of support of OPM-staff, however a local government staff, judges this as not sustainable: When the displacement crisis passes, the OPM and its staff will leave⁴⁵.

Similarly, a construction engineer feared that external support will decrease as, humanitarian aid is already less urgent, whereas reconstruction and wholistic recovery will need time, and in comparison with the greater resources and technical expertise⁴⁶. Meanwhile, in 2012 this has already become reality: as the most acute crisis and media attention passed, most international actors and development partners have withdrawn and continued

42 MP3: Interview with Disaster Management Officer, OPM-Gulu (Jun. 01, 2010). (Recorded by the author)

43 Republic of Uganda, *Local Government Act*. Cap.243 (as amended) (2006).

44 MP3: Interview with Former Kitgum Local Government Staff (Jun. 04, 2010). (Recorded by the author).

45 MP3: Interview with Gulu Local Government Staff (May. 18, 2010). (Recorded by the author)

46 MP3: Interview with Construction engineer, Gulu (May. 26, 2010). (Recorded by the author).

tions, requirements and actually delivered goods and services by the Ugandan institutions expected to lead the processes support of IDPs. External actors as outsiders to the Ugandan legal system, could hardly be forced to deliver support and services according to nationally defined time-frames and standards as organizational mandates did not always orient on local needs. Also, the reliance on external support might have discouraged capacity-development of local government institutions and organizations, even though the IDP Policy encourages it. That the IDP Policy is “*soft law*” reinforces this, as implementation can even harder be enforced.

The Ugandan IDP Policy designates local government as the main implementing institution of the policy, different to the Colombian legal framework that foresees responsibility sharing between the local and national level and separate institutions focusing on IDPs, until the enactment of and transition to the Victims’ Law 1448 of 2011⁷³, and since then the category of victims of the armed conflict. Also, the Colombian Constitutional Court’s active stance in defense of the rights of IDPs, and the emission of corresponding legal orders to public entities, is not paralleled in Uganda.

Similarities consist of the following: The committees foreseen by both the Ugandan IDP Policy and the Colombian Law 387 of 1997 try to put in place a well coordinated response to challenges posed by displacement in its different phases. Despite the importance expressed to social communication and the need to inform the population of the IDP Policy, the outreach in this hindsight was too little comprehensive, as evidenced by the fact that many IDPs either do not know what the Ugandan IDP Policy is or confound it with the government’s strategy of protective forced displacement to IDP-camps carried out in conflict zones between 1996 and 2005⁷⁴. In Colombia much work has been

73 Ley 1448 of 2011. Por la cual se dictan medidas de atención, asistencia y reparación integral a las víctimas del conflicto armado interno y se dictan otras disposiciones. Jun. 10, 2011. DO. No. 48096. <http://www.internal-displacement.org/countries/colombia>.

74 MP3: Interview with IDP leaders and lower local government officials at times answered my queries on the IDP Policy with reference to forced encampment and an IDPC-Policy,

invested in this field, but unified positions among IDP leaders still seem a challenge⁷⁵.

Questions of land and settlement of returnees were underestimated in the Ugandan IDP-Policy and, in another way than in Colombia, but also, turned out to be controversial and inhibiting socio-economic re-establishment of returnees in some areas. The use of natural resources has been considered too little in the Ugandan IDP Policy's regulations on voluntary return and resettlement, and in return, the processes have become potential or actual sources of social conflict. Colombian legislation until 2011 did foresee measures, but these were undermined by cooptation and coercion practices under resource accumulation strategies by actors of violence involved in the armed internal conflict and elites in alliance with these.

Law 1448 of 2011, the Victims' Law with its articles on Land Grabbing⁷⁶, has created institutions and mechanisms to address this problem in the Colombian context. While the background situation differs strongly, in both countries the existing conflict resolution mechanisms have turned out to be overwhelmed by the high number and complexity of land-conflicts. Here, the Colombian institutions created and its research decisions on cases on land-possession and public enforcement could offer lessons to the Ugandan situation. In the return areas of North Uganda, people affected by land conflicts so far have to stand up for their rights and might lose out if faced with richer or more powerful competitors, who can afford bribes or appealing in the next instance to the higher judicial level⁷⁷.

