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Nowhere to Hide

Humanitarian Protection Threats in Northern Uganda

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Executive Summary

Northern Uganda is in the grip of what may be the world's most serious protection crisis. The war in the region is a dirty war - a war in which civilians have become the principle strategic targets and victims of violence; in which civilians have become the field upon which the conflict is fought, and through which victory is being sought.

A serious protection vacuum exists in the region. Gross abuses of international humanitarian and human rights law are perpetrated against civilians on a grand scale, with culpability on both sides.

Most obviously, and most seriously, the LRA threatens civilians with a brutal cocktail of psychological violence, physical violence and coercion that has consumed everyday life. Every moment of daily life is touched by the fear of attack; every action taken has become governed by the ever-present threats of murder and abduction. Thousands have been killed, thousands more have been abducted, in attacks on civilians which constitute a serious breach of the major articles of international humanitarian and human rights law. These threats have also caused thousands of civilians to seek refuge in IDP camps and in night-dweller centres across the region, and have contributed to the collapse of the livelihoods system in northern Uganda, creating serious levels of deprivation, and engendering a massive humanitarian crisis that forces civilians to live in life-threatening conditions that breach their rights to live in dignity.

In its response to the LRA threat the GoU has sought to protect its citizens by 1) annihilating the insurgency via military offensives, 2) destroying the "intelligence centres of the insurgency"¹ and controlling the civilian population through a strategy of forced displacement, and 3) by making civilians responsible for their own defence through a strategy of civil militarization. However, while seeking to improve the security and protection of civilians, these strategies have in fact contributed to the production of the humanitarian protection crisis:

- The **military offensive** has not proven itself successful in adequately protecting civilians from abuses by the LRA.
- **Forced displacement** has contributed to producing one of the worst humanitarian crises in the world, and has exposed civilians directly to violence and coercion at the hands of government forces.
- By **arming civilians** the GoU has exposed the gaps in its capacity and will to mobilise regular forces, pushing civilian victims of violence to defend themselves, forcing father to face son, armed across the lines of abduction. This process has flooded the region with small arms, creating local armies with no formal accountability, that themselves prey on the vulnerable, and are exploited by the powerful.

Thus, the GoU has so far failed in its obligation to mobilise a fully effective strategy for humanitarian protection in northern Uganda.

The international community has also failed to adequately fulfil its obligation to protect the people of northern Uganda, by failing to effectively close the protection gap faced by civilians - either via the provision of appropriate levels of effective humanitarian assistance, or via political avenues.

A Defining Protection: A Rights Based Approach

Humanitarian protection is concerned with preventing or mitigating the most damaging effects (direct or indirect) of armed conflict on the civilian population, and it relates to the principal threats that are experienced by civilians living in the field of conflict. The principle threats experienced are:

¹ Quote from Maj. Kakooza Mutale, *The Monitor*, 30 October - 1 November 1996.

- **Violence** or the threat of violence, e.g. murder, torture, rape, wounding, abuse, abduction, etc.
- **Coercion** forced displacement, forced or prevented return, forced prostitution, forced recruitment, forced labour, etc.
- **Deprivation** denial of access to means of subsistence (including relief assistance), destruction of property etc.

Each of these may be committed against the civilian population either as a result of deliberate acts (murder, forced displacement etc.) or as a result of indirect negligence, and may result from the actions of a variety of perpetrators, including both the incumbent force (the government) and the insurgent (in this case, the rebels). The critical factor is that when these threats are visited upon the civilian population, they serve to deny civilians their rights as enshrined in international law.

The responsibilities of those engaged in armed conflict vis-a-vis civilian protection (principally the state and the insurgent force) are enshrined in three bodies of law:

- International Human Rights Law (IHRL)
- International Humanitarian Law (IHL)
- Refugee Law (RL).

In particular IHL regulates the conduct of hostilities and seeks to minimise the suffering that armed conflict produces. Its core is found in the Geneva Conventions of 1949 and the Additional Protocols of 1977. IHL recognises that conflict inevitably occurs, but also attempts to limit the rights of parties to choose methods of warfare and aims to balance military necessity with principles of humanity. Those who are not taking part in the conflict - be they civilians, prisoners or wounded combatants - should not suffer disproportionate harm.

The key principles are generally applicable in both international and internal armed conflicts, and are enshrined in the Common Article 3 of the Geneva Conventions. They are:

- **Distinction** Between combatants and civilians
- **Proportionality** Loss of civilian life and damage to civilian property cannot outweigh the concrete and direct military advantage anticipated
- **Precaution** Constant care shall be taken to spare the civilian population and civilian objects

The Guiding Principles on Internal Displacement (GPID) are also instrumental in outlining the specific responsibilities that UN member states and armed groups should uphold during situations of internal displacement. They reinforce the significance of IHL and IHRL for civilians living under conditions of displacement, and outline the specific responsibilities of the state for protecting civilians suffering from internal displacement, and for ensuring that they live in a state of dignity. In particular they outline the rules governing forced displacement of civilians either by the state or by other armed groups.

These are the key standards of international law which, together with the Rome Statute of 2001, govern the protection of civilians exposed to conflict in northern Uganda.

B Responsibilities for Protection

Under international and national law the state, as the sovereign power, has the ultimate responsibility to protect its citizens, and to create a protective environment within which they may live without fear of violence, in dignity, with their basic needs met, and with the ability to exercise all of their rights with impunity. This requires effective strategies to create a secure environment that protects people from violence via the security forces, as well as the construction of effective and just institutions of government and justice. If security is provided without the facilitation of these other factors, a protective environment is not provided, and the state is failing in its duties as the 'agent' of the people.

Thus the state must act as a shield interposed between civilians and the agents of violence and coercion that threaten their rights. This role is achieved either through the armed forces or the police force, as well as through the development of a protective environment via the creation of an effective government and judiciary, through which conflict can be mediated before it becomes violent.

In those cases where the institutions mediating conflict and preventing violence break down, or are unable to function effectively, the state also has an obligation to act as a safety net to support civilians' coping mechanisms. This is particularly the case in situations where the state has forcibly displaced civilians for the purposes of security or military advantage. In such circumstances the state becomes entirely responsible for the displaced population, and is under strict obligation to make adequate provision of their needs. Where it fails to do this, it stands in breach of Article 17 of Additional Protocol II to the Geneva Conventions.

These principles are clearly reflected in the Constitution of Uganda, thereby emphasizing that it is the GoU has the fundamental and final responsibility for guaranteeing protection of civilians in northern Uganda.

Armed forces and armed groups also have obligations under IHL to protect civilians from harm under the provisions of the Geneva Conventions and under Common Article 3 in particular. Thus, the leaderships of the armed forces (both the state and any insurgent forces) have a specific responsibility for regulating the behaviour of their subordinates in the field, for ensuring their accountability with the humanitarian obligations, and for abstaining from the abuse of the fundamental rights of civilians. Their leaderships are similarly accountable for the conduct of their subordinates and can be held accountable within the structures and mechanisms of international law.

The international community also has an obligation, under the edict of the Geneva Conventions, to ensure that adequate humanitarian protection is provided for civilians caught up in armed conflict. This can be achieved by supporting the role of the state as shield and safety net in four ways:

- Provision of direct humanitarian assistance can help ensure that civilians are able to live with increased dignity, and with lessened direct threat from violence.
- Political intervention can influence the state and other armed forces to live up to their responsibilities under IHL and HRL.
- Juridical mechanisms such as the International Criminal Court can be mobilised to hold those who breach human rights and humanitarian law to account.
- Physical military intervention can attempt to enforce humanitarian protection for specific people, and can facilitate the expansion of humanitarian space for the delivery of assistance.

C Protection Threats Faced by Civilians from LRA

The root cause of the protection crisis in northern Uganda is the violence and coercion perpetrated by the LRA.

Perhaps the most significant of the principles of IHL that has been breached by the LRA is that of 'distinction between civilians and combatants'. The LRA's war is particularly characterised by the extent to which it perpetrates brutal attacks on civilians as part of its military strategy. By consistently attacking civilians for 18 years, the LRA has succeeded in winning the battle over the minds of the people of northern Uganda, through the production of fear. The rebels have effectively challenged the GoU's ability to maintain peace and security in northern Uganda, and they have created significant levels of terror and chaos via highly effective guerrilla tactics that exemplify the strategies of dirty war. Attacks on civilians are carried out for a variety of reasons:

- To produce fear and terror among the population, to force Ugandan civilians into submission, control their actions and regain popular support through force.
- To impose control onto the population in a bid to 'cleanse' them.

- Abduction of children serves to reinforce the production of terror whilst also helping the rebels to constantly replenish their ranks with fresh fighters. For the 'new Acholi nation'.
- Looting foodstuffs and other resources for their survival.
- To punish civilians - eg: for attacks launched against them by the UPDF, for anti-LRA propaganda, for the escape of LRA soldiers, for welcoming escaped combatants into their community, or for failure to comply with the LRA's orders

These abuses against civilians constitute a deliberate set of tactics, which have specific strategic objectives. The senior command of the LRA have explicitly ordered crimes of violence, deprivation and coercion to be perpetrated against civilians, and have done nothing to respect the rules relating to humanitarian access. All attempts made to convince the LRA to cease atrocities against civilians have failed.

As such, the LRA is responsible for the perpetration of abuses against all of the provisions of Common Article 3 of the Geneva Conventions, as well as against the most important of the core rights of the Universal Declaration of Human Rights. They are also responsible for multiple abuses against the other provisions of the Geneva Conventions, the UDHR, the CRC and other human rights laws, as well as the GPID.

The most important abuses of the rights of civilians include those that follow below.

Violence

- Attacks on civilian settlements
- Attacks on civilian traffic
- Attacks on civilians working in their fields, collecting resources, travelling to villages
- Murder
- Mutilation
- Injury
- Assault

Abduction

- Abduction as military strategy for production of terror
- Abduction as strategy for military recruitment
- Abduction for forced labour and sexual slavery
- Children especially vulnerable, especially those between 9 and 16 years
- Use of child soldiers
- Abductees suffer abuses in the "cycle of abductee suffering":
 - 1 Violent abduction
 - 2 Initiation rites which include being forced to murder and forced cannibalism
 - 3 Forced labour
 - 4 Food deprivation and malnourishment
 - 5 Sexual exploitation and sex slavery
 - 6 Summary execution for misdemeanours

Sexual violence

- Rape is used as a tactic of warfare - to produce terror and to reproduce new ranks of child soldiers
- Sex-slavery imposes systematic rape on abducted women and girls

Denial of free movement

- Violence is committed against civilians as they travel in the bush and on roads
- The threat of such violence forces restriction of movement upon civilians
- Incarceration in camps, towns and villages
- Produces humanitarian crisis conditions

Destruction and theft of property

- Looting of civilian assets, resources, livestock etc.
- Destruction of civilian houses and fields
- Eradication of capital base of region

- Destruction of material culture and social life

Attacks on humanitarian assistance

- Attacks on humanitarian convoys
- Killing and injury of humanitarian personnel
- Theft of humanitarian aid
- Severe restriction of humanitarian space and of humanitarian service provision
- Worsening of humanitarian crisis

The GoU's Protection Strategy

The GoU's approach to the protection of civilians has focused on military offensives, forced displacement of civilians into protected camps, arming civilians in a strategy of self-protection, and providing escorts to humanitarian convoys.

Military Offensive

The GoU's strategy for the protection of civilians in northern Uganda has focused principally on security, and on military operations designed to destroy the LRA. Operation Iron Fist has been the most ambitious of the military offensives, and has allowed Ugandan forces to pursue the LRA into their traditional bases in Sudan in an attempt to flush them out, to break their logistical supply lines, and to finally weaken them to the point at which they can no longer operate effectively. In order to achieve this, the GoU has removed money from other key line ministries to finance military spending, and has committed large amounts of military manpower and hardware to operations in Sudan.

Forced Displacement

Since 1996 the GoU has also implemented a policy of forced displacement of civilians in northern Uganda. The majority of forced displacement (i.e. displacement that has taken place as a direct response to the coercion of a particular group) has resulted from GoU coercion of civilians. According to the GoU, forced displacement of civilians has been mobilised for three reasons:

- The GoU insists that it does not have the capacity to protect civilians in their villages, and that it is best able to provide security by having them in single locations near to army detachments.
- The strategy seeks to separate the civilian population from the rebels in order to reduce the LRA's ability to benefit from the assistance of collaborators, thereby breaking down their intelligence networks, and in order to create starvation conditions for them.
- It seeks the removal of civilians from the field in order to clear the territory of northern Uganda for unimpeded military operations.

Forced displacement is permitted in IHL under Article 17 of Additional Protocol II of the Geneva Conventions (8 June 1977), which allows for the forced displacement of civilians in specific situations related to the security of the civilians themselves, or if imperative military reasons so demand, and if specific criteria are fulfilled.

Local Defence Units and Militias

The GoU has requested local civilians to protect themselves against the LRA, either by joining Local Defence Units (LDUs), or local militia groups. This strategy of 'self-protection' is reported to act as a necessary means for boosting the protection of civilians, given the severe capacity shortages faced by the UPDF as its troops are committed in Sudan under OIF.

Protection of Humanitarian Assistance

The GoU has also committed troops for the protection of humanitarian assistance. In particular, it has made available a full brigade of UPDF troops for the guarding of WFP convoys in northern Uganda. Without this military protection it is likely the region would have faced a catastrophic food security crisis. As a further measure aimed at assisting those organizations that are unable to accept direct military escort, the UPDF has also mobilised armed patrols along major axes to provide protection for humanitarian and civilian traffic.

To the external observer these strategies represent a concerted effort on the part of the GoU to improve the protection environment in northern Uganda. The view however from civilians caught in the middle of the conflict, those who are the direct targets of violence and coercion and deprivation, tells a quite different story - one that points to an ongoing protection crisis, in which serious gaps in the protection strategies of the GoU and international community are clearly evident.

E Protection Threats Arising from Forced Displacement

Northern Uganda is experiencing one of the most serious internal displacement crises in the world, with between 1.6 and 2 million people displaced. Displacement has occurred both as a rational, voluntary response by civilians to the LRA threats of violence and coercion, and as a forced measure on the part of the GoU which has sought to contain civilians in IDP camps both as an integral component of its military strategy against the LRA, as well as for their physical protection.

It is impossible to work out exactly how much displacement can be directly attributed either to LRA violence or to GoU displacement orders. However it must be remembered that a very significant proportion of the displacement caseload in northern Uganda has emerged as a direct result of the orders of the GoU.

These massive levels of displacement, have themselves created new and potentially more serious protection problems for the civilians affected by the war. In particular, issues relating to deprivation, restricted movement, coercion, violence and sexual exploitation have been identified as serious, and the broad range of perpetrators of protection abuses - including government forces tasked with protecting civilians from harm - provides even greater cause for concern.

The GoU's forced displacement of civilians has been undertaken within the bounds of the rights afforded to the state under Article 17 of Additional Protocol II of the Geneva Conventions. However, as outlined in the Additional Protocol, and reflected in the GPID, the right to forcibly displace civilians for reasons of military or security imperatives places clear responsibilities on the part of the state, most particularly that the state has the obligation to ensure that the forcibly displaced population lives in conditions that guarantee a life with dignity. Similarly, according to the principles of the GPID, forced displacement should "not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected" and should "last no longer than required by the circumstances".

The Manner of Forced Displacement

- Displacement was forced without proper consultation
- Displacement was accompanied by violence against civilians
- Displacement was accompanied by looting and destruction of civilian property
- Displacement orders in 2002 were blanket orders with no clearly communicated attempt made to minimise scale or impact of the process
- No adequate provision of services was made in camps for those forcibly displaced
- Very slow response by the OPM to recognise all camps as they were created
- Displacement was undertaken as an executive decision without declaration of a state of emergency, or adequate consultation with Parliament

Deprivation and Humanitarian Crisis

IDPs in northern Uganda report that threats relating to deprivation and humanitarian need are the most serious threats that they face. Displacement into camps and urban areas has destroyed livelihoods systems, has severed civilians' relations with the land, has created life threatening living conditions, and has precipitated acute food and water security crises. The most important deprivation threats faced by civilians in northern Uganda include:

- **Food Insecurity**
 - Displacement restricts civilian movement and denies the right of access to land.

- Civilian livelihoods destroyed, and dependent on food aid, which is often not adequate in terms of coverage, ration size and equitable distribution.
 - 70% of IDPs claim that lack of food and hunger are the most serious threats that they face, and malnutrition rates continue to be of concern
 - Lack of access to fuelwood as a key concern
 - IDPs forced to breach movement restrictions in desperate attempts to supplement food rations, which exposes them to threats from LRA and UPDF
- **Water Scarcity**
 - Water supply conditions that are far short of Sphere standards and that create life-threatening public health conditions
 - Families faced with not having enough water to cover drinking, food preparation and washing requirements
 - Very low coverage of water points per capita in IDP camps
 - Extremely high usage rates of pumps leads to regular breakdown
 - Inadequate levels of assistance to IDPs from GoU and NGOs on water supply both as a result of national policies and insecurity
 - Humanitarian water crisis exacerbated by structural impediments in water institutions and government.
- **Health**
 - 'Sickness' is reported to be the third most significant threat faced by IDPs
 - High rates of morbidity and mortality directly related to displacement conditions
 - Key health threats: Malaria, Respiratory disease, Diarrhoeal disease, HIV/AIDS related diseases
 - Living conditions in camps are unsanitary, overcrowded, contributing to breakdown of social mores, and life-threatening
 - Very low levels of access to adequate health care as a result of collapsed government health structures, insecurity, lack of income, poor access for health NGOs, restrictions on civilian movement
 - Poor coverage and effectiveness of preventive health systems: Collapse of local health structures, poor coverage of health education programmes, lack of sustained support to local structures, made worse by insecurity
- **Inadequate Humanitarian Assistance**
 - LRA threats of attack significantly reduce ability of agencies to access communities displaced by LRA and GoU and reduce humanitarian space
 - This creates a significant gap in humanitarian service provision, worsening living conditions for IDPs and increasing life-threatening conditions in camps.
 - The GoU protection strategy for humanitarian agencies too narrowly focused on armed escorts
 - Agencies place little trust in the ability of UPDF patrols to effectively secure routes away from principal axes.
 - Bureaucratic difficulties are faced in accessing military escorts, with escorts sometimes requesting payment
 - Failure to open up dialogue with LRA on humanitarian access

Sexual and Gender Based Violence

SGBV is a serious threat for female civilians living in conditions of displacement. Rape has increased significantly in scale across the conflict affected areas, and poses a particular threat for female night-dwellers who sleep in unprotected locations, and for female IDPs. Rape and defilement are now considered to be among the most common crimes committed among civilians in the Districts of the north.

Marital violence is also reported to have increased sharply among displaced communities. This is accompanied by a significant increase in family breakdown and division, which can leave women vulnerable to violence and marginalised within the community.

Increases in SGBV are attributed to overcrowded living conditions, breakdown of traditional social mores, gender conflict arising from collapse of livelihoods and traditional gender

roles, collapse of local justices mechanisms and failure of local civil administrative structures.

The incidence of transactional sex is considered to have increased to serious levels as a response to food insecurity and deprivation. This is particularly worrying among girls and child headed households who are reported to be engaging increasingly in transactional sex as a means of survival. Reports also indicate a significant increase in the organised commercial sex trade in IDP camps and urban areas of northern Uganda, a trade that is increasingly victimising displaced children and orphans.

Factors relating to marginalisation of female-headed households, sexual violence, levels of HIV/AIDS infection, family collapse and displacement related deprivation have produced a 'deprivation trap' for women in northern Uganda.

Theft and Property Destruction

A number of different criminal groups have taken advantage of the security vacuum in northern Uganda to engage in theft and the destruction of civilian property. These include common criminals known as *Boo Kec*, and Karamojong warriors who have engaged in cattle rustling. This increase in civilian theft and raiding poses serious threats to civilians of violence and injury, and increases the erosion of capital assets in the region, compounding levels of deprivation, poverty and food insecurity.

Child Specific Threats

Children constitute the most vulnerable group in terms of protection in northern Uganda. This is not only because of the LRA's strategy of abducting and abusing children, but also relates to a number of other threats that arise from conditions of displacement.

- Exposure to protection threats when night-commuting
 - Poor shelter and service provision expose children to high rates of malaria and infectious disease
 - Poor provision of protection and supervision in night commuter shelters exposes children to threats of rape, defilement, and violence
- High proportion of child-headed households exposes children to threats of deprivation, food insecurity, child labour, sexual exploitation and marginalisation.
- Formerly abducted children (FACs) face particular protection threats relating to return, resettlement and reintegration.
 - Inadequate resources for provision resettlement packages under the Amnesty Act
 - Hostility from communities on return, which can lead to violence
 - Lack of productive opportunities leading to marginalisation and isolation
 - Improper provision of rehabilitation services by GoU
 - Integration of FACs into the UPDF in contravention of IHL on treatment of prisoners of war
 - Stigmatisation and marginalisation of women and girls who have been sex slaves to LRA members

F Protection Threats from GoU Forces

Civilians in northern Uganda also report that they face a broad set of protection threats from the forces of the GoU that have been tasked to protect them.

Violence

- Attacks on civilians pursuing livelihoods activities in the 'cleared zones' on suspicion of being rebels or rebel collaborators, or in crossfire.
- Rape of civilians women pursuing livelihoods activities in the 'cleared zones'
- Assault and rape of civilians found in breach of curfews
- General assault and killing of civilians in camps arising from disputes
- Rape of civilian women in camps
- Mobile forces particularly implicated and reported to be largely unaccountable
- Killing of non-combatant abductees in the course of battle

- Torture during detention
- Extrajudicial killing
- Injury and killing of civilians during forced displacement

Coercion

- Forced displacement using violence
- Forced labour
- Sexual exploitation and defilement
- Extortion
- Coerced recruitment into armed forces (under 18s reported)
- Illegal detention

Deprivation

- Life-threatening deprivation attributed to GoU forced displacement orders and restrictions on civilian movement
 - Food insecurity and malnutrition
 - Water scarcity
 - Disproportionately high levels of morbidity and mortality
 - Collapse of livelihoods systems and community structures

Specific Threats Posed by LDUs and Militias

- Arming of civilians for self-protection forces fathers, brothers, sisters and cousins to face one another in mortal combat, reinforcing suspicions that the GoU seeks the destruction of the Acholi people - inappropriate response to the conditions of the conflict given that majority of LRA are abducted children from these communities
- It has been shown to prompt violent reprisals against civilians by the LRA
- Reports of LDUs being transferred into the UPDF and sent away from their home areas
- Poor pay and conditions of LDUs and militias. Often not paid at all, with wages misappropriated by senior commanders
- Coercion reported in the recruitment process, and reports received that children and FACs have been recruited to fight the LRA in militias
- Attempts made to train and mobilise NGO workers
- No legal framework in place for creation, management and disbanding of militias makes them open to political abuse and creates fears of ethnic and political violence using militias

G Protection Gaps

Inadequate Civilian Security in Camps

- Little evidence from civilians to suggest that their security is significantly improved by being in camps
- Displacement appears to have had little impact on the rates of abduction of children
- Evidence suggests that risk of attack and severity of attacks from LRA was no greater while civilians were in villages
- Civilians report inadequate provision of security from UPDF forces deployed at camps:
 - Detachments located too far away to be effective
 - Soldiers not patrolling
 - Soldiers located in bush during the night
 - Soldiers located in centre of camps during the night
 - Serious attacks on camps while detachments deployed- Pagak, Barlonyo
 - Poorly motivated soldiers
 - Slow response times
 - Unplanned nature of camps presents obstacles to effective UPDF response
 - Not enough UPDF deployed to secure perimeters effectively
 - Unrecognised camps not protected at all
- Distinct lack of trust in UPDF from IDPs, leading many civilians to fear UPDF almost as much as LRA.
- Restrictions on movement of civilians in cleared areas creates direct threats of summary arrest, injury and death at hands of UPDF - creates state of exception where distinction between civilians and combatants is made meaningless.
- Violence against civilians after curfews - poor consultation on curfew times and needs

- Displacement may have increased risk of abuses by LRA:
 - Displacement designed to starve LRA, driving them to attack camps
 - Punishment of civilians by LRA for collaboration with GoU displacement policy
 - Camps provide polarised, concentrated targets which facilitate large scale abduction, massacres and large scale looting that was not possible while settlements remained dispersed
 - Cleared zone provides easier movement of LRA through the bush

Inadequate Provision of Humanitarian Assistance to IDPs by GoU

The GoU's commitment of resources and energy to the relief of deprivation and life-threatening conditions in the camps created by forced displacement has been far from adequate. As such, the GoU has fallen short of its obligations under IHL to guarantee the rights of its citizens to live in dignity, and to protect them from harm.

In part this failure has been the result of a lack of direct funding for humanitarian relief programmes, as military strategies have been pursued at the expense of humanitarian protection. It is also the result of legal, institutional and structural constraints in the Ugandan government system vis-à-vis disaster management and humanitarian protection. For instance:

Office of the Prime Minister - Department of Disaster Management (DDM)

- DDM, as the formally mandated government body responsible for disaster management and IDP protection has fallen far short of its mandate, and requires substantial organizational reform, and reinforcement of its management structures and capabilities before it will be able to do so effectively.
- DDM seriously lacks the necessary capacity to fulfil the tasks defined in the National Disaster Management Policy and Policy on Internal Displacement. Such capacity shortfalls can be found in the areas of:
 - Strategic management
 - Organisational structure
 - Core competencies
 - Monitoring and evaluation
 - Coordination (internal and external)
 - Financial and human resources management
 - Performance/quality management
 - Information management and infrastructure
- Available financial resources are inadequate for the department's function
- The DDM lacks adequate political clout to make disasters and protection a government priority
- The DDM is overstretched in terms of workload

As a result, the resources provided by the GoU for humanitarian relief have constituted a minute proportion of the amount required (approx USD127 million in 2004/5), and have been highly polarised and relatively tokenistic.

Local Authorities

- Perhaps with the exception of Gulu, DDMCs have not yet developed in fully functioning bodies for disaster management and humanitarian protection
- No formal legal framework for the management of DDMCs
- No adequate budget provision
- Poor management capacity
- Lack of human resources for effective administration and monitoring
- Overburdened and poorly supported by OPM/DDM and Min of Finance
- Lack of flexibility in conditional grants and poor understanding of flexibility mechanisms of those grants where they exist

National Policy on Disaster Management

- Policy has not been passed meaning that there is no formal policy in place for the management of disasters in Uganda.

- This means that specific disaster management facilities within GoU cannot be mobilised through the designation of a 'disaster area' in northern Uganda

National Policy on Internal Displacement

- Passage of the policy through Cabinet was a very positive step towards improving GoU protection of civilians in northern Uganda.
- However, it must be passed through Parliament as soon as possible.
- Also, there is no clear plan for implementation of the policy, and no clear allocation of resources to make the policy effective, given the low capacity of the OPM/DDM

Lack of Police Resources

The size and capacity of the police forces deployed in northern Uganda is inadequate given the scale of criminal activity in the region, and in light of the Uganda police Force's constitutional responsibility to protect the life and property of Ugandan citizens. Policing in northern Uganda is not a government funding priority and police forces in the region are very poorly equipped and resourced in general, making them ineffective, frustrated and a potential protection threat in their own right.

Poor Monitoring, Investigation and Prosecution of Abuses Against Civilians

Uganda Human Rights Commission has only one officer for the monitoring, investigation and prosecution of human rights abuse cases in 18 Districts in northern Uganda. Given the massive scale of human rights abuse in the region affected by the LRA conflict, this is woefully inadequate to allow for an effective follow up of abuse cases and proper restitution.

Cases brought against agents of the GoU are also impeded by a number of institutional and structural obstacles that make effective investigation and prosecution of cases difficult, particularly when complaints are made against the UPDF.

Paralegals active in the camps across the region do effective work in terms of monitoring abuses but face protection threats themselves if they report abuses and succeed in having cases investigated and prosecuted. As such, reporting of abuses is not comprehensive. Coverage of paralegals across the Districts affected by the conflict is also inadequate.

An absence of adequate legal representation in locations such as Kitgum also makes it difficult for those with criminal cases to find adequate redress for human rights abuses through the courts.

Inadequate Intervention by the International Community

Overall, the international community has been extremely slow to acknowledge the scale of the humanitarian crisis and act appropriately. Amounts of aid provided to relieve deprivation of IDPs, and to protect civilians in northern Uganda from rights abuses have been woefully inadequate given the extent of the humanitarian crisis.

While levels of aid provision have significantly increased in the past year in particular, levels of aid delivery are far from proportional to the scale of the crisis, largely because of the lack of effective humanitarian space available due to insecurity, and due to donor commitments in other humanitarian emergencies globally. In particular there is need for significant expansion in the levels of aid provided to improve the living conditions of IDPs, to reducing levels of deprivation caused by displacement, and to protecting civilians from violence and coercion.

A particular gap has been in the provision of direct humanitarian protection services and in monitoring of humanitarian protection conditions and human rights abuses. Among the mandated organisations UNHCR remains inactive on issues of internal displacement in Uganda, and ICRC only resumed its programme in northern Uganda in 2004. UNICEF has only recently expanded its protection programme to meaningful levels, and UNOCHA has only recently begun to draft a protection strategy with OHCHR. In particular given the extent of human rights abuses committed against children in the conflict, the failure of the UN Secretary General to invoke Resolution 1460 on the use of children in armed conflict and

become directly involved in trying to broker a solution to the child protection crisis presents a significant gap that must be addressed.

This more general neglect of the humanitarian protection situation is reflected in the overall lack of coherent public political pressure from international donors and multilateral organizations to influence the LRA, and the GoU in particular, to guarantee the effective protection of the civilians from violence, coercion and deprivation. It is also reflected in the lack of coherent public political pressure from international governments for a serious, coordinated approach to the peaceful resolution of the conflict.

H Principal Recommendations

Humanitarian protection constitutes the most urgent problem for civilians in northern Uganda. Armed conflict between the GoU and the LRA has placed civilians in a situation where they have nowhere to hide from violence, coercion and deprivation, and in which the GoU's protective strategy has worsened human suffering, and has become life threatening.

While the GoU continues to pursue a predominantly military strategy to end the war, this situation is likely to continue indefinitely. Though the UPDF claimed new military successes in the second half of 2004, and even though nascent moves to enter into a peace process are in operation, protection threats remain constant for civilians on the ground. Each day they face a life threatening lack of food, resources and basic services; each day they face the threat of violence at the hands of both the LRA and GoU forces; and each day they sleep uncertain about whether or not they will be abducted and forced into the bush by the LRA, or pushed into militia units or LDUs.

Until such a time as a concrete peace is achieved this is likely to be the case. The LRA remains an effective protection threat as long as it is even marginally operational. The UPDF remains a significant threat for as long as a state of exception is in place as a result of forced displacement and insecurity. As such, the effective and appropriate provision of protection from the effects of violence, coercion and resulting deprivation must be considered the priority need in northern Uganda, and efforts to secure a protective environment should come first before all other initiatives. Human suffering in northern Uganda is intolerable and after 18 years, seemingly intractable. All responsible parties must therefore focus their efforts on minimising human suffering by putting in place effective protective measures.

In the final instance however, the protection crisis in northern Uganda is a direct function of the conflict as a whole, and represents the most tragic manifestation of the cycles of marginalisation, violence and revenge that have driven conflict in Uganda for decades. Thus, while it is imperative that the GoU and the international community do all that they can to immediately improve and guarantee the protection of civilians in the conflict affected areas, the most effective protection intervention will be the effective resolution of the conflict via peaceful negotiation, national reconciliation and the construction of a just and lasting peace. In November 2004 the first glimmers of hope that such a process might be able to succeed have been witnessed, though at the time of writing it still remains to be seen how that process will unfold. It is a historic opportunity to finally relieve the people of northern Uganda of the suffering and terror that they have lived with, day in-day out, for nearly two decades. It is an opportunity for all parties involved to finally honour their obligations under international law, and is one that the LRA, GoU and the international community must seize aggressively, and pursue with integrity, good will and fortitude.

Lord's Resistance Army

1. Immediately accept available offers to pursue peace negotiations, keeping open all avenues for dialogue with the LRA and being consistent in its commitment to achieving a peaceful resolution to the conflict and the construction of a just and lasting peace.
2. Immediately cease attacks upon civilians.
3. Immediately cease abductions of civilians.
4. Immediately cease looting of food and other resources from civilians.

5. Immediately cease use of abductees and children as combatants.
6. Immediately cease all cruel and abusive treatment of abductees.
7. Immediately release all abductees and combatants who wish to return home to take advantage of amnesty.
8. Immediately agree to discuss issues of humanitarian access with ICRC and the UN, and provide credible guarantees on safe access for humanitarian agencies to IDPs and rural communities.

Government of Uganda

1. Continue to pursue the peace process aggressively, keeping open all avenues for dialogue with the LRA and being consistent in its commitment to achieving a peaceful resolution to the conflict and the construction of a just and lasting peace.
2. Fulfil the legal and moral obligations of the state to guarantee the protection of Ugandan citizens as defined by the Constitution, IHL, and IHRL.
3. Make an unequivocal public commitment to prioritise national resources for the protection of civilians in northern Uganda from all forms of violence, coercion and deprivation.
4. In line with the NPIDP the President should appoint a Special Representative on IDPs.
5. Immediately establish a national inter-agency task force on humanitarian protection in northern Uganda, chaired by the Special Representative on IDPs, and including representatives of the government, UN and NGOs. To develop and coordinate a coherent national action plan for humanitarian protection in northern Uganda.
6. Immediately pass the National Policy on Disaster Management and declare northern Uganda a disaster area.
7. Increase UPDF resources to direct security provision for civilians living in IDP camps and urban areas in northern Uganda. Make security of civilians in human settlements the primary responsibility of the UPDF.
8. Increase UPDF contingents at all IDP camps, and make these contingents dedicated to each location. Reduce the rotation of UPDF troops around the region. Understand that defensive protection of civilians can significantly contribute to the military objectives of OIF by more effectively breaking the cycles of abduction and looting.
9. Request technical support from the UN and donor governments on civilian protection in the form of international Protection Advisors to support the UPDF.
10. Immediately disband and disarm all militia units, or allow militia members to join the UPDF if they are eligible. Immediately release from duty all soldiers, LDUs and militias who are not able to prove that they are over 18 years of age.
11. Prioritise reform of the security sector by fully implementing the recommendations of the donor defence sector review. The focus should be on professionalisation of the UPDF, particularly: discipline, strong field command, leadership and financial accountability. The GoU should actively request strategic advice and assistance from donor governments in facilitating this professionalisation process.
12. Significantly increase the number of UHRC officers mobilised in the north so that their numbers reflects the massive scale of human rights abuses reported in the region. Put in place at least one dedicated officer for each affected district.
13. Develop a comprehensive plan for the reform and capacity building of the OPM, and ensure that resourcing of the OPM is increased to allow it to effectively carry out its responsibilities for coordinating the protection IDPs and coordination of humanitarian responses.
14. Immediately increase the amount of funding available from central government for humanitarian assistance in northern Uganda, particularly in those locations where humanitarian conditions have been worsened as a result of forced displacement at the hands of the UPDF.
15. In full consultation with all humanitarian actors establish a common strategy to secure safe unimpeded access to humanitarian assistance for civilians. Dependence on military escorts constrains access, brings with it concerns over neutrality, and is also frustrated by unreliability and poor vehicle maintenance. Increase the numbers of UPDF troops available for humanitarian escorts. Enact measures to streamline the process by which humanitarian escorts are provided to NGOs.

16. Immediately cease the integration of formerly abducted children and former LRA combatants into the armed forces of the GoU.
17. Establish a civilian oversight mechanism for the demobilisation and reintegration of returnees.
18. Make an unequivocal public statement that northern Uganda should be considered a priority for policing by the Ministry of the Interior. Immediately increase funding of the Uganda Police Force in northern Uganda so that their projected operational budgets are adequately met.
19. Allow all civilians to return home if they wish to do so, but only if they wish to. Provide clear and public guarantees that civilians returning home voluntarily will not be considered collaborators with the LRA.
20. Provide clear, public guarantees that civilians will not be forced to go home if their security is not guaranteed. Provide unequivocal public guarantees that the UPDF and GoU will not force civilians to move from IDP camps against their will.
21. Begin the process of planning for voluntary return and resettlement of civilians in full consultation with the war affected civilians, the international humanitarian community and through the DDMC structures.
22. Publish an unequivocal public statement to reassure civilians that their traditional land titles will be honoured on their return home, and that in no circumstances will civilian land be appropriated by the GoU or its agents while forced displacement is in operation.

International Donors

1. Continue to publicly endorse and support the peace process, maintaining pressure on the GoU and LRA to maintain the process in goodwill.
2. Collaborate in publicly expressing moral outrage at the scale of the protection crisis in northern Uganda. Demand that the GoU works to honour its sovereign mandate on the protection of civilians.
3. Collaborate in applying pressure on the UN Security Council and Secretary General to understand that northern Uganda presents a serious protection crisis. Urge them to take the crisis more seriously, and explore multilateral answers to the problem more aggressively. Seek to make northern Uganda a priority for the Human Security Network.
4. Develop a coherent and joined up critique of the GoU's protection strategy and openly encourage the GoU to move its military resources to defensive protection of civilians.
5. Link direct budget support to a GoU commitment to protect civilians in northern Uganda. Ringfence a part of direct military funding specifically for protection of civilians.

UN Secretary General

1. Applying UN Security Council Resolution 1460, seek to enter into dialogue with the parties to the conflict regarding the protection of children in northern Uganda. Appoint an effective Special Representative on children and armed conflict to deal specifically with the situation in Uganda.

UN Security Council

1. More vigorously endorse and support the peace process in public, maintaining pressure on the GoU and LRA to maintain the process in goodwill.
2. Dispatch a protection focused fact-finding mission, possibly including a Special Envoy on humanitarian protection, to assess the humanitarian protection crisis in northern Uganda.

Acronyms

ACF	Action Contre Le Faim (Action Against Hunger)
APC	Armoured Personnel Carrier
ARLPI	Acholi Religious Leaders' Peace Initiative
AU	African Union
AVSI	Associazione Volontari per il Servizio Internazionale
CAP	Consolidated Appeals Process
CBO	Community-Based Organization
CCPR	Covenant on Civil and Political Rights
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CESCR	Covenant on Economic, Social and Cultural Rights
CPA	Concerned Parents Association
CPU	Child Protection Unit
CRC	Convention on the Rights of the Child
CRS	Catholic Relief Services
CSO	Civil Society Organization
CSOPNU	Civil Society Organizations for Peace in Northern Uganda
DDHS	District Director of Health Services
DDM	Dept. of Disaster Management
DDMC	District Disaster Management Committee
DfID	Department for International Development (UK)
DISO	District Internal Security Officer
DP	Democratic Party
DRC	Democratic Republic of Congo
EDF	Equatorial Defence Force (Sudan)
EFNA	Emergency Food and Nutrition Assessment
EU	European Union
ECHO	European Commission Humanitarian Organization
FAC	Formerly Abducted Child/ren
FCO	Foreign and Commonwealth Office (UK)
GAM	Global Acute Malnutrition
GBP	British Pound
GISO	Gombolola (Sub-county) Internal Security Officer
GoS	Government of Sudan
GoU	Government of Uganda
GPID	Guiding Principles on Internal Displacement
GPS	Global Positioning System
HAAH	HIV/AIDS Affected Household
HSM	Holy Spirit Movement
HURIFO	Human Rights Focus
HURINET	Human Rights Network
ICC	International Criminal Court
ICISS	International Commission of Intervention and State Sovereignty
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person/People
IHL	International Humanitarian Law
IHRL	International Human Rights Law
IMC	International Medical Corps
INTERPOL	International Criminal Police Organization
IRC	International Rescue Committee
ISO	Internal Security Organization
JCO	Joint Command Operative
KICWA	Kitgum Concerned Women's Association
LC	Local Council
LDU	Local Defence Unit
LRA	Lord's Resistance Army
LRM	Lord's Resistance Movement
MONUC	UN Mission in Congo
MSF	Medecins Sans Frontieres

NATO	North Atlantic Treaty Organization
NCO	Non-Commissioned Officer
NDMP	National Disaster Management Policy
NGO	Non-Governmental Organization
NFI	Non-Food Item
NPIDP	National Policy on Internal Displacement of Persons
NRC	Norwegian Refugee Council
NRM/A	National Resistance Movement/Army
NUPI	Northern Uganda Peace Initiative
NUSAF	North Uganda Social Action Fund (WB)
OIF	Operation Iron Fist (2002)
OIF II	Operation Iron Fist II (2004)
OPM	Office of the Prime Minister
PPU	Presidential Protection Unit
PWG	Protection Working Group
PWO	Probation and Welfare Officer
RDC	Resident District Commissioner
RL	Refugee Law
RPG	Rocket Propelled Grenade
SAF	Sudan Armed Forces
SAM	Severe Acute Malnutrition
SCiU	Save the Children in Uganda
SGBV	Sexual / Gender Based Violence
SPLM/A	Sudan People's Liberation Movement/Army
SPP	Security and Production Programme
TFC	Therapeutic Feeding Centre
UN	United Nations
UDHR	Universal Declaration of Human Rights
UNHCR	UN High Commissioner for Refugees
UHRC	Uganda Human Rights Commission
UNICEF	UN Children's Fund
UNLA	Uganda National Liberation Army
UNOCHA	UN Office for the Coordination of Humanitarian Affairs
UPC	Uganda People's Congress
UPDA	Uganda People's Democratic Army
UPDF	Uganda People's Defence Force
UPF	Uganda Police Force
UPDM/A	Uganda People's Democratic Movement/Army
USAID	US Agency for International Development
USD	US Dollar
USh	Ugandan Shilling
UNRC	UN Resident Coordinator in Uganda
UNSECOORD	UN Security Coordinator
UNSG	UN Secretary General
UNSC	UN Security Council
URI	Upper Respiratory Tract Infection
WB	World Bank
WFP	World Food Programme
WVI	World Vision International

Map 1. Map of Uganda showing those areas affected by LRA activity 2003/4



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1 Introduction

1.1 Nowhere to Hide

Northern Uganda is in the grip of what may be the world's most serious protection crisis. A dirty war has simmered in the region for 18 years - a war in which civilians have become the principle strategic targets and victims of violence - and this has produced a protection vacuum in which gross abuses of international humanitarian and human rights law are perpetrated against civilians on a grand scale, with culpability falling on both sides. Violence committed against civilians is both direct and indirect, personal and structural. It is a function of the actions of individuals wielding weapons, just as much as it is a function of the failed protective environment itself, and of the weak institutional structure of government. Violence is pervasive, all penetrating, omnipresent.

Most obviously, and most seriously, the LRA threatens civilians with a brutal cocktail of psychological violence, physical violence and coercion that has consumed everyday life. Every moment of daily life is touched by the fear of attack; every action taken has become governed by the ever-present threats of murder and abduction. Thousands of civilians have been killed, thousands more have been abducted, in raids which seek to produce fear in, and control over, the civilian population; which challenge the sovereignty and legitimacy of the GoU; and which reinforce the ranks of the rebel movement through looting and abduction. Each of these threats constitutes a serious breach of the major articles of international humanitarian and human rights law, in particular of the Common Article 3 of the Geneva Conventions, and of the principle of distinction between civilians and combatants. These threats have also caused thousands of civilians to seek refuge in IDP camps and in night-dweller centres across the region, and have contributed to the collapse of the livelihoods system in northern Uganda, creating serious levels of deprivation, and engendering a massive humanitarian crisis that forces civilians to live in life-threatening conditions that breach their rights to live in dignity.

Under international law it is the state that has the final and fundamental obligation to guarantee protection for its citizens, and the GoU has sought to protect its citizens from the LRA threat by 1) annihilating the insurgency in military offensives, 2) destroying the "intelligence centres of the insurgency"² and controlling the civilian population through a strategy of forced displacement, and 3) by making civilians responsible for their own defence through a strategy of civil militarization. Unfortunately, while seeking to improve the security and protection of civilians, these strategies have in fact contributed to the production of the humanitarian protection crisis in northern Uganda:

- The military offensive has not proven itself successful in adequately protecting civilians from abuses by the LRA. Indeed there is evidence to suggest that military offensives against the LRA have, in some instances, served to increase protection threats for civilians: The LRA takes violent revenge against civilians for attacks launched against it; civilians and abductees are caught in the UPDF's crossfire; civilian assets are destroyed by the UPDF's scorched earth tactics; UPDF manpower vital for providing physical security to civilians in settlements, is diverted to offensive military operations in Sudan. In spite of the government's commitment of resources and manpower, civilians continue to feel that they are living under highly insecure conditions.
- Forced displacement has contributed to producing one of the worst humanitarian crises in the world, and has also exposed civilians directly to violence and coercion: Civilians have been bombed and beaten, clubbed and killed in UPDF operations designed to 'encourage' them to safety in camps; GoU displacement has contributed to the massive swelling of IDP camp numbers, and was undertaken with little observation of the GoU's obligations under international humanitarian law to provide adequate food and services to the displaced population for them to live in dignity, thereby worsening life-threatening conditions for hundreds of thousands; In camps, civilians remain subject to attacks from the LRA who seek to punish them for complying with the GoU, and who loot and abduct from them; They are also subject to abuses from members of the GoU forces deployed to protect them, who engage in extortion, sexual abuse, violence and

² Quote from Maj. Kakooza Mutale, *The Monitor*, 30 October - 1 November 1996.

theft; They are highly controlled by the UPDF, unable to move freely to their fields or to collect resources, and face violence from both LRA and UPDF as they try to cultivate the food necessary for their survival.

- The strategy of arming civilians has exposed the gaps in the GoU's capacity and will to mobilise its regular forces for civilian protection. It also exposes how far the military offensive has created a vacuum in the GoU's civilian protection strategy. Civilian victims of violence are forced to defend themselves against rebels that the GoU has failed to control, and so far has failed to negotiate with effectively. This process has placed civilians themselves on the front lines, and has forced father to face son, armed across the lines of abduction. This process has flooded the region with small arms, creating local armies with no formal accountability, that themselves prey on the vulnerable, and are exploited by the powerful.

Thus, the GoU has so far failed in its obligation to mobilise a fully effective strategy for humanitarian protection in northern Uganda.

Within international humanitarian law, the international community also has a key role to play in guaranteeing the protection of civilians affected by internal armed conflict. The international community however, has also failed to adequately fulfil its obligations to the civilians of northern Uganda, by failing to effectively close the protection gap faced by civilians - either via the provision of appropriate levels of effective humanitarian assistance, or via effective political intervention. International donors and the UN have been incredibly slow to recognise the true scale and horror of the protection crisis and act proportionately. They have been weak in exercising their authority to bring the GoU to account on its own protection record, in speaking out with one loud voice about the suffering of the people of northern Uganda, and in effectively intervening in a coherent fashion to ensure that the GoU and LRA engage seriously and meaningfully in a credible peace process. Having failed to fulfil their responsibility to protect civilians caught in the brutal vice of dirty war, the international community appears to have placed diplomatic and technical relations with the GoU before the rights of Ugandan civilians.

As a result, northern Uganda is exposed to a set of serious humanitarian protection gaps, which must be addressed immediately. Among other things, the key actors should undertake to implement the following key recommendations:

The LRA should immediately end its reign of terror over civilians and cease attacks on all civilians, civilian settlements and civilian traffic in Uganda. It should immediately release all abductees and cease the practise of abducting civilians. It should give immediate guarantees that humanitarian agencies may pass safely through northern Uganda.

The GoU must improve the provision of security to civilians in IDP camps and around urban areas, focusing its efforts on the protection of civilians from threats from the LRA. It should undertake a serious process of reform of the UPDF in order to root out indiscipline and corruption, and aggressively pursue justice for civilians that are threatened by, and subject to abuses by the armed forces. The GoU should also make northern Uganda a priority for policing, and should drastically improve the size and quality of the police force in northern Uganda. It should pass the National Policy on Disaster Management and begin a full reform of the Office of the Prime Minister, and significantly increase levels of government funding for humanitarian interventions in the region. The government should also develop and agree a common strategy for secure safe unimpeded access to humanitarian assistance for civilians and humanitarian service providers.

The international community should increase its public, unequivocal support for the peace process, and should speak out with one voice in expressing its moral outrage at the scale of the protection crisis, and in calling for the LRA and the GoU to honour their obligations under international humanitarian law. The UN Security Council should appoint a special envoy to investigate the protection crisis in the region, and Northern Uganda should be made a priority for the Human Security Network. Funding should be increased for humanitarian programmes in the region, particularly for activities focused on deprivation and civilian protection. Budget support to the GoU should also be linked to protection.

Thus, for the protection of the civilians in northern Uganda to be adequately improved the GoU and the international community must act now, decisively, and with integrity. For as long as the GoU prioritises military offensives over civilian protection; as long as the international community deliberates, expresses concern, and fails to accept that the “just cause threshold” for political intervention has been reached; and until a just and lasting peace can be achieved through a process of peaceful resolution and national reconciliation, the people of northern Uganda must wait. They wait powerless in the camps into which they have been forced, facing threats to life and livelihood from every quarter: on one side the life-threatening violence and coercion of the LRA, on another the life-threatening deprivation of forced displacement, on yet another the spectre of violence at the hands of the GoU forces. They retire to sleep each night in makeshift shelters, far from their homes, unsure of whether they will wake safe and free the next morning, uncertain that they will be able to eat and drink the next day, unclear as to what the future holds for themselves and for their children. They wait fearing the threats that face them wherever they lay. They wait with literally nowhere to hide.

1.2 Methodology

1.2.1 Objectives

This study was commissioned by Civil Society Organisations for Peace in Northern Uganda (CSOPNU) in an attempt to close the identified gap in analysis on the issue of humanitarian protection in northern Uganda. The study was designed to collate general information on the overall protection environment in the region, and to illustrate with examples the critical protection threats and protection gaps identified by women and men affected by the war in northern Uganda. The main purpose of the document is to serve as a tool for lobbying and advocacy on humanitarian protection in Uganda, and it is hoped that it will be utilised by advocates for influencing key players in the GoU, donor governments, the UN, and other multilateral organizations.

1.2.2 Research

A humanitarian consultant undertook the research for this report over a period of eight weeks between March and May 2004. Research began with a thorough review of the available literature on the war in northern Uganda, of the relevant instruments of Ugandan law, international humanitarian law, and international human rights law, and of the academic literature pertaining to humanitarian protection generally. This work was followed by an intensive period of field research in northern Uganda in which the consultant visited urban areas, night-commuter sites, IDP camps, military barracks and rural villages, undertaking a broad range of key stakeholder interviews, and focus groups with approximately 100 IDPs and other war affected civilians. The research process made special efforts to ensure that the most vulnerable (especially women and children) were included, and that their perspectives were brought out in the analysis. Finally, key stakeholder interviews were held in Kampala with representatives of the Government of Uganda (GoU), donor governments, United Nations (UN), international NGOs, and the Ugandan security services.

1.2.3 Limitations

This study seeks to shed a light on the fears and experiences, concerns and priorities of civilians living in the IDP camps and urban areas that are most affected by the armed conflict between the LRA and the GoU. As such, while the report considers the standards and legal obligations of the key actors responsible for protection in northern Uganda to some extent, it does not engage in detailed legal analysis and does not make specific legally based policy recommendations for protection interventions.

Given that the report aims to provide an overview of humanitarian protection issues current in northern Uganda, it does not engage in detail with any individual cases of human rights abuse. These specific issues are monitored and reported effectively and regularly by human rights focused organizations such as Human Rights Focus (HURIFO), Human Rights Network (HURINET), Human Rights Watch (HRW) and Amnesty International (AI). Similarly, the report is focused on issues of general civilian security and issues of violence, coercion and deprivation as they are visited upon civilians across northern Uganda. As such there is no

specific, detailed consideration of protection issues relating to detention, the Ugandan prisons service, or the judiciary.

Given constraints of insecurity, finances and time, the report does not claim to be scientifically representative. No attempt has been made to undertake a systematic statistical survey of human rights abuses or breaches of IHL in northern Uganda. Rather, all of the research undertaken was with groups deemed to be relatively representative, and was qualitative in nature. This approach is anthropological and narrative in nature, and the conclusions drawn are based upon the clearly identifiable trends that emerged from the compiled personal stories and reports of respondents.

The names of all respondents have been kept confidential. Where names do appear they have been changed.

1.2.4 Acknowledgements

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2 Background

2.1 Northern Uganda

2.1.1 Physical and Demographic Characteristics

The geographical focus of this analysis is northern Uganda, which is taken to be that region delineated by the boundaries of Kitgum, Gulu and Pader Districts³, covering an area of approximately 28,000 square kilometres. This sub-region is roughly coterminous with Acholiland, the traditional homeland of the Acholi people, which stretches into the Equatoria region of Southern Sudan, and is home to a population of over 1 million people. Northern Uganda is the region that has borne the brunt of the violence of the LRA over the course of the past 18 years, and it is in this region that the current humanitarian crisis is most intense. Northeastern Uganda has also been seriously affected by the war in recent years. For the purposes of this analysis, northeastern Uganda comprises the districts of Apac, Lira, Katakwi, Kaberamaido, Soroti and Kumi (see Map 1).

Northern Uganda comprises a matrix of varying ecological zones, which progress from semi-arid to sub-tropical, and the region is generally accepted to be one of the most productive agricultural areas of the country. The sub-region was once a leading producer of food and cash crops, and the economic prospects for the region were good prior to the outbreak of the war. That economic potential has not been exploited, and northern Uganda is one of the poorest areas in the country, having an absolute poverty level of 66% (an increase from 60% in 1997)⁴. This statistic stands in stark contrast to national achievements in poverty reduction, which saw poverty levels decrease from 56% in 1992, to 35% in 2000⁵. Thus, northern Uganda has benefited little from the impressive levels of national growth that Uganda has experienced over the last decade. In addition, the conflict in northern Uganda is estimated to have cost Uganda USD 1.33 billion over the past 16 years, or 3% of annual GDP⁶. Conflict is the principle driver of poverty in the northern region.

2.1.2 Political and Social Overview

Until 1971 the current Districts of Kitgum, Pader and Gulu comprised a single administrative area known as Acholi District, which had its headquarters in Gulu Town. Gulu was the regional capital for the greater northern Region, which included Lira and Apac, Kotido and Moroto, Nebbi and Arua, and Moyo.

The Acholi are believed to have originated in Sudan, and to have been forced southwards into the present Uganda by the encroachment of Arabs from the North. As part of their strategy to deal with the Arab threat the Acholi developed military skills and a social system of extended kinship based on large singular compounds headed by *Rwodi* (chiefs). While the Acholi had traditionally kept large herds, the move south, and the need to maintain large-scale settlements, led them to move to cultivation as a livelihoods strategy, with cattle being kept predominantly for wealth and status⁷.

The Acholi people have a traditionally republican form of social organization based upon a segmentary patrilineal system. The highest socio-political unit is the clan, which is mirrored today by the sub-parish. The clans support systems of collective decision-making among elders, leaders who are paternally related, and descendants of a common ancestor. Clans also contain lineages that are descended from a common woman. The Council of Elders (the *copo tal*) is comprised of the *rwodi* (equivalent to clan chiefs) who are responsible for the political leadership at clan level, and other respected Acholi elders,

³This is in contrast to the notion of the “greater political north” which includes all 18 Districts of the northern part of Uganda. This distinction is made so as to focus attention on that area of northern Uganda that is most directly affected by the civil insurgency of the Lord’s Resistance Army.

⁴ MoFPED (2002) *Challenges and prospects for poverty reduction in Northern Uganda*. This figure is now reported to have dropped yet further as a result of the conflict, with current poverty levels in northern Uganda reportedly standing at 66%.

⁵ The Economist (2002) *Economist Intelligence Unit Country Report for Uganda*, October.

⁶ See Dorsey J & Opetum S (2002) *The Net Economic Cost of the Conflict in the Acholiland Sub-Region of Uganda*. Unpublished report commissioned by CSOPNU

⁷ Atkinson R (1994) *The roots of ethnicity: The origins of the Acholi of Uganda before 1800*, Philadelphia: University of Pennsylvania Press.

while powers are well decentralised to the level of the individual household, which allow for a level of individual responsibility. Traditionally the Acholi did not have a supreme 'king', but developed alliances among clans based upon a mutual understanding of the objectives and aims of the tribe as a whole. However, since the GoU allowed the reestablishment of traditional chiefdoms, the Acholi have established the institution of the Paramount Chief of all the Acholi. Traditionally, there have always been high levels of trust, organizational strength and ethics among the Acholi⁸.

As a result of the dominant patrilineal system, men tend to dominate the decision making in the Acholi household, and they maintain the responsibility for ensuring adherence to and continuity of the culture. As a result, a high level of gender inequality persists. Under normal circumstances women are generally marginalised, often being wholly responsible for agricultural production, and having little control over the use of their production or the cash from any sales. Women tend to have little say regarding girl children within the family, and child marriages of girls as young as 14 are common.

The Acholi are often depicted as being a war-like people, and in the past the Acholi themselves have been proud of their warrior tradition. Historically, the Karamojong and the Arabs from the North constantly raided the Acholi for either slaves or cattle, and this required the Acholi to develop effective defensive strategies to cope with their hostile situation. These strategies, combined with the Acholi's reputation for self-confidence have contributed to the perception in some quarters that they are a "martial" people.

The Acholi have also constituted the traditional backbone of the Ugandan Army. Given their stature and reputation for combativeness, the British considered the Acholi to be good military recruits, though many Acholi have joined the Ugandan army voluntarily for economic reasons. Crops produced in the region are seasonal and labour intensive, and from the 1950s people began to join the army in order to supplement their expenditures on marriage, school fees and taxes. Given the persistent absence of real employment opportunities in the north, this trend has continued over the years, and the Acholi continue to make up a large section of the lower ranks. Officers from other areas of the country, principally the West and South West, currently inhabit the upper ranks. The large number of Acholi in the army has also contributed to their reputation as a warrior people, and has contributed to fears on the part of other Ugandans that they have the capacity to threaten the government if not controlled strongly.

On the other hand, the Acholi are also identified with honesty, peacefulness and courage. In addition to the development of their military capability, the traditional Acholi system of governance is remarkable in that it has advanced systems and rituals for conflict mediation and resolution which allow the Acholi to effectively neutralise disputes both between clans and between ethnic groups. These rituals include *mato oput* (to drink the bitter root) and *gomo tong* (the bending of spears). The effectiveness of these rituals and the Acholi talent for peacemaking and diplomacy were key reasons for their eventual attainment of political supremacy in the region that became Acholiland, and are important attributes of Acholi society today.

2.2 History of the Conflict

2.2.1 The Colonial Period

British rule in Uganda followed the classic 'divide and rule' pattern, accentuating the pre-existing ethnic divisions in the Protectorate with several large, and many smaller ethnic groups. Uganda is often conveniently divided into the 'North', dominated by Luo and Nilotics; the 'Centre' dominated by a balance of power between the Bantu-speaking Baganda and Banyoro; and the 'Southwest' dominated by the Bantu-speaking Banyakole and related groups. Under the British, the North was considered a labour reserve for southern plantations, and as a source of army recruits, and was marginalised in economic development plans, with most investment and planning favouring the Baganda region around Kampala. These ethnic and regional divisions laid down by the British sowed the

⁸ For a comprehensive description of traditional Acholi practices and social organization see Girling F K (1960) *The Acholi of Uganda*, London: Her Majesty's Stationery Office

seeds for a series of national crises since independence, in that many Ugandans have come to identify themselves with their ethnic group rather than with citizenship of the Ugandan nation state. They also served to entrench a series of damaging ethnic stereotypes (particularly relating to the Acholi as dangerous, militaristic, aggressive barbarians), which have fuelled ethnic tension and produced fear among Ugandans over the past 50 years.

2.2.2 Independence

Following Uganda's independence, power in government was progressively consolidated among politicians of northern origin led by Milton Obote, a Lango from Lira. Obote came to power via democratic means, leading the protestant based Uganda People's Congress (UPC). Unfortunately, during the following years, he progressively marginalised other political representation, including the Catholic Church linked Democratic Party (DP), and non-northern ethnic groups. He also built links with the USSR, and flirted with Marxism, a move which was to prove his downfall when in 1971 he was toppled by his army chief Idi Amin, with the tacit support of the UK, US and Israeli governments.

Initially, Amin was content to implement policies suggested by his foreign backers, and to represent the interests of the Sudanic speaking peoples from his region in the North-west of Uganda. Unfortunately Amin's rule degenerated into an anarchic misrule, and in 1979, he was finally toppled by an invading army of Tanzanian "liberators". Obote, a personal ally of Tanzanian President Julius Nyerere, was then returned to power amid accusations of fraud and rigged elections, and true to the tradition of Ugandan politics, set about swiftly reorganizing the army, returning Langi and Acholi officers to prominent positions, as well as reorienting the government to reflect his northern constituency. The army's name was changed to the Ugandan National Liberation Army (UNLA) and it quickly embarked upon an operation of trying to quell the rebel insurgencies that had sprung up over the previous years, including that of Yoweri Museveni, the National Resistance Army (NRA). In this process, the Obote regime waged a military campaign against both rebel groups and the civilian populations that they were affiliated with, thereby wielding state terror as an instrument of war. Of particular importance was the battle fought between the UNLA and the NRA in the area of Luwero in Central Uganda.

2.2.3 Museveni and the Movement

The NRA was constituted mainly by soldiers from Museveni's home area of Ankole in south-western Uganda, but was supported by ethnic Tutsi soldiers from Rwanda. The Rwandan connection emerged from the close ethnic ties between the two groups along the Rwanda/Uganda border, and also from the fact that Museveni had developed a strong friendship with Paul Kagame, a Rwandan Tutsi, while the two had been resident in Dar es Salaam. Their rebellion began in the southwest, but quickly moved up into the central region and into Luwero specifically, where for the next five years a brutal war was waged between the NRA and the UNLA on territory which is home to the Buganda people.

Museveni's motivation for beginning this conflict with the government was ostensibly to challenge Obote's legitimacy following what he claimed to have been rigged elections in 1980. He also sought to redress the balance of power in Uganda, this time in favour of his own people in the southwest region of the country, and to revenge the wrongs that he felt had been visited upon Bantu Ugandans in the south and southwest during the 18 years of northern rule.

Other groups - many representing particular ethnic groups or regional interests, including a faction of Amin's army - subsequently joined this campaign, united mainly by their opposition to Obote, rather than by a common ideology. Many atrocities against civilians were committed by the armed forces at this time, particularly in the Luwero triangle, and rebels fighting to topple the government were also known to target civilians perceived to be UPC sympathisers.

In 1985, Milton Obote was toppled once again, this time by his Acholi generals, however they were unable to resist Museveni's continuing rebellion, and in January 1986, following a breach of the Nairobi peace accord, the National Resistance Army (NRA) entered Kampala and seized control.

In the years that followed, the NRA succeeded in pacifying much of the country, and large parts of Uganda have since enjoyed the fruits of stability, economic recovery and the rise of the home-grown Movement system. This system notes the sharp vertical divisions in Ugandan society through religious and ethnic difference, and assumes that political parties would inevitably become defined by allegiance to such groupings. As a result no active political parties have been allowed for most of the past 18 years, and all Ugandan citizens are said to belong to the *Movement*.

In recent times however, the Movement system has come increasingly under attack as monopolising political space, and centralising political power, while operating as a de facto political party. This has spurred agitation for the opening up of a political space in which other parties, including the UPC and DP, might operate freely. In the lead up to the elections due in 2006 the GoU has finally permitted the establishment of political parties.

A clear failure of the Movement has been to develop a mechanism for national reconciliation. In spite of the fact that the Commission of Inquiry into Violations of Human Rights published a comprehensive report on rights abuses to 1986 in report in 1994, and that the Uganda Human Rights Commission was established in the following year, few legal cases have been brought against those who have committed human rights abuses under past regimes. Approaches to human rights abuses have so far been focused only on punishment rather than on healing, and there has been no proxy for a 'Truth and Reconciliation Commission' as part of the process. Instead, past wrongs have generally been blamed on current members of ethnic groups associated with particular institutions.

Thus many Ugandan citizens actively believe the Acholi people to be directly responsible for the wrongs perpetrated against civilians during the Obote II regime. They believe this because of the generally held stereotype that the national army at that time was an Acholi army, even though the Langi dominated the regime. This attitude goes some way to explaining the indifference toward, or even support for the suffering that Acholis in northern Uganda currently experience. Similarly, many Acholi see their experience in a highly polarised way, and are convinced that the government and people from the West are seeking revenge against them in a systematic manner. Some Acholi even speak of other Ugandans as foreigners, and talk of a plot among other Ugandans to persecute and destroy the Acholi.

2.2.4 Northern Resistance and the LRA

In spite of the pacification that took place in much of the rest of Uganda, peace has not yet settled in Acholiland. Since 1986 five rebel movements have waged a low level war against the GoU in the region. In 1986, the Uganda People's Democratic Army (UPDA) began a rebellion in response to Museveni's rise to the Presidency. The UPDA was largely comprised of remnants of the defeated UNLA who were predominantly northerners, and they continued fighting against the new government until 1988 when a peace accord was brokered between them and the GoU (the Pece Accord).

While some UPDA leaders were successfully integrated into the army and into the ruling party, mutual suspicion remained between the Movement and the Acholi people, and this continued to inform relations between the GoU and the North. In late 1986, these suspicions were reflected in the appearance of a popular Acholi uprising known as the Holy Spirit Movement (HSM), led by a spiritualist named Alice Lakwena. In 1986, Lakwena succeeded in building a substantial force, partly consisting of old UPDA, which had some success until it was routed in 1987 in Jinja. Lakwena fled into exile, but the struggle was carried on first by her father Severino Lukoya, and since 1989 by a cousin named Joseph Kony. His Lord's Resistance Army (LRA) continues to fight a low-level guerrilla war with the GoU to this day, ostensibly in a desire to overthrow President Museveni, to restore order and legitimacy to the state of Uganda, to cleanse the nation through the establishment of a government that will rule in accordance with the 'Ten Commandments'⁹, and to rebuild the Acholi nation and culture, which Joseph Kony believes to have been tainted by evil¹⁰.

⁹ To assume that Joseph Kony seeks to rule in accordance with the orthodox Biblical Ten Commandments would be a mistake. The '10 Commandments' that Kony reportedly seeks to install as the guiding principles of Ugandan society must be seen as an adapted allusion to the traditional practice of Acholi elders to draw up a catalogue of prohibitions in times of crisis, the observation of which are supposed to cure a disturbed moral order. Thus, the

The fiercest period of fighting in northern Uganda prior to 2002 was in the mid-1990s when many Acholi were gathered into IDP camps by the GoU and UPDF for their own 'protection'. Since that time the conflict has fluctuated on a more or less cyclical basis.

2.2.5 The Sudan Question

The LRA began to receive direct military and logistical support from the Government of Sudan (GoS) in 1994, when President Museveni effectively collapsed the most productive peace talks that have yet been held in the history of the conflict, by giving the LRA a 7-day ultimatum to surrender. Following this move the LRA retreated into Sudan where the GoS decided to back them to counter the support that was already being provided to the Sudanese People's Liberation Army (SPLA) by the GoU (support which was allegedly financed by the USA). Since that time, a 'war of proxies' has been waged between the GoU and GoS, with the LRA acting at times as a *de facto* militia of the GoS¹¹.

Given the support that the LRA received at that time, they began to base themselves largely in Southern Sudan, where they received safe haven in GoS held territory. Here they were able to maintain several well-established bases, which had large areas under cultivation to cater for the several thousand rebels resident there, and extensive underground stores of military hardware donated by the Government of Sudan (GoS), and with strong supply lines that were relatively safe from UPDF¹². This security meant that the period 2000 - 2002 was relatively free of LRA incursions into northern Uganda, and in 2001 it was generally believed that a period of long-term peace was in the offing. This belief provoked the GoU and humanitarian and development agencies to put in place long-term plans for the return and resettlement of displaced people in the region, and to plan for reconstruction and rehabilitation programmes.

These plans were supported by progress that had taken place in the diplomatic relations between Sudan and Uganda following the Nairobi Accord in December 1999. Since that time, Khartoum and Kampala have agreed several times on measures to improve bi-lateral relations, and support to the LRA and SPLA by each government is supposed to have been eliminated. Unfortunately questions have regularly been raised about the manner in which these agreements have been upheld:

- While the Khartoum government has been adamant that it withdrew its logistical support to the LRA long ago, there has been much suspicion that the LRA continues to receive shipments of arms, ammunition and uniforms from 'Arabs' in Sudan¹³, and there have been many reports over the past year of LRA rebels being identified in brand new uniforms and with new weapons. It is not clear however, whether these supplies have actually come directly from the GoS, or from rogue elements within the Sudanese Armed Forces (SAF) or elsewhere. In fact, in 2004 the GoS has only restated its commitment to ousting the LRA from Sudan by allowing Ugandan troops to continue operations north of the border, and by pledging to arrest any LRA members found in GoS territory. Also, under the terms of the Naivasha Accord both the GoS and SPLM are responsible for ensuring that 'foreign armies' are removed from Sudanese territory, and a recent report from the Justice and Peace Commission in Gulu does indicate that

actions of the LRA cannot really be judged in terms of how far they do or do not conform to the established edicts of the Christian tradition, but need to be considered in terms of the principles of its own independent and exclusive tradition, which operates on quite separate norms of justice and ethics, and which is developed, at least in part, to specifically reject the established orthodoxy. Alice Lakwena's HSM developed a comprehensive list of prescriptions and rules relating to the behaviour of its members, which were called the *Holy Spirit Safety Precautions*, which were similar to commandments, and such a phenomenon has also been described by Okot p'Bitek in his study of the religion of the Central Luo where he outlines the 10 rules of conduct developed by Ciprianu Kihangirye, which he compares to 10 'commandments'.

¹⁰ For more in depth discussion of the driving interests of the LRA please consult Refugee Law Project (2004) *Behind the violence: Causes, consequences and the search for solutions to the war in northern Uganda*, Working Paper No. 11; Finnstrom S (2003) *Living with bad surroundings: War and existential uncertainty in Acholiland, northern Uganda*, Acta Universitatis Upsaliensis: Uppsala; Van Acker F (2003) *Uganda and the Lord's Resistance Army: the new order no one ordered*, University of Antwerp.

¹¹ Prunier G (2004) Rebel movements and proxy warfare: Uganda, Sudan and the Congo (1986-99), *African Affairs* 103/412, 359.

¹² Interview with senior officer from military intelligence, November 2002.

¹³ For instance ARLPI (2003) *Sudan's Help to the LRA Makes War In Northern Uganda Helplessly Drag On*, July.

recent returnees from the LRA claim that no significant support has been received from Sudan since January 2004¹⁴. In spite of this, informal reports from Sudan do indicate that some officers of the SAF still supply and protect the LRA command¹⁵, and a recent report from the Equatorial Defence Force (EDF) - currently aligned with the SPLM/A - indicated that on the 23 July 2004 the village of Moti, near Torit in South Sudan, was attacked by the LRA with the support of SAF helicopters¹⁶.

- Similarly, the Kampala government's support for the SPLM/A appears to have remained largely unchanged over the past couple of years, though a significant disagreement over conditions of cross border trade did apparently sour relations in 2003. The SPLA and UPDF have been working closely in cross border operations, and the SPLA has had open access to northern Uganda for purposes of supply, R&R etc¹⁷. UPDF and SPLA troops have also continued to collaborate in the timber trade, and close personal relationships have been maintained between the SPLM leadership and the GoU¹⁸. It is likely that military support has also continued to siphon across the border to the SPLA via the GoU and the UPDF during this period, and recent reports from Ugandan military sources in Kitgum that large arms convoys have crossed the border into Equatoria reinforce the suspicions of some civilians that this is the case¹⁹.

2.2.6 The Government's Strategy

The Museveni regime's response to the rebellion in the North has been characterised by a mixture of direct military offensives, abortive peace negotiations and the forced displacement of civilians into protected villages. The GoU has maintained that it is seeking to bring an end to violence in the north via a three-pillared strategy of 1) military response, 2) peaceful negotiation and 3) prayer.

The GoU's attitude to the LRA crisis however, has often appeared to be a curious combination of vexation and indifference - vexation at the continued challenge to the regime's legitimacy that the 'hyenas' of the LRA pose, and relative indifference to the overwhelming suffering of the civilians of northern Uganda. Ever since the Pece Accord was signed in 1988, President Museveni has appeared firm in his attitude that the LRA is made up of 'thugs' and 'criminals', who have no legitimate political grievances or platform, and who need to be 'annihilated'. As such, despite the avowed equal weighting of peaceful processes and prayer in the government strategy, the search for a military victory over the LRA has consistently dominated the conflict scenario. Since 1986 six separate military offensives have been launched against the LRA, including specific large-scale operations in the form of Operation North (1991), Operation Iron Fist (2002) and Operation Iron Fist II (2004), and the UPDF has been consistent in its claims that each new offensive is going to be the decisive hammer blow against these 'unlawful elements'. In counterpoint, during the same period the GoU made only two formal attempts at peaceful negotiation with the LRA, and on both occasions the processes were obstructed in part by the actions of the GoU or its agents²⁰.

Sadly the military operations of OIF did not appear to have a categorically positive impact on the overall state of the conflict. Indeed, in the 2 years from June 2002 the increase in military operations served only to make the levels of violence and humanitarian crisis in northern Uganda worse. The LRA has long shown that its default response to direct attack by the UPDF is to increase its own attacks on civilians, and this has been exactly the case since OIF began. In fact, the most obvious success of OIF I was that it flushed the LRA out of Sudan, where they had been relatively quiet for two years, and back into northern Uganda, where they promptly responded to GoU aggression by engaging in large-scale massacres.

¹⁴ Justice & Peace Commission (2004) *Justice & Peace News*, August, Gulu Archdiocese.

¹⁵ http://seattlepi.nwsource.com/national/apafrika_story.asp?category=1105&slug=Sudan's%20Other%20Wars

¹⁶ http://www.sudantribune.com/article.php3?id_article=4142

¹⁷ SPLA vehicles and officers can regularly be seen in the trading centres of Adjumani, Moyo, and Kitgum stocking up on supplies or relaxing in hotels and bars.

¹⁸ John Garang, the leader of the SPLM is reported to own several houses in Kampala, and makes regular visits to the city for meetings with President Museveni. The two are former student colleagues and friends.

¹⁹ Reports received by NGO worker in Kitgum from UPDF officers, August 2004.

²⁰ In 1994 Betty Bigombe's negotiations with Joseph Kony collapsed following President Museveni's proclamation of a 7 day ultimatum; In 2003 the negotiation attempts of the Presidential Peace Team and ARLPI were directly impeded by obstruction and attacks by the UPDF, as well as by the LRA's failure to adhere to ceasefire provisions.

2.2.7 Operation Iron Fist II

Given the failure of OIF I to make a significant impact on the LRA's ability to cause civilian suffering in northern Uganda, and following a significant increase in international attention on the conflict, the GoU launched Operation Iron Fist II in March 2004. Once more the UPDF claimed that this would be the hammer blow to the LRA. Once again, a protocol was signed with the Sudanese government allowing Ugandan troops the freedom to pursue the LRA on Sudanese territory, but keeping in place a 'red-line' just south of Juba, north of which the Ugandan forces were not supposed to move. It did appear however that the LRA was well able to maintain a secure foothold north of the red-line, and in July 2004 the GoS consented to UPDF operations that attacked the LRA in GoS held territory. The UPDF quickly reported a rout, claiming to have killed over 100 rebels in a single offensive, and to have narrowly missed capturing Joseph Kony.

The GoU reported a consistent catalogue of military achievements after OIF II was mounted, including another rout of the LRA's bases in the Imatong mountains. In July 2004 the UPDF also reported the killing of a total of more than 800 rebels in the six months from January 2004, together with the fact that over 519 LRA rebels had given themselves up for Amnesty in the same period, including about 22 officers of various ranks from second lieutenant upwards²¹. It appears that the combination of pressure from hunger, increased efforts from the UPDF, the impacts of Mega FM's Amnesty related radio programme *Dwug Paco!* (Come back home!), and the reduction of Sudanese military support has led to a gradual wearing down of LRA morale, and a breaking down of the omnipotent aura of Joseph Kony's leadership. As such, it seems that some of the rebels are beginning to realise that there is little point in hiding in the bush, and that Amnesty does not mean certain death²².

The reports received of these events gave substantial cause for optimism in Uganda, and a number of commentators (particularly those supportive of the GoU) have claimed that after 18 years the end of the war is now imminent. Indeed the UPDF spokesman reported that the LRA forces are now seriously weakened, that the ability of the LRA to replenish its ranks through abduction has been curtailed, and that its leadership is in disarray. The GoU and UPDF also reported a significant improvement in the levels of security provided to civilians in IDP camps, which they say have resulted from the deployment of senior UPDF officers specifically for IDP protection in each District. As such, in September 2004 the UPDF reported a total cessation of attacks on civilians in northern Uganda, and informed international NGOs that all IDP camps in the region are freely accessible, and that protection of civilians is guaranteed²³. The GoU also reported that the ground is now set for a phased return of civilians to their homes by April 2005²⁴.

However, there is great cause for caution in making such claims. Routs of LRA bases have been reported in the past, only to be followed by extreme increases in violence against civilians. The reported rout of LRA bases in Sudan in 2002 precipitated some of the worst massacres the war had ever seen, as did the reported rout of their new bases in the Imatong mountains in May 2004. Joseph Kony has also eluded capture 'narrowly' in the past, only to re-emerge with more ferocity than before²⁵, and lulls in violence have occurred regularly in the past, such as in 1996 and 2000, only to be followed by massive atrocities after months of relative peace. This goes to show that a reduction in the number of attacks by the LRA in Uganda does not constitute evidence that protection by the military has improved. It may merely indicate a change in tactics by the LRA, such as a withdrawal for recuperation and restocking, or a retreat into Sudan. Finally, it must also be

²¹ http://www.irinnews.org/report.asp?ReportID=42351&SelectRegion=East_Africa&SelectCountry=UGANDA. In mid August the Justice and Peace Commission also reported UPDF statistics showing that between April and August 316 LRA members had returned, among them 46 officers. JPC (2004) Mid-August 2004 situational report.

²² Justice and Peace Commission (2004) *Mid August Situational Report*.

²³ At the UNOCHA workshop on *Protection of Civilians in Armed Conflict: Humanitarian Challenges in Uganda*, held in Kampala on 7-8 September 2004 a senior UPDF officer gave the guarantee that there will be no more rebel raids on IDP camps, and that international NGOs would be able to safely remain in IDP camps for as long as they need to (weeks or months).

²⁴ As noted by Minister of State for the North Grace Okello http://www.news24.com/News24/Africa/News/0,,2-11-1447_1586927,00.html and by UPDF spokesman Shaban Bantariza <http://allafrica.com/stories/200411050382.html>

²⁵ In 2003 the UPDF reported that they had narrowly missed Joseph Kony as he had escaped naked into the bush leaving behind his Kaunda suit, which the UPDF duly 'captured'.

remembered that while some commanders have given themselves up in recent months, the hard core of the LRA remains at large (eg: Kony, Otti, Kolo etc.).

That said, in November 2004 levels of violence were indeed lower than in June 2004, and abductions had also decreased dramatically. Sadly however, violence against civilians had not ceased altogether. Reports received from the humanitarian community working in Kitgum, Pader and Lira in September and October 2004 indicated that just as the GoU made guarantees on the cessation of LRA attacks that attacks and ambushes against civilian targets were slowly intensifying²⁶. Even if the LRA has suffered a serious set back in terms of losses in 2004, the everyday reality of IDPs remains one in which the threat of attack is palpable and serious. From a protection perspective therefore, little can yet be seen to have changed.

2.2.8 Ceasefire: A cause for hope?

In early 2004 Betty Bigombe resumed her efforts to bring peace to northern Uganda by acting as a bridge between the GoU and the LRA, reportedly with the direct blessing of President Museveni²⁷. Accordingly she has spent much of the past 10 months working to persuade both parties to engage in meaningful dialogue towards a peaceful resolution of the conflict, visiting Sudan in an attempt to meet with the LRA command, and maintaining regular phone contact with them. In November 2004 Ms. Bigombe was reported to have made direct face-to-face contact with senior members of the LRA in northern Uganda, apparently to propose a concrete mechanism for the LRA to come out of the bush. This meeting was facilitated by the calling of a seven day ceasefire across a 300 mile² area of Kitgum District by President Museveni on 14th November 2004; a ceasefire which was duly extended on the 25th November for a further ten days, following Ms. Bigombe's briefing of the President.

This ceasefire, and the discussions being held by Ms. Bigombe with the rebels and the GoU, present the most credible opportunity for securing a peaceful resolution to the crisis of the past ten years - though it remains to be seen how far either side will engage in good faith over the coming weeks. Reports received from Sudan after the declaration of the 14 November ceasefire indicated that Joseph Kony had called LRA troops back into Sudan²⁸, possibly indicating a rift within the leadership of the rebel group, and reports continued to be received of violence being committed against civilians across the region during November. Reports have also been received of possible rifts within the GoU and UPDF over the desirability of a peaceful resolution, and it is clear that for the process to be successful it must have the strong public support of the President himself. As such, while a historic opportunity currently exists to bring about the peaceful conclusion of the 18 years war, the process itself is highly fragile, and a firm and steady political will must be maintained if the peace process is to be successful, just and lasting.

²⁶ Discussions with representatives of NGOs operating in these districts, supported by reports received from UN Field Security Officer in the UN Humanitarian Update September 2004, Vol 7, Issue 9 and at the UNOCHA Contact Group meeting 15 September 2004.

²⁷ Interviews with Northern Uganda Peace Initiative (NUPI), April 2004, September 2004.

²⁸ Moro T (2004) Kony orders rebel pullout. *New Vision*, 21 November. <http://www.sundayvision.co.ug/detail.php?mainNewsCategoryId=7&newsCategoryId=123&newsId=401186>

3 Defining Humanitarian Protection

Humanitarian Protection is concerned with preventing or mitigating the most damaging effects (direct or indirect) of armed conflict on the civilian population and it relates mainly to the way in which people - particularly the most vulnerable - are treated by others, through deliberate acts or through negligence²⁹.

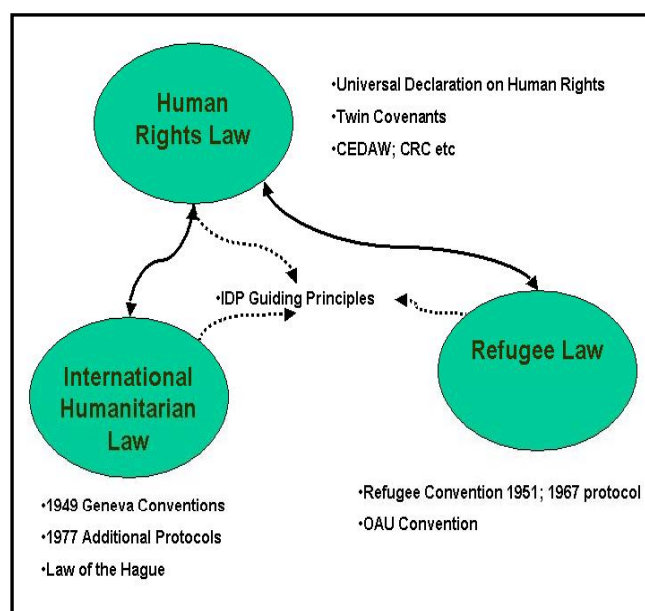
3.1 A Rights Based Approach

In any armed conflict there is a possibility that civilians will be adversely affected, either as a result of direct actions perpetrated against them by combatants, or through the more indirect impacts of the conflict scenario. Fundamentally speaking, civilians may be subject to the following kinds of *threat*:

- **Violence** or the threat of violence, e.g. murder, torture, rape, wounding, abuse, abduction, etc.
- **Coercion** forced displacement, forced or prevented return, forced prostitution, forced recruitment, forced labour, etc.
- **Deprivation** denial of access to means of subsistence (including relief assistance), destruction of property etc.