A similarity can be found between the Uganda Human Rights Commission (UHRC) and the Colombian Ministerio Público⁷⁸

meaning IDP-camps Policy (IDP-leaders and LC 3-chief in Pader, North Uganda (May. 26, 2010). (Recorded by the author).

⁷⁵ Notes to interview: staff of Acción Social in Bogotá (Feb. 02, 2011).

⁷⁶ Ley 1448 of 2011. Por la cual se dictan medidas de atención, asistencia y reparación integral a las víctimas del conflicto armado interno y se dictan otras disposiciones. (Ley de Víctimas). Jun. 10, 2011. Art. 66-116. DO. No. 48096.

⁷⁷ Republic of Uganda, *Humanitarian Profile 2012*, 4. <http://www.internal-displacement.org/countries/Uganda>. (Dec. 21, 2011).

⁷⁸ Ley 1448 of 2011. Por la cual se dictan medidas de atención, asistencia y reparación

with its institutions Personería, Defensoría del Pueblo and Procuraduría. The UHRC monitors and reports on the human rights situation of IDPs, participates in local government planning and monitoring sessions relevant to human rights in (post-) conflict areas and is the institution that provides legal advice to and opportunity for claims and requests of IDPs and returnees.

integral a las víctimas del conflicto armada interno y se dictan otras disposiciones. (Ley de Víctimas). Capítulo II, Art. 20. Jun. 10, 2011. DO. No. 48096.

VII. CONCLUSION

The Ugandan IDP Policy of August 2004 was developed out of an acute humanitarian IDP crisis that after several years had drawn international and national attention. Based on needs and lessons learnt during the internal armed conflict in North Uganda, the policy was developed in the early 2000s, involving public consultation that, however, lacked comprehensiveness. Contrary to the Colombian norms, it also comprises displacement due to natural disaster.

The form of a policy, soft-law, that additionally at some very strategic points lacks specification, meant that implementation of the big reconstruction program, the Peace, Recovery and Development Program, has been characterized by imbalance between security and public infrastructure and livelihood support to returning IDPs. The more complex Colombian norms on internal displacement have the form of hard law with very detailed definitions and regulations.

Recent progress with regard to regional agreements on the African continent, the Great Lakes Pact of 2006 and especially the Kampala Convention that entered into force on December 06 2012, can be expected to act as push-factors for a process of further elaboration of norms in Uganda and for speeding up of support to socio-economic re-establishment of returned IDPs and property rights protection. A legal body taking on proactively the plight of IDPs in the country comparable to the Colombian Constitutional Court does not exist in Uganda, while the committees on national level do monitor the processes.

A rural and rather traditional image of returnees, along with low financial resource availability, means that the most envisaged perspective for solution of displacement has been to return to the original settlements in the practice of the Ugandan policy's implementation, leaving urban IDPs out of the equation. Social transformation in camp-life ought to be recognized more strongly to also address current questions regarding the legitimacy of

traditional leaders respectively, as well as their needs to adapt to new cultural perceptions and demands better.

Strong donor reliance, also in implementation, significantly hampered the process to roll out protection, support and recovery activities for IDPs. Significant delays and lack of coordination were an additional burden on national and local institutions. Aspects similar between the two norms, are the existence of comprehensive approaches to the problem of internal displacement, a wide range of principles, committees to ensure an effective coordination between the involved actors, the existence of control and human rights promoting institutions, existing land property challenges and disputes and a lacking degree of outreach to the public on the norms and programs used to tackle displacement in Uganda and Colombia.

In comparison to the Colombian norms on internal displacement, and recently to address the situation of victims of the armed conflict, the Ugandan IDP Policy seems a much more simple model. However, with the enforcement of the Kampala Convention new mechanisms will have to be developed or strengthen the existing ones. While the Ugandan IDP Policy ought to strengthen its focus on socio-economic rehabilitation of the population and the development of the conflict-affected region, as opposed to large-scale construction without the capacity to fill buildings with adequate services, the focus on return and development might not be necessarily wrong.