Each of these may be visited upon the civilian population either as a result of deliberate acts (murder, forced displacement etc.) or as a result of indirect negligence, and may result from the actions of a variety of perpetrators, including both the incumbent force (the government) and the insurgent (in this case, the rebels). Either way, the critical factor is that when these acts of violence, coercion and deprivation are visited upon the civilian population, they serve to deny civilians their rights as enshrined in international law.

There are three relevant branches of law that spell out the duties of the state or those in power towards the individual: International Human Rights Law (IHRL); International Humanitarian Law (IHL) and Refugee Law (RL). However, it is worth noting that the law is only one of many languages that protection uses. The law provides an important blueprint for national legislation, policies and practises and can be used to deliver more effective advocacy. Nevertheless it must be seen as complementary to, not a substitute for other languages of persuasion- such as societal values, religious beliefs (including, for example, Islamic Law), moral imperatives and political expediency.



Article 1:3 of the Charter of the United Nations [1945] describes one of the purposes of the organisation as “*promoting and encouraging respect for human rights and fundamental freedoms for all*”³⁰. On this basis, modern Human Rights were then elaborated in the

²⁹ Oxfam GB (2003) *A Guide to Carrying Out a Humanitarian Protection Analysis*.

³⁰ For a good introduction to this refer to Darcy J (1997) *Human Rights and International Legal Standards: What do relief workers need to know?* ODI: London.

Universal Declaration of Human Rights (UDHR) and consolidated into the so-called “Twin Covenants”- on civil and political rights, and social and economic rights respectively.

There have been other conventions covering more specific topics, such as the Convention on Rights of the Child (CRC) and the Convention on Elimination of all forms of Discrimination Against Women (CEDAW). States party to these international conventions are obliged to incorporate them into national law and policies.

In addition to human rights law, the other relevant body of law that applies in armed conflict is International Humanitarian Law (IHL). IHL regulates the conduct of hostilities and seeks to minimise the suffering that armed conflict produces³¹. Its core is found in the Geneva Conventions of 1949 and the Additional Protocols of 1977. It is a realistic law that, whilst recognising that conflict inevitably occurs, attempts to limit the rights of parties to choose methods of warfare and aims to balance military necessity with principles of humanity. Those who are not taking part in the conflict - be they civilians, prisoners or wounded combatants - should not suffer disproportionate harm.

Although the precise articles that apply depend on the nature of the conflict (e.g. whether international or non-international), the key principles are generally applicable: distinction between combatants and non-combatants; the use of force proportional to the anticipated military advantage; and taking adequate precaution to minimise incidental damage to civilians and civilian property and non-combatants.

In refugee situations (i.e. when someone fleeing persecution has crossed an international boundary), international Refugee Law applies. The key instrument is the 1951 Refugee Convention and its 1967 Protocol. Regional instruments such as the OAU Convention (for Africa) and the Cartagena Declaration (for Latin America) support this. UNHCR is responsible for ensuring adequate international protection of refugees, and the decisions of its Executive Committee (Ex-Com) provide substantive interpretation on refugee law and the role of UNHCR.

These principles and bodies of law outline the fundamental rights of all non-combatant humans caught within the scenario of armed conflict, and outline the specific rules, regulations and responsibilities that must be adhered to and inhabited by the parties to armed conflict, whether it is international or internal. As such, they not only measure the legitimate expectations that individuals and communities may have about their treatment, but can also locate responsibility for ensuring that these expectations are met.

The Guiding Principles on Internal Displacement (GPID) can also be used to assist in the application of IHL and IHRL in situations where civilians have been displaced within their own borders and where refugee law does not apply, such as northern Uganda. While these guidelines do not constitute a body of international law (since they are not a convention signed on to by states), they do outline specific responsibilities that UN member states and armed groups should uphold during situations of internal displacement, and they reinforce the significance of IHL and HRL for civilians living in those circumstances. In particular, they outline the specific responsibilities of the state for protecting civilians suffering from internal displacement and for ensuring that they live in a state of dignity.

This network of laws and principles outlines both the rules of war, and the responsibilities of specific actors for protecting civilians from the worst excesses of armed conflict. As such, it creates two principle sets of responsibility: firstly, that parties to a conflict should not breach the rights of civilians; secondly, that the state and other mandated actors have a right and a responsibility to try and protect civilians from breaches if they occur, or are likely to occur.

³¹ Note that the law regulating resort to force - *jus ad bellum* - is a separate body of law.

3.2 Responsibilities for Protection

3.2.1 The Armed Forces

In an armed conflict, the basic rights of civilians are that they have the right to life, and the right to live with dignity. As such, the provisions of IHL, as enshrined within the Geneva Conventions and Additional Protocols, isolate three fundamental humanitarian obligations, which must be adhered to by armed forces in the theatre of war. These are:

- *Distinction* Between combatants and civilians
- *Proportionality* Loss of civilian life and damage to civilian property cannot outweigh the concrete and direct military advantage anticipated
- *Precaution* Constant care shall be taken to spare the civilian population and civilian objects

All combatant forces are obliged under IHL to conform to these principles, and risk the possibility of accusation for war crimes if they breach them. Thus, the leaderships of the armed forces (whether incumbent or insurgent) have a specific responsibility for regulating the behaviour of their subordinates in the field, and for ensuring their accountability with the humanitarian obligations.

Clearly, given that the state tends to be one of the principle parties engaged in any armed conflict, and given that the state is responsible for the management and conduct of the national army, it is the state that bears the responsibility for the conduct of its soldiers. This constitutes the first and most basic protective responsibility of the state - that civilians should be protected from the direct actions of its agents. Thus, it is the state that is required to educate and control the conduct of all armed forces on their territory, and to prosecute all those who breach international humanitarian law. Plus, at an individual level, commanders and members of armed forces and armed groups also have personal responsibility for violations of the law.

Similarly, insurgent forces have a clear responsibility to uphold their humanitarian obligations and to abstain from the abuse of the fundamental rights of civilians. Their leaderships are similarly accountable for the conduct of their subordinates and can be held accountable within the structures and mechanisms of international law.

3.2.2 The State as Shield

In addition to its mandate to control its forces in the field, the state has a broader obligation to protect the rights of civilians who reside within its territory. This is because broadly speaking, the 'duties' that correspond to each right of an individual, lie with the state and its agents, and the final obligation to provide for the minimal standards of dignity for civilians lies with the state, *de jure* and *de facto*. According to the social contract, the state should provide the basic *shield* for civilians against threats to their rights.

Thus, as the sovereign power, the state has the obligation to provide a protective environment for its citizens, within which they may live without fear of violence, in dignity, with their basic needs met, and with the ability to exercise all of their rights with impunity. The provision of such an environment is a complex business, of which the provision of security *per se* constitutes only a small part. It is as much to do with the construction of effective and just institutions as it is with the minimization of violence. Citizens can only exercise their rights effectively if they are able to benefit from a peaceful environment, where justice is effectively dispensed and in which they are able to secure their livelihoods and live in good health. If security is provided without the facilitation of these other requisites, a protective environment is not provided and the state is failing in its duties as the 'agent' of the people.

The first way that the state can do this is by interposing itself between the agents of violence and the civilian population, via the armed forces or police force, who should operate to defend civilians and to uphold their human rights. These institutions should be effectively mobilized to provide a protective barrier for civilians against actual violence, while also neutralizing the threat of violence before it becomes manifest. Institutions for

conflict resolution and justice provision are also vital at this stage because they can be critical in enabling the neutralization of potential violence before it becomes dangerous. As such, the most effective way of building a protective environment is through the creation of an effective government and judiciary, through which conflict can be mediated before it becomes violent.

3.2.3 The State as Safety Net

When these fundamental institutions for mediating conflict and preventing violence break down however, the state - being the 'agent' of its citizens - has the obligation for ensuring that any violence that does occur is not at the expense of civilians' well-being, and does not infringe their rights. Thus, the state also has the obligation for ensuring that civilians are protected from the most adverse indirect impacts of warfare, by acting as a safety net to support civilians' coping mechanisms.

In times of peace, it is the state that is finally responsible for the basic welfare of civilians, and this responsibility only increases during warfare, particularly when the state itself is directly responsible for the inception and continuation of the state of armed conflict. In such a situation, the state should bear the responsibility for providing, or facilitating the provision of adequate basic services to ensure that civilians are able to live in dignity, and with all of their basic rights fulfilled. This responsibility is particularly acute in situations where the state has forcibly displaced civilians for the purposes of security or military advantage. In such circumstances the state becomes entirely responsible for the displaced population, and is under strict obligation to make adequate provision of their needs. Where it fails to do this, it stands in breach of Article 17 of Additional Protocol II to the Geneva Conventions.

3.2.4 International Community

This is of course no easy task. The provision of assistance to fulfill all the rights of civilians within a situation of war is a gargantuan endeavor, requiring massive amounts of manpower, inputs and organization, and few states are able to cope with this burden on their own. Indeed there may well be a situation in which the national state is unwilling to provide such protection for political or strategic reasons. Whatever the reason for the failure however, where the national protection system fails the international community has an obligation, under the edict of the Geneva Conventions, to ensure that humanitarian protection is provided. The international protective system can intervene to support the state in its role as shield and safety net in three ways.

- Through political intervention the UN, its member states, regional bodies, mandated organizations (eg: UNHCR, ICRC) and NGOs, might try to persuade or coerce the state and the other armed forces to live up to their responsibilities under IHL and HRL. In addition, juridical mechanisms such as the International Criminal Court can be mobilised to hold those who breach human rights and humanitarian law to account.
- Through the provision of direct humanitarian assistance the international community can substitute for the role of the state in helping to shore up the protective environment, particularly by ensuring that civilians are able to live with increased dignity, and with lessened direct threat from violence.
- Through physical military intervention, the international community, through the UN or unilaterally, can attempt to enforce humanitarian protection for specific people. For instance, the recent interventions by MONUC and EU forces in DRC were designed to improve the protective environment, and to facilitate the expansion of humanitarian space for the delivery of assistance.

In reality, the first two of these are the only likely options for the international community, because physical intervention requires the state to waive its sovereignty by asking for direct assistance in a situation it accepts it cannot control. It also requires a substantial financial and material commitment from other states, something that is generally slow in coming, and often less than adequate.

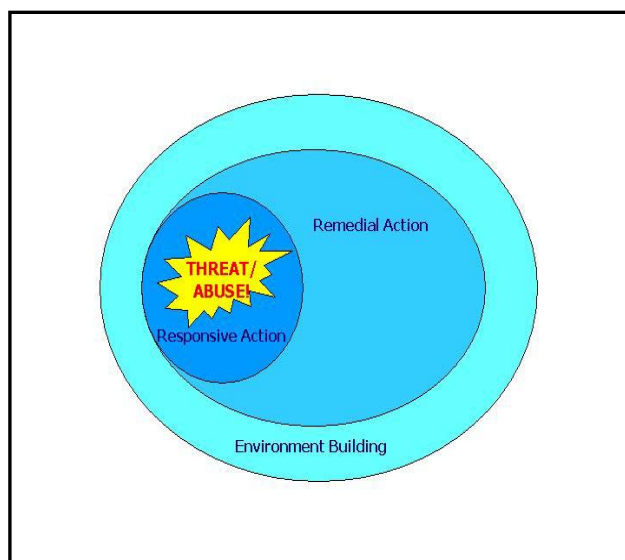
3.2.5 Local Structures

Finally, it must be highlighted that in most instances where the protective system provided by the state fails, it is the civilians themselves who are forced to find ways of ‘coping’ with their situation. As such, local and traditional structures play an important role in the overall creation and maintenance of the protective environment. The structures of the household, the extended family, the clan, tribe, religious community and local council, all play critical roles in providing both shield and safety net for civilians living in the midst of war, and these need to be supported, particularly in situations where external assistance is inadequate or slow to arrive.

3.3 Protection Responses

The ICRC has developed an ‘egg’ model of protection to describe types of action that may be envisaged [see diagram] for responding to humanitarian protection needs³²:

- **Responsive action** is any activity that is undertaken to alleviate the immediate effects of a threat or prevent its recurrence. Examples could include direct provision of relief to the victims, punctual intervention with the UN so that they take action internationally to control armed forces.
- **Remedial action** is any activity that aims at restoring dignity and adequate living conditions after an abuse. Examples could include rehabilitation, restitution of lost assets, or indeed reparation, compensation or justice. It could also include helping people to access the information they need to make informed choices about their future (e.g. to return home or not), or indeed helping them to be represented in the decision-making forums that are affecting their lives (e.g. UNHCR discussions with host governments).



- **Environment building** is work aimed at creating and/or consolidating an environment - political, social, cultural, institutional, economic and legal - conducive to full respect for the rights of the individual, i.e. that supports responsive and remedial work. Examples may include promoting, say, the Guiding Principles on Internal Displacement as standards for setting IDP policy, or bringing standards of refugee protection into programme design, both for individual humanitarian agencies, and through co-ordination mechanisms, for the sector as a whole.

Thus, the effective provision of humanitarian protection requires much more than a narrowly focused security response designed solely to excise the perceived root of the problem. It requires a comprehensive strategy for responsive and remedial action, and for the construction of an effective and sustainable protective environment that rests on functioning state institutions.

The state is the bearer of the final obligation for providing this response, and for ensuring that the rights of its citizens are upheld. It therefore bears the responsibility for calling on external actors to assist it in achieving this goal whenever and wherever it is unable to do so. Thus, the development of a truly comprehensive protection strategy requires the full cooperation and coordination of the state with other nation states, multilateral and mandated organizations, and civil society, and requires the state to actively consider the

³² For more on this refer to ICRC (2001) *Strengthening Protection in War: A search for professional standards*.

option of requesting direct, physical intervention from international actors within its territory. Failure to request international assistance for protection when it clearly cannot provide protection itself, and the failure to develop and implement such a strategy, indicates failure of the state to accept the obligation for protection that comes as a condition of sovereignty.

4 Uganda's Protection System

4.1 International Protection Standards

4.1.1 International Humanitarian Law (IHL)

International Humanitarian Law aims to limit the means of warfare to measures that are proportional to military objectives, and to protect persons who are not, or are no longer, directly engaged in hostilities. IHL requires all warring parties to refrain from targeting the civilian population and properties. Under IHL, impartial humanitarian agencies also have a right to access victims of conflict.

4.1.1.1 *The Geneva Conventions*

The fundamental humanitarian obligations are enshrined within the four Geneva Conventions of 1949, and the Additional Protocols of 1977, which comprise the major source of IHL. These Conventions outline the responsibilities of combatants in the field of conflict, as well as outlining the rights of civilians who are caught up in the conflict area. In particular "Common Article 3" describes the absolute core protections in internal armed conflicts. Among other things, Common Article 3 prohibits violence to life and person: murder of all kinds, mutilation, cruel treatment and torture, taking of hostages, outrages upon personal dignity, in particular humiliating and degrading treatment, and summary executions. All parties to conflict, including those parties to conflict of a non-international nature, are bound to these adhere to these conventions.

Given that status, the Additional Protocol (II) to the Geneva Conventions signed on 8 June 1977, refers specifically to the Protection of Victims of Non-International Armed Conflicts. This Protocol contains a few key Articles that are of particular relevance to the situation in northern Uganda, especially relating to the protection of children, to the protection of the civilian population, and to the rules relating to forced displacement of civilians. In particular, children are afforded special protection, being guaranteed an education in times of conflict, and being exempt from military service. Civilians are protected from being objects of attack, and their well-being is protected by a prohibition on the attack, destruction and sequestration of objects indispensable for civilian survival. Finally, there is a prohibition on forced movement of civilians except in situations where the security of civilians or imperative military reasons so demand. When such displacement is necessary, the governing Party is responsible for providing measures to guarantee access to shelter, hygiene, health, safety and nutrition.

Uganda is fully signatory to the Geneva Conventions and its attendant Protocols³³, and while no legal mechanisms exist to incorporate them into Ugandan law specifically, they are broadly reflected within the Constitution of Uganda.

4.1.1.2 *The Rome Statute*

The Rome Statute, which entered into force on 1st July 2002, created the International Criminal Court in The Hague, and established it as the mechanism for enforcing IHL as it pertains to the most serious crimes of concern to the international community as a whole. The Court has jurisdiction in accordance with the Statute with respect to (a) The crime of genocide; (b) Crimes against humanity; (c) War crimes; and (d) The crime of aggression. The ICC has the power to investigate any such crimes that are reported to it, and is able to prosecute individuals for their part in perpetrating them.

In the case of northern Uganda, crimes against humanity and war crimes are those which are most relevant, with multiple breaches having been committed by both sides, but by the LRA in particular. A draft ICC Bill, which aims at harmonising Ugandan law with the Rome statute, is currently before parliament.

³³ Uganda ratified Additional Protocol II on 14 November 1995. See Annex for details of the key IHL Conventions that Uganda is party to.

4.1.2 International Human Rights Law (IHRL)

International human rights law constitutes the final set of formal standards that can be applied to the conflict from the international level. The Universal Declaration of Human Rights (10 Dec 1948)³⁴ outlines the basic rights that apply to all people at all times.

In times of conflict, some of the rights outlined in the UDHR may be suspended (derogated from) for a temporary period, however the core provisions are non-derogable and apply at all times. These core rights include:

- The right to life;
- The right to be free from torture;
- The right to be free from slavery;
- The right to recognition before the law;
- The right to freedom of thought, conscience and religion.

As with the rest of IHL, the State holds the final obligation for ensuring that the rights of civilians are protected within its territory, and as such the State is responsible for providing and maintaining a protective environment of security and stability. The derogation of rights in times of conflict should therefore be only be permitted via a formal process in which the state calls a state of emergency, and effectively communicates that certain rights and protections are no longer in effect due to prevailing circumstances. The State has no right to suspend the rights afforded to civilians within the core group highlighted above.

Being a simple declaration, the UDHR is non-binding, except to the extent to which it reflects customary law. As such, it is supplemented by a number of more specific human rights treaties which elaborate on the broad themes of the Declaration, and which protect particular sets of rights in law. These include treaties such as the 'Twin Covenants' on Civil and Political Rights (CCPR) and Economic, Social and Cultural Rights (CESCR), the Convention on the Rights of the Child (CRC), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)³⁵.

4.1.3 The Guiding Principles on Internal Displacement

While they are not a convention signed onto by states, and as such do not constitute a formal section of IHL, the Guiding Principles on Internal Displacement (GPID) bring together all of the most relevant principles and articles enshrined in IHL and IHRL as they apply to the phenomenon of internal displacement. As such, they provide the most important framework for addressing internal displacement, and provide guidance and specific standards for the action of government, non-state actors and other agents. They can also be used as a key tool for holding actors accountable by linking internal displacement to the specific provisions of IHL.

The particular areas of focus for the GPID are the rules and caveats relating to forced displacement and to the protection of life and dignity of civilians under conditions of displacement. Of these, perhaps the most important are 1) that IDPs enjoy the right to life and to an adequate standard of living, 2) that civilians are to be protected from arbitrary displacement, and 3) that it is the national authorities that have the primary duty and obligation to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.

4.1.4 The Sphere Project

The Sphere Project outlines a set of minimum standards in disaster response, which act as an adjunct to the protection provisions within international human rights law for the treatment of civilians in situations of conflict, emergency and disaster. They effectively outline the basic requirements for all people if their right to live in dignity is to be protected. As such, the Sphere standards complement the GPID in outlining the basic rights

³⁴ The full text of the UDHR can be found at <http://www.un.org/Overview/rights.htm>

³⁵ See Annex for a full list of the human rights treaties to which Uganda is signatory.

of internally displaced people, and the concomitant responsibilities of national authorities for the provision of assistance under conditions of forced displacement³⁶.

It is worth noting that the Sphere Project draws the principle of 'life with dignity' from the Universal Declaration of Human Rights and subsequent human rights conventions. Furthermore the principle has been incorporated into most of the constitutions of the world. Life with dignity implies a certain level beyond life saving assistance. Sphere thus not only tries to quantify what is needed to sustain life, but also sets standards to sustain dignity.

4.2 National Protection Standards

4.2.1 The Constitution of Uganda

The Constitution of Uganda was passed into law on the 22nd of September 1995 after a lengthy process of development and following a national referendum. The Constitution forms the highest instrument of Ugandan law and all other legal provisions are subordinate to it³⁷. The Constitution outlines the rights and obligations of both citizens and the state and elaborates a number of mechanisms by which the state can honour its obligations in law.

4.2.1.1 Obligations of the State

The Constitution draws the line at an explicit specification of the State's obligation to *protect* citizens from abuses of their rights, but does outline a set of general articles that show that the State has a legal obligation to act as the custodian of the rights of Ugandan citizens, and as such has an obligation to protect those rights:

The State shall provide a peaceful, secure and stable political environment...
Preamble III (v)

The State shall guarantee and respect institutions which are charged by the State with the responsibility for protecting and promoting human rights...
Preamble V (i)

The State shall endeavour to fulfil the fundamental rights of all Ugandans to social justice and economic development, and shall... ensure that (i) All Ugandans enjoy rights and opportunities to education, health services, safe water, work, decent shelter, adequate clothing, food security, pension and retirement
Preamble XIV

The State shall institute an effective machinery for dealing with any hazard or disaster... or any situation resulting in general displacement of people...
Preamble XXIII

The State acknowledges its responsibility for creating a protective environment, for ensuring that civilians are able to live in dignity, and that their rights are protected and promoted, even in times of disaster and displacement. Thus the Constitution effectively outlines the fact that the State is responsible for acting through its institutions to protect Ugandan citizens as both *shield*, and *safety net*.

This principle is elaborated later in the Constitution through the articles concerning the rights of citizens specifically, which are recognised as inherent, and enshrined for protection by Uganda law, as well as through those articles which concern the establishment of the Judiciary, the Human Rights Commission, and the security services.

³⁶ See <http://www.sphereproject.org/handbook/index.htm> for the full text of the *Sphere Project Minimum Standards in Disaster Response*.

³⁷ For the full text of the Uganda Constitution see <http://www.government.go.ug/constitution>

The obligation of the state to actively protect the lives and property of Ugandan citizens is not explicitly outlined in the articles governing the functions of the UPDF, whose key objectives are focused on the preservation and defence of the sovereignty and territorial integrity of Uganda³⁸. Rather, the obligation for protection is enshrined in those articles outlining the responsibilities of the Uganda Police Force³⁹, to whom the UPDF may give assistance “in emergency situations and in cases of natural disaster”⁴⁰.

4.2.1.2 *Rights of Citizens*

The Constitution is almost wholly in line with the fundamental precepts of IHRL, and clearly reflects the UDHR and its attendant conventions and covenants. It is interesting to note however, that in Article 44, which outlines the prohibition of derogation from particular human rights and freedoms, which should be in line with UDHR and Common Article 3 of the Geneva Conventions, that no mention is made of prohibitions on the derogation of the right to life⁴¹.

4.2.2 The National Disaster Management Policy

Over the course of the past two years the GoU has developed a National Disaster Preparedness and Management Policy (NDMP). This policy’s overall goal is to bring the GoU in line with its obligations under the Constitution to “institute an effective machinery for dealing with any hazard or disaster”. As such, the policy aims to “promote disaster management to be implemented in a manner that integrates disaster management with development planning and programming” so “that people of Uganda can avoid serious social and economic disruptions as a result of disaster events”. Under this formulation internal displacement constitutes a subsection of Uganda’s disaster management framework. The policy has seven specific objectives, to:

1. Provide a broad policy framework for harmonization of sectoral and cross-sectoral policy objectives, principles and strategies;
2. Establish an integrated and multi sectoral approach to disaster management;
3. Promote positive behavioural and attitudinal change towards disaster management;
4. Provide a basis for the formulation of a comprehensive disaster management legal framework;
5. Establish an institutional framework for disaster management;
6. Establish an effective monitoring and evaluation system;
7. Provide for an effective information management system to facilitate collection, storage, analysis and dissemination of disaster management information.

This policy framework provides a best practice outline for establishing a comprehensive institutional and legal structure for managing disaster in Uganda, and is clearly rooted in the standards and principles of IHL, IHRL, the GPID and the Sphere Project. According to the policy, the Department for Disaster Management and Preparedness (DDM) within the Office of the Prime Minister (OPM) is the mandated institution for the coordination of disaster preparedness and management in Uganda, and is responsible for ensuring that the rights of Ugandan citizens are upheld in time of crisis.

Sadly the policy has not yet been passed; Cabinet is still considering it and there is no clear indication that it will be passed at any time in the near future. Until such a time as the Policy is enacted, there is no specific policy or effective operational institutional structure for alleviating the effects of disaster in Uganda. This delay in enacting the NDMP creates significant problems for the effective coordination and delivery of humanitarian assistance to the civilian population in northern Uganda. While the NDMP clearly elaborates a

³⁸ Constitution of Uganda, Article 209. <http://www.government.go.ug/constitution/detail.php?myId=12>

³⁹ Constitution of Uganda, Article 212: “The functions of the Uganda Police Force shall include the following - (a) to protect life and property...” <http://www.government.go.ug/constitution/detail.php?myId=12>

⁴⁰ Constitution of Uganda, Article 209. <http://www.government.go.ug/constitution/detail.php?myId=12>

⁴¹ Constitution of Uganda, Article 44. <http://www.government.go.ug/constitution/detail.php?myId=4>

definition of what should constitute a ‘state of disaster’ for the GoU⁴², no such definition currently exists in Ugandan law and as such there is currently no explicit mechanism for declaring an area of Uganda a disaster area. In fact the only provision under current Ugandan law for identifying a crisis area is through the establishment of a state of emergency⁴³. Thus, the GoU has so far neglected to identify northern Uganda as a disaster affected region, and has not put in place any adequate measures for disaster relief within the GoU structure.

4.2.3 The National Policy on Internal Displacement of Persons

Prompted by lobbying and funding from UNOCHA, the OPM has also developed a National Policy on Internal Displacement of Persons (NPIDP), which is designed to bring Ugandan legislation in line with the principles enshrined within IHL and IHRL and within the GPID in particular. The policy seeks to provide for the protection and assistance of IDPs by providing guidelines to government institutions, local and international humanitarian organizations and NGOs involved in upholding the rights and entitlements of the IDPs through all the phases of displacement. As such, the policy recognises that IDPs should “enjoy, in full equality, the same rights and freedoms under the Constitution and all other laws, as do all other persons in Uganda”, and it therefore sets out to establish an institutional framework for IDP protection through national and district government, with the Office of the Prime Minister acting as the coordinating body. The policy also contains clear definitions of what kinds of situations relating to internal displacement constitute a ‘disaster’ or an ‘emergency’ thereby providing a clearer means of holding government accountable for the fulfilment of its responsibilities in such situations. The Cabinet finally passed the policy on 24 August 2004, but no implementation plan has yet been made public, nor is it clear what resources will be specifically allocated to cater for the implementation (if any).

The development of the IDP policy has been an extremely positive step on the part of the GoU, as the immediacy, scale and horror of the situation of internal displacement in northern Uganda clearly requires that an effective, functioning and practicable government strategy for alleviating the effects of displacement is put in place and mobilised as quickly as possible. Unfortunately however, being only a policy, the provisions of the NPIDP are rather toothless given current legislation.

4.2.4 The Amnesty Act

The Amnesty Act was passed into law following Presidential assent in January 2000⁴⁴. Its passage into law was a long and difficult process that was led by Ugandan citizens, particularly those in northern Uganda, and supported by a caucus of Ugandan and international NGOs and CBOs. The Amnesty Act was passed to create a platform for peace-building and reconciliatory processes in northern Uganda, and made provision for a full and non-exclusive amnesty. This was included in a bid to encourage the leadership of the LRA to put down their arms and return to reintegrate into Ugandan society. The Amnesty law was supported by an overwhelming majority of Ugandan citizens who were consulted in a nationwide process by cabinet ministers.

Section 3 (1) of the current Amnesty Act declares an Amnesty in respect to any Ugandan who has, at any time since January 1986, engaged in war or armed rebellion against the GoU by actual participation in combat; collaborating with the perpetrators of the war or armed rebellion; committing any crime in the furtherance of war or armed rebellion or

⁴² According to the NDMP “A state of disaster shall be declared when most of the basic social services have broken down and the basic human needs are lacking due to the disaster and there is inability at the local level and difficulties at the national level to provide the affected communities with relief services and goods in the immediate short term from the relevant programmes. A declaration of a state of disaster would mean the provision of the required relief services and goods to the affected population takes precedence over all other programmes of government, thus calling for immediate re-programming and re-allocation of resources from other sectors until such a time when the President declares the end of the state of disaster in the defined part of the Country. National and International Humanitarian Agencies, the donor community and the Private sector are expected to give special support to government by reviewing their policies and programmes accordingly.”

⁴³ A state of emergency requires a temporary Act of Parliament designating the area affected by the state of emergency and outlining the specific provisions of that state. The derogation of any Ugandan citizen’s rights, as defined within the Constitution, should first require a state of emergency to be in place.

⁴⁴ See Afako B (2002) *Promoting Reconciliation: A Brief Review of the Amnesty Process*, CSOPNU, for a more detailed account of the Amnesty Act.

assisting or aiding the conduct or prosecution of the war or armed rebellion. It also outlines that such persons shall not be prosecuted or subjected to any form of punishment for participation in war or rebellion for any crime committed in the cause of the war or armed rebellion as long as they renounce their activities and apply for amnesty.

These provisions are strengthened within Ugandan law by the legal guarantees given to those who claim the Amnesty. According to Article 28 (10) of the Constitution:

No person shall be tried for any criminal offence if the person shows that he or she has been pardoned in respect of that offence.

Thus, those reporters who request and receive the amnesty receive a pardon that is constitutionally guaranteed, even beyond the life of the Amnesty Act itself.

As such, all rescued or escaped rebels from the LRA have the right to seek Amnesty and should be released into the hands of the Amnesty Commission or other designated rehabilitation agency by the UPDF. Amnesty applicants are entitled to an amnesty certificate exonerating them from all crimes and exempting them from prosecution, as well as to a resettlement package in the form of cash, food and NFIs.

The Amnesty Act has never been enacted for more than a six month period at any given time, and is in constant need of re-enactment. This has created problems for the Amnesty Commission, which has not been able to become fully operational due to constant uncertainty about the Act's status, and due to a resulting lack of long term funding. The failure of the GoU to enact the law for a longer fixed period has also reinforced a suspicion that the GoU, and the President in particular, have not been supportive of the law. Indeed the President made it plain in the past that he did not believe that a fully unconditional Amnesty could work in improving the situation of northern Uganda. In May 2004 the Amnesty Commission faced a backlog of over 2,000 reporters awaiting resettlement packages, and no clear source of funding support, which would guarantee that claimants would be processed effectively for return, resettlement and reintegration. This was in spite of the fact that the World Bank (WB) had expressed a commitment to fund the Commission in full for a three-year period, if the GoU enacts the Amnesty Act for the long-term. The GoU however persists in its commitment to re-enacting the Amnesty on a temporary basis only⁴⁵.

The latest extension of the Act took place in November 2004 for a period of three months, and it is anticipated that a further extension will be made in February. In the months to September 2004 there was a significant increase in the number of LRA combatants and abductees reporting to the UPDF in search of Amnesty, and it appeared that the Act was finally performing as an effective incentive for the LRA to leave the bush and renounce the rebellion. This increase in levels of return was, stimulated in part by the success of the Acholi language radio programme *Dwug Paco*, which has been broadcast on the independent radio station Mega FM in Gulu since the beginning of 2004. This programme allows recently returned LRA members and prisoners to tell the story of their return, and to make entreaties to their former comrades to leave the bush and claim Amnesty. It is designed to reassure the LRA who remain in the bush, and their prisoners, that they will receive fair treatment on return, and will not be killed by the GoU, as they have reportedly been told they will by the LRA leadership⁴⁶. The GoU also argues that the increase in levels of reporting is a direct indicator of the success of the UPDF's military offensive against the LRA, and shows that the rebels' morale is low and that their command structures are collapsing.

However, despite the apparent success of the Amnesty Act in 2004, the mechanism has been placed under some threat since the ICC declared its intention to investigate and prosecute the senior leadership of the LRA. Given its mandate and role within IHL, the

⁴⁵ Since large increases in returns have been reported since July 2004, the WB has committed to providing some funds to the Amnesty Commission to clear the backlog of reporters in need of resettlement packages.

⁴⁶ According to reports from military intelligence, the LRA command recently proclaimed that LRA members found listening to radios would be sentenced to death, supposedly because of the effect that *Dwug Paco* has had on their numbers.

proceedings of the ICC will take precedence, internationally, over the Amnesty Act, making possible the prosecution of LRA members for war crimes and crimes against humanity. It is therefore questionable that the GoU will be able to maintain its blanket amnesty, and may need to formally amend the Act to exclude the LRA leadership from its provisions. The GoU proposed such an amendment in early 2004, but this has not yet been passed, and in November 2004, the GoU appeared more supportive of the Amnesty than at any time in the previous three years. The Amnesty Commission has also developed a draft amendment to the Act, to meet the concerns that the Act contributes to impunity. This amendment was presented to the Donor Technical Group on the North, Amnesty and Recovery, and includes a more elaborate Amnesty procedure that involves a process of establishing and admitting the truth, penitence and granting of forgiveness. An amendment that allows the prosecution of those “bearing the greatest responsibility for serious crimes,” while exonerating those who have the least responsibility for such crimes, has been condoned in the past and can constitute a suitable compromise to allow Amnesty to continue while allowing the ICC to inhabit its mandate satisfactorily⁴⁷.

4.3 National Institutions for Protection

1. National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.

Guiding Principles on Internal Displacement, Principle 3

1. The primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities.

Guiding Principles on Internal Displacement, Principle 25

As the sovereign body in Uganda, the GoU has the overall responsibility for ensuring that a protective environment is constructed and maintained for civilians. This function should be performed through the institutions of the state apparatus outlined below.

4.3.1 Uganda Police Force

According to the Constitution (Article 212), it is the Uganda Police Force (UPF) that has the principal responsibility for the protection of the life and property of Ugandan citizens. However, the levels of protection that can be afforded civilians by the police force in northern Uganda are extremely limited. The police force in the region suffers dramatically from serious constraints in terms of manpower and resourcing, and is barely able to undertake its basic peacetime duties, let alone fulfil its mandate for protecting civilians from the armed forces of the LRA. While exact numbers of police officers deployed in the region were not available for security reasons, police commanders were emphatic in their claims that numbers of men were far from adequate for dealing with more than the most minor of crimes and disturbances⁴⁸. In addition, security concerns have meant that police officers have been withdrawn from many rural locations, including IDP camps, leaving some local communities with no police presence whatsoever⁴⁹. This situation has seriously impacted upon the ability of the police to undertake their duties as they are unable to visit crime scenes, undertake investigations, present a deterrent threat to criminals through their presence, or gather intelligence information from civilians effectively.

Police officers also complain of a situation of chronic under-resourcing: for instance, the Kitgum District police force, which has a responsibility for protecting the life and property of approximately 300,000 people in 18 IDP camps, in April 2004 received a monthly budget of US\$ 290,000 (less than GBP 100). Some policemen had not been paid in full for months; others did not have shoes; others did not have radios; and patrol cars had no fuel, meaning that police officers were not able to respond to reports from civilians in insecure areas.

⁴⁷ See Afako B (2004) *International And National Challenges To The Amnesty Process In Uganda*, DfID, for a detailed analysis of the relationship between the Amnesty Act and the ICC.

⁴⁸ In Pabbo camp, Gulu District, it was reported that only 6 police officers were deployed for the protection of 63,000 people. Interview with local council members, Pabbo, Gulu District.

⁴⁹ In Kitgum District, there are no police officers deployed in any IDP camps at the time of writing.

Indeed it appears that from a national perspective, northern Uganda is not a funding priority, with more resources being made available in relative secure and stable areas in the south of the country. Police officers indicate that little adequate planning of police force requirements is undertaken, and that increased budget demands submitted by local commanders are generally ignored. In their opinion this amounted to an absence of deliberate effort on the part of government (the Uganda Police Force is governed under the Ministry of Internal Affairs) to equip the police force adequately to cope with the protection crisis.

Unsurprisingly, motivation among police officers stationed in the north is very low. They are unable to exercise their duties effectively and are not rewarded for the work that they are able to achieve. This leads some officers to flirt with corruption, in an attempt to supplement meagre incomes, or influences them to become idle. Little by way of incentive is provided⁵⁰.

Police officers reported that at the time of the research, the GoU provided virtually no effective protection to civilians in northern Uganda. They indicated that security in camps was far from adequate, and that the resulting insecurity was the key factor responsible for the extreme deprivation that has stimulated a sharp increase in the incidence of petty crime and assaults among civilians. In the opinion of one senior officer, displacement of civilians into camps had made no impact on civilian protection whatsoever, and he suggested that the best solution would be to allow civilians to return to their homes where he believed opportunities for large attacks and casualties would be minimised, and where the collection of intelligence information on LRA movements would be substantially improved⁵¹.

In some locations, such as in Gulu, Special Constables⁵² have been deployed to support the permanent police officers in their duties, and these are reported to have been effective, hard working, accountable and close to the local people. At the time of this research no special constables had been made available to the police force in Kitgum despite the District Police Commissioner's reported requests for them.

Finally, it is clear that even if the UPF was sufficiently resourced for its peace time duties, the sheer scale of abuses against civilians by the LRA is so great, that there is no way that they would be able to provide a secure and protective environment alone. Given that the current situation clearly constitutes an internal armed conflict, rather than any small-scale civil disturbance, it is inappropriate that the UPF be considered to be the first line of protection for civilians' lives and property at this time.

4.3.2 Uganda Peoples' Defence Force (UPDF)

According to Art. 209 of the Constitution, the functions of the UPDF are as follows:

- a) To preserve and defend the sovereignty and territorial integrity of Uganda;
- b) To co-operate with the civilian authority in emergency situations and in cases of natural disasters;
- c) To foster harmony and understanding between the Defence Forces and civilians;
- d) To engage in productive activities for the development of Uganda.

As such, the UPDF has no specific remit within law to 'protect' Ugandan civilians or their property from violence relating to internal disturbances/armed conflicts⁵³. As noted above,

⁵⁰ One senior police officer indicated that while stationed in southern Uganda he had been able to afford a supply of biscuits, which were an effective incentive in motivating officers. In his current command in northern Uganda he was not even able to purchase biscuits for this purpose.

⁵¹ Interview with the late District Police Commissioner for Kitgum, April 2004.

⁵² Special Constables are local civilians who receive police training and equipment and are mobilised with regular police forces to provide supplementary local intelligence, and manpower. They are kept on fixed term contracts as a temporary measure in periods of increased need.

⁵³ In section 3.1 of the NPIDP however the UPDF is given clearly elaborated and detailed responsibilities for provision of protection to civilians living under conditions of internal displacement. For example "The Uganda People's Defence Force shall ensure protection of the perimeters and areas surrounding Internally Displaced

this responsibility falls to the UPF as part of their constitutional mandate. Unfortunately, given the poor capacity of the police force, and given the scale of the protection crisis in northern Uganda, it is clear that the UPDF constitutes the arm of government best suited to providing civilian protection in these circumstances. As such it has the responsibility for establishing and maintaining a protective environment for civilians under Art. 212 (b) of the Constitution. Similarly, it can be argued that the LRA, as a rebel movement with an avowed intention to unseat the incumbent regime, directly threatens the sovereignty of Uganda. Thus the UPDF has a responsibility under paragraph (a) to protect Uganda and Ugandans from the rebel threat.

Being an active force in the prosecution of the armed conflict, as well as an agent of the GoU, the UPDF's responsibility for protection of civilians is threefold:

- To protect civilians directly from LRA attack, by acting as a shield between the civilian population and those that threaten them.
- To ensure that civilians are protected from any actions of its own members that may breach their obligations under the terms of IHL and IHRL.
- To produce an environment in which humanitarian assistance can be delivered safely to Ugandan citizens.

4.3.3 Uganda Human Rights Commission (UHRC)

Under Articles 51- 58 of the Constitution, the Uganda Human Rights Commission is mandated as the institution responsible for the monitoring, investigation, and reporting of violations of human rights in Uganda. The Commission is independent under Ugandan law, and as such may not be subject to the direction or control of any person within government. Thereby, the Commission is able to act as a watchdog for human rights violations committed by the institutions of the GoU as well as by individual Ugandan citizens. UHRC also has the powers to order legal remedy or redress for victims of such violations.

Unfortunately, the UHRC is very poorly resourced to act as an effective human rights monitoring organ in northern Uganda. Currently a single UHRC officer is responsible for monitoring, investigating and reporting all human rights abuses in the 18 Districts of the political north, though his focus is clearly on those areas affected by the LRA insurgency. Reports of abuses and serious humanitarian conditions are passed onto the District authorities where they have been identified, and meetings with relevant agencies are arranged to point out gaps, violations and key issues for attention on a monthly basis. Currently, the UHRC representative is the chair of the Gulu District Protection Working Group, which reports to the District Disaster Management Committee. The reports of the regional officers of the UHRC are also passed on to the national office in Kampala where they are either integrated into regular reports on national human rights issues, or are used to lobby and challenge the government.

Aside from the issue of human resources capacity, the UHRC also faces a number of other challenges in fulfilling its mandate in northern Uganda. In particular the commission finds that it faces difficulties gaining cooperation from other arms of government, and the UPDF in particular, which they report regularly obstruct investigations into violations allegedly carried out by soldiers. The UHRC has however proven that it can be effective in successfully prosecuting specific rights violations and gaining redress for victims when it is allowed to do its job without impediment.

4.3.4 Office of the Prime Minister (OPM)

According to the National Disaster Management Policy, the OPM is the principal agency responsible for the coordination of disaster management programmes in Uganda, in consultation with the relevant Ministries, INGOs, and national NGOs, the private sector, UN Agencies, CBOs, district bodies and communities. The OPM houses the Department of Disaster Management (DDM) which is tasked with the responsibility of serving as a forum for

Persons sites and during return or resettlement, deploy to deter and halt armed attacks on the internally displaced until such a time when their security is ensured.”

the coordination of sectoral lead agencies (Ministries and Departments), as well as being the line Ministry via which districts and humanitarian agencies link up with government.

The National Disaster Management Policy clearly outlines the roles and responsibilities of the OPM and the DDM in relation to disaster management⁵⁴. The DDM is mandated with the role of coordinating, taking lead on, and supervising the implementation of all disaster management related activities, whether being undertaken by the GoU or NGOs. As such it has responsibility for the following tasks at the national scale, among others:

- Mobilising resources in order to assist the victims of disaster to restore their normal live - particularly through rapid use of the disaster fund
- Ensuring that IDPs and other disaster victims are able to regain their minimum levels of production
- Coordinating disaster mitigation measures
- Providing leadership and coordination on the resettlement, rehabilitation and psychosocial care of disaster victims
- Ensuring that disaster management is integrated into sector plans and policies
- Ensuring that 1% of the consolidated fund is made available for a national contingency fund annually
- Ensuring that Sphere standards, GPID and other standards are observed in all humanitarian interventions
- Providing a repository and conduit for information on disaster management
- Providing a leading role and a powerful voice in disaster management to ensure cross-sectoral coordination and management
- Monitoring and evaluation of standards, operations and performance of all actors in the humanitarian field

Under the terms of the policy, the DDM also has a significant set of responsibilities for linking with, and supporting local government authorities on issues of disaster preparedness and management. In particular these include:

- Strengthening local government capacities for planning, implementing and monitoring disaster management activities through training and education
- Establishing the responsibilities of sub-county and district level disaster management committees
- Developing and sustaining viable and effective structures for disaster management at central and local government
- Developing strong links between Districts and the Office of the Prime Minister for effective implementation of District Disaster Management Plans.
- To co-ordinate and implement District disaster management programmes in accordance with disaster policies.

Thus, the OPM/DDM is the front line agency for ensuring that the rights of IDPs relating to protection, deprivation and humanitarian assistance are met⁵⁵.

4.3.5 Local Government Authorities

Given that Uganda has implemented an aggressive process of decentralisation of governance in recent years, the principle responsibility for implementing disaster management related activities in particular places falls to local government authorities. According to the NDMP a viable and effective disaster management structure should be established in each District with functional linkages running through the local government system from the District Council (Local Council 5, or LCV), through the sub-county level (LCIII) and down to the village (LCI). At each level of government a disaster management

⁵⁴ See Office of the Prime Minister (2003) *National Disaster Management Policy: Institutional Framework (Revised)* July, for full details.

⁵⁵ The National Policy on Internal Displacement of Persons (Draft, 8 January 2004) explicitly states that “The Department for Disaster Preparedness and Refugees in the Office of the Prime Minister being the principle agency for the management of Internally Displaced Persons’ affairs” (Point 2.2.i), and that “The Commissioner for Disaster Management is empowered to coordinate and supervise activities of all Government Organisations, Humanitarian Organisations and Persons relating to the protection and welfare of Internally Displaced Persons” (Point 2.2.iii, emphasis added)

committee (DMC) should be established, chaired by the government leader at each level (eg: District Local Council Chairman, Sub-County Chief, Chairman LCI), and constituted by the heads of each government department and line ministry, together with representatives of relevant NGOs, faith groups and community associations.

Each layer of local government has the responsibility for monitoring the disaster environment in their jurisdiction, and for coordinating and implementing disaster response activities as they occur. Each layer of government is therefore responsible for the following:

- Establishing its own disaster management structure in line with the national policy
- Mobilising a capacity building programme for its members
- Raising funds for disaster management (either through submission of proposals to GoU or external agencies, or through taxation⁵⁶)
- Planning and coordinating disaster responses
- Monitoring disaster responses and ensuring their quality against indicators such as gender mainstreaming, Sphere standards and the GPID

4.3.5.1 District Disaster Management Committee

The most important structure for disaster management within local government is the District Disaster Management Committee (DDMC). Under the NDMP, DDMCs are the mandated organs of decentralised government for the coordination of humanitarian responses at the District level. The DDMC is constituted by the departmental heads of the District authority and is generally chaired by the Chief Administrative Officer (CAO), who is the senior civil servant of the District. The DDMC's principle responsibilities are 1) to ensure that there is a reduction in the vulnerability of the communities to prevalent or likely disasters, and 2) to act as the focus for multi-sectoral disaster management planning and action from the District to the village level.

Therefore at the local level DDMC's are the key agents for planning for, identifying and designing responses to disasters. As disasters occur DDMCs have the responsibility of organizing themselves to identify the needs of their communities, and under the terms of the NDMP the Chairman LCV has the mandate to declare a 'state of disaster' if such has been identified⁵⁷. DDMC's are also responsible for developing proposals and budgets for disaster related interventions for submission to line ministries, department and NGOs for assistance, and should have discretion over the use of the District disaster fund, as well as over the flexible funds held within annual funding received from the Ministry of Finance⁵⁸.

In order that disaster management is prioritised within the national government, DDMCs are required to liaise with the DDM within the OPM. The DDM should be the first point of contact for DDMCs seeking technical and financial support from central government, and the OPM is responsible for ensuring that DDMCs themselves have the necessary capacity to plan for, and respond to disasters.

4.3.5.2 District Probation and Welfare Officer

Within the DDMC, the District Probation and Welfare Officer (PWO) bears a specific responsibility for protection issues, and should act as secretary to the committee. These officers have a particular focus on the protection needs of children, and are supposed to utilise the national Children's Statute (1997) as a guide. As a result their activities seek to

⁵⁶ 1% of the tax base of each government layer is supposed to be for earmarked disaster management under the NDMP.

⁵⁷ According to the NDMP "A state of disaster shall be declared when most of the basic social services have broken down and the basic human needs are lacking due to the disaster and there is inability at the local level and difficulties at the national level to provide the affected communities with relief services and goods in the immediate short term from the relevant programmes. A declaration of a state of disaster would mean the provision of the required relief services and goods to the affected population takes precedence over all other programmes of government, thus calling for immediate re-programming and re-allocation of resources from other sectors until such a time when the President declares the end of the state of disaster in the defined part of the Country. National and International Humanitarian Agencies, the donor community and the Private sector are expected to give special support to government by reviewing their policies and programmes accordingly".

⁵⁸ For instance, according to the Directorate of Water Development, District governments have up to 20% of their annual water budget that can be rapidly diverted to disaster related costs in necessary.

ensure that the rights of children are honoured and that they have satisfactory living conditions to allow them to reach their best potential. Key areas of attention for the PWOs therefore relate to the following:

- Monitoring and lobbying for the security of children
- Ensuring that children live in environmental conditions that minimise threats to their protection
- Facilitating children's right to be heard
- Providing financial and material assistance to children in need
- Providing social and welfare services for children and their families

Unfortunately, the probation and welfare departments are traditionally the most poorly funded section of district government, and all PWOs complain of a serious lack of resources (staff, money, transport, logistics, stationery etc.) to allow them to inhabit their mandate. As such, while they have a critical role to play, with a serious set of responsibilities in the protection system, PWOs are effectively redundant in terms of real service provision.

4.3.5.3 Local Councils

Below the District level, local councils at the sub-county (LCIII) and the village (LCI) levels exist to represent the interests of local citizens within government. These councils are tasked with the responsibility of identifying the needs of the populations within their jurisdiction, and for implementing local level activities for development and disaster management. These local councils play a critical role in ensuring that citizens are effectively represented in government and have a responsibility to report regularly to the District council on the conditions faced by their constituents.

The chairmen of the local councils also play a critical role in the protection of civilians in villages through their role as the heads of local courts. These courts are mandated to put in place byelaws regarding issues of local importance, particularly relating to civil issues, anti-social behaviour, misdemeanours and minor felonies. These courts are designed to reflect the traditional judicial practices of Ugandan society where minor offences were tried by a group of local peers and judgements agreed and passed by the communities themselves. As such, the local council chairmen are mandated to preside over local courts and to dispense appropriate and agreed punishments for minor offences and domestic abuses.

4.3.5.4 Camp Commandant/Leader

Finally, wherever IDPs congregate they elect a representative to act on their behalf at the sub-county level (LCIII). In Gulu, these representatives have come to be known as camp leaders, in Kitgum they are known as camp commandants. These figures act as a parallel structure to the LCIII chairperson, and have a committee of IDPs acting for them on key technical issues that reflect the constitution of the LCIII council. The camp commandant/leader acts to represent the interests of the IDP population to the formal government structure, and also assists in organizing IDPs for the implementation of humanitarian activities in IDP camps. In 2003 a number of camp commandants from Gulu, Kitgum and Pader received formal training from the NRC Global IDP Project on the GPID, on the initiative of NRC and Oxfam.

5 LRA Protection Threats

The root cause of all protection threats faced by civilians in northern Uganda is the violence and coercion perpetrated by the LRA. The LRA grew from the remains of the Holy Spirit Movement in 1987, purportedly out of a desire to usurp power from the Museveni regime, which it considers to be illegitimate, and to re-establish 'moral order' in northern Uganda⁵⁹. Over the course of the past 18 years however, the political interests of the LRA have become less clearly defined as the more spiritual, mystical and cosmological aspects of their agenda have become more pronounced. As this has happened, and as the movement has become more and more politically marginalised through the repeated failure of peace negotiations, the LRA has turned increasingly to attacks against civilians as its principal strategic tactic. As a result, the LRA has become the most brutal of all the northern rebel movements. Attacks on civilians are carried out for a variety of reasons:

- To produce fear and terror among the population, in the hope that they will be able to force Ugandan civilians into submission, control their actions and regain popular support through force and coercion.
- To impose control onto the population in a bid to 'cleanse' them through the application of the LRA's commandments and ancillary edicts; those who do not conform to the rules of the movement are 'cleansed' through violence and punished by death.
- Abduction of children serves to reinforce the production of terror whilst also helping the rebels to constantly replenish their ranks with fresh fighters. It also serves to provide them with sex slaves to reproduce a new Acholi nation. It is estimated that between 20,000 and 25,000 children have been abducted by the LRA⁶⁰.
- The rebels' survival is largely dependent on the looting of livestock, foodstuffs, money and other items from civilian settlements. As such, many attacks take place with the express intention of looting foodstuffs, particularly at times of hardship (such as during the hunger gap between planting and harvest, or when the rebels are suffering from increased UPDF pressure).
- The LRA also attacks civilians as a punitive measure, either for attacks launched against them by the UPDF, for anti-LRA propaganda released by the GoU in the newspapers or on the radio, for the escape of LRA soldiers, for welcoming escaped combatants into their community, or for failure to comply with the LRA's orders (eg: not leaving camps when asked to do so by the LRA, riding bicycles, listening to radios etc.). In particular, it is these punitive attacks that can precipitate large scale massacres such as have been witnessed in Pagak, Barlonyo and Pajule during the past 2 years.

The LRA is led by the self-proclaimed Acholi prophet Joseph Kony, who in 1987 took up the mantle of Alice Lakwena as the spiritually instructed leader of the Acholi rebellion. He is supported by a central core of top commanders - many of whom are former UNLA and UPDA fighters from the 1980s - and other officers that have been with the LRA since their early days. It is thought that the remainder of the force is constituted almost exclusively by abducted children who have been coerced into fighting for the rebels, or who are being held captive as slaves and slave-wives. The exact numbers of the LRA force is unknown, but in early 2004 the Refugee Law Project reported that numbers included 200 core commanders, 150-200 other officers, and approximately 3,000 abducted children⁶¹.

While the official discourse of the GoU, the international community, and the media tends to characterise the LRA as a group of mindless, opportunistic criminals and thugs, evidence suggests that they are in fact a force that has effective internal organization and command structures, and significant military ability in guerrilla warfare⁶². While it is true that the LRA has never secured any territory during its campaign, for 18 years it has succeeded in winning the battle over the minds of the people of northern Uganda, through the

⁵⁹ See Van Acker (2002), Finnstrom (2003) and HURIPPEC (2003) *Hidden war, Forgotten people* for fuller analyses of the drivers of the conflict in northern Uganda.

⁶⁰ IRIN Web Special on the War in Northern Uganda, available at www.irinnews.org/webspecials/uga_crisis/. This is based on UN estimates.

⁶¹ Refugee Law Project (2004) *Behind the violence: Causes, consequences and the search for solutions to the war in northern Uganda*, Working Paper No. 11, p.13.

⁶² *ibid.* p.21.

production of fear. The rebels have effectively challenged the GoU's ability to maintain peace and security in northern Uganda, and they have been able to create significant levels of terror and chaos among the population using only the most rudimentary resources, through a collection of highly effective guerrilla tactics that exemplify the strategies of *dirty war*⁶³.

5.1 Violence

1. *Persons taking no active part in the hostilities... shall in all circumstances be treated humanely... To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above mentioned persons:*

a. *Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture...*

Common Article 3 of the Geneva Conventions

2. *The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.*

Additional Protocol II to the Geneva Conventions, Article 13

The LRA has mobilised attacks against civilians consistently since its inception, committing its first serious abuses in 1988 when it hacked and clubbed to death hundreds in Koc Goma. The scale of violence against civilians has however increased dramatically over the years, particularly since 1994 when the Bigombe peace talks were brought to a close by President Museveni's 7-day ultimatum, and in the period since OIF began in 2002. 2002-2004 has seen the worst period of LRA violence against civilians in the history of the conflict.

The threat of violence is pervasive across northern Uganda. The LRA operates with a loose organizational structure that relies on a large number of small units being mobilised relatively freely across the entire range of northern Uganda and into Equatoria in southern Sudan. Operating in groups of about 15, they are able to move rapidly and with a high degree of mobility through the countryside, and are able to make use of their small numbers to remain concealed from both the UPDF and local communities when necessary. As a result they are able to strike almost at anytime and in any place. This gives LRA attacks the appearance of being random, and they are particularly difficult to plan for. Incident mapping tends not to reveal a concrete trend or direction of travel, and the fact that highly mobile LRA contingents tend to be active simultaneously across approximately 28,000 km² often makes it impossible to identify 'secure' zones at any particular given moment.

The LRA attacks communities, both large and small, whether they have security forces attached to them or not. They attack the outskirts of urban settlements and successfully loot assets and resources and abduct civilians from urban locations. They attack civilian and humanitarian convoys on major road axes. They attack civilians in their homes, as they travel on the roads and while they move through the countryside to collect food, water and fuel. The majority of attacks on civilians tend to happen during the hours of darkness. They do however also occur during the day, and interviews with former LRA combatants indicate that rebel contingents maintain effective intelligence networks that allow them to make

⁶³ Nordstrom C (1992) The backyard front. Nordstrom C & Martin J (eds.) *The paths to domination, resistance and terror*. Berkeley: University of California Press, p.261. Nordstrom introduces the term "dirty war", which she defines as those wars in which "states and guerrilla forces use the construction of terror and the absurd as a mechanism for gaining or maintaining socio-political control over a population". In such a warfare strategy she maintains that "civilians rather than soldiers are the tactical targets, and fear, brutality and murder are the foundation on which control is constructed". Nordstrom also calls this type of war "terror warfare, which focuses less on killing the physical body than on terrifying the population as a whole into... cowed acquiescence." See Nordstrom C (2002) Terror warfare and the medicine of peace. Besteman C (ed.) *Violence: A reader*, p.275.

accurate decisions about when to attack with the least resistance from UPDF, LDUs or militias.

Attacks are either large in scale, carried out by large bands of rebels, or small incursions undertaken by light contingents. Large attacks can lead to significant massacres of civilians with hundreds of deaths, and these occur on a relatively frequent basis, particularly during the rainy season between May and September⁶⁴. The majority of killings are committed simply by beating with clubs, and cutting with machetes, axes, knives or agricultural tools, and tend to happen relatively randomly, all tactics that help to increase feelings of terror among the communities that are being targeted. In some cases it appears that attacks and massacres have been undertaken with specific victims in mind, or as a punishment for particular crimes against the LRA's rules⁶⁵. On some occasions the LRA is also reported to have sent letters indicating its intention to attack civilian settlements.

Smaller raids are generally undertaken with the intention of looting food and other resources, and tend to be implemented by small groups, with the remainder of the contingent staying outside the camp to keep watch and provide cover. The rebels tend to attack those parts of settlements where armed protection is lightest. The perimeters of settlements are most at risk. Rebels enter households to seek out stocks and will either kill or abduct the family members found within. Storekeepers and local leaders are particularly at risk in these raids, as they may be known to have access to stockpiles of food and other goods. Again, killing is principally by stabbing or beating, as the LRA try to keep noise to a minimum by only using pangas in these raids. However on some occasions the LRA have been known to use hand grenades and sub-machine guns in attacking households at night, and they will often respond to UPDF engagements with AK-47 fire. From time to time the LRA also commit arson in the IDP camps by setting fire to the grass roofs of the IDPs shelters. There is often little more than one metre between dwellings and fire spreads quickly, destroying both lives and household assets.

Before making raids the LRA will often capture local residents at the time of dusk in order to gather intelligence regarding UPDF, LDU or militia deployments. These local residents must comply with the LRA or face punishment by death. In some instances the LRA also detain the civilians and force them to guide them into the settlement, an act that can put the non-combatant at serious risk of being caught in crossfire.

The most significant threat of violence by the LRA emerges as a direct function of the need for civilians to travel away from IDP camps and urban areas for the purposes of checking on homesteads in remote villages, of tilling fields, of maintaining and harvesting crops, of fetching water from rivers, springs and dams, of collecting firewood, of burning charcoal for fuel and for trade, or of collecting building materials for traditional houses. The nature of the Acholi agricultural livelihoods system means that households in the sub-region are dependent on materials and foodstuffs that are sourced from the bush, and have a strong cultural link with their ancestral lands and with the family homestead. As such, movement in the rural areas of the countryside is necessary for the integrity of the economy and culture of the Acholi people. Given the wide dispersal of the LRA across the region, and the rebels' dependency on foodstuffs that are cultivated by ordinary households, the chance of meeting rebels *en route* is high, as is the risk of suffering abuse during one of these meetings. Reports are common of civilians being abducted, beaten, killed, mutilated and raped by the LRA as they go about their household tasks at some distance from their settlements. Given the gender division of household labour in Acholi society, it is women and children who face the greatest vulnerability to such attacks, as it is they who are tasked with the responsibility of gathering food, fetching water and firewood and for collecting building materials on a daily basis.

⁶⁴ The largest massacre in recent years took place in Barlonyo, Lira on 21 February 2004, where over 300 people lost their lives. Other large scale massacres include that which took place in Lamwo county, Kitgum in 1997 where over 400 people were killed, and that which occurred in Atiak in April 1995 where over 200 lost their lives.

⁶⁵ For example, when an LRA soldier escaped with a gun in mid-2002 his escape was reportedly punished by the serious massacre that took place in Pajule in August 2002. Pajule was reported to have been the home of the escapee.

“On the 23rd March 2004 my cousin Okello was killed by the rebels while he was out burning charcoal. Okello’s wife had recently given birth to a baby but was not able to breastfeed. They needed to buy milk to feed the baby, but there was no money, so Okello decided that the only thing he could do was to burn charcoal for trading. On the 22nd he left the camp to return to our village at Pagoro parish, but he did not return that night. We waited the whole night for him to come back but he did not come. We decided to follow him the next morning to find out what had happened, and as we approached our village we found him dead on the roadside, beaten and shot in the head. Now his wife and baby have no one to look after them. They sold their last goat to buy some milk for the child, but now the milk has gone, and there is no more money. I do not think the baby will survive.”

Bosco, an IDP from Pagak camp, Gulu District

The LRA also threatens civilians by engaging in physical mutilation of victims as a part of the process of terror production. Mutilation of victims usually involves cutting off body parts, particularly from the face. In the past 2 years many victims have suffered from having their lips, ears and noses cut off with knives or pangas, while others have also suffered from having hands amputated, or from having eyelids or lips sewn together. It has been noted in the past that such mutilation serves as a punishment for certain kinds of behaviour and as way of warning civilians not to transgress particular edicts of the LRA leadership. For instance in April 2003 an Acholi man was apprehended by the LRA on suspicion of having joined the Local Defence Units in Kitgum District. His eyes, ears, nose and hands were amputated and a note was left in his pocket indicating that the same would happen to anyone who joined the GoU forces against the LRA⁶⁶. Similarly the LRA has reportedly cut the lips off civilians that they suspected of informing on them, and the hands of those who had taken arms against them. Reportedly the LRA now more routinely engages in torture and mutilation prior to killing, with a reported increase in incidents such as killing by skinning alive⁶⁷.

The LRA also engages in roadside ambushes against civilian vehicles, and these present a serious threat of violent injury and death. Ambushes generally take place along major road axes and may be targeted against buses, taxis, private cars, lorries, bicycles and pedestrians. They are generally undertaken with the purpose of looting and abduction, as well as for creating terror and forcing restricted movement of traffic. In vehicle ambushes the LRA contingent may create a loose roadblock, forcing the vehicle to stop, but more often it will hide in the bushes beside the road and strafe the vehicle without warning, either using AK-47 or rocket propelled grenades (RPG). Vehicles are disabled and often crash, and ambushes of this nature generally result in the deaths of civilian passengers. After the vehicle has stopped, the LRA will ransack the vehicles during which time they may interrogate, beat and kill passengers. Often, passengers in ambushes are abducted to carry goods into the bush, where they may be either retained, released or killed.

In 2003-4 the LRA also increased its use of landmines on major roads. These are designed to stop civilian traffic for looting, and on occasion a civilian vehicle will be hit. For example, on June 10 2003 a civilian bus travelling between Kitgum and Kampala hit a landmine on the main road in Pader causing the deaths of some 4 passengers and injuring many others. Similarly, on October 30 a truck carrying 30 passengers hit a landmine in Katakwi, killing 3. Reportedly the LRA also uses landmines as a part of its protective strategy in the bush, and scatters mines around its camps at night. Not all of these mines are gathered up and may sit dormant in the fields and countryside. As such, men, women and children walking in the

⁶⁶ For instance, 2003 saw the highly publicised case of Kenneth Oryem, whose hands, nose, lips and ears were cut off by the LRA as a warning to all those joining the LDUs. <http://observer.guardian.co.uk/worldview/story/0,11581,977785,00.html>

⁶⁷ Interview, senior local council official, Pabbo, Gulu District.

bush are at risk of landmine injuries, and landmine victims are regularly admitted into the hospitals of the region.

5.2 Abduction

“Geoffrey, have you ever been abducted?”
“Not yet.”

Interview with Geoffrey, a displaced child, Gulu District

The LRA has utilised abduction as a military strategy since the beginning of its rebellion⁶⁸, though it was only in 1994 that they began to engage in abductions in earnest, following President Museveni’s 7-day ultimatum which collapsed the Bigombe peace initiative. As has been well reported, the LRA utilises the systematic abduction of civilians to fill its ranks, provide forced labour and sex slaves, and to produce terror⁶⁹. The principle targets for abduction are children between the ages of 9 and 16 as these present the best targets for manipulation, being relatively more submissive than adults, but having the strength to undertake military operations effectively. The LRA do also engage in the abduction of people of all ages depending on specific circumstances. Indeed in recent months civilians have noted that anybody can be a target for abduction, especially to serve as porters. Reports were received of elderly women and men who had been abducted to carry loot and who had been killed once the destination had been achieved. It seems that given the scale of night dwelling across the region, the supply of readily available children and youths has diminished, forcing the LRA to use all members of the population.

Abduction may happen almost at any time and in all locations. Abduction may present the principle objective for an LRA attack on a specific location (for instance the infamous abductions of 139 girls from St. Mary’s College, Aboke in 1996, and 50 boys from the Lacor Seminary, Gulu in 2003), but in most cases abduction takes place in addition to other activities, particularly looting. Specifically vulnerable locations for abduction include the peripheries of settlements, the suburbs of major trading centres and along main roads.⁷⁰

Rates of abduction tend to rise with increased intensity of attacks by the UPDF⁷¹. This is because abduction provides the rebels with an easy mechanism for continually replenishing their numbers when they suffer losses. It also has a tendency to increase when the LRA is engaged in large scale looting of foodstuffs (particularly after WFP deliveries), as they require extra manpower to transport the food on foot to bush locations⁷². Rates of abduction are also said to have decreased during the periods that the LRA were encamped in Sudan. While these fluctuations in rates of abduction have been observed, the overall rate has not changed appreciably over the past few years, with rehabilitation workers indicating that rates of abduction are as high now as they have always been⁷³.

After the initial abduction, civilians face a series of further physical and psychological abuses at the hands of the rebels in a process that rehabilitation workers have dubbed the ‘cycle of abductee suffering’⁷⁴:

⁶⁸ For instance in 1988, the LRA abducted 300 civilians from Ngai in Apac.

⁶⁹ Just a few examples include: Amnesty International (1997) *Breaking God’s Commands: the destruction of childhood by the LRA*, AI Index: AFR 59/001/1997, September; Human Rights Watch (1997) *The Scars of Death: Children abducted by the LRA in Uganda*, September; UN Economic and Social Council (1999) *Rights of the Child: Abduction of children in northern Uganda*, Commission on Human Rights, E/CN.4/2000/69, December.

⁷⁰ People travelling by bicycle, *boda boda* or foot are regularly abducted while travelling often leaving the eerie remnant of their abandoned transport lying beside the road.

⁷¹ Interview with NGO staff working with formerly abducted children, Kitgum May 2004.

⁷² According to returned abductees and ex-child soldiers, the LRA refer to those abductees that transport sacks of grain as CIVICON, the name of one of the principal logistics companies contracted by WFP to deliver food in the region.

⁷³ Interview with NGO staff working with formerly abducted children, Gulu May 2004.

⁷⁴ Interview with NGO staff working with formerly abducted children, Kitgum May 2004.

Abduction. During their abduction civilians are generally intimidated and beaten, and forced to carry huge loads for the LRA upon pain of death. The loads carried can be any kind of loot, but reports have been gathered of young children being forced to carry up to 4 goats, or 100kg sacks of grain. These loads can be carried for several days and over many kilometres by children, or the elderly, who generally have no shoes or sandals. Many abductees report that they suffer serious injuries to the feet and legs while engaged in this activity. The LRA also punishes those who cannot keep up or who complain and will generally kill those who do so. On many occasions the abductees are tied with ropes by the hands or by the necks. The LRA will often lead the abductees around in circles so as to disorient them. Thus begins the process of initiation and fear production that is designed to prevent abductees from escaping.

Initiation. Once the abductees have delivered the goods that were looted, some may be released, particularly those who are deemed too old to make effective fighters or attractive slave-wives. On other occasions, those abductees that fall into these categories will just be killed, as they are no longer considered valuable. Those that are deemed valuable as combatants, slave-wives or servants are then engaged in a process that can, for lack of a better term, be loosely called ‘indoctrination’. This process is designed to depersonalise, terrorise and dehumanise the abductees, alienating them from their families, from their friends, and from one another, by means of violence. The process effectively works to make the abductees entirely dependent upon the rule of the LRA commanders who preside over the judgement of life and death. Generally, LRA officers will order the execution of newly abducted children and will force other abductees to undertake the killing. A favoured strategy is to gather the new abductees into a circle and to place the targeted victims in the centre. The abductees are then ordered to beat the victims to death with clubs, stones or machetes, and are threatened that if they do not comply that they will be killed themselves. This process serves to traumatise the entire group and makes them all complicit in murder, reinforces alienation, and creates a fear of return. In some cases the abductees that have been forced to kill may be forced to engage in ritual acts of cannibalism, or are smeared with the blood and flesh of the victim. Finally a process of ‘registration’ takes place, in which each new abductee is given 50 lashes with a cane.

Forced Labour. Even after the initial journey with heavy luggage and looted goods is undertaken, many children will be forced to work as porters for up to 6 months before they are considered to have paid their dues to be trusted as an LRA soldier. As such, the abductees are utilised as slaves, and must carry heavy burdens over very long distances across difficult terrain. Generally this labour is undertaken without shoes and children continue to suffer serious injuries to feet and legs. They are routinely beaten for being slow or complaining, and may be killed for such behaviour.

Food Deprivation. Until such a time as they become trusted junior commanders in the LRA ranks, abductees will be routinely fed inadequate rations. Senior officers receive the lion’s share of the food available, while recent abductees will be provided only bitter greens or the skin of a slaughtered animal. This treatment over months and years routinely leads abductees to developing malnutrition and related ailments.

Summary Execution. The LRA’s organizational system is one that is rooted in the need for total obedience to the edicts and orders (commandments) of the senior leadership. As such, transgression against orders is rarely tolerated, and the principal punishment for such transgression is death. Failure to adhere to commandments of the leadership, and failure to exhibit the requisite obedience will lead to a summary execution.

Escape. Once abducted and initiated, the abductees are forced to remain with the rebel group, and a number of mechanisms are put in place to discourage escape. Those who are found plotting escape are killed immediately. Those who successfully escape may be pursued and killed when found in the bush. In other circumstances, and particularly when an abductee escapes with a gun, the LRA may follow the child to their home village and engage in a collective punishment against the escapee’s family and community. As a result, all abductees fear to escape unless they are very certain that they stand a good chance of getting away safely. Abductees are also regularly told that if they return to their homes

that they will be killed for the crimes that they have committed. The LRA leadership actively denies the existence of the Amnesty to the abductees, and forbids communication with the outside world either directly or via radio. As such, many abductees are extremely afraid of what will happen to them if they return to normal society.

5.3 Sexual Violence and Exploitation

Rape, sexual violence and exploitation are used as tactics of warfare by the LRA. The LRA regularly engages in rape of women and mature girls both during its attacks on settlements and when it encounters women moving through the bush.

Its treatment of female abductees is also centred around the expectation that they will perform as sex slaves or slave-wives for LRA soldiers and commanders. As such they suffer from forced marriage, forced sexual relations and forced labour at the hands of the LRA, and must comply with the demands of the rebels on pain of death. Reports are regularly received of women and girls who have been assaulted, injured and even killed for not complying with the demands of the LRA commanders regarding sex and household labour. Reportedly, the LRA considers girls to be suitable for marriage from the time of reaching sexual maturity, and girls from the age of as young as 10 can be married into sexual and abusive relationships with senior LRA leaders, during which they are forced to have children to populate the 'new Acholi nation'. If girls are reluctant or refuse this role they may suffer rape and may even be killed as punishment for disobedience. Most LRA commanders and officers have multiple slave-wives, and Joseph Kony has been reported to have about 60 'wives' himself⁷⁵.

5.4 Denial of Freedom of Movement

Given the threat of LRA attacks upon them as they go about their labour in the bush, many civilians do not choose to move far from their settlements for fear of attack. Thus, the population of northern Uganda is living in effective incarceration in the trading centres and IDP camps of the region. Ambushes on civilian traffic have also seriously impeded freedom of movement along major and minor roads in the region. Road traffic between major urban centres and IDP camps has become intermittent and low in volume. Civilians are very scared of road ambushes, which can happen at any time, and which are targeted against all means of transport, including those travelling on foot, by bicycle, or *boda boda*⁷⁶. Thus they choose to travel only when they have no other option.

5.5 Destruction and Theft of Property

Finally, given the LRA's substantial reliance on looting for access to food and resources, the Acholi population has suffered from a massive destruction and looting of assets and resources at the hands of the rebels over the past 18 years. This has impacted heavily on civilian livelihoods, the subsistence economy, and on civilian coping strategies. As such, almost all households have lost their livestock, seed stocks and other valuables to looting. In addition, civilians face the threat of destruction of housing through burning of huts, which occurs at the hands of the LRA from time to time, both in villages and in IDP camps

5.6 Attacks on Humanitarian Assistance

Persons engaged in humanitarian assistance, their transport and supplies shall be respected and protected. They shall not be the object of attack or other acts of violence.

Guiding Principles on Internal Displacement, Principle 26

In early 2002 the LRA staged a daring raid upon a Sudanese refugee camp in Achol-Pii. This raid resulted in the deaths of over 50 refugees, and the abduction of 5 staff members from IRC. While these aid workers were eventually released after spending several days in the bush with their captors, the attack marked a watershed for humanitarian agencies working

⁷⁵ <http://news.bbc.co.uk/2/hi/africa/3046426.stm> 5 July 2003.

⁷⁶ *boda boda* is the Ugandan term used to describe a bicycle or motorcycle taxi.

in northern Uganda. Following the abduction of the aid workers Joseph Kony reportedly stated that from that time forth all 'UN workers' were to be considered legitimate targets, and in the months that followed a large number of serious attacks were made on vehicles carrying humanitarian assistance in Pader, Gulu and Kitgum⁷⁷. These attacks took the form of roadside ambushes, often using rocket-propelled grenades to destroy vehicles and the goods they carried. The attacks also resulted in the loss of life of several humanitarian aid workers and contracted transport staff. While the scale of attacks on humanitarian vehicles has decreased markedly over the past 18 months, attacks do continue intermittently⁷⁸

While there is no firm evidence to suggest that the LRA actually targets humanitarian organizations as a deliberate strategy, these attacks, combined with the general risk of roadside ambush faced by vehicles of any description has led the majority of agencies to severely restrict their security guidelines over the past 24 months, with many agencies having extremely limited access to beneficiary communities that are beyond municipal areas, and with only few agencies having direct and regular access to the communities with which they work.

5.7 LRA Obligations

The LRA is the group responsible for the vast majority of direct physical violence and coercion abuses perpetrated against civilians in northern Uganda. It is however difficult to quantify the exact scale of the abuses perpetrated by them over the 18 years as no formal study has been undertaken to establish the exact number of civilian casualties caused since the rebellion began. Informal estimates run to half a million deaths, and a cursory glance over the reports of the Justice and Peace Commission of Gulu (JPC) shows a clear and steady pattern of daily incidents of violence being committed by the LRA against civilians⁷⁹, with monthly death rates sometimes heading into the hundreds (such as in February 2004 when the LRA killed over 300 people in a single attack in Barlonyo, Lira). Murder, mutilation and abduction at the hands of the LRA constitute the most serious breaches of human rights in northern Uganda, and the violent actions of the LRA stand in direct contravention of the key principles of IHL and IHRL. As such, their actions must be categorically and universally condemned.

The scale of the violence in northern Uganda means that the situation must be considered an 'internal armed conflict' rather than as a situation of 'internal disturbances and tensions... isolated and sporadic acts of violence'⁸⁰. As such, the Lord's Resistance Army must be considered to be an *armed group*, and is thereby bound by all provisions of the obligations of IHL, in particular the Geneva Conventions. Thus, it is the leadership of the LRA that bears the burden of responsibility for their own actions, as well as for those of their subordinates. As leaders of an armed group, they can be held directly accountable for the abuses of the rights of civilians in northern Uganda, as perpetrated by their soldiers.

As we have seen above, the LRA is responsible for the perpetration of abuses against all of the provisions of Common Article 3 of the Geneva Conventions, as well as against the most important of the core rights of the Universal Declaration of Human Rights. They are also responsible for multiple abuses against the other provisions of the Geneva Conventions, the UDHR, the CRC and other human rights laws, as well as the GPID.

Perhaps the most significant of the principles of IHL that has been breached by the LRA is that of 'distinction between civilians and combatants'. The LRA's war is particularly characterised by the extent to which it perpetrates brutal attacks on civilians as part of its military strategy. These abuses against civilians constitute a deliberate set of tactics, which appear to have specific strategic objectives. As such, attacks against civilians, and the

⁷⁷ For instance: WFP, WVI, CRS, Uganda Red Cross have all suffered violent ambushes against vehicles carrying their staff or goods in the past two years.

⁷⁸ For instance, in May 2004 a CRS vehicle was attacked by an LRA ambush in Kitgum District leading to the death of one CRS staff member,

⁷⁹ For instance, examples taken at random include August - October 2002 178 reported killed; March 2004 104 killed; September 2004 30 killed. These reports constitute the best source of information on civilian casualties suffered but are themselves only partial in their scope. They do not include reports of killings of abducted children by the LRA in the bush and only include reports of incidents noted by catechists and other members of the Catholic Church active in the villages.

⁸⁰ Part I, Article 1, Paragraph 2, Protocol Additional to the Geneva Conventions, (Protocol II) 8 June 1977.

abuse of human rights and humanitarian norms that accompany them, constitute a central pillar of the LRA's political/cosmological/ military strategy. Attacking civilians is, at least in part, the means to their particular ends. Given this logic therefore, there is no indication to show that LRA has at any time made explicit attempts to enforce the recognition of human rights in northern Uganda. Indeed the opposite is true - the senior command of the LRA have explicitly ordered crimes of violence, deprivation and coercion to be perpetrated against civilians, and have done nothing to respect the rules relating to humanitarian access. In fact, over the years, many attempts have been made to convince the LRA to cease atrocities against civilians but these have regularly failed, and at the time of writing it appears that negotiation with the rebels on the issues of access and protection is not possible, either because the senior leadership, and Kony in particular, are not accessible, or refuse to negotiate at all.

Finally, it must be considered that it is possible that the LRA are largely, if not totally, unaware of their obligations as an armed group under IHL, IHRL and the GDIP. It is well recognised that Joseph Kony in particular is a poorly educated man who has developed a complex set of independent norms and values by which he executes his war. As such, expecting him to have knowledge and understanding of the finer points of international law often seems like wishful thinking. This does not of course make him, or the leadership of the LRA, any less culpable for their actions, and they remain accountable for any breaches international standards that they may have ordered.

6 The Government's Protection Strategy

6.1 Military Offensive

The GoU's strategy for the protection of civilians in northern Uganda has focused almost exclusively on issues of security, and on military operations designed to destroy the LRA. Indeed, the GoU has made it very clear that it believes that the most effective mechanism for protecting civilians in northern Uganda will be a full military defeat of the rebel movement, and as such the majority of its effort and investment has been focused on these military offensives.

Operation Iron Fist has been the most ambitious of the military offensives, as it has pushed the boundaries of the conflict into southern Sudan through a protocol with the Sudanese government. This has allowed Ugandan forces to pursue the LRA into their traditional bases in an attempt to flush them out, to break their logistical supply lines, and to finally weaken them to the point at which they can no longer operate effectively. In order to achieve this the GoU has removed money from other key line ministries to prop up military spending⁸¹, and has committed large amounts of military manpower and hardware to operations in Sudan, supposedly with the objective of ending the LRA terror in Uganda.

The GoU has consistently reported military successes in the field, and following a reported rout of LRA bases near Juba in late July 2004 has reported that the war against the LRA is coming to a close, and will inevitably end in military victory. Sadly, similar reports have been made on many occasions over the course of the past 18 years, and it remains to be seen if this dramatic conclusion will come about.

6.2 Forced Displacement

To support its military objectives the GoU has implemented a policy of regular and long-term forced displacement of civilians in northern Uganda since 1996, and the majority of *forced* displacement (i.e. displacement that has taken place as a direct response to the coercion of a particular group) has resulted from GoU coercion of civilians. At no time has the LRA sought to explicitly cause the displacement of civilians, and has even responded violently to civilian displacement in some instances, reportedly ordering civilians to return to their homes on a number of occasions, and even attacking IDP settlements to encourage this⁸².

Forced displacement of civilians has been mobilised as a strategy for three reasons. First, the GoU insists that it does not have the capacity to protect civilians in their villages, and that it is best able to provide security by having them in single locations near to army detachments. Second, the strategy seeks to separate the civilian population from the rebels in order to reduce the LRA's ability to benefit from the assistance of collaborators, thereby breaking down their intelligence networks, and making it more difficult for them to access foodstuffs by restricting cultivation.⁸³ Third, it seeks the removal of civilians from the field in order to clear the territory of northern Uganda for unimpeded military operations.

In so doing, the GoU invokes Article 17 of Additional Protocol II of the Geneva Conventions (8 June 1977), which allows for the forced displacement of civilians in specific situations related to the security of the civilians themselves, or if imperative military reasons so demand⁸⁴.

⁸¹ In 2003 Museveni ordered a massive cut of 23% across all line ministries in order to supplement the Ministry of Defence and the UPDF.

⁸² As was reported in September 2000 by UNHCU <http://www.db.idpproject.org/Sites/idpSurvey.nsf/wViewCountries/8A0EF69FDE4724B2C1256D4300678696>

⁸³ Allegedly President Museveni's strategy in establishing the camps was to destroy the "intelligence centre of the insurgency", *The Monitor*, 30 October - 1 November 1996

⁸⁴ Article 17. Para 2. "The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition." <http://icrc.org/ihl.nsf>

6.3 Local Defence Units and Militias

In a bid to support the UPDF's military operations in Sudan, the GoU has also instituted a strategy of requesting local civilians to protect themselves against the LRA. Civilians have been encouraged to do so either by joining Local Defence Units (LDUs), or local militia groups.

Formally, LDUs are supposed to be a force adjunct to the police, and are usually made up of locally recruited volunteers whose role it is to support the police in providing security of life and property directly to the specific area in which they live. The structure is designed to provide a local solution to local problems, and allows local men to take an active role in protecting the lives and property of their own families and communities. LDU recruits are normally kept on short-term contracts, and should receive a month's training, a uniform, weapon and ammunition, as well as a monthly salary of US\$ 40,000 (GBP 13). Officially, LDUs should remain under the supervision of the District authorities while having some degree of direct command from an officer of either the Uganda Police or UPDF. A ruling of the High Court in Mukono in 1995 determined that LDUs are an integral part of the government machinery for maintaining law and order, and that the Attorney General is liable for unlawful acts perpetrated by them⁸⁵.

Militia groups, on the other hand, constitute informal groupings of local men, who organise themselves to protect life and property in their local areas. These groups do not currently have any official standing in Ugandan law⁸⁶ and tend to result from relatively spontaneous attempts to quell violent criminal activity in their areas. As such, they may be compared to vigilante movements. In northern Uganda, these groups have been mobilised principally by senior local figures, such as politicians or local leaders⁸⁷, but they have been given the endorsement and full support of the GoU, which has provided them with weapons, ammunition and training. The militias have been most prominent in the regions of Teso and Lango where they have been constituted as ethnic militias that have taken the symbol of the ethnic group of the area as their standard (ie: in Lango the militia is the Rhino Brigade).

This strategy of 'self-protection' has been advertised by the government as a necessary means for boosting the protection of civilians in this time of war, and the GoU has called upon northern Ugandans to do their duty in taking arms against the rebels. Approximately 40,000 militia and LDUs have reportedly been recruited and mobilised to provide support to the national security services in the past year⁸⁸.