BIBLIOGRAPHY

BOOKS/ CHAPTERS OF BOOKS

- Behrend, H., Laquena, A. & the Holy Spirits, *War In Northern Uganda 1986-97*, 33ff (James Currey Publishers, Fountain Publishers, Oxford-Kampala, 1999).
- Brookings Institution & University of Bern Project on Internal Displacement, *Protecting The Displaced Of Colombia. The Role Of Municipal Authorities. Summary Report*. 2ff. (Bogotá, 2008).
- Dolan, C. & Hovil, L., *Humanitarian Protection In Uganda. A Trojan Horse?* 6 (Humanitarian Policy Group, Overseas Development Institute, Background Paper, 2006).
- El-Bushra, J. & Sahl, I., *Cycles Of Violence. Gender Relations And Armed Conflict*, 11ff. (Agency for Cooperation and Research in Development [ACORD], Nairobi-London, 2005).
- Finnström, S., *Living With Bad Surroundings. War, History, And Everyday Moments In Northern Uganda*, 75-100ff (Duke University Press, Durham-London, 2008).
- Kanyehimba, G., *Constitutional and Political History Of Uganda. From 1894 To Present*, 1 (2nd ed., LawAfrica, Kampala, 2010).
- Liu Institute, Gulu District NGO Forum, Ker Kwaro Acholi, Roco Wat I Acoli, *Restoring Relationships In Acholi-Land. Traditional Approaches To Reconciliation, Justice And Re-Integration*, 6. <http://www.ligi.ubc.ca/?p2=modules/liu/publications/view.jsp&id=16>. (Sep. 2005).
- Okuku, J. in S. Finnström, *Living With Bad Surroundings. War, History, And Everyday Moments In Northern Uganda*, 75 (Duke University Press, Durham and London, 2008).
- Rodríguez Soto, C., *Tall Grass. Stories Of Suffering And Peace In Northern Uganda*, 25-35, 254 (Fountain Publishers, Kampala, 2008).
- Tripp, A., *Museveni's Uganda. Paradoxes Of Power In A Hybrid Regime*, 150ff., 171. (Lynne Rienner Publishers, Boulder-London, 2010).

ARTICLES

- Aworo, P. & Makumbe, C., *Stuck in the Camps with no where to go*, Daily Monitor (Feb. 14, 2010). <http://www.monitor.co.ug/News/National/-/688334/861562/-/wii5lw/-/index.html>.
- Mafabi, D., *Local Govts Develop Strategy To Handle Disasters*, Daily Monitor, 7-9, (May. 17, 2010). <http://www.monitor.co.ug/News/National/-/688334/919750/-/wynryf/-/index.html>.
- Rodríguez Takeuchi, L.K., *Los municipios colombianos y el conflicto armado. Una*

mirada a los efectos sobre la efectividad en el desempeño de los gobiernos locales, 95 *Colombia Internacional*, 70 (2009).

ELECTRONIC SOURCES

- African Union, *African Union Convention For The Protection And Assistance Of Internally Displaced Persons In Africa (Kampala Convention)*. <http://www.internal-displacement.org/kampala-convention>. (Oct. 29, 2009).
- Brookings-LSE Project on Internal Displacement, *Laws And Policies: Uganda*. <http://www.brookings.edu/about/projects/idp/laws-and-policies/uganda>. (2012).
- Internal Displacement Monitoring Centre, *Uganda: Need To Focus On Returnees And Remaining Idps In Transition To Development. A Profile Of The Internal Displacement Situation*, 47. <http://www.internal-displacement.org/countries/uganda>. (May. 24, 2012).
- Refugee Law Project, *Is The PRDP Politics As Usual?: Update on The Implementation of Uganda's Peace, Recovery and Development Plan*, 25 (Refugee Law Project Briefing Papers" Briefing Note 2). http://www.refugeelawproject.org/briefing_papers/RLP.BP0802.pdf. (Dec., 2008).
- Refugee Law Project, *From Arid Zones Into The Desert. The Ugandan National IDP Policy. Implementation 2004-2012*, 9-23 (Refugee Law Project, Working Paper, Oct. 23, 2012).
- Republic of Uganda, *Humanitarian Profile 2012*, 4-8. <http://www.internal-displacement.org/countries/uganda>. (Dec., 21, 2011).