6.4 Protection of Humanitarian Assistance

The GoU has also placed a great deal of emphasis on trying to provide effective protection for certain parts of the humanitarian assistance effort. In particular, it has made available a full brigade of UPDF troops for the guarding of WFP convoys in northern Uganda, and this has been critical in allowing food to be delivered at least relatively regularly to the IDP camps of the region. This has been important, as the vast majority of the population of northern Uganda are dependent upon food aid. Without this military protection the region would face a catastrophic food security crisis.

WFP is dependent upon the UPDF for its escorts, and is unable to deliver food without them because of the threat of LRA attack. On average, for each WFP delivery trip the UPDF provides 145 soldiers, 2 Mamba Armoured Personnel Carriers (APC) and 1 Buffalo APC⁸⁹. These forces are supposed to be readily available for the WFP, who have negotiated a protection agreement directly through the Office of the President. APCs lead and follow up the convoys which travel at approximately 30km/h scouting for rebel activity, strafing the roadside if a possible threat is detected. These convoys appear to have been highly effective in deterring LRA ambushes on WFP convoys, as no WFP vehicles have been

⁸⁵ David Kironde vs Mukono District Administration & Attorney General HCCS 486/93 (10th August 1995) Before Berko, J.

⁸⁶ The current UPDF Bill apparently includes a number of articles designed to bring militia groups officially within the command structure of the UPDF.

⁸⁷ For instance in Teso region, the militias have been mobilised under the initiative and command of Capt. Mike Mukula, a local MP and Minister of State for Health, and the RDC for Soroti District Mr. Musa Ecweru.

⁸⁸ Interview with senior government official, September 2004, Kampala.

⁸⁹ Interview with WFP staff, Kitgum May 2004.

attacked since they began (though some commentators have suggested that the reason for this has more to do with the fact that the LRA is now dependent upon WFP food for its own survival and has no current interest in holding up their convoys). However, according to a WFP officer, the distribution teams that travel with the convoys and undertake distributions in the camps do feel relatively safe in undertaking their work and understand that the LRA actively fears the strength of the UPDF contingents that accompany them.

As a further measure aimed at assisting those organizations that are unable to accept direct military escort, the UPDF has also mobilised armed patrols along major axes to provide protection for traffic between the hours of 11am and 3pm approximately.

As a result of these efforts, in September 2004 a senior UPDF official gave public guarantees to all humanitarian agencies that safe access was assured for all civilian settlements in northern Uganda, and that international aid agencies can safely remain in remote settlements for as long as they require to complete their work satisfactorily, be it days, weeks or months⁹⁰.

In general however, actual access to communities for the direct provision of humanitarian aid remains highly restricted and irregular for most agencies. The amount of aid delivered to communities remains far from proportional to the need, and the main constricting factor is security related access. Much of the humanitarian assistance that is provided is also at risk of being misappropriated, or of being implemented in a sub-standard fashion because monitoring and evaluation structures tend to be weak, given the lack of direct monitoring that is possible from agency staff members themselves.

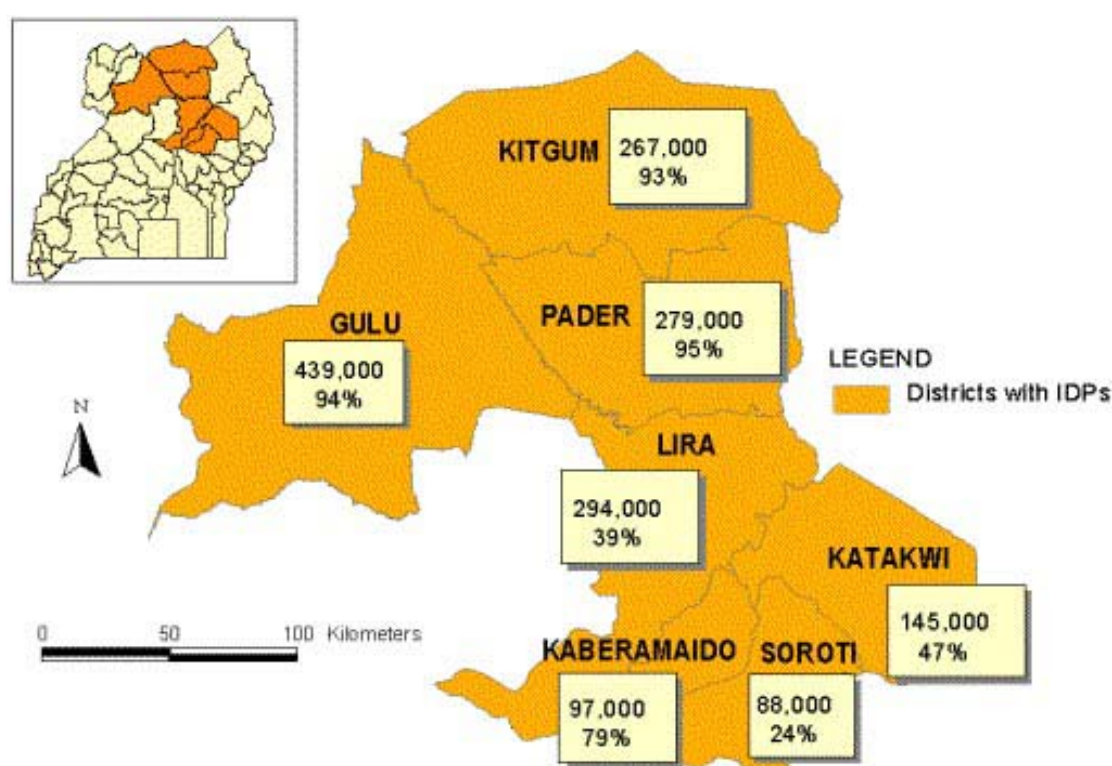
⁹⁰ Statement made by senior UPDF officer at the UNOCHA Workshop on *Protection of Civilians in Armed Conflict: Humanitarian Challenges in Uganda*, held in Kampala on 7-8 September 2004

7 Protection Threats under Forced Displacement

7.1 Internal Displacement

The humanitarian situation in northern Uganda is characterised by massive levels of internal displacement. Approximately 94% of the population of Acholiland is displaced [see Map 2]. In September 2004 there were 61 officially recognised IDP settlements in the Districts of Gulu (33), Kitgum (17) and Pader (11), with a total population of over 980,000 registered by WFP⁹¹. In addition, camps exist in Lira, Katakwi, Kaberamaido and Soroti Districts, where LRA rebels have also been active at various times in 2003 and 2004. These camps take the total registered population displaced by LRA activity to approximately 1.6 million.

Map 2. Map of northern Uganda showing numbers of internally displaced people by District (May 2004) Courtesy: Reliefweb Map Centre



In addition, in September 2004 a significant number of camps that exist in the region had not yet received official recognition from the Office of the Prime Minister, and as such, had not been registered by the WFP for food relief. These included 17 camps in Gulu, and 9 in Pader⁹², with others dotted around northeastern Uganda. Estimates of the total number of camps in the region reach 188, with an estimated IDP population of approximately 2 million⁹³.

This displacement has occurred both as a rational, voluntary response by civilians to the LRA threats of violence and coercion, and as a forced measure on the part of the GoU which has sought to contain civilians in IDP camps both as an integral component of its military strategy against the LRA, as well as for their physical protection.

The first major displacements began in 1988 when the UPDF moved approximately 100,000 people in and around Gulu, though the first significant creation of civilian camps in

⁹¹ Figures received from WFP and NRC September 2004.

⁹² Figures received from WFP September 2004.

⁹³ Estimates given by UNOCHA during the UNOCHA workshop on *Protection of Civilians in Armed Conflict: Humanitarian Challenges in Uganda*, held in Kampala on 7-8 September 2004.

northern Uganda followed a GoU displacement order in 1996⁹⁴. At this time, the GoU ordered Acholi civilians to move to trading centres in order that they might be directly protected by dedicated UPDF detachments. The authorities in Gulu responded with vigour to the government order and nearly 300,000 people became resident in 20 'protected villages' across the District⁹⁵. The authorities of Kitgum District were less immediately supportive of the initiative, allowing the majority of the population there to continue living in their villages.

Later, in 1997, several IDP camps were spontaneously created in Kitgum after the LRA went on the rampage, killing over 400 people in Lamwo County in a single week. Survivors and others from the surrounding areas - numbering 80,000 - quickly moved into camps at trading centres and around army installations in their search for protection. Many still remain more or less settled in those encampments.

In early 2002, following a period of calm which had begun in 2000, many long term IDPs were being prepared for return and resettlement in and around their home areas, through strategies developed by the GoU, UNOCHA and the various agencies and NGOs involved in humanitarian assistance in the region. During this period, approximately one third of displaced people in Kitgum District had returned to their homes, taking advantage of the improved security situation both on both permanent and temporary bases⁹⁶. Unfortunately however, the advent of Operation Iron Fist in May 2002 precipitated a massive escalation in LRA violence against civilians in Acholiland, together with a proportional increase in displacement as civilians who had tentatively returned home were pushed back into camps. OIF also involved a forced displacement order on 3 October 2002, when the UPDF gave civilians across the entire Acholi sub-region 48 hours to move into protected villages or be counted as rebel collaborators and arrested or shot as a result.

The period since May 2002 has also seen a marked increase in the levels of displacement in urban areas, on both a daily and permanent basis. In particular, since June 2002 major urban centres have seen an influx of IDPs from outlying rural areas, and of 'night-dwellers' or 'night-commuters'⁹⁷, effectively making the municipal areas of Gulu, Kitgum and Lira the largest 'camps' in the region. It is currently estimated that in Gulu town alone there are up to 100,000 IDPs⁹⁸. While this population is not officially registered as IDPs, the vast majority of these urban residents will not leave for their home areas until a stable peace is in place. As such, they constitute a relatively 'invisible' population. These town based IDPs and night-commuters place substantial demands on municipal resources, particularly in terms of shelter, water and sanitation and health care, and the District administrations generally find they are not able to provide the necessary assistance to these communities, apart from allowing them to sleep in unused buildings or on verandas.

Numbers of night-dwellers fluctuate greatly depending on the specific security threats on any given night, but in Kitgum the night-commuter population can reach levels as high as 18,000⁹⁹, massively increasing the population of the municipality. 75% of night-dwellers are children. In Gulu town coordinated attempts have been made to address the needs of night-commuter children with the creation of fenced, guarded and supervised institutions for the provision of over-night accommodation. In Kitgum town night-dwellers continue to find accommodation in schools, hospitals and other public buildings, and receive direct support from a number of NGOs in the form of shelter, malaria control, health education and NFIs.

In addition, many urban centres have seen the influx of thousands of school age children who have fled, or been sent by concerned parents, into the towns to find protection from

⁹⁴ ARLPI (2001) *Let My People Go*, Gulu.

⁹⁵ By November 1996, the Gulu District Council estimated that IDP figures had doubled to 200,000. Three months later, the figure was again upwardly revised to 270,000. WFP report September 1999 quoted at <http://www.db.idpproject.org/Sites/idpSurvey.nsf/wViewCountries/56FA39B67DDAF1C7C1256D4300303792>

⁹⁶ Oxfam GB (2002) *Northern Uganda Humanitarian Strategy 2003*.

⁹⁷ These are families that live in rural areas within 5-10 km of urban centres, who move into town to sleep in special centres, or in municipal or vacant buildings, and who return to tend to their fields during the day. Night-dwellers is the term usually used in Kitgum, night-commuters in Gulu.

⁹⁸ Figures estimated by UNOCHA, and NRC, September 2004.

⁹⁹ Figure reported at UNOCHA Contact Group meeting 25 August 2004.

abduction. Some schools now host over a thousand children from rural areas, most of whom have few clothes, no assets and no money¹⁰⁰. Often these children have a poor idea of where their families are, and have no access to relatives' resources. These schools themselves are often poorly resourced, and in some cases have difficulties feeding the hosted children and providing for their needs.

7.2 Forced Displacement

Given that the dramatic increase in displacement from 400,000 in early 2002 to the current levels of around 2 million has resulted from a combination of both voluntary and forced displacement, it is impossible to ascertain exactly how far displacement can be directly attributed either to LRA violence or to GoU displacement orders. It is however clear, that both have played a significant role in the dynamics of displacement, and it is important to note that the rate of displacement has increased most dramatically following the UPDF's displacement orders of late 2002 and early 2003. As such, it must be remembered that a very significant proportion of the displacement caseload in northern Uganda has emerged as a direct result of the orders of the GoU.

These massive levels of displacement, which exceed those witnessed in Darfur in 2004, have themselves created new and potentially more serious protection problems for the civilians affected by the war. In particular, issues relating to deprivation, restricted movement, coercion, violence and sexual exploitation have been identified as serious, and the broad range of perpetrators of protection abuses - including government forces tasked with protecting civilians from harm - provides even greater cause for concern.

As noted in section 6.2, the GoU's forced displacement of civilians has been undertaken invoking the rights afforded to the state under Article 17 of Additional Protocol II of the Geneva Conventions. However, as outlined in the Additional Protocol, and reflected in the GPID, the right to forcibly displace civilians for reasons of military or security imperative also places certain responsibilities on the part of the state, most particularly that the state has the obligation to ensure that the forcibly displaced population lives in conditions that guarantee a life with dignity. Similarly, according to the principles of the GPID, forced displacement should "not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected" and should "last no longer than required by the circumstances"¹⁰¹.

Thus, the GoU's decision to forcibly displace civilians as part of its military strategy can be judged objectively against the following indicators:

- The manner in which forced displacement has been carried out
- The extent to which civilians are able to live in camps with dignity and with satisfactory conditions of nutrition, water supply, hygiene, and health safety
- The extent to which forced displacement has improved the protection of civilians from violence and coercion
- The quantity and quality of humanitarian assistance provided to the forcibly displaced communities by the government itself
- The extent to which civilian displacement has made the military operations of the UPDF more effective

Unfortunately, as we shall see below, the GoU's performance against these indicators has been far from satisfactory, leading many to understand that it has had neither the capacity nor the will to uphold its obligations to the citizens of northern Uganda, and prompting others to suggest that the GoU has actually mobilised the strategy of forced displacement as part of its own dirty war against the Acholi people. We shall consider each indicator in turn.

¹⁰⁰ For instance, reports from Amuria indicate that the school there is currently hosting 17 displaced schools, while Bobbi camp is host to 5 displaced schools. Reported by UNOCHA September 2004.

¹⁰¹ UNOCHA *Guiding Principles on Internal Displacement*. Principles 6 and 8.

7.3 The Manner of Forced Displacement

The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated.

Guiding Principles on Internal Displacement, Principle 7

Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected.

Guiding Principles on Internal Displacement, Principle 8

According to the GPID, any sovereign government that seeks to displace civilians forcibly should ensure that the process of displacement itself adheres to certain conditions. According to these guidelines the government in question should ensure that:

- Civilians are not harmed during the displacement
- Adequate services are provided for them to live in dignity in the location designated for them
- All other options have been explored and exhausted before forced displacement occurs
- Displacement and its adverse effects should be minimised
- Any decision to displace civilians should be empowered by law
- Displacement should take place with free and informed consent
- Those with a special dependency on, and attachment to land, should be particularly protected against displacement.

On 3 October 2002 the GoU issued a 48-hour displacement order for all communities in Acholiland via radio and letter, claiming that displacement was in the best interests of the civilian population, that their security could only be guaranteed if they congregated in single locations to which UPDF troops could be deployed, and that they would be bombed in their homes if they remained in their villages¹⁰².

Following this order, thousands of civilians who had not yet made any independent decision to move into camps were forced to move either into the existing and already overcrowded IDP camps of the region, or into new locations where no facilities were yet available. Similar orders were also made in 1988, and in 1996¹⁰³.

According to those who were forced to move into camps as a result of these orders, no obvious attempts were made to seek their consent, or to inform them adequately about the reasons for the move, or to consult them on their needs after relocation. As such, the displacements that have taken place in response to government orders have been truly *forced*, sometimes on pain of death.

For instance, reports from civilians following each of the forced displacements have shown that displacement orders are generally accompanied by illegal violence against civilians at the hands of the UPDF. In October 2002 the government interpreted its displacement order broadly, and reasoned that after the forty-eight hour ultimatum, everyone found outside the 'protected villages' or IDP camps would be a rebel or a rebel collaborator. As such,

¹⁰² The commander of the Fourth Division, Brig. Aronda Nyakairima, handing down the oral army evacuation order to the people of northern Uganda of October 2, 2002, stated: 'This announcement goes to all law-abiding citizens in the abandoned villages of Gulu, Pader and Kitgum districts to vacate with immediate effect. . . . This is because we have discovered that the LRA terrorists when pursued by the UPDF hide in huts located in these villages. . . . Get out of these villages in order not to get caught in cross fire.' In support, a BBC interview with Ugandan army spokesman Maj. Shaban Bantariza revealed that civilians in Gulu, Pader and Kitgum had been given 48 hours to move into camps or towns under army control. (BBC 3 October 2002); HURIFO (2002) *Between two fires: The plight of IDPs in northern Uganda*. Gulu, p.23.

¹⁰³ Amnesty International (1999) *Breaking the Circle: protecting human rights in the northern war zone*, AI Index: AFR 59/001/1999, March; HURIFO (2002) *Between two fires: The plight of IDPs in northern Uganda*. Gulu, p.21.

reports were soon received that the UPDF had used tactics such as bombing of villages by helicopter gunship and mortar, and burning of homes and granaries to ‘encourage’ civilians to move from their homes and into camps¹⁰⁴. On a number of occasions reports have been made that civilians have lost their lives, either as a result of bombardments, or as a result of extrajudicial executions¹⁰⁵, though no comprehensive figures on such casualties are yet available. Reports have also been received of the UPDF looting assets and assaulting civilians during displacement operations¹⁰⁶. These attacks have contributed to the destruction of household assets and resources, and the GoU has not recompensed those losses.

“We were forced to move into this camp in July 2003 by the UPDF. It was not our wish to come here. It was an intense time for rebel activity, and the UPDF suspected that there were some collaborators living in our area. We were given no warning about what was going to happen. On the 27th July a large number of UPDF soldiers just came and ordered everyone in this area to go to Keyo. Many people ran away because they were scared of the soldiers. They just came and forced us to go. When I came to my house I found that everything had been taken. I asked the soldiers where everything was, and they told me my belongings had been taken to Keyo. But when I arrived here I found nothing. They had looted everything. They also burned many huts. Luckily nobody was hurt or killed, but we could not bring anything with us to the camp, and nothing was provided. We have still not received any assistance at all. We feel that we are being punished.”

Otim, an IDP leader from Keyo camp, Gulu District

The most recent displacement orders have been blanket orders for the whole region of Acholiland, indicating that there was no specific attempt to minimise the scale or impact of the displacement, and begging the question of what other alternatives were considered. On no occasion was satisfactory provision made for service delivery to IDPs after their forcible relocation into camps. While many of those forcibly displaced by the GoU moved into existing IDP camps which were already severely overstretched in terms of services, while the rest found themselves moving into locations in which no services had been provided whatsoever. For instance reports of a forced relocation in Patongo, Pader District in October 2002 told of approximately 5,000 people being forced out of their homes by UPDF bombing, and being relocated to a trading centre where land had been cleared, but where no provision had been made for building materials, structures, food, medicine, sanitation, water supply, or other aid. People were forced to sleep on verandas or in the open air, and an outbreak of measles quickly emerged and could not be treated¹⁰⁷. Similar stories are repeated by IDPs across the region. Given the fact that Pader has been virtually closed to humanitarian assistance for over 2 years because of insecurity, this callous method of displacement served directly to produce life-threatening living conditions and to exacerbate the humanitarian crisis.

This situation has also been worsened by the GoU’s slow progress in officially recognising all IDP camps as they have been created. The Office of the Prime Minister (OPM), as the officially mandated body for the coordination of disaster relief, is responsible for the official recognition of those locations that require humanitarian assistance¹⁰⁸. Humanitarian

¹⁰⁴ Focus groups with IDPs, Kitgum and Gulu Districts; Human Rights Watch (2003) *Abducted And Abused: Renewed Conflict in Northern Uganda*, July 2003 Vol. 15, No. 12 (A) pp.61-62.

¹⁰⁵ See Amnesty International (1999) *Breaking the circle: protecting human right sin the northern war zone*. AI Index: AFR 59/01/99 for details on the casualties caused by forced displacements prior to 1999.

¹⁰⁶ Interviews and focus groups with IDPs, Kitgum and Gulu, April 2004.

¹⁰⁷ ARLPI Report, Kitgum 13 November 2002

¹⁰⁸ Prior to September 2004 this process of recognition of IDP camps was informally known as ‘gazetting’. However gazetting requires decisions made to appear in the GoU’s monthly gazette, and as that procedure was not followed, members of the GoU stated that this terminology should not be utilised.

agencies, as partners to the GoU in the provision of relief, are therefore not mandated to deliver assistance to IDP camps that have not yet been officially declared such, even if those locations are clearly in need. Thus, the OPM is required to inform humanitarian agencies (and the WFP in particular) of the status of new camp locations in writing, in order that relief may be dispersed. This procedure assists in ensuring that the GoU lives up to its obligations as the principal agent for humanitarian relief in the country, while guarding against the impossible demands for blanket relief distribution that would emerge if government procedures were not in place. Following official recognition by OPM, and the submission of a request for assistance, WFP registers the population of the new camps, the UN undertakes a joint assessment and relief deliveries begin¹⁰⁹.

Unfortunately over the past two years the GoU has proved itself ineffective in fulfilling its obligation to recognise IDP camps as they emerge, including those created by forced displacement. For instance, in Gulu in September 2004 there were 17 camps that had not yet been officially recognised by the OPM (Keyo, Alokolum, Koro Abili, Bobi, Lacor Minor Seminary, Pawel, Tetugu, Odek, Awor, Coope, Lukodi, Dino, Lugore, Lolim, Omee, Tegot and Palakere) with a population of approximately 85,000 people, even though many of these camps were over one year old¹¹⁰. In Kitgum District it was reported that there were no unrecognised camps, but it was clear that in Pader there were also a number of unrecognised and unserved locations, though exact information was not available at the time of research. The failure to recognise these camps officially, and to comply with the agreed procedure of informing WFP of food needs in writing meant that these populations languished without official status, and without adequate humanitarian assistance for over one year¹¹¹.

It is also not clear how far the displacement of civilians in northern Uganda has ever been undertaken in a manner that is clearly empowered by law. None of the displacement orders made in Acholiland has ever been accompanied by a formal declaration of a state of emergency by Parliament, and as such the displacement of civilians and the partial derogation of their rights has not been strictly legal, even within the terms of the Uganda Constitution. Also, given that the NDMP has not yet been passed, neither have the displacements been undertaken within the bounds of any reasonable government policy relating to disaster management. Thus, the displacement orders do not appear to have had the legal seal of the Ugandan Parliament and have effectively been undertaken as an executive measure, either by the UPDF or the President himself¹¹².

Finally, the population that has been forcibly displaced in northern Uganda can only be described as a peasant population. The Acholi people are almost wholly dependent upon agriculture for their economic survival, and Acholi cultural traditions are deeply attached to the land, to agricultural practices, and to the rural homestead. The forcible displacement of the Acholi people from their ancestral lands and homesteads for extended periods of time has contributed to a serious erosion of socio-cultural capital in the region, and has reinforced social and cultural stresses within the Acholi community. Agricultural

¹⁰⁹ Curiously, at the UNOCHA Workshop on *Protection of Civilians in Armed Conflict: Humanitarian Challenges in Uganda*, held in Kampala on 7-8 September 2004, the GoU claimed that there were no 'gazetted' or 'ungazetted' camps, only camps that did not receive assistance from WFP. By so doing they inferred that there was no official process for GoU recognition of camps, or for requesting food support from WFP, and suggested that the lack of assistance provided to these populations was the fault of WFP themselves. This overlooked the fact that prior to September 2004 the GoU had been adamant that food should not be delivered to camps that had not been officially registered by the OPM. WFP, supported by the UNRC/HC, insisted that it was beholden to follow official GoU protocols, and was unable to deliver to camps that had not been officially designated. The official letter requesting such assistance for these camps was sent by the RDC Gulu in late September 2004.

¹¹⁰ It must be noted that in some of these camps in both Pader and Gulu Districts (for instance Pawel, Palukere, Dino, Odek) beneficiaries have been registered by the WFP and have been receiving food through deliveries made to other, officially recognised camps. If the OPM were to officially recognise these new camps, WFP would be mandated to undertake direct deliveries to the new locations, making deliveries more effective and reducing security risks for beneficiaries.

¹¹¹ According to WFP the OPM made a commitment at the end of September 2004 to officially recognise the remaining IDP camps in northern Uganda.

¹¹² For instance on 27 September 1996 President Museveni informed members of the Parliamentary Committee on the Offices of the President, Prime Minister and Foreign Affairs that the authorities were going to establish 'protected villages' even though interviews with villagers at the time indicated that some UPDF units were already moving people a number of weeks before that declaration was made. Amnesty International (1999) *Breaking the Circle*, p.21.

practices have all but been abandoned by many households who find themselves becoming more and more urbanised with each passing year. Traditional Acholi practices are reported to be on the decline as households become ever more alienated from their ancestral homes land and communities, and Acholi families are also becoming increasingly concerned that they may never see their land again. New, potentially worrying social and cultural practices are also said to be emerging, and many Acholi believe that a 'lost generation' of Acholi children has been created by the phenomenon of displacement - children who do not understand Acholi culture, do not abide by traditional Acholi mores, and even do not identify themselves as Acholi. Much of this cultural shock can be related to alienation from the land, and some Acholi interviewed for this study even went so far as to say that displacement has precipitated the 'death' of the Acholi culture.

Thus the manner in which the GoU has habitually undertaken its displacement of civilians is in breach of the criteria that constitute the principle conditions for movement of civilian populations in time of armed conflict.

7.4 Displacement, Deprivation and Humanitarian Crisis

1. *The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.*

Additional Protocol II to the Geneva Conventions, Article 17

While most representations of the war in northern Uganda rightly focus on the horror of the violence visited on civilians by the LRA - on the abductions and atrocities - the most important threats noted by the IDPs and night-commuters interviewed for this study related to deprivation. The situation of long-term displacement and insecurity in the region has created a scenario in which the living conditions of these communities are life-threatening, and in which the communities themselves are restricted in their ability to address their own problems of physical and social reproduction. In addition, insecurity severely restricts humanitarian access to provide them with assistance. Thus, the most acute threat faced by war-affected communities in northern Uganda is that of morbidity and mortality related to displacement and deprivation.

7.4.1 Denial of the Right to Food

The most serious deprivation threat is the lack of access to food¹¹³. Indeed, northern Uganda is in constant threat of an absolute food security crisis. Poor access to food was the primary concern of all interviewed households. In 2003 UNICEF reported Global Acute Malnutrition (GAM) Rates of 19.8% and 19.7% for Kitgum and Pader Districts respectively¹¹⁴, while ACF reported a chronic malnutrition of 41.4% among under-5s in Gulu District¹¹⁵. More recently WFP has reported that malnutrition has declined in severity - in June/July 2004 the GAM rate in Kitgum IDP camps ranged from 7.4 -18.3 percent of children less than five years, and from 4.4 - 12.2 percent in Pader. A reduction in Severe Acute malnutrition (SAM) rates was also reported in nearly all camps, but this continues to be high. In Kitgum district SAM ranges from 0.8 - 3.8 percent and in Pader district it ranges from 0.9 - 3.8 percent¹¹⁶. The most critical issues relate to 1) access to land, 2) LRA looting, 3) access to agricultural inputs, 4) inadequate food assistance. In November 2004, MSF also reported

¹¹³ MSF Holland (2004) *Internally Displaced Camps in Lira and Pader, Northern Uganda: A Baseline Health Survey, Preliminary Report*, November p. 14 notes that 70% of respondents stated that the worst thing about living in a camp was lack of food and hunger.

¹¹⁴ UNICEF, *UNICEF Humanitarian Action in Uganda in 2004*, p.111.

¹¹⁵ ACF-USA (2003) *Nutritional Survey in IDP Camps*, Gulu District, Northern Uganda, May.

¹¹⁶ WFP (2004) *Summary of the Nutrition and Health Assessment in the Internally Displaced Persons camps in Kitgum district*; WFP (2004) *Summary of the Nutrition and Health Assessment in the Internally Displaced Persons camps in Pader district*.

rates of SAM at 4.4% and GAM of 8.28% for Lira and Pader, with an under 5's mortality rate of 5.4/10,000/day¹¹⁷.

Under normal conditions, the majority of the population are dependent upon agriculture to supply their food needs, and to provide income with which to supplement their subsistence production. However, displacement has created a situation in which a maximum of 30% of the population have any access to land¹¹⁸. What access exists is also extremely limited. Under current conditions, where civilians face the threat of violence from both the LRA and the UPDF if they stray outside the safe zone around IDP camps or urban areas, cultivation only takes place in close proximity to urban areas and IDP camps. Thus, civilians face the stark reality of being caught between the competing threats of hunger resulting from poor access to their fields, and of violence or coercion at the hands of the rebels or government forces¹¹⁹.

As noted, the LRA lives off the land, either planting and harvesting its own crops in the bush, or looting the crops and livestock of the civilian population. This looting has had a significant impact on the food security of the civilian population. Over the years, almost all livestock in the region has been looted by the rebels or other actors, thereby destroying the principle asset base of the population¹²⁰. In addition, at harvest time the rebels loot whatever small yields there are before the civilian population can access them safely. What little is harvested is kept in granaries, in homesteads, or in camps, and the grain constitutes both the source of food for the short term, and the seed stock for the coming year. During its attacks, the LRA will also loot these grain stocks, leaving the civilians with little access to any of their own food.

Thus, civilians in the region have become almost totally dependent on food relief for their survival. Sadly, the LRA has also established a pattern of looting IDP camps directly following food relief deliveries by the WFP, though WFP representatives report that the quantities of food looted by the LRA amount to no more than 1% of the total delivered¹²¹.

“This year we did manage to plant a little in some land that we rented from relatives. But the land is too little. It is too dangerous to go to our own village, so we could not plant there. We bought some few seeds from traders in the camp, and the rains were good. The yields were good as well. But problems came with the harvest. We feared to leave the camp because of the rebels, and could not collect most of the crop. It was left to rot in the fields. When we were able to go to the fields we also found that the rebels had robbed most of the food. The rebels have also stolen all of our livestock. We depend on the food from WFP to survive, but the food is not enough, especially for the bigger families. We only receive a ration for a family of five, but many have to feed more than that.”

Rosalind, widow and mother of five from Palabek Kal, Kitgum District.

Almost all respondents indicated that the size and regularity of food deliveries are inadequate to cover their actual needs. Insecurity restricts the amount of food that aid agencies can deliver regularly, and the scale of the food security crisis means that WFP can

¹¹⁷ MSF Holland (2004) November, p.15.

¹¹⁸ Oxfam GB (2003) *North Uganda Humanitarian Strategy*.

¹¹⁹ For instance, in the first 22 days of April 2004, 17 people from Keyo camp were killed by the LRA whilst on their way to collect food. Interview with GISO, Keyo camp, Gulu District, 22 April 2004

¹²⁰ “According to census figures maintained by the Gulu District Veterinary Officer (DVO), there were precisely 123,375 head of cattle in the District in 1983. The comparable figure for 2001, as best the DVO can make out was ‘perhaps’ 3,000.” Weeks W (2002) *Pushing the envelope: moving beyond ‘Protected villages’ in northern Uganda*, UNOCHA, p.35; Similarly, according to the DVO in Kitgum District, the number of cattle there declined from 155,000 in 1985 to less than 3,000 in 1995. The current number of cattle in the region is currently likely to be far lower given the looting of the LRA and Karamojong over the past 3 years.

¹²¹ Interview with WFP staff member, Kitgum April 2004

only commit to delivering to camps on a once monthly basis. At times of poor weather and road conditions, this may decrease to once in two months with delivery of a double ration.

Even with the provision of a dedicated brigade of UPDF troops, WFP regularly experiences delays relating to accessibility of armed escorts, and due to the quality of army hardware provided for food convoy protection. Sometimes food deliveries get delayed because troops have been deployed to other parts of the region, leaving the WFP to wait until forces become available. On other occasions, deliveries are delayed by the fact that UPDF vehicles have fallen into disrepair, often breaking down en route, meaning that WFP and other humanitarian staff must remain stranded in the bush for long periods of time in highly insecure locations. These problems are only compounded by poor road conditions, which especially prevail in northern Kitgum and in Pader. Lorries and APCs can become bogged in mud, again leading to serious delays. Given the tight delivery cycle of the WFP, any delay has a serious negative impact on the delivery schedule, effectively meaning that an extra day spent delivering to one camp leads to another camp not being serviced for another month, with camps effectively receiving a half ration¹²². On other occasions, delays result from specific LRA security threats along particular axes, and decisions being taken not to travel on those insecure routes.

Civilians consistently reported that ration sizes were inadequate and distributions poorly implemented. Insecurity is such that it is difficult to undertake detailed statistical nutrition and food security analyses upon which accurate decisions regarding appropriate ration sizes can be based. As such, ration sizes provided by WFP have not always been appropriate, or adequate to needs. Until mid-2004 ration sizes were standardized and delivered per household based on the assumption that the standard household size is five. As such, those households with seven members received the same amount of food per month as those as those with two members¹²³. However, NGOs in the region have consistently reported that the average household size tends to be higher than five.

WFP representatives also indicated that their delivery system was supposed to be subject to local redistribution as managed by traditional leaders, the *rwod kweri*. However, beneficiaries reported that such redistribution was not taking place effectively, and was causing significant frustration. Indeed, in some instances beneficiaries alleged that both *rwod kweri* and aid agency facilitators were rigging distribution lists in favour of themselves and their families. This situation was compounded by the problems relating to insecurity in the region. Insecurity means that time spent on the ground in communities for the distribution of food is strictly limited. The WFP and its contractors are under strict time constraints and must ensure the delivery of a month's ration (to up to 60,000 people in some locations) in only a few hours. Time for targeted distribution is therefore short and a trade off must be made between the need to deliver according to strict food requirements, and the need to get food out to as many people as possible, as quickly as possible.

Ration sizes also appear to have suffered in the past from inadequate estimations of the amount of food produced locally in the IDP camps. In late 2003 WFP decided to reduce rations based upon the results of their latest EFNA, which indicated that IDPs were able to cover approximately 50% of their food needs from local produce. This was not consistent with food security information gathered by NGOs, and did not seem to take into consideration the fact that the hunger season was yet to come¹²⁴. Positively however, following the raising of concerns from the humanitarian community, the study was revisited and the decision to reduce rations was reversed.

The failure of the OPM to officially recognise IDP camps as they have emerged also posed a serious problem for WFP in delivering food to those that need it. Under its mandate WFP cannot deliver food to locations that have not been sanctioned by the GoU, and the OPM's failure to do this effectively meant that a large number of IDPs (possibly as many as

¹²² As noted for Lira in MSF Holland (2004) November, p.14.

¹²³ One mother from Lokung camp reported that her family of 12 received the same ration as a household of two, and that no internal redistribution was undertaken by local authorities. The ration in May was 43kg of maize, 2.5 kg of beans and 1 mug of oil per household.

¹²⁴ The hunger season is that season between the initial planting (April) and harvest (September) when food stocks are at their lowest.

400,000) did not receive food aid that they were legitimately entitled to for many months. The food security situation for the civilians living in these previously unrecognised camps has been bleak. In many cases these camps were created as a direct result of GoU forced displacement, and the populations have often been tightly regulated in its movements by the UPDF, or by the threat of LRA attack. Access to fields, crops and livestock is negligible, and what access exists is undertaken under great risk. Civilians have few foodstuffs of their own, yet have received almost no relief over the past two years. As a result these camps have faced acute hunger, and potential starvation conditions. In Keyo camp in Gulu for instance, the civilian population were forced to move into the camp by the UPDF in July 2003. The camp was not registered, and the OPM did not request WFP to deliver food there until September 2004. Thus, people received virtually no food assistance at all for over one year. This was in spite of the fact that civilians could only safely access a ¼ km radius around the camp and have almost no foodstuffs of their own on which to subsist - the harvest of 2003 was mostly lost to looting. Seventeen people from Keyo were killed in the fields while trying to cultivate for food in the month of April 2004 alone.

Even when food is received in an adequate quantity in a particular camp, the problem of firewood remains. Households require a steady supply of firewood to enable them to cook the relief food that they receive. Without it, relief is useless. Civilians in IDP camps are therefore required to make excursions into the bush to collect fuelwood on an almost daily basis¹²⁵. This task falls almost exclusively to women and children, and they run serious risks from the UPDF and LRA in undertaking it. As the camps become more and more entrenched, environmental degradation has become a serious issue, and the amount of fuelwood available in close proximity to camps is reducing dramatically. Women and children are forced to move further afield to collect wood in order to ensure their food security. Access to fuelwood is therefore considered to be a significant threat by the population¹²⁶, and no practical measures have yet been put in place by the GoU or by the humanitarian community to assist IDP communities in securing their fuel needs adequately.

In some locations, isolated incidents of the misappropriation of food aid by contractors were also reported. In particular, some camp commandants/leaders related instances in which food deliveries were cut short before all food could be distributed to the beneficiaries, supposedly on account of the pressures of insecurity and timetables. Camp commandants suspected that the deliveries had been cut short to enable the contractors to purloin the remaining food. While the researchers were not able to gather concrete evidence that this misappropriation had taken place, it is necessary to be aware that the threat of such theft does exist¹²⁷.

Finally, food deliveries have also been obstructed by the fact that over the past 2 years the WFP food pipeline has been under constant threat, with major breaches being reported in November 2002, in March 2004. In August 2004 a further breach was predicted for September 2004¹²⁸. These breaches inevitably restrict the amount of food that WFP is able to deliver during the most critical period for food insecurity, and lead to yet further reduction in actual ration sizes¹²⁹.

In particular, issues relating to land access were considered of critical importance by the IDPs interviewed, and civilians suggested two principle solutions to the dilemma of access to the critical resources of food, fuel and water:

- Protected visits to specific locations to facilitate subsistence activity
- Decongestion of camps to facilitate increased access to land

¹²⁵ In Keyo and Pagak camps in Gulu, women indicated that they must travel up to 5 miles with a round trip of 6 hours to collect firewood.

¹²⁶ Indeed an officer of the Uganda Human Rights Commission in Gulu indicated that access to firewood was one of the most serious problems facing IDPs at this time. Interview UHRC, Gulu 20th April 2004.

¹²⁷ In case of actual theft, or selling of ration cards, WFP and its implementing partners do take immediate legal action against the culprits.

¹²⁸ Reported at Pader DDMC meeting 6 August 2004.

¹²⁹ For instance in August 2004 WFP predicted that it would only be able to provide oil and pulses from September 2004, with some CSB for children, due to pipeline problems on grain commitments.

These suggestions have been considered in some locations. For instance, in Pabbo at the time of research the local administration was considering the possible decongestion of some civilians to nearby parishes such as Otang, Jengare, Bira, Okalucwang and Paminhalwa, and some progress had been made in planning the first move of some IDPs to Jengare a few kilometres south on the road to Gulu. Problems were faced however in being able to secure adequate protection from the UPDF for this location, and it appeared at the time that the relocation would be a failure. In recent months however an army detach has been put in place in Jengare and civilians have begun building their shelters. Sadly though, no firm commitment has been received from the UPDF that the four other planned decongestion camps can be protected. In Lira, reports were also received of camps where the UPDF had provided light escorts for some IDPs to visit their land for the purposes of cultivation. While this appeared to be a positive step, it does not seem to have fit into a general strategy for providing improved protection to civilians in this manner, and was identified by some NGO workers as being a largely political move designed to improve the morale of the Langi after the Barlonyo massacre, and even to encourage civilians to start moving home from their camps.

A controversial government strategy for improving safe access to agricultural land has emerged in the form of the Security and Production Programme (SPP), which was originally proposed by President Museveni's brother, Lt. Gen Caleb Akandwanaho (better known as Salim Saleh). This programme, which claims to be based on the model of an Israeli moshav, proposes that 'secure' areas should be created around IDP camps through the deployment of military guards, and that production should be organized in these locations on a modern, intensive, centralised, communal basis that involves the utilisation of modern agricultural technology in the form of tractors, fertilisers, irrigation etc. The plan is supposedly designed to increase agricultural production around IDP camps thereby improving food security, whilst at the same time fully incorporating food security with a military protection programme through the mobilisation of the UPDF, LDUs or militias around project sites. A pilot project for the scheme has already been mobilised in Gulu District, and is being implemented by USAID funding through ACIDI-VOCA.

A detailed study of land access and land rights issues relating to internal displacement in northern Uganda has been commissioned by CSOPNU and will be released later in 2004.

7.4.2 Denial of the Right to Water

Displacement conditions have seriously impacted on the ability of civilian households to access the minimum quantity of water needed to live in dignity, and the vast majority of IDP camps face a water crisis. The number of water points available in all camps is woefully inadequate, with some such as Padibe (population 34,576) trying to make do with only 5 functioning water points (equivalent to 1 water point per 6,915)¹³⁰. The Sphere minimum standard for access to water is at least 15 litres per person per day, with at least 1 water point per 250 people.

"Each day we line our jerrycans up at the handpump to collect our water for the day. There are so many people trying to collect water, and it takes us all day just to fill one jerrycan. There is barely enough water for drinking and cooking with. We cannot wash our bodies, or our clothes. The children suffer badly from skin infections. Sometimes we go in a group to collect water from the river, but it is far, and sometimes the rebels can catch you. Some time back a lady was killed while she went to collect water in the early morning. We do not know who killed her."

Grace, an IDP mother of four from Pabbo camp, Gulu District

¹³⁰ Even in camps where significant achievements have been made in increasing water provision in recent months, standards are still well below those required by the Sphere Project.

Many women reported that they were only able to collect one or two jerrycans of water per day, meaning that many households (which may have between 5 and 12 members) have access only to between 20 and 40 litres per day (giving a maximum possible supply of 8 litres per person per day for a family of 5). The situation is so desperate that in almost every camp women must move in groups to try and fetch water from unprotected sources in the surrounding countryside¹³¹. This effort carries with it dual risks. First, reports were received of women who had been subject to attacks from both the LRA and the UPDF while seeking water, and second, the water fetched from these sources is often contaminated, increasing the risk of water related disease, and possible epidemics of diarrhoeal disease in the camp. The ability of households to collect water is also constrained by the curfews placed by the UPDF in the IDP camps. Women and men are generally restricted to their huts during the hours of darkness by the curfews imposed upon them by the UPDF for security reasons, and this significantly reduces the amount of time available for household tasks to be undertaken, particularly for women. A number of women indicated that being able to access the water points during the night would significantly increase the amount of water available to them, but also reported that the risk of being arrested and beaten, raped or killed by the UPDF while doing so was too great.

The water access situation is made all the more precarious by the fact that those protected sources that are available are exceedingly vulnerable to breakdown. The rate of usage of handpumps is so high that a brand new pump can be expected to break down within just a few months of installation. The GoU has not made any meaningful attempts to relieve this water scarcity situation during the past two years, even in spite of the fact that a significant proportion of the displacement is related to forced displacement by GoU order. In fact in 2003, while the District government in Kitgum District installed a large number of new boreholes, none of these was located in an existing IDP camp. Similarly, the GoU takes no responsibility for assisting the civilian population with the maintenance of handpumps or boreholes. The national Water Policy emphasises the need for decentralised management of water supplies, and communities themselves are expected to raise the money and employ the technical expertise to repair their pumps, even under emergency conditions. In almost all camps, the water user committees set up to maintain the water sources charge between 100 and 200 Shs per household per month, which is difficult for most IDPs to pay, as they have negligible access to food, let alone disposable cash. Thus the task of water point maintenance falls largely to NGOs. Unfortunately the problems relating to insecurity and poor humanitarian access mean that NGOs are highly restricted in the amount of concrete assistance that they can provide in the camps, meaning that increases in water provision remain marginal in scale.

Finally, it has been reported that in a number of IDP camps UPDF contingents have commandeered water points for their own use¹³². Given that in IDP locations of up to 20,000 UPDF contingents do not exceed a maximum of 50 or 60 soldiers, these GoU agents have succeeded in massively decreasing civilian access to vital water resources.

7.4.3 Denial of the Right to Health

The third most serious threat reported by interviewed civilians was 'sickness', which many IDPs and night-commuters felt threatened their lives, and the lives of their children in particular. Specific threats related to upper respiratory tract infections, malaria and diarrhoea, all of which find their causes in the fact that displacement has left civilians living in cramped and unsanitary living conditions with little access to water, sanitation, shelter and non-food items which could mitigate the threats of disease. In addition, many IDPs indicated that they were threatened by what they termed "funny diseases" which are killing people on a regular basis. Elaboration showed that these diseases probably relate to pneumonia, tuberculosis, oral-anal thrush and candidiasis, all of which are likely to be

¹³¹ For instance all respondents from the IDP camps in Kitgum District indicated that they travel outside the camps in order to collect water at a distance of up to 2 miles.

¹³² For example in October 2004, UPDF contingents in both Palabek Gem and Palabek Kal had commandeered a water point for their sole and permanent use. This effectively means that in Gem the number of water points available to civilians was reduced from 1/2652 to 1/2984, while in Kal it was dropped from 1/2531 to 1/3164 as a direct result of the UPDF's action. These commandeered water points now service a military population of approximately 50 soldiers in each location.

HIV/AIDS related. It was clear from discussions that IDPs considered these diseases to have emerged as a direct function of their displacement and their overcrowded living conditions.

Morbidity and mortality rates in IDP camps in particular are high, though little work has been undertaken to establish accurate rates at this time. In spite of this however, some indicative figures were reported by ACF-USA in May 2003¹³³, who identified critical mortality rates both among the under-5s (5.67 per 10,000 per day) and the whole IDP population (2.33 per 10,000 per day); and in December 2003 a nutrition survey released by IMC illustrated the more general situation, highlighting the following¹³⁴:

- Retrospective under-five mortality rate estimated at 12.2/10,000/day, with 26.8% of children dying from fever or suspected malaria, 11.52% from bloody diarrhoea, 10.95% from measles and 6.63% from ARI. For the remaining 31.12% the cause of death was unknown. Crude mortality rate was estimated at 4.8/10,000 per day.
- Child morbidity as percentage of children falling sick during the two weeks preceding the survey was extremely high. 69.2% of children suffered from fever or suspected malaria, 58.6% had simple diarrhoea and 57.5% suffered ARI.

In November 2004, MSF Holland also reported a crude mortality rate of 2.79/10,000/day for Lira and Pader, with an under 5's mortality rate of 5.4/10,000/day; and in Agweng in particular they reported the shocking under 5's mortality rate of 10.46/10,000/day. The main cause of morbidity was reported to be malaria at 47% of the total, followed by respiratory disease at 28%, and diarrhoeal disease at 21%¹³⁵.

Health care in the majority of IDP camps has also by and large collapsed, with many District health workers often unwilling or unable to remain in the health centres and clinics to provide regular and effective medical care. Thus, in all but the biggest camps, civilians are dependent upon the hospitals and clinics of the urban areas to treat serious cases. In many cases, civilians are just not able to reach these services under current conditions, either due to insecurity along roads, or due to the lack of funds for transport. As such, the conflict threatens the lives of civilians doubly, through the creation of unsanitary living conditions that foster the spread of infection, and through the denial of access to health care.

7.5 Displacement and Protection from Violence and Coercion

7.5.1 Threats from LRA

- (2) *The Uganda People's Defence Force shall ensure protection of the perimeters and areas surrounding Internally Displaced Persons sites and during return or resettlement, deploy to deter and halt armed attacks on the internally displaced until such a time when their security is ensured.*
National Policy on Internal Displacement of Persons 3.1

The most compelling argument for forcible displacement in northern Uganda is that the concentration of the population in central locations improves security and facilitates the physical protection of civilians by the UPDF. Unfortunately, evidence to suggest that the containment of civilians in camps has effectively improved their protection is inconclusive. For instance NGO workers specialising in the reception and rehabilitation of formerly abducted children indicate that rates of abduction did not changed appreciably after forced displacement took place in late 2002, and while the rate of attacks since end July 2004 did appear to decrease following the UPDF attack near Juba, informal surveys from across the region indicate that attacks on camps that lead to violence and coercion intensified in

¹³³ ACF-USA (2003) *Nutritional Survey in IDP Camps, Gulu District, Northern Uganda, May*.

¹³⁴ International Medical Corps (2003) *Nutritional Survey in IDP camps, Pader District, Northern Uganda*.

¹³⁵ MSF Holland (2004) November.

Kitgum and Pader in September and October 2004¹³⁶. In fact, a report published by ARLPI in 2001 clearly outlined the fact that before the forced displacement orders of 2002 Kitgum and Pader, which had comparatively small populations living in camps (about 20% at the time) were not obviously worse off than Gulu, where the majority of the population had already been displaced (about 80%). The report insisted that:

A look at the a day-to-day chronology of events gathered since 1997 by the Justice and Peace office of Kitgum reveals that rebel violence has occurred in Kitgum [and Pader] to about the same extend [sic] as in Gulu. This is an interesting fact, because it shows that in such circumstances people can find ways of coping with the situation without having to live in displaced camps¹³⁷.

As reports from IDPs indicate, this could be to do with the fact that the protection provided by UPDF contingents in most camp locations has tended to be far from satisfactory. In most camps the absolute maximum detachment appears to be around 60 soldiers, and in most cases they are tasked with the responsibility of protecting populations well in excess of 10,000¹³⁸.

In all of the camps visited, IDPs complained that they did not consider the defensive tactics of the protecting forces to be effective. In many places army detachments are located at some distance from the camps they are supposed to protect. For instance, at Amida in Kitgum District, the UPDF detachment is located some 1000m away from the camp. In some camps civilians reported that the protective units do not patrol the camps, but locate themselves at some distance in the bush to protect themselves from potential raids, while in others they reported that soldiers locate themselves at the heart of the camp during the night, effectively using the IDPs as a human shield. As such, even in locations where the UPDF has a permanent detachment, such as in Pagak, incursions, attacks, abduction and killings continue to be commonplace. Pagak suffered from serious attacks in March and in May 2004, each taking place while UPDF protective forces were deployed. The second attack ended with a full-scale massacre, with 51 lives lost.

In almost all cases civilians indicated that from their perspective the UPDF does not appear to have a clearly evident civilian security strategy. Soldiers appear to be very few in number in relation to camp populations, and exhibit a preference for remaining in the relative safety of their barracks. They do not appear to patrol effectively, being spread very thinly in one's or two's around the area of a camp. In most locations civilians reported that the UPDF did not undertake routine patrols and tended to wait for specific reports of attacks from civilians themselves. Intelligence of LRA movements does not appear to be of a high quality, and most detachments appear to be somewhat reliant on information gathered from local civilians.

Civilians also indicated that UPDF response times were generally very slow, and that the UPDF often failed to respond to an attack until the LRA had actually left the area. In some cases it was reported that the UPDF, when informed of the location of the LRA failed to respond altogether, leaving them to move unimpeded close by a barracks location¹³⁹. It was also reported that when local civilians bring intelligence of rebel locations and movements to the UPDF, the soldiers often force them to lead troops into an engagement, and that a number of civilians had been killed or injured as a result of being caught in between the rebels and their protectors¹⁴⁰. It was also reported that in general, UPDF responses to LRA incursions appeared random in their execution, often taking the form of general gunfire

¹³⁶ A decrease in the number of attacks on camps cannot be taken as a concrete indicator of the effectiveness of protection. It may merely indicate a decrease in active operations by the LRA as they regroup, recover, or re-strategise, and reports received by NGOs in October 2004 indicated that the LRA was indeed regrouping while wearing civilian clothes to remain anonymous.

¹³⁷ ARLPI (2001) *Let My People Go: The forgotten plight of the people in displaced camps in Acholi*, Gulu, p.10

¹³⁸ In April 2004, the protective force deployed in Pabbo, the largest camp in the region, was reported to be only 60 men. For a population of 63,000 this gives a protection ratio of 1 soldier per 1,050 people. Interview, senior local council member, Pabbo, 23 April 2004.

¹³⁹ In support of this claim a number of human rights organizations have reported that between June and December 2002, the UPDF intervened in only 30 of the 456 LRA attacks that took place in IDP camps in northern Uganda. Refugee Law Project (2004) *Behind the Violence: Causes, Consequences and the Search for Solutions to the War in Northern Uganda*, p. 30.

¹⁴⁰ Interviews with civilians in Kitgum and Gulu, April 2004.

across a wide area. Inevitably, this tactic has reportedly ended in the accidental shooting of civilians who have been caught in crossfire, or who have been shot while hiding in their huts.

The unplanned nature of most camps impedes effective response by the UPDF to LRA attacks. Access roads do not generally exist, and soldiers must find their way through a densely packed network of huts in order to try and repulse the intruders. Camps are generally very large in size given the small units deployed in each location, and it is often impossible for the soldiers to cover each zone of each camp effectively. As such, it seems relatively easy for the LRA to infiltrate the camps in small numbers, abducting, looting and even killing as they go. In fact, most civilians indicated that the LRA utilises a highly effective intelligence system to monitor UPDF movements, to identify weak points in the protection framework and exploit those gaps. As such, the LRA is able to continue creating fear and insecurity even where the UPDF has protective forces in place, and the UPDF does not appear to have found an effective and systematic way of responding to these threats. Indeed some areas of large camps (such as the Mission zone of Pabbo) reportedly suffer from repeated attacks that result from a persistent lack of physical protection. As such, IDPs from that zone are forced to move each night into other zones, seeking protection as night-commuters within the IDP camp itself. At the time of this research, no clear strategy had been developed to try and address this issue, though the local council in Pabbo was working with engineers to replan the camp with a view to improving UPDF access routes and infrastructure provision.

Similarly, in urban locations, there appears to be no clear and strategic deployment of UPDF forces to effectively secure municipal areas from LRA incursions. In both Gulu and Kitgum, reports were received of only small numbers of troops being made available for municipal security, and that these troops tended to be deployed either very thinly, or in concentrated pockets which leave large areas of the town exposed. As such, civilians resident in urban areas feel vulnerable to attack, abduction and looting, and such attacks are commonplace, occurring on a variable and relatively cyclical basis.

Reports from Kitgum indicated that suburban areas close to the municipality and home to small IDP camps (Ginnery, Westlands, Gangdiang, Amida, Labuje, Lakwang) were particularly poorly protected, in spite of the fact that detachments or barracks were located in some of these areas. Civilians from all locations indicated that they were scared enough of the LRA threat to seek refuge in Kitgum town as night dwellers. Reports also indicated that LRA incursions into Gulu town are also relatively commonplace, with abductions sometimes taking place from near the town centre. In Gulu, night-commuter facilities are restricted to children only, leaving adults with no safe haven unless they have relatives or friends who are willing and able to protect them in the town centre. Where UPDF soldiers are regularly deployed to guard urban facilities such as Centenary School in Kitgum, or at Noah's Ark in Gulu, that protection is generally considered to be a suitable deterrent against LRA attacks.

In fact, in all locations visited, civilians indicated that they did not believe that the numbers or capacity of UPDF soldiers deployed were strong enough to provide adequate security. Indeed, in many locations civilians reported that it was often difficult to find a soldier to respond to incursions at all. This is in spite of the fact that in 2003 the GoU moved a massive 23% of line ministries' budgets into the MoD, withdrew its troops from DRC, and undertook Operation Iron Fist, all ostensibly to end the LRA's terrorisation of civilians. By doing these things the GoU made a commitment to improving protection in northern Uganda by mobilising large amounts of military hardware to address the LRA problem. Helicopters were purchased and soldiers apparently deployed to the affected area.

However, almost all civilians interviewed in northern Uganda maintain that they have not been able to discern a meaningful increase in UPDF manpower in the region in the course of the past 2 years, and certainly not in terms of manpower dedicated to the security of IDP camps and urban areas. Senior security officials within the GoU have often repeated that the situation with the LRA means that the UPDF is not able to place a soldier in every household, and that displacement into camps is the only way that adequate protection can

be secured. However, since the forced displacement of 2002 took place, northern Uganda has seen the emergence of a significant number of new settlements that actually receive no protection whatsoever (as is the case in most of the camps that were not officially unrecognised prior to late September 2004). Clearly, for these locations, protection against LRA attack is no better now than it was before displacement. However living conditions are far worse, and it can even be argued that the same goes for the other larger agglomerations in the region where physical protection is provided.

Civilians resident in IDP camps reported that the biggest threat to life is posed by the LRA outside the camps while travelling on excursions away in the bush or to their homesteads. Indeed, in all of the IDP locations visited, the majority of civilian deaths reported had been caused as a result of attacks made while on these journeys through the hinterland surrounding IDP camps and urban areas.

As part of its protective strategy in the IDP camps, the UPDF has put in place severe restrictions on civilian movement. Effectively the UPDF has told civilians that they must remain within a 'safe zone' surrounding the IDP camps of between 2 and 5 km. Civilians have been told that if they are found outside this zone by the UPDF that they will be identified as suspected rebels or rebel collaborators and that they will be arrested or shot as a result, depending on circumstances. These restrictions are reportedly designed to minimise the possibility of LRA attack on civilians, as well as to facilitate the UPDF's military operations by 'cleansing' the territory of civilian forces, thereby reducing the probability that civilians will be caught in crossfire, and helping the armed forces to more easily identify rebels in the field.

While the specific regulations on movement differ from time to time and from place to place depending on the security situation, a recent survey of IDP conditions by NRC showed that a safe zone of 2km maximum is the norm, with times given for safe movement of between 10am and 4pm¹⁴¹. As such, no protection is provided for IDPs outside these safe zones, and in almost all locations there was no indication that the UPDF seeks to protect IDPs while they are attempting to secure their rights to health and livelihood in this manner.

This is a critical failure given the fact that the GoU has forced many of the IDPs into camps, and that the levels of humanitarian assistance provided by both the GoU and NGOs is as yet inadequate to their subsistence needs. In order to meet their needs IDPs must move outside the safe zone into the 'cleared areas', especially to source food, wood and water, and are therefore compelled to put themselves at risk from both the LRA and the GoU.

In fact, forced displacement by the GoU, and the concomitant restrictions on civilian movement by the UPDF, may actually have served to put civilians at greater risk of LRA violence while working in the bush than previously. A number of IDPs indicated that prior to their movement into camps in 2003, that if they had met the LRA in the bush that they would generally be allowed to continue with their business, perhaps having been forced to give food or other resources to the rebels. Since the displacement however, they found that the LRA is now less tolerant of those civilians who are found out in the fields or collecting resources. This factor was explained by the fact that the LRA have suffered significantly as a result of the forced displacement. Since 2003, food cultivation in the region has become negligible, thereby significantly reducing the amount of food available to the LRA through looting. Thus the LRA reportedly consider those Acholi now living in camps to be complicit with the GoU in its struggle to starve them into submission. As a result, many IDPs now believe that the LRA seeks to punish them.

There is also reason to believe that the forced displacement of civilians may have exacerbated attacks on civilians in settlements. In 1996, when announcing the plan to create 'protected villages' in the north, the Presidential Advisor on Political Affairs, Maj. Kakooza Mutale stated that¹⁴²:

¹⁴¹ As identified in surveys by NRC. Interview with NRC staff, Gulu, September 2004.

¹⁴² *The New Vision*, 13 November 1996. Emphasis added.

The depopulation of the villages removes the soft targets and logistics for the survival of the rebels. They will lack food, information, youth to abduct and people to kill. Desperation will drive them to attack the army *and the camps*.

The UPDF's strategy has therefore been one of displacement designed specifically to create starvation conditions in northern Uganda with a view to breaking down the LRA's survival mechanisms. Unsurprisingly this tactic precipitated the resentment of the LRA who responded by increasing violent attacks against camps for a number of reasons: first, to punish civilians for 'supporting' the UPDF's strategy; second, to try and push people to abandon the camps; third, to loot food, resources and to abduct children. As such, displacement has not reduced the threat of attacks by the LRA on civilians, but may actually have enhanced it. Indeed some analysts argue that IDP camps now provide the LRA with 'one-stop shops' in which they can achieve all of their objectives quickly, easily and with much greater impact than was ever possible when civilians were living in villages, and that death tolls such as that seen in the Barlonyo massacre are now only possible because the population has been herded into central locations¹⁴³.

More worryingly perhaps, Maj. Mutale's statement gives the impression that the strategy of forced displacement was designed explicitly to lead to increased levels of attack on civilians living in camps. According to the Major's logic, the camps were created to transform the displaced population into decoys for the entrapment of the LRA. Given the UPDF's desire for displacement to also act as a tactic for starving the LRA of resources, we can only come to the conclusion that the strategy of forced displacement was at least in part a strategy that was invoked as a tactic of warfare

Overall, the tactics and strategies implemented by the GoU for the protection of civilians *in situ* also appear to be highly polarised, and exhibit a distinct level of incoherence, with multiple strategies being mobilised in multiple locations. For instance, in Gulu District decongestion of some IDP sites has been suggested as a way of combating protection problems, while in Lira the amalgamation of sites has been under consideration for similar reasons, and in Teso reports were received that the District administration was using relief distributions as a tool for drawing people out of their camps and back to their villages. In none of these locations was a clearly coordinated strategy apparent, and almost no effective consultation had been engaged in with the affected populations to better understand their requirements and fears.

In Gulu, District engineers had been requested to draft plans for the replanning and decongestion of Pabbo, and this had been engaged in as an executive exercise, with IDPs indicating that they were not being adequately involved in decision-making. Similarly, in Lira the District administration decided after the Barlonyo massacre that IDPs from smaller camps should be moved into larger camps closer to major centres. This decision was made largely as a military strategy, and came in spite of the fact that an interagency assessment of Lira showed that larger camps were already much worse off than smaller camps and were at more general risk of protection threats. It also came in spite of the fact that it had been admitted that the scale of the massacre at Barlonyo had been significantly exacerbated by the indisciplined conduct of the UPDF commanders and soldiers that had been deployed to guard the camp. Indeed, it appears that the differing strategies in each location have had much more to do with political issues for the specific District administrations (eg: responses to the Barlonyo massacre, to overcrowding in Pabbo, and to encourage return home in Katakwi so making the militia strategy appear successful) than to any concrete issues regarding actual humanitarian protection needs.

These problems are generally worsened by the fact that within the UPDF, discipline and motivation are universally reported to be at low levels. Drunkenness is clearly a problem among some UPDF detachments, and command structures in the field appear to be relatively weak. As the massacre in Barlonyo clearly showed, drunkenness and indiscipline among officers and men can have disastrous consequences when the LRA is seeking to exploit specific tactical weaknesses. Barlonyo was officially regarded at the time as a

¹⁴³For instance following the Barlonyo massacre Betty Amongi, the MP for Apac noted that 'This was a disaster waiting to happen. If you force people into camps, this is what will happen. Before people were living scattered in their own villages, at least they could flee when the LRA attacked.'

‘protected’ camp, and it had a dedicated detachment of UPDF soldiers, who were on duty at the time of the attack on 21 February 2004. Unfortunately the detachment failed in its duty to protect, and the camp was overrun with over 300 people losing their lives.

Drunkenness and indiscipline also point to more general problems of motivation and morale within the armed forces. It is now well recognised that the UPDF suffers from a weak command structure as well as from serious corruption in the upper ranks. Many soldiers complain of not having been paid for months, and reports of the poor equipment made available to foot soldiers (flip-flops instead of boots, insufficient ammunition, ragged uniforms etc.) have become infamous. Soldiers have indicated that they do not feel that they should risk their lives for officers who do nothing to ensure that they receive even their basic pay and rations, and sometimes express a great reluctance to engage in protective actions that could put them in mortal danger. Thus, by failing to effectively support the soldiers in its care, the UPDF directly exposes civilians to increased risk. Similarly, the increasing reports of corruption within the higher echelons of the UPDF, such as the ghost soldiers scandal, has served to demotivate foot soldiers and NCOs who do not see why they should fight for the officers who almost literally, take the *posho* out of their mouths.

Thus, ordinary soldiers who receive little in the way of field support, moral support or salary receive little incentive to engage proactively for the protection of the Acholi people, and as such we can see that the professionalisation of the Ugandan armed forces is still a distant objective. The UPDF is still largely a clan based organization run by a clique of officers who are very close to the President and who are able to make substantial dividends from their positions at the expense of the rest of the army¹⁴⁴. As such, the army is still far from a professional ‘national’ army. It is largely driven by an incentive structure, in which soldiers and officers appear to be driven to perform only if there is something in it for them personally. There appears to be a weak service culture, and little to indicate that the majority of soldiers wish to perform out of ‘duty’. Indeed the Porter Commission of 2002 clearly identified criminal behaviour within the senior ranks of the UPDF, deep-seated indiscipline throughout its ranks, and highlighted its deeply ineffective capacity and structure¹⁴⁵, all of which feeds a situation where many ordinary soldiers posted in northern Uganda do not feel well motivated to protect Acholis with their lives.

However holding this in mind, it is important to emphasise that IDP attitudes on the UPDF’s effectiveness do vary from place to place and time to time, and it is difficult to generalise totally. While there is a clear general trend to indicate a lack of motivation and capacity, many civilians do indicate an appreciation for the job that the UPDF is doing, and they acknowledge that very often they are trying hard in difficult circumstances. Civilians understand the difficult working conditions of the foot soldiers in particular, and sympathise with them greatly. In some places protection is clearly better than others, and in some areas in Kitgum District a surge towards improved protection in early 2004 did seem to have significant impacts on the vulnerability of camps to attack. However much seems to depend on the commitment and professionalism of the specific units and commanders deployed in the field.

7.5.2 Threats from GoU Forces

A further complication relating to forced displacement is that civilians fear abuses at the hand of the security forces that have been tasked to protect them against the LRA.

7.5.2.1 Threats from the UPDF

As we have noted, a number of reports were gathered relating to civilians who had been violently abused by UPDF contingents as they were collecting wood, food or water, or were tilling their fields¹⁴⁶. UPDF representatives have claimed that government forces cannot easily differentiate between rebels and local civilians if they are at a distance outside the

¹⁴⁴ See Van Acker (2003) and ICG (2004) *Northern Uganda: Understanding and solving the conflict*, for more details on the nature of UPDF command structures and internal constraints.

¹⁴⁵ Republic of Uganda (2002) *Judicial Commission of Inquiry into allegations into illegal exploitation of natural resources and other forms of wealth in the DRC*, final report, p.33 and 120

¹⁴⁶ For example in February 2004 a woman named Akele was reportedly killed by the UPDF while moving out to gather food for her children in Pangira parish, Kitgum District. IDP focus group discussion, Kitgum 2 April 2004

‘safe zone’, and that given the restriction orders they have made that they must assume that anyone they find outside that area is a combatant, or a rebel collaborator. Some UPDF officers have even indicated that if a civilian is seen cultivating crops outside the safe zone that it will automatically be assumed that they are growing food specifically for the rebels¹⁴⁷. In some cases UPDF soldiers were reported to have requested civilians to show an ID, but IDPs noted that if they are too far away to do so, or do not have an ID to hand, the UPDF may start firing. In the past, civilians have also been killed by helicopter gunships while tilling fields or attending funerals¹⁴⁸. The UPDF also restricts the movement of civilians as a way of facilitating its operations. This is in spite of the fact that some senior government officials have also encouraged civilians to move to their villages and fields if they feel it may be safe to do so¹⁴⁹. Reports were also received of women who have suffered rape at the hands of UPDF troops when they encountered them in the bush while collecting subsistence resources¹⁵⁰.

As such, the GoU has effectively declared a ‘state of exception’ across northern Uganda in which the rule of law has been suspended. Because of the UPDF’s edicts on civilian movement and cleared areas, UPDF soldiers may kill Ugandan citizens almost at will if they are found outside IDP camps, taking refuge behind the argument that anyone found in the bush must be considered a *de facto* rebel or collaborator. Thus, the distinction between civilian and combatant that is central to the humanitarian protection obligations of the GoU under the Geneva Conventions has been blurred so far that it has become almost meaningless. Distinction between combatants and civilians no longer depends on whether or not you are actively engaged in armed conflict, but on your geographical location. This regulation effectively makes combatants out of all civilians who are compelled to leave the camps if they are to meet the subsistence needs which arise at least in part from the forced displacement orders of the GoU itself. By so doing, the GoU perhaps does less to protect civilians from LRA threats than it does to reinforce the humanitarian crisis, and protect its own forces from the accusation of killing civilian non-combatants by mistake. Suspecting civilians found in the countryside of being rebels or collaborators does not make abuses of human rights legitimate, no matter what the circumstances.

Restrictions imposed by the UPDF also include curfews, which require civilians to be inside their homes or at secure locations between approximately 8 pm and 6 am, and to be within the confines of the IDP camp from around 3pm. While the imposition of curfews can be a legitimate tactic for improving the protection of civilians from LRA violence, these curfews can cause serious difficulties for many civilians. The rigours of having to spend many hours each day finding food, water and firewood or engaging in petty labour mean that many households find it very hard to get all of their household labour tasks completed during the timeframe allotted by the army. As such, many find it necessary to breach the curfew (for instance many women indicated that to be able to collect water from the borehole at night or in the early morning would increase the amount of water available to them each day, as well as extending the number of hours available for them to engage in other kinds of productive labour).

Unfortunately the UPDF appears to have decided that those who are found in breach of the curfew should be placed under immediate suspicion of being collaborators or rebels, and are detained. In some instances this detention can have violent consequences. Reports were gathered of civilians who had been subject to torture during their detention and others who had been severely beaten, and of women who had been raped by the UPDF after they had been detained¹⁵¹. For instance one report from Palabek Kal indicated that in March 2004 a woman was raped while collecting water at 4am by GoU forces, though it was unclear if this crime had been committed by the UPDF or the LDUs¹⁵². IDPs indicate that little if any consultation has been undertaken with them over the issues of curfew either relating to the necessity of the curfew, or to its rules. Some civilians harbour suspicions

¹⁴⁷ Interview, senior UPDF officer, Gulu, April 2004.

¹⁴⁸ Interview, human rights activist, Kampala, December 2003.

¹⁴⁹ Interview with senior District official, Kitgum 2 April 2004

¹⁵⁰ Interviews with IDPs, Kitgum and Gulu, April 2004.

¹⁵¹ Focus group, urban IDPs and night-dwellers, Kitgum, April 2004.

¹⁵² Interview with IDP women Kitgum District, May 2004.

that the curfew serves UPDF interests in controlling the civilian population more than it does the populations interests in having improved protection.

Furthermore, civilians reported a more general threat from the government forces, which relates to aggressive behaviour and random violence, much of which was linked to drunkenness. Human rights workers and IDPs related numerous instances of general UPDF indiscipline, which often resulted in violent consequences for civilians in IDP camps. In particular, reports emerging from Pader District indicate that UPDF soldiers and officers in that District have taken advantage of the almost total suspension of transparency, law and order, and accountability in that territory to engage in mass abuses of forcibly displaced civilians. Abuses reported by paralegal workers from the District range from extortion and theft to rape, assault and even murder, and are reported to be occurring on a daily basis and with little redress from the GoU authorities or army command structure¹⁵³. Specific threats apparently come from soldiers who have not received pay for some time, who steal food and other consumables, or who refuse to pay bills to purveyors of food or alcohol. Alcohol apparently contributes greatly to UPDF violence against civilians, and many IDPs reported that rather than being engaged in active protective duty, soldiers in camps are often drunk. The lack of strong field command means that soldiers are often left to act on their own account. Given that they hold weapons, and are surrounded by a captive population it seems that some choose to use force in order to get what they want, and take out their frustrations on the civilians they are supposed to be protecting. In particular, IDPs reported that UPDF mobile units are the most notorious for committing violent abuses against civilians. This appears to relate to the fact that mobile forces are constantly being redeployed, and opportunities to identify and apprehend perpetrators of crimes from among them are minimal. As such, mobile troops appear to have free rein to do more or less as they please without censure.

The threat of death or injury at the hands of the GoU forces during crossfire is also significant for IDPs. Multiple respondents reported incidents in which civilians had been killed during firefights between LRA and GoU. During attacks on camps civilians can come between the UPDF and the attacking rebels, and on occasion in the heat of battle it can be difficult for the UPDF to distinguish between civilians and combatants.

This is particularly the case when the UPDF engages the LRA in direct combat in the bush, either in pitched battle or using helicopter gunships. In these situations it is often innocent abductees who suffer from GoU fire rather than the rebel soldiers themselves. It has been widely reported that when the UPDF attacks the LRA that the rebels often flee quickly, leaving abductees tied together at the wrists or necks as sitting ducks for GoU fire. As a result, it has been suggested by a number of commentators that a large proportion of rebel kills reported by the UPDF actually reflect a significant number of abducted civilians (including children). It is one of the sad realities of the war that the vast majority of the LRA itself is constituted by abducted children, who have been in the bush with the rebel force, under duress, for anything between 1 day and 18 years. As such, the issue of *distinction* between combatants and civilians is a critical one, and one that is rarely addressed in the official discourse of the war. Reports from the UPDF tend to play up the successes of their troops in killing large numbers of LRA rebels in open warfare, or in rescuing abducted children. However independent reports have indicated that many of those reported killed at the hands of the UPDF may in fact have been children who had only recently been abducted. In particular, the helicopter gunships mobilised by the UPDF are alleged to be highly indiscriminate in their killing, often attacking anyone they find at large in the bush. As such, reports have been made of large numbers of abductees being killed by gunships whilst chained together, just as their captors have managed to flee into the cover of the forest. This raises serious issues regarding how exactly the UPDF defines the identity of its enemy. And it has been suggested by some commentators that in its reporting the UPDF merely counts all kills as 'rebels', while all those taken alive are counted as 'rescued abductees'.

A final example of the violence perpetrated against civilians by the forces of the GoU relate to the torture and summary execution of those detained by the UPDF on suspicion of LRA

¹⁵³ Interview with human rights workers active in Pader District, Gulu, 20th April 2004

collaboration and treason. As the well-publicised case of the Gulu Prisoners has shown, there have been numerous reports of state abuse of judicial powers over the past few years with many individuals being detained, tortured and even killed summarily on suspicion of treason, murder and collaboration¹⁵⁴. While efforts have been made under the initiative of SCIU and UNICEF to train officers responsible for overseeing the reception centres for LRA escapees thereby reducing detention periods and improving treatment of those eligible for Amnesty, reports of excessive detention periods of particular suspects persist¹⁵⁵.

Reports were also received of instances of arbitrary arrest and extrajudicial killings in both IDP camps and urban areas. For instance a number of incidents were related in which individuals who had been openly critical of the GoU and UPDF strategy had been arrested without charges and detained and even killed in suspicious circumstances¹⁵⁶. In some situations, those allegedly implicated in such killings included high-ranking officers from the UPDF. It was also alleged that in some instances local politicians have systematically framed Acholis who are critical of the GoU regime by reporting them to military intelligence for arrest and punishment. Similarly in May 2004 IDPs reported that senior members of the Internal Security Organisation (ISO) were active in the camps of Kitgum and were engaged in activities to identify and neutralise collaborators in operations that resembled the summary justice methods of 'Operation Wembley'¹⁵⁷. According to human rights organizations the majority of these types of incidents are not reported for fear of reprisal or a lack of concrete evidence, however the Uganda Human Rights Commission is currently processing a number of specific cases against the UPDF that include torture, murder and mistreatment of civilians¹⁵⁸.

Reports of forced labour at the hands of the UPDF have also been received. As part of its strategy for improving security along major highways, the UPDF requires the long grass that lines the sides of the roads to be cut, so that good sight lines are opened up, and so that available cover for the LRA is reduced. The UPDF itself does not appear keen to undertake this labour itself, and reportedly stops civilians travelling along these roads (on foot or bicycle, as well as on pick-ups or in taxis), and orders them to slash the grass instead. Some civilians report that they have been threatened with arrest or violence if they do not wish to undertake the work, or have been asked to pay a fee to be released from the work gang. According to senior UPDF officials this practice is no longer condoned and has stopped; but NGOs in Gulu continue to receive reports that it is happening regularly. In some cases the forced labour is not even for security reasons and may be related purely to extortion, such as one recent report of people who were stopped to cut down a large tree between Gulu and Adjumani, which a UPDF commander wanted to turn into charcoal¹⁵⁹.

Of course the UPDF's final responsibility is to ensure that civilians in northern Uganda are adequately protected from the abuses of its own members. The best mechanism through which this objective can be achieved is by ensuring that the army has a strong chain of command in which discipline is tight, in which soldiers act in a professional manner that reflects the understanding of their responsibilities and obligations under IHL and IHRL, and in which breaches of those obligations are effectively held to account in a clear and transparent manner, and the UPDF has been quick to claim in the past couple of years that it is aggressively seeking out, prosecuting and punishing breaches of human rights abuses by its officers in a bid eradicate such behaviour.

The UPDF has launched a number of schemes with this goal in sight:

¹⁵⁴ See Human Rights Watch (2004) *State of Pain: Torture in Uganda*. Vol. 16, No. 4 (A) pp. 44 - 47.

¹⁵⁵ For instance a number of former rebels have been imprisoned in Mbale under charges of treason since May 2004 in spite of the fact that they have reportedly expressed a desire to accept Amnesty. While it is not clear to human rights workers why these particular individuals are being held, it is suspected that they may have refused to join the UPDF when requested. Interview with international human rights worker, Kampala, September 2004.

¹⁵⁶ Interviews with civilians and local leaders in Gulu, April 2004. These reports are reflected in Odokonyero M (2004) Good for MPs to be tortured, *New Vision*, 26 November.

¹⁵⁷ Operation Wembley was a campaign against armed criminal gangs carried out by the government security agencies, in which suspects were systematically detained without charges or shot on sight.

¹⁵⁸ See Human Rights Watch (2004) *State of Pain: Torture in Uganda*. Vol. 16, No. 4 (A) pp. 44 - 47, for more details on human rights breaches of the Uganda armed forces. HURIFO has now begun litigation in some forced labour cases - see www.acoli.net for more details.

¹⁵⁹ Interview with NGO workers, Gulu September 2004; HURIFO Press Release 23 November 2004.

- **Child Protection Units.** The UPDF has established a Child Protection Unit in each major barracks which is operated in conjunction with SCiU. UPDF officers manning these units are supposed to have received training in human rights and child protection, and by all accounts very few abuses of returning LRA have been reported as occurring in these facilities in recent months. Indeed President Museveni stated in August 2004 that increasing numbers of rebels were surrendering to the UPDF because it was becoming more widely known that they would be well treated when they give themselves up and claim Amnesty¹⁶⁰.
- **Human Rights Training.** In early 2004 the US government announced the provision of USD 200,000 in non-lethal military aid to the GoU to assist in the 'war on terror' against the LRA. While part of this was designed to fund logistics and other equipment, part of the money was earmarked for human rights training for NCOs who would have command of units in the field.
- **Prosecution of Perpetrators.** The UPDF has also been adamant that when the human rights violations of its men are brought to its attention that they are investigated and prosecuted vigorously, with the most serious punishments being meted out for 'indiscipline'. Indeed on a number of key occasions UPDF soldiers have been brought before courts martial on charges of abuses against civilians and a number have even been executed for their crimes¹⁶¹.

A number of problems have however emerged that are either not covered by these initiatives, or are made more problematic by them. While the former rebels passing through the CPUs are generally treated well and passed on to rehabilitation centres relatively rapidly, these centres only process a fraction of the former LRA and abductees that are rescued by, or surrender to, the UPDF. Indeed in recent months there has been an increasing concern that formerly abducted children and former rebels have not been given a full and fair chance to enter into civilian rehabilitation and reintegration programmes, instead being offered opportunities to join the UPDF as part of a GoU rehabilitation scheme¹⁶². This scheme includes measures such as the creation of a UPDF battalion formed entirely of former LRA members (Battalion 105) and of a farm designed to provide returned women and children a location where they can establish homesteads and develop agricultural livelihoods with government support (Labuje Farm in Kitgum).

In the past six months Battalion 105 has grown to a strength of over 400 soldiers, and includes both male and female returnees. The GoU is emphatic that the recruitment of returnees into the Battalion has complied with the recruitment rules of the UPDF generally. As such, the UPDF has given guarantees that all recruits to the battalion are over the age of 18, have attained the required educational qualifications and have volunteered to join the army without coercion¹⁶³. In spite of these guarantees however, human rights workers and protection focused NGOs have expressed serious concern over the process by which these returnees have been recruited, though no agency interviewed had yet been given full access to the battalion for verification of their concerns.

Of greatest concern is that the process by which recruitment to the Battalion has taken place has not been transparent, with returnees moving almost directly from intelligence interviews with the UPDF into the battalion itself, and with no intermediary processing by civil society organizations or civil authorities. There are concerns that the returnees have been coerced in making their 'choice', and may have been misled as to the actual choices available to them in civilian life. There are also fears that some Battalion 105 recruits do not actually meet the criteria for UPDF selection and that exceptions have been made in order to get them into the army. In particular there are fears that recruits may be under 18, or may have educational and psychological levels that are well below that of a typical

¹⁶⁰ IRIN (August 17 2004) *Museveni rules out talks with LRA as more rebels surrender* http://www.irinnews.org/report.asp?ReportID=42701&SelectRegion=East_Africa&SelectCountry=UGANDA

¹⁶¹ Sadly however the courts martial arranged for these prosecutions and the executions that have taken place have come under serious scrutiny from human rights organizations and have generally been condemned for breaching the rights of the soldiers accused with crimes against civilians.

¹⁶² Interviews with UNICEF and World Vision staff, Kampala, September 2004.

¹⁶³ Statement by senior UPDF officer at the UNOCHA workshop on *Protection of Civilians in Armed Conflict: Humanitarian Challenges in Uganda*, held in Kampala on 7-8 September 2004.

18-year-old Ugandan. This is an especially pertinent concern given the fact that the vast majority of the returnees were abducted when they were only children, even if they were over 18 when rescued or captured by the UPDF. Reports also suggest that some returnees that have accepted to join the UPDF may not have been granted Amnesty as is their right¹⁶⁴.

Further concerns relate to the fact that the creation of a battalion and a farm settlement specifically for former LRA members will create a number of specific protection problems for those returnees in the future. In particular there is a fear that these institutions will serve to alienate LRA returnees from the rest of Acholi society, and will burden them with a 'rebel' identity in the long run. To do so will inevitably make the process of reconciliation between former rebels and those affected by the conflict more difficult - families will remain split, and returnees may find themselves deeply marginalised once peace returns to the region. This is particularly so for those returnees who are not actually Acholi. A large number of children have been abducted from other areas of northern Uganda, and forcing them to remain in Acholiland may serve to alienate them totally from their own communities and culture.

There is also a fear that the creation of specific programmes for returnees that are not fully inclusive of the rest of Acholi society will serve to create tensions between the victims and the former perpetrators of conflict related crimes. In some communities civilians have complained that LRA returnees are receiving better support and assistance than those who have suffered in their camps for the past 18 years, and failure to undertake return and reintegration in a manner that involves host communities will only serve to make these frustrations more acute and potentially dangerous.

Finally, there are concerns regarding the moral appropriateness of placing formerly abducted children into the armed forces to fight against other abducted children. The UPDF makes the argument that the majority of those being recruited into Battalion 105 are actually adults who have formerly served either in national armies (such as the UNLA), or in formal rebel groups (such as the UPDA, or the Teso rebel movement), whom they consider to be 'veterans'. As such they consider these recruits to be hardened soldiers and see the armed forces as the natural place for them to pursue a livelihood. Concerned agencies however have serious concerns that a significant proportion of the returnees that are being recruited into Battalion 105 are formerly abducted children who were stolen from their homes and coerced into fighting for the LRA leadership on pain of death. This leads them firstly to question the ability of these children to make informed judgements about their own futures without psychosocial assistance, and secondly to question the morality of whether or not these individuals, whose childhoods were stolen from them, should then be turned around to attack and kill other abducted children.