CONVENTIONS, LAWS AND OTHERS

- Amendment of Article 5 of the Constitution. Clause 2. Dec. 30, 2005. <http://www.ugandalawlibrary.com/ull/lawlib/constitution.asp>.
- Constitution of the Republic of Uganda. 25, 33-39ff. Oct. 08, 1995. <http://www.ugandalawlibrary.com/ull/lawlib/constitution.asp>.
- Corte Constitucional de Colombia. Sentencia T0-25 of 2004. (Decision by Judge Manuel José Cepeda Espinosa. March 03, 2004) <http://www.corteconstitucional.gov.co/relatoria/2004/t-025-04.htm>.
- Decreto 919 de 1989 [con fuerza de ley] Por el cual se organiza el Sistema Nacional para la Prevención e Atención de Desastres y se dictan otras disposiciones. May. 01, 1989. DO. No. 38799 (Colombia).
- Decreto 4147 de 2011 [Departamento Administrativo de la Función Pública]. Por el cual se crea la Unidad Nacional para la Gestión del Riesgo de Desastres, se establece su objeto y estructura. Nov., 03, 2011. (Colombia).
- Government of Uganda: *The Poverty Reduction and Development Program (PRDP), 2007-2010* (Sep. 2007). <http://www.ugandaclusters.ug/dwnlds/0502Programs/PRDP/PRDPSept2007.pdf>.

International Conference on the Great Lakes Region, *Pact on Security, Stability and Development In The Great Lakes Region*. Art. 12, Art. 13 and Art 20. Dec. 15, 2006). <http://www.internal-displacement.org/8025708F004CFA06/%28httpPages%29/8E4644C3046B061AC12576D400616500?OpenDocument>.

Ley 387 de 1997. Por la cual se adoptan medidas para la prevención del desplazamiento forzado; la atención, protección, consolidación, estabilización socio-económica de los desplazados internos por la violencia en Colombia. Jul., 18, 1997. DO. No. 43091 (Colombia). http://www.secretariassenado.gov.co/senado/basedoc/ley/1997/ley_0387_1997.html.

Ley 1448 of 2011. Por la cual se dictan medidas de atención, asistencia y reparación integral a las víctimas del conflicto armado interno y se dictan otras disposiciones. Art. 66-116, Cap.II Art. 20. Jun. 10, 2011. DO. No. 48096. <http://www.internal-displacement.org/countries/colombia>. (Colombia).

Republic of Uganda – Office of the Prime Minister, Department of Disaster Preparedness and Refugees. *The National Policy for Internally Displaced People* (The New Vision, Kampala, Aug. 2004).

Republic of Uganda, *Local Government*. Act. Cap.243 (as amended). (2006).

Greater North Parliamentary Forum, *The Strategic Plan (2010-2014) of Greater North Parliamentary Forum* (GNPF), 5 (October 2010).

INTERVIEWS

MP3: Staff of Gulu NGO Forum (Apr. 12, 2010). (Recorded by author).

MP3: Staff of Refugee Law Project (Apr. 12, 2010). (Recorded by author).

MP3: Staff of Uganda Women Parliamentarians' Association (Apr. 26, 2010). (Recorded by author).

MP3: Staff UHCR Gulu (May. 17, 2010). (Recorded by author).

MP3: Chair District Disaster Management Committee and staff of the District Local Government Gulu, Gulu (May. 18, 2010). (Recorded by author).

MP3: Local government mandatarly in Agago, Gulu (May. 21, 2010). (Recorded by author).

MP3: Construction engineer, Gulu (May. 26, 2010). (Recorded by author).

MP3: Group of IDP-leaders in Ogum, Pader, North Uganda (May. 26, 2010). (Recorded by author).

MP3: Local Government staff, Pader (May. 26, 2010). (Recorded by author).

MP3: Coordinator of Civil Military Relations, Uganda People's Defense Forces, Gulu (May. 28, 2010). (Recorded by author).

MP3: Disaster Preparedness and Recovery Coordinator, Office of the Prime Minister-Gulu, Gulu (Jun. 01, 2010). (Recorded by author).

MP3: Former Staff of District Local Government Kitgum (Jun. 04, 2010). (Recorded by author).

MP3: Local Government mandatarly, Amuru district (Jun. 06, 2010). (Recorded

by author).

MP3: Group of four IDP leaders, Amuru camp, Amuru (Jun. 06, 2010). (Recorded by author).

MP3: Staff of District Local Government Kitgum (Jun. 07, 2010). (Recorded by author).

MP3: Staff of Acción Social, Bogotá (Feb. 02, 2011). (Recorded by author).