Regarding the more general allegations of abuse against civilians by government forces, human rights organisations in northern Uganda claim that the vast number of abuses reported to them are not prosecuted by the authorities, and are certainly not punished in a transparent manner. The culture of impunity that has pervaded the UPDF is well known and was reflected in the report of the GoU's own Porter Commission in 2002, which stated that the UPDF exhibits "an arrogance and contempt of civil authority", and that "the UPDF appears to do whatever it likes even when specifically told not to by its Commander in Chief". It appears that this culture is allowing large numbers of abuses to pass unaccounted for in northern Uganda. Both the Uganda Human Rights Commission and human rights NGOs indicated that a number of specific problems relate to the UPDF's treatment of specific allegations of abuse. Firstly, the UPDF reportedly refuses to investigate general complaints, demanding that complainants provide specific details of the identity of the soldier accused of committing an abuse before it proceeds with any action. Given that in most cases the soldier in question is unknown, and is often attached to a mobile unit that is not resident in the area where an offence takes place, this is most often an impossible task for the aggrieved party. As a result many people who have been abused by members of the UPDF simply do not bother to make complaints, and these organizations estimate that the cases

¹⁶⁴ Interview with UNICEF staff member, Kampala, September 2004.

that are reported to them constitute only a fraction of the total number of abuses committed in the region.

The UPDF also responds extremely slowly to specific complaints, and often does not facilitate the UHRC in making its own independent investigations. Often soldiers accused of committing abuses are simply moved on to new locations before any investigation can take place, with the complaint falling through the cracks in the course of time. Sometimes the UHRC are simply not permitted access to the accused, often because of claims regarding 'security' or because of the need to keep information 'classified'. Often it is only the most serious and high profile cases that will be prosecuted and punished, and reported to the public. In fact most often, if a case is taken up for investigation and prosecution by a court martial the proceedings are kept internal to the military, with no information being provided on whether or not the accused has been punished or not. As such, there is often little opportunity for restitution or even a sense of justice for the victims of abuse.

In general therefore human rights advocates and lobbyists who work on collating reports of abuses and make reports of specific cases to the UPDF, are given the impression that the army is far from effective in protecting civilians from the actions of its own members, in deterring its staff from committing abuses, or in pursuing justice when abuses occur. Rather they are given the impression that the UPDF makes a big deal of a small number of high profile incidents, while allowing the vast majority of cases to be ignored. Overall therefore, there can be said to be very little accountability for abuses by UPDF soldiers and officers, and to victims this appears to be a deliberate strategy to maintain the culture of impunity and to allow the military to act as it pleases. This is not surprising in an institution where senior officers are generally seen to be untouchable, and in which top ranking commanders who are clearly implicated in extremely serious crimes of fraud are allowed to escape without prosecution¹⁶⁵. Similarly when UPDF soldiers are found guilty by the UHRC, they can only be ordered to pay compensation to aggrieved parties. The fines paid in these cases reportedly come from the public purse (in effect, the Ugandan tax payer), and as such individual perpetrators of abuse receive no specific public penalty. Thus overall, it appears that the UPDF is mostly interested in protecting itself from the bad publicity that comes from human rights abuse cases, rather than in protecting civilians from the actual abuses that take place in the field.

7.5.2.2 Threats from LDUs and militias

While the mobilisation of LDUs and militias has had positive impacts on the security situation in the Teso and Lango sub-regions, the strategy has also caused serious protection concerns for many civilians in northern Uganda, and particularly in Acholiland, where the strategy has been highly controversial for a number of reasons¹⁶⁶:

- Given that probably over 75% of the LRA are actually abducted children from the Acholi area, many Acholi adults are reluctant to go into battle against their own sons, daughters, cousins, nephews, nieces, brothers or sisters, even in spite of the fact that many civilians do indicate a strong degree of frustration over the LRA's actions, and a strong desire to see the violence ended by any means possible.
- In 1994 the GoU entreated the people of Acholiland to take up arms against the LRA, and a number of loose 'bow and arrow' brigades were formed. Sadly however, the result of this mobilisation was not the end of the LRA, but a more concerted and bloody series of attacks upon Acholi civilians, together with the beginning of large-scale child abduction. It seems that Joseph Kony considered the actions of the 'bow and arrow' brigades to be tantamount to a betrayal of the LRA by the Acholi people that could only be punished by violence. This experience left many Acholis deeply embittered, and has made them reluctant to engage in openly violent resistance to the LRA ever since.

¹⁶⁵ For instance Lt. Gen. Salim Saleh has not been prosecuted for his role in the 'junk helicopters' scandal of reported in Government of Uganda (2001) *Judicial Commission of Inquiry into the Purchase of Military Helicopters*, August.

¹⁶⁶ In early 2004 a number of Acholi politicians, sought to mobilise an Acholi militia named the Elephant brigade. This proposition was met with outright hostility, and the Chairman of the Local Council in Gulu District insisted that any recruitment that took place there would only be for LDUs which would remain under the supervision of the District authority.

- Acholi people are also strongly aware of the fact that a significant number of men who have joined LDUs in the past have been quickly transferred into the UPDF, sometimes against their will, and moved to serve either in other parts of the country, or in international fields of conflict. In the past it appears that a good number of young Acholi men, who had initially volunteered to join the armed forces to protect their own people were later sent to the DRC, often not to return home, in the meantime being taken away from their families and leaving protection gaps in their home areas. Many Acholis have been very fearful that if they join the LDUs at this time that a similar fate awaits them¹⁶⁷.
- It is also well understood that if the pay conditions of the UPDF soldiers are bad, those of the LDUs are much worse. On average, an LDU is supposed to be paid US\$ 40,000 a month, whereas the UPDF soldiers are due US\$ 80,000 a month. The reality however seems to be that the vast majority of LDUs are not being paid at all; if they are, then they are experiencing significant delays. This is compounded by the fact that they are irregularly supplied with ammunition, and are subsequently not able to do their job of protecting civilians effectively.

The manner by which LDUs and militia groups have been mobilised and are commanded has also provided considerable cause for concern for local civilians. A series of recruitment drives have taken place across northern Uganda over the past 12 months, and up to 40,000 men are reported to have received some kind of training, a weapon and some ammunition, in order that they might protect their communities while the UPDF pursues OIF¹⁶⁸. In many cases this recruitment drive has not been entirely voluntary, and has been highly politicised. Local political leaders across the region, from LCI level upwards, have reportedly been supplied with weapons and military uniforms and have been given the designation of Joint Command Operatives (JCO). These local leaders have been asked to work with the UPDF on patrol and now work closely with them in monitoring the behaviour of their communities, especially looking out for collaborators. These same local leaders appear to be the ones principally responsible for mobilising LDU and militia recruitments, actions that are clearly understood by communities to be a way for them to exhibit their solidarity with the President and to gaining political capital. This is particularly felt in the case of the militia groups, which seem to have sprung somewhat spontaneously from the initiatives of local politicians, and in particular from the initiative of Capt. Mike Mukula MP who mobilised the Arrow Boys in Teso¹⁶⁹.

In spite of the fact that militia mobilisation has been more difficult in Acholiland, the local authorities there have succeeded in rallying several thousand men to join either the LDUs or the 'Frontier Guards'¹⁷⁰. Many young men have volunteered for these units even in spite of their reservations, largely because they are frustrated with the idleness of the camps, or because the deprivation they face in the camps has made them desperate for money¹⁷¹. Allegedly however, many have also been coerced into joining through the actions of local politicians. According to civilians, local leaders at LCIII level and below were asked by the District HQ to identify suitable men to join the units. Community meetings were reportedly called on general community issues, and a recruitment drive held at the end of the meeting. Apparently in a number of these meetings, a number of those men who did not choose to join up were conscripted by the leaders present¹⁷². Interviewees also reported

¹⁶⁷ In Pabbo camp, men interviewed on this subject mentioned that most of the LDUs recruited to protect the camp had been sent off to work with the UPDF as mobile forces in the Kilak hills, something that they did not want to do if they volunteered as their desire was only to protect their own homes and families, not to chase the LRA. IDP focus group, Pabbo, 23 April 2004.

¹⁶⁸ Interview with senior security officer, Kitgum District, September 2004.

¹⁶⁹ It is interesting to consider whether or not the GoU has been so supportive of the militias as a part of a strategy to save money on the war in the north. When compared to an LDU, a militia member is a very cheap security option: LDUs require uniforms, formal training, weapons and monthly salaries, and this can become a costly business, especially when you have a defence budget cap in place; a militia unit on the other hand, which may only require a donation of weapons, and some motivation from time to time, makes a much more fiscally attractive option.

¹⁷⁰ Frontier Guards are found only in Kitgum District and represent a way of trying to get around some of the restrictions that come with designation as an LDU. While not a militia, these forces are designed to be mobile, and to support UPDF operations in the field around Kitgum rather than the direct protection of given locations.

¹⁷¹ IRIN (18 Aug 2004) *Insecurity, poverty leaves northern children vulnerable to military recruitment*, <http://www.irinnews.org>

¹⁷² Focus group with IDPs and nightdwellers, Kitgum, April 2004.

that a significant number of those recruited into the LDUs and other units in Acholi were actually formerly abducted children, some of whom were under the age of 18. Such recruitment into the security effort has also not only been levelled at ordinary civilians, but has even been targeted at the staff of NGOs and religious organizations, including international NGOs¹⁷³. Finally, it was reported that in most areas where militias were active a significant number of children (sometimes as young as 7 years old) had been accepted as front line fighters, being issued with guns and ammunition and receiving military training¹⁷⁴.

It must however be acknowledged, that in some locations where LDUs and militias have been mobilised, civilians do report a meaningful improvement in security conditions. In mid 2003 the Arrow Boys achieved something the UPDF had not been able to when they successfully drove the majority of the LRA out of the Teso region. This proved to be a significant set back for the rebels, and ensured that humanitarian conditions in Teso did not become as bad as they might have otherwise. In Palabek Kal, Kitgum District, respondents indicated that since LDUs had been mobilised there were no longer constant attacks on the camps, and that they now felt somewhat relieved from the tension of waiting for one to occur. They did emphasize however that attacks do still happen, but on a less frequent basis. Where these improvements in security have been achieved, they seem to relate to a few key factors. Firstly, the fact that the LDUs and militias are from the area that they are tasked to protect means that they have a number of distinct advantages. They have a good knowledge of the local terrain and conditions, and are able to protect the area more strategically than mobile UPDF forces, which may only visit an area for a few days at a time. They also have a strong and positive relationship with the local people, meaning that they have superior intelligence networks, as well as a deeply held commitment to guaranteeing the protection of their own families. As such, they are reported to be more committed to the work, and to work far harder than the UPDF.

Such positive local gains are however hampered by other problems that relate to the command of the LDUs and militias generally, and to fears that without strong command they may threaten the civilian population in the long term. While militia commanders insist that their units are maintained under effective command structures that are aligned to the UPDF, there is no legal or institutional framework in place for their command or their demobilisation. The Arrow Boys militia is currently under the command of the RDC Soroti, with the support of a command committee, which includes individuals such as the RDC for Gulu and the Minister for Health. This command committee is supposedly responsible for ensuring that the militia units are disciplined and mobilised only for legitimate protective purposes against the LRA. According to the RDC Soroti, the Arrow Boys have received UPDF training and are commanded under the UPDF Code of Conduct and as such are an “example to the world” in how to organize militia forces¹⁷⁵.

Unfortunately there are many indications that this ‘model’ of strong and effective command may not represent the reality on the ground. Numerous reports of abuses committed by militias against civilians and others (including, rape, theft, extortion and assault) have emerged from Teso in recent months, indicating that command structures are not maintaining adequate discipline. The militias are also not officially accountable to the GoU, even though GoU representatives have placed themselves in leadership positions with regard to the militias. As such, there is currently great scope for militia units to be mobilised for personal or political reasons, or for reasons relating to objectives that have nothing to do with the need to protect civilians from rebel atrocities. There have also been reports that the lack of clear accountability in the militia command structure has opened

¹⁷³ Reports were received that in March 2004 UPDF contingents and local officials requested NGO workers in Pader to take part in training for the use of weapons along with local government staff. Reportedly the authorities tried to encourage these NGO workers take weapons at night and join military patrols. Interview, international NGO worker, Gulu, 20 April 2004.

¹⁷⁴ An interview with an international journalist who had followed the Arrow Boys in Teso in mid 2003 reported that they had spent several days at the front line following a young boy aged between 7 and 10 who had been issued a weapon and was engaged in front line action against the LRA.

¹⁷⁵ As stated by the RDC Soroti at the UNOCHA workshop on *Protection of Civilians in Armed Conflict: Humanitarian Challenges in Uganda*, held in Kampala on 7-8 September 2004.

up significant possibilities for fraud in the process of militia payment, with some militia leaders suspected to be making millions of shillings a month in misappropriated funds¹⁷⁶.

Related to this, payment issues were raised by civilians as a significant problem for LDUs and militias. The fact that these forces are generally not paid adequately was cited as a reason that many men were reluctant to join, and frustrations with not being paid has clearly led some LDUs and militias to take to using their weapons to extract rents from their own communities, or to commit violence against those they are designated to protect¹⁷⁷. Also, a great many men in IDP camps continued to express a reluctance to engage in protecting their families by joining the LDUs, as they felt sure that they would be immediately transferred away to other locations, and cited examples of where this had happened.

Many civilians also fear the possibility that militias may in the future be mobilised by the powerful interests that currently command them as ethnic or political armies. In particular, civilians reported their fear that the militias provide a possible mechanism by which old scores may be settled between ethnic groups in the region, such as across the divides of Teso/Lango/Acholi/Karamojong, or that the militias will be utilised by powerbrokers in the region to settle political scores, and to entrench political power in the run up to the election in 2006.

Their fears are perhaps justified. Thousands of weapons have been handed out to groups of displaced, uneducated, unemployed men who have little to lose, and with seemingly little regard for where the weapons are going or for how they will be demobilised¹⁷⁸. Training of the militias is reported to have emphasised their ethnic identity and to have emphasised the identification of the LRA with the Acholi people, thereby creating a renewed level of fracture between the communities of the north¹⁷⁹. There is also no official mechanism in place to deal with the demobilisation of militias in particular, and the leadership of the groups is highly personalised and politicised, with little in the way of direct accountability.

There is also precedent for their fears, as ethnic militias have been mobilised by powerful individuals in the past to provide military support to political movements, and these units have been implicated in serious abuses of human rights as they supported politicians in their pursuit of political power¹⁸⁰. Similarly, ethnic divides and resentments in northern and north-eastern Uganda have been worsened by the impacts of a war that has produced a population that is fraught with the fatigue, frustration, hatred and ennui that results from 18 years of violence, and where ethnic conflicts have erupted regularly over the past 100 years. Fears of ethnic violence emerged specifically in early 2004 following the LRA massacre in Barlonyo, when Langi civilians attacked Acholis living in Lira town as a means of taking revenge. These fears have also been exacerbated by reports that in May 2004 Rhino brigade members had been deployed to Acholi areas around Ongako. The local Acholi had no idea why they were there at the time, and feared that they might be there for political or violent reasons, particularly as they failed to respond to an attack by the LRA in that vicinity¹⁸¹. At the same time rumours were circling Kampala that Arrow Boys had been seen mobilised in the capital for training by the ISO¹⁸², and reports were received in September 2004 that militias in Soroti were readying themselves for clashes with the Karamojong if they attempt to enter Teso with their cattle during the dry season¹⁸³.

¹⁷⁶ In a special report on the Arrow Boys journalist Patrick Angonu has highlighted the extent of human rights abuses and fraud cases that have been perpetrated through the militia structures in Teso in recent months. *The Monitor* September 12 2004, p.11

¹⁷⁷ *ibid.*

¹⁷⁸ Reports from civilians in Teso indicate that significant numbers of Arrow Boys have secreted their weapons for illicit use in the future.

¹⁷⁹ Diplomatic and journalistic sources that witnessed the training of the Teso militias reported that ethnically focused war songs were used to motivate trainees. Such songs reportedly contained lines such as "watch out Acholi, the Teso are coming".

¹⁸⁰ For instance, during the election campaigns of 2001 the Kalangala Action Plan was mobilised under the command of Maj. Kakooza Mutale and under the aegis of the Special Operations Division of State House. This group was an informal paramilitary group that was responsible for perpetrating arbitrary arrests, detention without charge and violent attacks against Movement detractors.

¹⁸¹ Report received 21 April 2004, interview with member of the Gulu District Reconciliation and Peace Team.

¹⁸² Interview with UN protection officer, Kampala, March 2004.

¹⁸³ Interview with residents from Soroti and Katakwi, September 2004.

Finally though, the most pertinent issue regarding the militias must relate to their appropriateness for the prevailing conditions of insecurity. The mobilisation of militia forces and LDUs has placed the Acholi people in a terrible dilemma. The GoU has stood firm in its decision to prioritise OIF over the defensive military protection of civilians in their settlements. By doing so it has achieved three major objectives:

- It has managed to move a significant amount of security expenditure from the MoD, into the Ministry of Internal Affairs (which is officially responsible for LDU and militia expenses). As such it has avoided the defence budget cap placed upon the military by the international donor community.
- It has thus managed to find a way of maintaining a massive military campaign, and of demanding an expanding army, while placing minimal funds into the direct protection of Ugandan citizens.
- It has placed the onus for protection on those very civilians whom the government has failed to protect in the first place. Now Acholi faces Acholi around the IDP camps of northern Uganda.

This final point highlights the stark and tragic reality that the Acholi people face. The militarization of the civilian population has led the Acholi to feel more isolated and abandoned than ever, and has sadly only reinforced their conviction that President Museveni does indeed consider the Acholi people to be “grasshoppers in a bottle” who will eventually consume one another through violence¹⁸⁴. Indeed for many it appears that the President himself is creating the conditions whereby this outcome might be achieved. As such, any trust that many Acholi may have had in the GoU’s commitment to protect and uphold their rights as Ugandans, has been undermined.

7.5.3 Other Direct Threats

Internal displacement in northern Uganda has effectively meant the rapid urbanization of northern Uganda. A predominantly low-density agricultural community whose settlement patterns were characterised by dispersed farms and well spaced homesteads surrounded by family fields has been forced into massive, densely-packed agglomerations around trading centres and towns. A culture that was deeply embedded in rituals and traditional practices that were closely linked to the agricultural calendar and to the rural landscape has been uprooted and transplanted into urban centres where links to the land have effectively been severed and where resources for maintaining traditional cultural practices have been lost. As noted above, these conditions have had serious impacts upon the social and cultural fabric of Acholi society, impacts which also pose serious protection challenges for the civilians of the region.

7.5.3.1 Sexual and Gender Based Violence and Sexual Exploitation

Sexual and gender based violence (SGBV) has emerged as a significant protection issue. Rape is clearly a significant problem in some locations, and particularly among night-dweller communities where no specific protective measures have been put in place. Reports from Kitgum night-commuters indicated that in some shelters gangs of young men and boys were taking advantage of the displacement situation and crowded conditions to abduct and rape or defile young females. Often these females were unaccompanied minors who had been sent to sleep in town by their parents for their own safety. This was a problem in particular in Giulio Pastore School where these gangs congregated for some time, and were even encouraged in their behaviour by a night-dweller leader. The gang was also reported to have intimidated night-commuters with physical violence, and to have stolen blankets, food and other consumables. These reports prompted Oxfam GB to undertake a thorough analysis of the situation, which resulted in the Uganda Police stationing officers in this location as an effective protective measure.

¹⁸⁴ As reported to RLP by an IDP man “When we overthrew the [Obote II] government in 1985, Museveni said he would put the Acholi in a bottle like senene [grasshoppers] so that they can eat themselves. Now we are dying just like he said. We think he is the one who started this Kony spirit. He has said many things that mean he hates the Acholi.” RLP (2004) *Behind the Violence* p.11.

Women also complained of instances of rape and sexual assault being commonplace in the IDP camps, especially among female-headed households. Women are exposed to the threat of rape in a wide number of situations. Women face the threat of rape as they gather food, wood and water in the hinterlands around their camps or even within the camp itself. They face it as they travel along the roads between their dwelling places and the town centres. They face the threat as they sleep at night in exposed areas where no protection is provided both in urban areas and in the IDP camps. They face it when they are abducted or if they are imprisoned by the armed forces. The threat comes from the LRA, the UPDF, LDUs, militias and other civilians. It is more or less pervasive. In almost all locations the incidence of rape was considered to have risen in the past 2 years, and in Kitgum District representatives of the Uganda Police indicated that it was one of the most prevalent forms of crime in the region.

The increasing prevalence of rape by civilians is attributed to a number of factors. In particular, the impact of displacement upon population density and available shelter is seen to contribute to the creation of an environment in which traditional mores have broken down. Many respondents indicated their shame that under current conditions married couples often have to sleep in the same dwelling as their children, and in night-commuter locations boys and girls, men and women are often found sleeping together in public spaces. These present very radical changes to the social and behavioural fabric of the Acholi community, and many civilians indicated that these changed practices were responsible for an increase in usually taboo sexual practices. Of these, rape is seen to be the most problematic, along with defilement - the statutory rape of females under the age of consent (18 years of age in Uganda).

Marital violence is also reported to be a significant problem, and is aggravated by the conditions of deprivation, frustration and humiliation that are suffered in the camps and among the night-dwellers. Discussions with beneficiaries indicated a possible link between the breakdown of men's labour opportunities and the increased incidence of gender based violence. IDPs indicated that in conditions of displacement men have become almost totally idle. The traditional roles of cultivator, labourer and trader have been eroded by the restrictions of displacement and insecurity, and many men spend day after day sitting idle with little to do. Many reportedly fall into alcoholism. Some women indicated that these conditions had left many men feeling deeply frustrated and had led some of them to take out their frustrations violently on their families and others. Drunkenness was seen to constitute a significant aggravating factor to the incidence of rape and defilement, combined with feelings of frustration and resentment among menfolk.

The stresses of displacement have also led to a significant increase in the breakdown of marriages and households, with many men leaving their wives for women with no or fewer children. This tactic is reported to represent a desire on the part of the men to gain a greater share of the household food resources. As such a large number of women are finding themselves in a situation where they must maintain their families alone. This problem is also compounded by the reportedly large numbers of widows, or households whose male heads have been sent to fight in other parts of the country either with the UPDF, LDUs or militia groups. The female heads of households experience high levels of vulnerability. They have lost the earning potential of their male counterpart and receive less assistance in the household than they would have under normal conditions. The labour burden can become excessively high, and in situations of displacement close relatives may not be able to provide the kinds of assistance that they would have in their villages. Female-headed households may also find it impossible to gain access to land without a male to negotiate on their behalf, and this can seriously impede their ability to provide a full ration for their children.

A number of reports received from camps in Kitgum District also indicate that the female heads of households are being significantly marginalised within their communities, particularly with regard issues relating to shelter. Given that men are traditionally responsible for construction, female-headed households must call on the assistance of relatives or friends to provide manual labour or to access land for building. Often, in situations of displacement, female-headed households are unable to access prime sites in the more protected areas of the camp (near the camp centre) and are pushed out to the

periphery where they and their children are most subject to abuses by both the LRA and UPDF. They must also negotiate for assistance in building huts, and reports have been received that it is becoming common for men to demand that female household heads trade sexual favours for manual labour. A yet more vulnerable group is those women who have been widowed as a result of the reported 'strange diseases' which are most likely related to AIDS, or those who are victims of rape. Many of these widows and rape victims become highly marginalised as they are considered to be tainted, and may be refused assistance by their neighbours. Given their high degree of vulnerability, women heading female headed households are also at serious risk of being forced to choose transactional sex, or 'sex for favours' as a last resort livelihoods strategy. This strategy can often serve to reinforce social stigma within the community, and exacerbate the problem of marginalisation.

These factors all contribute to the development of a deprivation trap for displaced households that are headed by women. This deprivation trap is constituted by an iterative matrix of physical weakness, illiteracy, marginalisation, poverty, limited incomes, low productivity and limited access to resources. Without assistance to address one or more of these factors this trap, which perpetuates displacement, cannot be broken. Thus in the long term it is female headed households that will remain the most vulnerable to deprivation and which will face the greatest challenges not only in terms of protecting themselves from current threats, but in terms of rebuilding lives and livelihoods in any post conflict situation¹⁸⁵.

A marked increase in the incidence of transactional sex was reported in all locations investigated. While few respondents indicated that explicit prostitution was being undertaken, many did indicate that women and girls in IDP camps and among night-dweller populations were increasingly engaging in sexual relations with men of means as a livelihoods strategy. It was reported that on market days in particular some women were engaged in providing sexual favours to business men in exchange for food and other essential resources, and that a significant number of girls were becoming enticed into sexual relationships with UPDF soldiers because of the prospect of being able to access cash and other resources. None of these relationships were described as commercial sex by the respondents, but were seen as rational responses to the deprivation situation. As such, they may not necessarily be described as coercive.

However, there can be no doubt that individuals in positions of protective responsibility are able to abuse their mandate in the region, and are exploiting the deprivation of the civilian population for sexual returns. This places women and girls at risk of exploitation and abuse, and young girls in particular. In both Gulu and Kitgum respondents noted that a large number of young girls had taken to hanging around near bars, hotels and video shows with the hope of either meeting a boyfriend with money, or of engaging in sexual relations for a small material reward. All respondents indicated a serious worry about this behaviour and saw it as a powerful indicator of the level of social breakdown in their communities. In addition, many indicated that the phenomenon of transactional sex by older women was proving to be a strain on marriages and had contributed to the collapse of some households.

In some locations, particularly in the largest IDP camp in northern Uganda, Pabbo, an increase in the commercial sex trade was noted. Pabbo is home to a battalion of UPDF soldiers, many of whom are said to have brought 'wives' with them when they returned from the DRC in 2003. Of these wives, it is reported that a good number are living unaccompanied by their husbands who are regularly transferred to other locations in the region and across the country. It was reported by local leaders in Pabbo that a number of these Congolese women had taken to the commercial sex trade as a way of making a livelihood. It was also reported that the presence of a large UPDF battalion in the camp had attracted a significant number of commercial sex workers from Kampala, who had come to establish business in the camp. According to local leaders the presence of these sex workers in the area was contributing to an increase in 'immoral behaviour' among the young men

¹⁸⁵ Katwikirize S (2001) *Understanding resettlement capacities and vulnerabilities of displaced male and female-headed households*. World Vision International/Cranfield Disaster Management Centre.

and women, and boys and girls of the camp, who were starting to see the sex trade as an easy way of making money in difficult circumstances¹⁸⁶.

More worryingly, reports were also received of a growing incidence of organized sex trade in urban areas, and particularly Gulu and Lira. According to reports from humanitarian agency workers and citizens, it is now possible to go to particular places in these towns and to 'order' under-age girls to be delivered to a certain location for money. In many cases it was reported that the girls being traded are either IDPs or night-dwellers, or orphans. While no detailed investigation of this phenomenon was possible during this research, there is a clear need for more information to be gathered and mechanisms put in place for clamping down on this illicit trade through the institutions of the state¹⁸⁷.

UNICEF has commissioned IRC and CCF to undertake a specific and detailed study into SGBV later this year.

7.5.3.2 *Property Theft and Destruction*

Insecurity and internal displacement have also created conditions in which unscrupulous elements are able to exploit the vacuum of law and order to profit through the theft and destruction of civilian property. Particular threats include:

- **Boo Kec.** A number of local petty criminals (known as *boo kec* or "bitter vegetables") have taken advantage of the security vacuum in northern Uganda, and loot shops and homesteads in search of livestock, foodstuffs and money. It is often suspected that significant amounts of looting in and around town centres, and road ambushes may be the work of these bandits rather than of the LRA proper.
- **Karamojong.** The Karamojong warriors from the northeastern part of Uganda have also exploited this security vacuum in recent years, moving deep into Acholi and Teso areas to loot cattle and household assets. For instance, large numbers of cattle were looted from Kitgum and Pader during the dry season of 2003 as the Karamojong sought pasture for their own cattle deep in Acholi territory.
- **Common Criminals.** According to senior police officers in the region, incidences of theft committed by the general civilian population have also escalated over the past two years, largely as a result of increasing deprivation. Inequitable access to resources has created a situation in which frustrations have grown, and in which conflicts over resources have also ensued. In some case this has led to an increase in the number of arson cases, with huts being burned as a way of taking revenge against neighbours
- **Land Dispossession.** Many Acholi IDPs fear that they will be dispossessed of their land while they languish, forcibly alienated from their villages, in the camps. While there is no clear evidence to yet show that this fear is justified, it is real and very serious to the IDPs. The vast majority of land in Acholiland is held according to traditional title and has most ownership in villages has not yet been registered according to the national laws on land title. As such, civilians are wary that while they are no longer living on and using their land, that it could easily be appropriated by others, particularly by GoU bureaucrats or UPDF officers. Indeed this fear goes so far that many Acholi believe that the state of war in the region is being maintained partly by the GoU so that such appropriation of land can take place. Initiatives such as Salim Saleh's Security and Protection programme only serve to reinforce this fear. CSOPNU is currently funding research into the implications of displacement for land rights in northern Uganda, and a fuller account of these issues will be available in that report.

7.5.3.3 *Child specific threats*

The fact that the LRA seeks principally to abduct children means that they are also exposed to a series of secondary threats. In most camps and urban centres those children that live in vulnerable locations (ie: close to the edge of the settlements, near shopping centres etc.) are sent to sleep in the centre of the settlements at night as night dwellers/commuters. In

¹⁸⁶ Interview with senior local council officials, Pabbo, May 2004.

¹⁸⁷ This increase in the organized commercial sex trade in urban areas is by no means a new phenomenon, and was exposed in 1999 in a Sunday Monitor article by Charles Onyango Obbo, "When a people won't die, those who can't buy the sex, pay to peep" *The Sunday Monitor* 7 February 1999.

the majority of locations, the children (who constitute approximately 75% of the night dweller population in Kitgum, and 100% of the night-commuter population of Gulu) are left to walk up to 5/10 km alone or with their siblings to central points where they must sleep through the night with no parental supervision and little direct protection. As such, they are highly exposed to public health threats such as malaria and URIs, and to other threats such as rape, defilement and injury at the hands of other night dwellers.

A particular issue that contributes to the vulnerability of children in northern Uganda is the fact that there are increasing numbers of orphans, child headed households and unaccompanied minors in the region. Orphans are burgeoning in number partly as a result of the direct impacts of the violence in the region, but also due to conflict related morbidity and mortality, particularly relating to HIV/AIDS. All respondents indicated that orphaned children were creating a significant burden for the population, especially given that most households barely have enough access to resources to care for their own children. As such, the traditional coping mechanisms of the extended family that would be employed to care for orphans have broken down. In many cases relatives cannot afford to take in unaccompanied minors, and as a result they are increasingly left to look after themselves. Apparently this accounts for an increase in levels of theft, as children steal food to survive, as well as in the incidence of child labour, as children engage in paid tasks such as tilling fields, fetching and carrying water, housework, collecting and selling sand, making bricks or breaking stones, in order to meet their subsistence needs. As a result, many unaccompanied or orphaned children have no access to necessary basics such as food, clothing, shelter or schooling and are exposed to great risks, including hunger and potential starvation.

Finally, a special group of children that have particular vulnerabilities are the Formerly Abducted Children (FACs) who have either been rescued by the armed forces, or have managed to escape from the LRA. These children experience a set of specific vulnerability problems, which relate mainly to the process of reintegration into civilian society, and we have already noted some of the most serious issues relating to GoU reintegration programmes.

Once they have been released from rehabilitation centres in the region (such as those run by WVI, GUSCO, KICWA and CPA) it is often very difficult for the FACs to rejoin their families in the IDP camps because of insecurity and a lack of funds. In some cases, the return home can require a journey of up to two days, often passing through dangerous territory. When the FACs finally return to their homes, they often find that their families have been seriously impoverished by displacement, and the FAC often comes to present a burden to the family. Whenever possible the FACs return home with a resettlement package. Under the terms of the Amnesty Act, the GoU, via the Amnesty Commission, should provide this resettlement package. However, due to inadequate resourcing of the Commission, very few FACs are provided with these packages, and many are forced to return home empty handed¹⁸⁸. As such, NGOs dealing in rehabilitation and psychosocial counselling are asked to provide for the material needs of amnesty claimants. These organizations are themselves strapped for funding, and the typical resettlement package received by a FAC is equivalent to 1 x 50 kg bag of maize, 2 mattresses, 2 blankets, 1 hoe and assorted seeds, 1 jerrycan. The maize that is provided is generally exhausted within a month, after which time the FAC becomes a burden.

The trauma suffered by former abductees is often great, and depending upon the period that the children have been with the rebels, it can be extremely difficult for them to reintegrate into civilian life. Many FACs have been involved in serious atrocities¹⁸⁹, or have at least witnessed serious atrocities, and for many, warfare has become a way of life. The traditional lifestyle that they understood in the villages has been more or less destroyed by forced displacement, leaving them with few options for productive activity. Similarly it was

¹⁸⁸ In May 2004 over 2,000 former rebels were waiting for resettlement packages from the Amnesty Commission. The Commission's original budget was set at US\$ 19 billion. In the first year the GoU pledged only US\$ 1 billion, and has now set an annual pledge of US\$ 1.6 billion annually. The GoU expects the rest of the money to come from international donors.

¹⁸⁹ For instance one former abductee interviewed at CPA, Kitgum considered himself responsible for the deaths of over 40 people.

reported that most FACs are either unable or unwilling to go to school anymore. IDPs reported that many FACs become troublemakers in the communities, stealing, fighting, and harassing girls, and most reported that they did not know how to deal with these children who exhibit “mental problems”, and who are “so used to the gun”. Indeed the main solution that civilians could suggest for the problem of FACs was that they should be sent to join the armed forces - either the UPDF, LDUs or militia groups - and reports were received of instances where formerly abducted boys and girls of ages as young as 12 and 13 years old had been mobilised by District leaders in Kitgum to join the LDUs to fight the LRA. In some cases the FACs are rejected outright by their families who either see them as a burden, or are unable to forgive them for the atrocities that they have been involved in.

This is in spite of the fact that Acholi society is generally very forgiving and willing to accept FACs back into their communities regardless of the crimes they have committed¹⁹⁰. This indicates the extent to which FACs suffer from trauma, and to which the receiving communities have become stressed economically, socially and culturally by the situation of displacement. In fact, the difficulties faced in reintegrating into civilian society can be so great that a number of FACs actually run away from their homes either to rejoin the LRA, or to live in the rehabilitation centres. The number returning to the LRA is reportedly low. The LRA is renowned for its poor treatment of those who escape, and most escaped or rescued children indicate a deep fear of being captured and killed by the rebels for their transgression of the rules. Indeed, a number of significant massacres in recent years have reportedly been committed as punishments for the escape of rebel soldiers. Those that seek refuge in the rehabilitation centres are often those that have been most badly traumatised, often having been with the rebels for many years. Reintegration to civilian life is extremely difficult for them and they require extensive counselling and training in order to make the adjustment. One FAC interviewed in Kitgum, who had been rejected by his family, merely asked, “Why did I come back? There is nothing for me here. I should have died in the bush.”

Indeed there have been reports of incidents where escaped or rescued abductees have been attacked and even killed by other civilians as a punishment for the actions of the LRA. Often these reports have emerged from areas outside Acholiland, where escaping rebels have been attacked and beaten¹⁹¹, though some Acholi also intimated that some former rebels have been lynched; these cases tend to be kept very quiet.

Finally, a particular set of protection threats relate to the reintegration of girls and women who have been held in the bush by the LRA, particularly if they have been used as sex slaves or have conceived children by LRA officers. Women and girls who have suffered in these ways may find themselves suffering increased social stigma, and they may be rejected by their communities, along with their children.

7.5.3.4 Older Women and Men / Women and Men suffering from Disabilities

Older people and people with disabilities constitute a largely neglected vulnerable group in the scenario of northern Uganda. This results largely from the generally overwhelming level of suffering and vulnerability of the region, and also from the fact that this group is more or less invisible to the humanitarian community.

Many reports were received of older women and men, and of those suffering from disabilities, who have not been able to make the difficult journey from the homestead to a centralised location under forced displacement. Accordingly, it is alleged that these individuals have often been subject to serious abuses of violence, coercion and deprivation at the hands of both the LRA and UPDF. Reports were received of such individuals who were unable to travel on foot, and who had been forced to remain in their villages with no support from family members or the general community. Most of these individuals were not able to cultivate for themselves and had no access to foodstuffs, much of which had already

¹⁹⁰ In particular, traditional ceremonies such as *Nyono Tong Gweno* are used to cleanse those who have spent long periods with the rebels, effectively exonerating them from all wrongdoing and embracing them back into the bosom of Acholi society.

¹⁹¹ For instance a report was received of an Acholi abductee who escaped from the LRA in Lira. He was captured by Langi villagers who beat him badly and would not give him food or water. He was eventually saved by one merciful villager who released him and took him to the nearest UPDF detachment.

been looted. As such, reports were received of older and disabled villagers who were suffering from malnutrition and possible starvation, but who were far from the centres where food delivery is taking place. These individuals are also at serious risk of deprivation relating to water access, sanitation etc.

In addition, civilians indicated that a number of these older villagers had been subject to physical abuse. Given that in many circumstances they now constituted the only people remaining in a village, the LRA has reportedly abducted many of them, pushing them into forced labour, or killing them. Reports were also received of older men and women who had been harassed and abused by the UPDF, who accused them of collaborating with the rebels simply because they remained in their villages. A number of reports were received of incidents in which elderly men and women had been killed or injured either during the process of forced displacement, or during crossfire incidents. Even when the elderly and physically disabled have been able to leave their villages and move into IDP camps, these individuals face significant levels of vulnerability, particularly to deprivation.

7.5.3.5 Men and Women suffering from Mental Illness

According to District officials there are increasing numbers of mentally ill civilians in northern Uganda. Mental illness makes itself manifest in a number of ways, but seems to be indicated by 'odd behaviour', irrational violence, alcoholism, mental confusion and generally anti-social behaviour. It has been suggested that this increase in mental illness results from the frustrations, confusion and uncertainty that emerge from the general condition of deprivation and socio-cultural collapse that has been produced by the conflict, and by displacement in particular.

Those suffering from mental illness become highly vulnerable to deprivation as they may be excluded from the household structure, and from the community structure generally, and may be seen as a burden upon their extended family. There are no formal institutions in place to deal with individuals suffering from this type of illness, and it rests with the community to manage the problem. Police officers in Kitgum indicated that it often falls to them to hold sufferers in confinement for their own safety, as well as for the safety of the community.

7.5.3.6 HIV/AIDS Affected Households

As is the case with the elderly and those suffering from physical disabilities, HIV/AIDS affected households (HAAH) are also disproportionately vulnerable to deprivation and other threats. The extra care requirements of HIV/AIDS sufferers impact heavily on the household structure, and in most cases households are not adequately able to provide for the patients in their care, particularly where the principal patient is the head of the household. Available agricultural labour is seriously depleted, as is the labour available for the collection of key household resources and the preparation of food. Sanitation is also a difficulty given that patients are often not able to move to use latrine blocks, and bedpans are not readily available.

7.6 Provision of Humanitarian Assistance to IDPs

7.6.1 GoU Humanitarian Assistance

Under the terms of the Article 17 of the Additional Protocol of the Geneva Conventions, the GoU is responsible for ensuring that any population that becomes displaced via its orders live in dignity, by guaranteeing that adequate services are provided to them, either through the structures of government itself, or by humanitarian agencies.

7.6.1.1 Office of the Prime Minister

The OPM's Department of Disaster Management is the arm of government responsible for the coordination and management of disaster relief operations in Uganda. It is also the arm of government directly responsible for ensuring the dignity and protection of IDPs under the NPIDP. Sadly however, the department has fallen far short of its mandate, and requires substantial organizational reform, and reinforcement of its management structures and capabilities before it will be able to do so effectively. As a recent report on the capacity of the DDM indicates:

At present the department together with related organisations that comprise the disaster management system (particularly DDMCs and line ministries) seriously lack the necessary capacity to fulfil the tasks defined in the [Disaster Management] policy. Such capacity shortfalls can be seen in the areas of strategic management capacities; organisational structure and core competencies; organisational processes such as monitoring and evaluation, coordination (internal and external), financial and human resources management and performance/quality management; information management and infrastructure¹⁹².

Positively, the OPM understands its prescribed role, and recognises that it is not fulfilling its function adequately; the DDM's project officers are also keen to learn and to do their jobs, but they face severe financial, managerial and political bottlenecks. For instance:

- The Department's budget is inadequate for its role in dealing with the scale of disaster in Uganda, and is often not even sufficient to cover its core running costs. Large amounts of departmental funds are required to cover the expenses incurred by the Ministers in the Department, and these requirements often leave inadequate funds to allow the rest of the department to inhabit its mandate adequately - for instance the department lacks money for the purchase of basic assets such as office furniture, computers and stationery. What funds are used for humanitarian interventions are often spent on overly expensive and highly polarised relief responses such as one-off deliveries of food, latrines etc. which on their own make very little actual impact, but which succeed as effective public relations actions for the GoU.
- There is a clear lack of capacity in strategic planning and management within the department. Junior staff members suffer from a lack of operational management support, often lacking job descriptions, and receiving no explicit task management. Staff skill levels are also low and the numbers of staff are less than adequate for the department to deal with the scale of its mandate. This leaves staff members highly demotivated, leaving a substantial vacuum in the GoU when it comes to issues of disaster management and IDP affairs.
- The department also appears to lack political clout in the general structure of government. This appears to reflect the low priority given to disaster management and IDP affairs on the national agenda. In part, this is illustrated by the low levels of budgetary support given to the department through the Ministry of Finance. It is also reflected in the difficulty that the department appears to have in influencing the real political decision makers in the country.
- Finally, the OPM is clearly overstretched, given the size of its budget and the capacity of its managerial structure and staff. Along with its responsibilities for protecting 2 million IDPs in northern Uganda, and for disaster preparedness and management at the national scale, the OPM is also responsible for refugee issues, for coordinating the World Bank Northern Uganda Social Action Fund (NUSAF), for coordinating the Karamoja development programme, and for coordinating the new security pillar of the Poverty Eradication Action Plan (PEAP), as well as for developing and delivering a national programme for conflict resolution and national reconciliation. As it is clear that the OPM does not have the capacity to deliver effectively on IDP issues alone, it is doubtful that this massive set of responsibilities can be satisfactorily handled without significant investment in capacity. As one representative of an international NGO put it "the OPM is where important issues go to die"¹⁹³.

To better illustrate the current situation in the OPM it is useful to consider the role that it has played in coordinating and responding to the crisis of internal displacement in northern Uganda since June 2002. Since June 2002 displacement in northern Uganda has grown

¹⁹² Acacia Consultants/Oxfam GB (2003) *The Disaster Management System in Uganda: Capacity Enhancement Project Framework*.

¹⁹³ Interview with international NGO director, Kampala, September 2004.

massively from 400,000 to nearly 2 million. As noted above, according to Article 17 of Additional Protocol II of the Geneva Conventions, in ordering the forcible displacement of its citizens in northern Uganda, the GoU is obliged to ensure that “all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition”. Given its status as the key agency in government to coordinate humanitarian assistance, and to ensure that the needs of disaster affected populations are met, the OPM should have played the central role in fulfilling the GoU’s obligations under IHL. Sadly however, the provisions made by the GoU for civilians affected by forced displacement have been minimal, and far from adequate to ensure that its responsibility to protect civilians from deprivation are met. In almost no cases did the GoU plan adequately for forcible displacement, or make special provisions for IDPs in central or district government budgets.

The provision made for humanitarian assistance by the OPM has tended to be small in scale and limited in its impacts. While the GoU has made contributions to the overall Consolidated Appeals Process of the UN (CAP), the significance of these contributions has been extremely limited¹⁹⁴, as has that of its direct humanitarian interventions, which have generally taken the form of small individual donations of relief items to IDP camps, or one off donations to District authorities¹⁹⁵. Given the scale of the humanitarian crisis in the region these efforts have been tokenistic at best, callously inadequate at worst, and as such the GoU remains in serious breach of its obligations under humanitarian law.

The OPM also appears to lack capacity to interact effectively and productively with other actors engaging on humanitarian and IDP issues. The core business of the OPM is to provide the focal point for information and coordination on these issues, yet so far it has failed to exhibit leadership in this area, and has consistently failed to make adequate investments in building a trusting and supportive mode of interaction with the numerous international and civil society agencies working on disaster related issues in the country. For instance the OPM does not yet host regular coordination meetings, and while DDM representatives are invited to attend humanitarian coordination meetings at UNOCHA on a bi-weekly basis, they fail to attend almost every meeting. As a result, UNOCHA has reluctantly been forced to assume this central coordination role in the country, fully aware that what is needed is to try and support the DDM to inhabit its mandate more effectively. Similarly, attempts to mobilise the DDM as a leverage point for lobbying of the GoU on issues relating to IDP welfare and protection by international agencies have also been largely ineffective, again as a result of the department’s marginal position politically, and international agency representatives appear to have written the DDM off as an influential force in government.

7.6.1.2 Local Authorities

By and large, the DDMCs of northern Uganda are seen to be far from effective. Of course much depends on the dynamism and organization of the District authority, and some DDMCs are more energetic and better organized than others. In general however, DDMCs in northern Uganda have not proven themselves to be highly effective in addressing the humanitarian crisis over the past 2 years. Partly this is to do with the fact that the structure is relatively recent. Partly it is to do with the fact that the policy governing the DDMC structure (the NDMP) has not yet been passed by GoU. Partly it is to do with the fact that the structure requires district officers to coordinate emergency work together with all of their routine duties, without having any one officer take explicit charge of the emergency response and its coordination.

The failure of DDMCs is also related to the fact that they have no operational budget, either to respond to the emergencies that occur in their jurisdiction, or to manage their administrative business. Given the failure of the GoU to pass the NDMP, and the resulting failure to identify northern Uganda as a disaster area, no significant central budget allocation has yet been made for disaster response in northern Uganda, even though the

¹⁹⁴ The GoU’s contribution to the UN CAP for Uganda for the year 2004/5 is USD 500,000 in perishable items. This represents only 0.89% of the total CAP budget of USD 127 million, and as such, will do little to relieve the overall scale of humanitarian suffering in northern Uganda.

¹⁹⁵ For example in 2003 the Minister of State to the North accompanied an OPM delivery of two sacks of sorghum to the 17,000 IDPs of Koro. In the week following this delivery the Prime Minister also visited Koro and told IDPs that now that the GoU had given them AGOA funding that they should cultivate crops and export them to the USA.

region has suffered from chronic disaster conditions for many years. Nor have the DDMCs been authorised to reallocate meaningful funds from development budgets into emergency activities, in spite of the fact that many planned development activities cannot take place under current conditions of security. For instance, because Kitgum District's budgets for 2002/3 had been tailored to the maintenance and management of infrastructures that were largely out of use or inaccessible due to insecurity, it was forced to return approximately US\$ 500 million to the Ministry of Finance, either because no flexibility was given to utilise money budgeted for on development budgets for emergency needs, or because the District was not clearly aware of the flexibility that was available in some conditional grants. Finally, and perhaps most worryingly, the failure of some DDMCs appears to stem from a strong sense of apathy and fatigue on the part of the District officials concerned.

However, in spite of this general failure, the DDMCs in some Districts have made significant improvements in recent months, and have been able to represent their constituencies effectively to the international humanitarian community and to make plans for responses. Gulu and Lira in particular have shown that strong leadership and a willingness to work in cooperation with international organizations can play great dividends in managing responses, and the initiative of the Gulu DDMC in particular on managing and ameliorating the night-commuters situation in Gulu town has proven an example to other district administrations in the region. Elsewhere however much needs to be done.

These factors all illustrate that there is a serious problem with the way in which the GoU generally considers, plans for and responds to the crisis in northern Uganda. The GoU has failed pointedly to identify the suffering of the people of northern Uganda as disastrous or constituting an emergency. As such, it has failed to respond appropriately to the deprivation needs of its citizens, and has allowed the misallocation and misuse of government funds. The state has therefore retreated from dealing with the most pressing humanitarian protection problems, and from its obligations under IHL. This retreat has created a massive vacuum in the provision of essential and life saving services to the people affected by the continuing war, and it has fallen mainly to external actors, principally the UN and international NGOs, to fill the gap.

7.6.2 Protection of Humanitarian Access

As noted above, the threat of LRA attacks on civilian traffic in northern Uganda has led most humanitarian agencies to seriously restrict their movements, resulting in very poor levels of humanitarian access and relief provision generally. WFP is the principle agency that is able to gain access to the camps on a regular basis within the region, and as we have outlined, this access is totally reliant upon the use of a large heavily armoured military escort.

In spite of the success of the escorts, WFP has indicated that problems do exist with the way in which this armed protection is provided. Even though the WFP protection escort is supposed to be a dedicated unit, from time to time the soldiers or APCs are taken for duty elsewhere in the region and are not made available for food delivery. This is highly problematic for the WFP, and most particularly for the beneficiaries who depend on the deliveries. WFP delivers on a monthly cycle and one day missed means that some camps may have to make do with a half ration, bringing their food insecurity to potentially dangerous levels. Similarly, food deliveries are delayed from time to time by defective UPDF equipment, in particular the breakdown of APCs which can keep the convoy stranded in insecure areas for hours, and even days at a time. These delays can put WFP supplies and personnel at significant risk, and contribute to frustrating and potentially delays in the delivery cycle.

Other problems come from the bureaucracy that is involved in getting the escorts. Delivery schedules must be submitted for a whole month, and these must be considered and agreed by the various District security leads (RDC, DISO, Brigade Commander) and this can be a time consuming and difficult process. As noted, conflicting strategic requirements can come into play with officers making demands upon the force that are not complementary to the WFP's requirements. Similarly, the UPDF complains from time to time of a lack of liquid funds for provision of fuel or other inputs and this can equally cause delays. Reports have also been received that the brigade is highly overworked and that late payment of UPDF

soldiers' salaries interferes with escort morale and can lead to discipline problems while they are on duty in the field¹⁹⁶. It is generally accepted however that compared to other soldiers in the region the WFP brigade is generally better off, as they do not have to engage in active combat, and receive water and biscuits from WFP on every journey made.

A small number of other international humanitarian agencies have also opted to take advantage of UPDF armed escorts for their journeys to IDP camps, and do so either by joining WFP convoys, or by requesting small independent units of soldiers to protect particular vehicles. Many of these agencies only utilise armed escorts for contracted vehicles delivering programme inputs to insecure locations, choosing to restrict their own staff to urban areas for fear of LRA ambushes. Given that these organizations have not established a high level agreement with the UPDF for provision of protection of humanitarian assistance, it is much more difficult for them to secure regular details and they must attempt to coordinate well in advance of the time of need, often being at the mercy of the UPDF who sometimes deny arranged escorts on the morning of the planned convoy, or pull escort services for periods of weeks as soldiers are deployed for active duties on OIF, creating serious delays for humanitarian programmes.

That said, a very large number of NGOs remain unable to accept a military escort as a result of organizational priorities on neutrality and impartiality. The UPDF is seen to be an active party to the conflict, and a number of organizations do not wish to be seen as direct partners with them in delivering aid. Similarly, there have been some indications in the past that attacks on humanitarian delivery vehicles have happened because the LRA identified them as vehicles that had transported UPDF personnel previously. As such, for some organizations, the use of an escort increases rather decreases the risk of ambush. This is particularly the case given that the existence of an escort can only be seen to constitute a deterrent measure and is in no way a guarantee against attack. On a number of occasions over the past 2 years, convoys or single vehicles carrying UPDF protection have been ambushed, with deaths, injury and loss of goods resulting. It appears that the critical factor in this is the number of soldiers present on the convoy, not the mere presence of soldiers themselves.

As a result, agencies such as ACF, MSF, and WVI have developed strategies for accessing IDP settlements on a relatively regular basis using only well marked vehicles and no armed escorts. Sadly however, the GoU has done little to assist those organizations that are unable to use UPDF escorts in protecting their staff and aid. While the UPDF now insists that the deployment of foot patrols along all major road axes in the region has made them secure, the general consensus among humanitarian agencies and civilians is that these patrols cannot be trusted to guarantee adequate security and to prevent ambush by loose units of the LRA. Foot patrols are deployed daily, and tend to be constituted by small groups of soldiers dropped off at points every 10 km or so, with little apparent supervision or direct command. As such, whilst travelling along the major axes it is common to witness soldiers sitting beneath trees chatting to passing locals rather than being engaged in active patrols. The patrols are often only active between 11am and 2-4pm depending on circumstances, and this also severely curtails the amount of time that is available for undertaking actual programme work in distant locations. Few humanitarian agency staff appear confident in the ability of these patrols (which are often LDUs) to actually secure safe passage. Direct access is also significantly impeded by poor road conditions, which often force WFP convoys to spend the night in insecure bush locations, and which lead to serious delays in food deliveries and irregularities in the delivery schedule.

Unfortunately, apart from these patrols, and the provision of escorts, little creative thinking has been done about how best to expand the protection of humanitarian assistance and the resulting humanitarian space in northern Uganda. In effect the UPDF has presented escorts as the best alternative and has failed to expend significant time and energy in effectively securing humanitarian space in the region. More thinking needs to be done on how this can be achieved, and how more rapid and effective delivery of humanitarian aid can be secured.

¹⁹⁶ At the end of March 2004 the UPDF escort battalion had not been paid for 2 months and this undermined its effectiveness during that period. Interview with WFP field officer, Kitgum District, 30 March 2004.

To date there have been no successful attempts to negotiate with the LRA on issues of humanitarian access.

7.7 Displacement as Effective Military Strategy?

The GoU's pursuit of a decisive military victory over the LRA appears to be driven by the desire to stamp out the critical threat that they pose to the legitimate authority and sovereignty of the Museveni regime. Thus, even in spite of the espoused 'three-pronged approach', military offensive has taken clear precedence over both peaceful negotiation and humanitarian protection for the past two years. Indeed the pursuit of the 'annihilation' of the LRA appears to have been at the direct expense of a coherent strategy for protecting civilians in human settlements. It has focused significant proportions of military expenditure solely on offensive operations in southern Sudan, operations that have left a vacuum in UPDF manpower for protecting the life and livelihood of the civilian population in the villages, camps and municipalities on northern Uganda. As such, this strategic decision appears to have produced a situation in which extended civilian suffering has become the price for military adventurism.

Operation Iron Fist - Impacts on Civilians

- Dramatic increase in civilian displacement from 450,000 to 1.6 million
- Dramatic increase in scale of night-dwelling, with up to 50,000 children commuting
- Dramatic increase in the rate of abductions of children from approx. 83 per month to 500 per month¹⁹⁷
- Dramatic increase in number and scale of attacks on civilians
- Large increase in number of massacres
- Severe reduction in humanitarian access to the civilian population
- Critical increase in human suffering in IDP camps

For over 18 years, the UPDF has struggled to make significant headway against the LRA. Six separate military operations have been launched against them, year after year the UPDF has claimed that victory over the rebels is imminent, and the people of northern Uganda have become tired from hearing senior UPDF officials set deadlines for the end of the war which must be continually reset as they lapse. While the GoU no longer of sets deadlines for the end of the war, reports of the impending demise of the LRA have only increased in regularity, and the six months from June 2004 saw the emergence of a GoU rhetoric that was firm in its conviction that the military offensive had effectively brought the war to an end¹⁹⁸.

There is indeed some indication that by September 2004 the LRA stood significantly weakened. A significant number of rebels returned to claim amnesty in the months following July 2004, and a number of senior LRA officers have been captured or have surrendered. The UPDF also claims to have killed large numbers of LRA members in the past year and the LRA has also suffered from a decrease in levels of overt support from the GoS and EDF. LRA attacks on civilian settlements have dropped in intensity since July 2004, and calls for peace talks have emerged from senior members of the rebel group. Sadly however, in spite of these apparently positive factors, and in spite of the reports and propaganda of the UPDF, in the IDP camps of northern Uganda there is little concrete evidence that the overall threat to civilian life and livelihood has reduced in real terms:

- Reports of LRA attacks on IDP camps, on suburban areas, and on civilian transport all increased in intensity from August 2004¹⁹⁹.

¹⁹⁷ In *The Security Situation in Northern Uganda: Overview and Recommendations*, the Coalition for Human Rights and Justice Initiative for Northern Uganda reports that in the 11 years between 1990 and 2001 a total of 10,000 children were abducted by the LRA; UNICEF currently reports that in only 2 years since OIF began in June 2002 the LRA have abducted approximately 12,000 children. A rate of 500 a month.

¹⁹⁸ For instance in a statement to the Small Arms and Light Weapons in Africa seminar held in Jinja in October 2004, President Museveni stated that the military option was a viable option to protect the people and to end the rebellion and that "our sustained military pressure has begun to pay off".

¹⁹⁹ Reports received from INGOs operational in northern Uganda, September and October 2004

- While many LRA surrendered or were captured after July, no-one has any idea how many LRA remain active in the bush. In September the rate of abductions reportedly began to increase once more, indicating a possibility that the LRA is seeking to recoup its losses.
- While some senior leaders from the LRA also turned themselves in, the core leadership remains at large, and may become more brutal if options for their escape via the Amnesty are threatened by the ICC investigation.

The traditionally cyclical character of the war reinforces civilian fears that the worst is not yet over for them, no matter what military successes the UPDF has claimed in recent months. Lulls in LRA violence occur regularly, and for a range of possible reasons. As such, a reduction in the levels of LRA violence cannot be considered a categorical indicator of the LRA's impending demise. As such there is need for great caution in jumping to conclusions that the war is nearly over, as intimated recently by members of the GoU²⁰⁰.

The fact that the UPDF has not yet secured a verifiable and unequivocal victory over the LRA, has led a significant section of the Ugandan and international communities to conclude that the military strategy has actually failed. Analysts suggest that this failure results from a general lack of professional capacity within the armed forces, combined with a lack of political will on the part of the GoU to end the war in a positive fashion; and military observers have reportedly expressed confusion over the failure of the UPDF to bring the conflict to a more decisive conclusion²⁰¹.

In part, the failure of the military strategy can be attributed to the nature of the LRA's combat tactics. It appears that the loose and flexible command structure of the LRA has allowed it to work around the increased constraints imposed by the UPDF offensives to some extent, and whenever the LRA have been routed from their bases, they have generally been able to find ways of subsisting on the move, looting food wherever possible, and replenishing their numbers by abduction. They utilise traditional guerrilla tactics that were reportedly taught to them by former members of the UNLA, and they have mobilised them efficiently to successfully cause havoc across the region.

It also appears that the LRA has become quite well adjusted to evading direct offensives from the UPDF in the past. They tend to move in small groups, living off the land as much as possible or looting food from camps. They establish holding bases and sickbays, and centres for women and children in highly inaccessible wilderness areas in Uganda and Sudan, and at various times have been able to remain relatively unhampered in these areas. They have been able to confound helicopter gunships by pitching camps in forested areas, and by abandoning recent abductees to be strafed when they come under attack in open country. When establishing camps they protect themselves by establishing secure areas with landmines, and they generally seek to avoid direct combat with UPDF forces whenever possible. Many former rebels also report that when they were in the bush they had little respect for the UPDF or for their tactics, believing that were it not for the helicopter gunships, that they could generally give the regular forces an even fight.

Thus, the conventional forces of the UPDF are caught in the predicament of trying to maintain a highly costly conventional war against a small guerrilla group, which persists in utilising the tactics of the 'war of the flea'²⁰². Meanwhile the civilians who have fled to camps to escape LRA abuses, or who have been herded into the camps for their own protection continue to suffer, continue to suffer at the hands of those they have fled. As such, there is some feeling that the UPDF's *Combined Arms Element* counterinsurgency strategy, which calls for the use of heavy weapons such as tanks, armoured personnel carriers, helicopter gun ships and fighter aircraft against lightly armed guerrilla forces has been a failure of both strategy and tactics²⁰³.

²⁰⁰ For instance in the *New Vision* of November 5 2004 the UPDF spokesman Maj. Shaban Bantariza reported that the LRA had been defeated. <http://allafrica.com/stories/200411050382.html>

²⁰¹ For instance, the retired Kenyan General Adan Abdullahi - who is currently the Chairman of the Committee on Regional Affairs and Conflict in the EAC - following a recent visit to northern Uganda, is reported to have expressed confusion over the UPDF's inability to end the conflict after 18 years.

²⁰² Taber R (1970) *The War of the Flea*, Paladin, London.

²⁰³ Ofcansky T (1999) Museveni's war and the Ugandan Conflict, *The Journal of Conflict Studies*, Spring

As noted above, there does seem to be a fundamental conflict between the principal avowed interest of the GoU - to destroy a threat to national stability - and the main interest of the humanitarian community - for the GoU to honour its obligations to guarantee the protective environment for civilians. The GoU has stated that it will do this by extinguishing the LRA militarily, or by crushing them so far that they finally surrender. But by seeking achieve these ends the GoU has ignored the fact that people continue to die and suffer while the UPDF pushes the war onwards leaving a security vacuum in human settlements across the region. Without doubt the GoU has strong political reasons for pursuing the military objective above all others, and has a right to pursue a security strategy, but by doing so in this manner, it also undermines its own sovereignty and legitimacy by failing to protect the rights of all of its citizens. While the state military attempts to secure victory by engaging rebels in conventional warfare, nearly 2 million Ugandan citizens receive little effective physical protection, fear random attack, receive minimal humanitarian assistance, and live in conditions, which in and of themselves, constitute a serious protection threat. The protection equation has collapsed, and the GoU is failing to protect its people where it needs to. Military pride is being pursued at the expense of civilian protection.

By continuing to pursue the offensive option at the expense of effective civilian protection the GoU has also failed to realise the potentially strong strategic advantages that it could gain from prioritising humanitarian protection. The LRA is largely able to continue its operations because of the cycle of abduction and looting that is only possible under conditions of less than adequate protection. If more effective humanitarian protection were provided by the GoU, the LRA would be undermined, and might soon crumble. Thus, protection could assist the UPDF significantly in securing its military objectives.

Similarly, the provision of more effective protection could help the GoU to gain significant political capital with the people of northern Uganda generally, and with the Acholi in particular. Civilians in the north are exhausted after 18 years of fighting and want nothing more than an end to the insecurity that plagues their lives. If the GoU were to effectively protect them from the LRA, in a manner that did not leave them open to abuses from UPDF soldiers, it is likely that they would repay the GoU with greatly increased trust and support. As such, the Movement could gain a substantial peace dividend in terms of new supporters in the north.

Sadly however, the fact that the GoU has persisted in its strategy of forced displacement, increasing humanitarian crisis, and inadequate protection merely reinforces the sentiment among many Acholis that the GoU's strategy is designed specifically to punish them. Rightly, or wrongly, in the eyes of many Acholi the GoU has no interest in effectively protecting civilians from either the LRA or its own forces, and is seeking the demise of the Acholi people as they suffer in camps. The continued intransigence of the GoU on issues of protection, and its refusal to call the region a disaster area, or to pass the NDMP only reinforce this notion.

Finally, and significantly, the GoU's determination to pursue a decisive military conclusion fails to wrestle with one of the fundamental protection problematics of the war - that the LRA which it seeks to 'annihilate' in open combat, and the deaths of which it reports in tones of glory and victory, is predominantly composed of abducted children. While it is true that from a strictly legal point of view, those members of the LRA that bear arms, even if they are children, are legitimate targets as combatants, it cannot be ignored that these 'combatants' have been stolen from their families, initiated, manipulated and coerced in violent and abusive ways, and have been turned upon their own communities on pain of death. These children are not willing participants in the violence, but are victims - victims of the LRA's vicious practices and malicious intent, just as they are victims of the GoU's failure to protect them in the first place.

As such, no military victory over the LRA can be a moral victory, but will be founded upon the lives of the innocent children who have become the field upon which this battle for control is built. The GoU has a moral obligation to protect these children from the LRA, as it does from the abuses and violence of its own forces, and as such should more vigorously

prioritise the Amnesty and the search for a peaceful resolution, over the dubious and morally bankrupt returns of a military victory. For a military victory built upon the deaths of the abducted children of northern Uganda cannot be a foundation of a just and lasting peace. Thousands of parents of LRA abductees wait vainly in hope for news of their children, and pray daily for their safe return. A failure to actively facilitate that return, and a commitment to extinguishing the lives of those who have been stolen from them, can only serve to kindle the flames of resentment between those affected by the conflict and the GoU. The time has come for the GoU to accept its obligation to protect its citizens in full. The time has come for the GoU to fully commit to the security and dignity of its citizens through a renunciation of the military offensive, and through an unequivocal commitment to humanitarian protection, and to a just and lasting peace.

8 International Actors

While the nation state holds the final responsibility for guaranteeing that the protection needs of its citizens are met, it falls to the international community to monitor the compliance of both the state and non-state actors with their obligations under international humanitarian law. When the national protection system fails, it lies with the international community to uphold the standards of international law, and to bring those that breach them to account. Within the international protection system there exist two principle kinds of organization that have responsibilities for protecting civilians - mandated organizations such as the ICRC, UNHCR and the ICC, which have internationally sanctioned mandates bound by treaty to monitor and enforce certain parts of international law, and the non-mandated organizations, such as international NGOs. For the purposes of this report we consider only those organizations that have a direct relevance to the northern Uganda context.

8.1 The UN System

8.1.1 UN Office for Coordination of Humanitarian Affairs (UNOCHA)

Given its position as the principal coordination body for humanitarian affairs in Uganda, and through the activities of its Internal Displacement Division (IDD) based in Geneva, UNOCHA has come to assume a central role on the issue of humanitarian protection.

OCHA hosts the national level protection working group meetings once a month, receiving reports on humanitarian protection from its regional offices and from District level protection working groups that take place across the region. As such, OCHA has become the central point for the collation and dissemination of humanitarian protection information at the national level. Unfortunately the level of detail of this information remains basic, and its collection and analysis is far from systematic. In large part this is due to the fact that OCHA does not generate its own protection data, and is dependent upon the contributions of other agencies. It is also due to the fact that OCHA has no specific protection officer in place at the time of writing, though there are plans in place for the recruitment of a Protection Coordinator, who will act as a focal point for protection related information and who will be able to reinforce information gathering and dissemination systems in the country. Situation monitoring and information collection in northern Uganda is also significantly hampered by the volatile insecurity of the region. UN security protocols restrict staff from making frequent trips to the field for the collation and verification of protection reports, and the validity of information collected from secondary sources is generally patchy, circumstantial, and qualitative. This is a problem that faces all agencies, and there is still little hard data upon which to base operational judgements.

UNOCHA also constitutes an important agency for lobbying and advocacy on humanitarian protection issues with the GoU. The UN Resident Representative also acts as the Humanitarian Coordinator. Given his position, he is able to secure direct access to the Office of the Prime Minister on key matters of humanitarian concern, and should be able to represent the concerns of the humanitarian community directly with the most important decision makers in the country. OCHA should also have a very close relationship with the key national agency on humanitarian affairs, the DDM, and is in a position to use its own role as a humanitarian coordination body to work with and influence them, and to push key issues through to either the Parliamentary Standing Committees, or the Office of the President himself. Unfortunately OCHA has not yet been able to capitalise on these possibilities for persuasion. In particular, lobbying problems relate to the fact that the OPM is the key point of entry for OCHA staff. As noted above, OPM suffers from organizational constraints, and suffers within GoU from having little influence and being of low priority. As such, it presents a poor entry point for influencing the GoU, and other more creative options need to be considered by OCHA when engaged in its lobbying role.

In spite of this, UNOCHA has made great headway in improving humanitarian coordination in Uganda over the course of the past year, and the recent opening of dedicated offices in northern Uganda bodes well for the future. The visit of the Under Secretary General for Humanitarian Affairs, Mr. Jan Egeland, in November 2004 served to raise the international

profile of the Uganda crisis massively, and OCHA can be justly credited with having done a great deal to ensure that Uganda remains on the priority list of key donor countries.

In December 2003 OCHA, via its IDP Unit in Geneva, also led a series of training workshops on the Guiding Principles on Internal Displacement for GoU officials and local NGOs, and this constituted an important stepping-stone in assisting local authorities and UPDF commanders to better understand their responsibilities under IHL. OCHA was also instrumental in persuading the GoU to develop its IDP policy, and put significant resources into ensuring that the policy was in line with best practice, and adequately reflected the provisions and requirements of the Guiding Principles on Internal Displacement.

UNOCHA is also involved in supporting an initiative designed to try and instigate negotiations with the LRA, or with its civilian representatives over issues relating to humanitarian access. The basic objective of this initiative has been to try and open channels for discussion directly with the LRA, hopefully to persuade them to agree not to attack humanitarian agencies as they transport aid to civilian beneficiaries, thereby allowing the establishment of humanitarian corridors. At the time of writing it is unclear whether or not this avenue will bear fruit.

8.1.2 UN Children's Fund (UNICEF)

Given the huge scale of threats and actual abuses levelled against children in northern Uganda, UNICEF's role is a central one, and UNICEF is now the UN's lead agency for issues relating specifically to humanitarian protection in Uganda. Until relatively recently the UNICEF team had only one child protection officer for northern Uganda, but given the increased understanding that protection is a priority issue in the north a new team of experienced protection officers is being recruited to increase the scale of their programme. This team will include child protection officers, who will be engaged in monitoring human rights abuses against children in CPUs and army barracks as well as more generally in the field (particularly abduction related incidents and threats associated with orphans and night-dwellers), and three general human rights protection officers who will focus on issues relating to violations of IHL and IHRL by both sides of the conflict. UNICEF's protection programme plans to focus on the following key areas of activity:

- Comprehensive vulnerability assessment of protection threats in northern Uganda
- Monitoring and documentation of abuses of human rights and IHL
- Coordination of a multi-agency, multi-sectoral programme on SGBV
- Child focused interventions - particularly focusing on access to primary health care, and on care of orphans, children affected by HIV/AIDS and separated children
- Adolescent focused interventions - particularly relating to sexual health, HIV/AIDS, vocational training and provision of youth friendly services
- Community based income generation activities for IDPs linked to vocational skills training, managed through partnerships
- Development of a coherent and systematic training programme on human rights for the UPDF, in collaboration with SciU
- Developing clear standards of care for separated children, particularly formerly abducted children (FAC), and creation of a civilian oversight mechanisms for rehabilitation and reintegration of FACs.

UNICEF also has a large programme of humanitarian assistance relating particularly to public health. For this programme, UNICEF currently works almost totally in partnership with local government, matching funding to the objectives in District development plans, and their programme focus in recent years has been on interventions such as providing shelters for night-dwellers, improving access to water and sanitation in IDP camps, supplying hospitals and feeding centres with drugs and other resources etc. In the past year or so UNICEF has not been heavily involved in lobbying and advocacy on humanitarian protection issues, though this focus may change with the new protection team in place.

8.1.3 UN High Commissioner for Human Rights (OHCHR)

At the time of writing OHCHR is not operational in Uganda. Early in 2004 however, the High Commissioner sent a fact-finding mission to see whether or not OHCHR had a role to play in

the north. This mission recommended that an office be set up in Uganda to focus on the monitoring of human rights abuses in the conflict-affected area. At the time of writing the office was still not open, but plans were underway for this to happen in the near future. If and when the office opens OHCHR will be able to assume the mantle of lead agency on human rights issues in the country, and this will provide a very welcome point of leverage for information collection, analysis and dissemination on human rights threats and abuses. It will also provide a strong point of entry for lobbying and advocacy on rights issues with the GoU. It is expected that the OHCHR will work in close coordination and proximity with the UHRC, and that it will lie within the Office of the UN Resident Representative.

8.1.4 UN High Commissioner for Refugees (UNHCR)

At the time of writing, UNHCR has not undertaken to engage on issues of internal displacement in Uganda. Under its Statute, the High Commissioner is mandated to assume the function of providing international protection to refugees, and as such is not entrusted with specific legal competence for internally displaced persons, though it is authorised to act to protect the interests of IDPs if it sees fit, and if circumstances allow.

For instance, Article 9 of UNHCR's Statute provides that in addition to its work with refugees, the High Commissioner may 'engage in such activities ... as the General Assembly may determine within the limits of the resources placed at [her] disposal'. This therefore provides the basis upon which the General Assembly has, on several occasions, and in various forms, either authorised the High Commissioner to act on behalf of internally displaced persons, or expressed support for actions already taken by UNHCR in respect of IDPs. In addition, the Executive Committee of the High Commissioner's Programme (Excom) has also endorsed UNHCR's activities in favour of IDPs. In its Conclusion No. 75 of 1994, Excom acknowledged UNHCR's evolving competence in this area, and referred to resolution 48/1168 as an 'appropriate framework for the involvement of the High Commissioner in situations of internal displacement'.

However the various authorisations to UNHCR by the General Assembly and Excom do not amount to a carte blanche for UNHCR involvement in issues of internal displacement, and the approach taken by the General Assembly underscores the need for flexible responses without providing UNHCR with any obligatory or automatic responsibility for internally displaced people. A number of criteria are outlined for the involvement of UNHCR in IDP issues, and these include:

- A specific request for UNHCR involvement emanating from the General Assembly, the Secretary-General or another competent principal organ of the United Nations, (such as the Economic and Social Council), and/or the consent of the concerned state or other relevant entity to UNHCR's involvement
- The relevance of UNHCR's expertise and experience to provide protection and solutions for IDPs in the particular situation
- The need for UNHCR's activities to remain within the limits of the resources placed at its disposal for the activities in question

So far, no specific request for UNHCR involvement with IDPs in northern Uganda has been made, either by the UN or the GoU, though it is clear that the humanitarian needs of the region fit closely with the expertise and experience of the organization, particularly considering the scale of the protection crisis, and that they would be able to add value to the humanitarian and protection environment for IDPs in Uganda. This is particularly so, given that UNHCR in Uganda is responsible for a large-scale programme with refugees from Sudan and DRC, and an intervention with IDPs could be seen to follow from its mandated functions²⁰⁴.

²⁰⁴ See the paper *UNHCR's Protection Mandate in Relation to Internally Displaced Persons*, by the recently appointed head of the Internal Displacement Division of UNOCHA, Mr. Dennis McNamara for more information on this issue. http://www.nrc.no/global_idp_survey/rights_have_no_border/mcnamara.htm

In fact, UNHCR has been criticised at a high level for its lack of involvement in northern Uganda to date²⁰⁵, but it is unclear if the organization is willing or able to expand its programme to include IDP issues, especially in light of its global funding limitations, and more pertinently, if the GoU does not endorse their intervention in the final instance.

8.1.5 UN Security Council (UNSC)

Under the UN Charter, the UN Security Council has responsibility for the maintenance of international peace and security. As such, in situations where armed conflict appears to pose a threat to international peace and security, the UNSC bears the mandate to intervene in one of the following ways: by brokering a peaceful resolution between parties, by issuing cease-fire declarations, deploying peacekeeping forces, enforcing economic sanctions against warring parties or, in the last instance, by undertaking collective military action.

While the UNSC has taken no specific action on the issue of northern Uganda at the time of writing, in April 2004 the Under Secretary General for Humanitarian Affairs, Mr. Jan Egeland, gave a briefing to the Security Council on the situation in northern Uganda. In his briefing Mr. Egeland specifically identified protection as a key issue, and highlighted most of the headlines outlined in this report as requiring urgent attention. The responses of the individual members of the Security Council were mixed in their tone, with the USA and Russia cautious about the appropriateness of engaging with the LRA 'terrorists' in negotiations, the UK suggesting that a political strategy was required to bring the war to a close, and countries such as Pakistan, Spain, Germany, Chile, Angola and Benin all calling for a non-military solution to the crisis and a focus on protection. In its press statement the SC condemned the atrocities of the LRA, while expressing its deep concern about the humanitarian crisis. It expressed particular concern over the displacement of the civilian population, the abduction of children and their forced recruitment as soldiers, and sexual violence and exploitation against girl children. They also demanded the LRA immediately cease all acts of violence against civilians, and stressed the importance of exploring all peaceful avenues to resolve the conflict. Finally they recognized the significant protection gap that exists in the region, and called upon the Government of Uganda to enhance its protection for displaced persons and those providing essential services to them²⁰⁶.

In the long run, the UNSC may represent the final point of leverage for lobbying and advocacy on northern Uganda. Significant numbers of people in northern Uganda have expressed the desire for a third party to intervene and provide effective protection where the GoU has failed. The attitude of many affected civilians is that there is now an intolerable protection vacuum, that can only be closed by a military intervention from an international force, be it the UN, AU or other body, as is currently taking place in Darfur. It cannot be questioned that the protection situation for civilians in the region is desperate, and that to date the GoU has largely failed to uphold its obligations to protect its civilians. If this is judged to be the case, then there may be ample justification for the international community to act on its 'responsibility to protect' in Uganda, by deploying an external protective force of one kind or another. The UNSC would constitute the most obvious starting point for contemplation of such an intervention.

Furthermore, significant links exist between the war in northern Uganda and that in South Sudan, and it can quite easily be argued that the failure to peacefully resolve the northern Uganda conflict may threaten international peace and security in the medium term. This is particularly pertinent given the current situation in Sudan. The GoS has a long reputation of mobilising informal militia forces for the destabilisation of marginal regions of the country. In this strategy disorder at the margins is utilised to allow the consolidation of military and political power at the centre without the direct involvement of Sudanese armed forces, which could lead the national government to being vilified both nationally and internationally. For example, the Jinjaweed in Darfur were allegedly mobilised and supported by the GoS to create instability in Western Sudan and to pressurise the SPA in that region. Similarly, prior to the signing of the Naivasha Accord in 2004, the GoS had been supporting a large number of militias in Southern Sudan who were responsible for maintaining military pressure on the SPLA, and for creating chaos as was required by

²⁰⁵ For instance during his visit to northern Uganda in the last week of August 2004, Dennis McNamara raised the issue.

²⁰⁶ UN Press Release SC/8057 AFR/900, *Press Statement on N. Uganda by Security Council President*, 14 April 2004.

Khartoum. Given the support provided to them by the GoS since 1994, the LRA has operated as a *de facto* militia of the GoS for almost ten years, and there is significant fear among humanitarian agencies and international diplomats who work in southern Sudan that the LRA will constitute the most likely spoilers of the Naivasha Accord.

This fear is rooted in a number of key issues. Firstly, there is reason to believe that the activities of GoS militias in Darfur and southern Sudan are somehow linked. This suspicion relates to the GoS strategy of maintaining discord at the margins, and is reinforced by the fact that Jinjaweed activities became more intense soon after the signing of the Naivasha Accord. To some analysts it appears that following the signing of the peace agreement with the SPLM, that the GoS sought to open up a new front, and did so by increasing the mobilisation of its Western militia. Given the fact that the international community has placed such aggressive emphasis on the Darfur crisis, there is now a fear that if the GoS is forced to rope in the Jinjaweed to comply with the demands of the international community, that it will seek to destabilise peace in the South once more. All observers interviewed agree that the most obvious conduit for the mobilisation of such discord would be the LRA. This is in spite of the fact that the GoS has given international commitments that it no longer supports the LRA, and of the fact that it is bound by the articles of the Naivasha Accord to ensure that 'foreign armies' are no longer present in Sudanese territory. As noted above, recent reports indicate that the LRA does continue to receive some kind of support from Sudanese elements, and this has led some to conclude that the GoS is covertly maintaining links with the LRA in case it needs their support in the future. Even if this is not the case, there can be little doubt that the LRA would readily accept renewed support from the GoS in return for the provision of military support against the SPLM/A.

Second, even if the GoS does not decide to utilise the LRA as a political pawn in southern Sudan, the LRA itself possess the capacity to act independently as a spoiler of the peace process. The LRA was not included in any specific considerations of the Naivasha Accord, and no provisions have been made to demobilise or to neutralise them as part of the peace building process. The only provision of the Accord that can be applied to the LRA is one that requires both the GoS and the SPLM to ensure that no 'foreign armies' are active in Sudanese territory. Unfortunately this provision is likely to mean one of two things - either that the GoS and the SPLM join the GoU in its attempts to annihilate the LRA on Sudanese soil, or that they will not prioritise the LRA at all, and will leave them be until they pose a specific threat to their direct interests. The majority of observers interviewed on this topic agreed that given the number of other critical issues for both the GoS and SPLM, that the LRA will be far from prioritised.

As such, if a peaceful resolution is not reached in Uganda, it is likely that the LRA will continue to find refuge where and when it can in southern Sudan, exploiting opportunities where it finds them. This inevitably means that it will prey on Sudanese civilians just as it does on Ugandan civilians. The LRA has a long history of abusing civilians in Southern Sudan, something that is largely overlooked when considering the conflict in northern Uganda. Reports from southern Sudan in recent months continue to suggest that the LRA is attacking, looting, murdering and abducting Sudanese settlements, particularly in Equatoria. Given the long-standing partnership between the GoS and the LRA, and the continued reports that Sudanese elements are supporting them, it is likely that these attacks may serve to sour relations between the SPLM/EDF and the GoS in the future. Similarly, there is a fear that the LRA will provide a potential haven for those members of GoS militias who have benefited from the conflict in southern Sudan and who may not wish to accept the terms of the Naivasha Accord. South Sudan analysts all expressed concerns that the Naivasha Accord failed to adequately represent the interests and opinions of the more marginal actors in the conflict. As a result there are fears that there may be minor, but dangerous elements within the region who will seek to perpetuate conflict conditions so as to further their own interests. Given the fact that the LRA is not officially included within the provisions of the Naivasha Accord, it provides a natural point of congregation for rogue individuals or militias that wish to continue fighting an illicit war.

Finally, the presence of the UPDF in southern Sudan also provides cause for serious concern over the potential for international conflict and insecurity in the region. The operations of Ugandan armed forces in southern Sudan have been regulated in principle by the provisions

of the protocols between the GoS and GoU on Operation Iron Fist, and these protocols have indicated clear timeframes and geographical limits for the operations of the UPDF on Sudanese soil. There is however reason to believe that the GoU has failed to comply exactly with the terms and conditions of these agreements. For instance, reports received from UPDF officers and respondents who have contacts close to military intelligence suggest that the UPDF was already active in southern Sudan prior to the first protocol on OIF, possibly preparing itself for actions against the LRA without the permission of the GoS, or providing operational support to the SPLA. Similarly these reports suggest that the UPDF has now maintained a constant presence in southern Sudan over the past two years, even during those periods when the protocols with the GoS have lapsed. Informal reports also suggest that UPDF officers have stated that now that they are in Sudan, they have no plans to leave. A number of potential factors may exist to suggest that the UPDF may seek a prolonged presence in southern Sudan:

- The SPLM may be seeking sustained military support from the GoU in case of a collapse of the peace process in the coming months and years.
- The GoU has provided operational, logistical and resource support to the SPLM/A for many years. Now that the Naivasha Accord has been signed, there is reason to believe that the GoU will now seek to take advantage of trade, financial and other dividends that are will emerge in southern Sudan, such as the USD 400 million dividend from oil revenues that will come to the SPLM as a part of the peace building and reconstruction process. The maintenance of a UPDF presence in Sudan may provide Uganda with a stronger bargaining position for accessing a share of these dividends.
- Elements within the UPDF have allegedly exploited the regulatory vacuum that exists along the Uganda/Sudan border to their great advantage in previous years, particularly through collaboration with the SPLM/A on cross border trade and the exploitation of natural resources (especially timber), and it is unlikely that these elements will be willing to give up this shadow economy quickly.
- Southern Sudan has historically played a key role in the geopolitics of the region as the critical boundary between Arab/Muslim influence and Black/Christian Africa. As such, southern Sudan constitutes a critical strategic frontier for the state of Uganda, and it is possible that the UPDF will want to maintain a strategic territorial advantage against threats from the GoS by maintaining a presence in that region.

The maintenance of a strong UPDF presence in southern Sudan could present a serious stumbling block to the peace process in the region, particularly if the GoS considers a long-term alliance between the SPLM and the GoU post-Naivasha to be intolerable. Such a situation may lead to a resumption of armed conflict between the parties.

All of these issues reinforce the point that the conflict in northern Uganda cannot be seen in isolation from the regional geopolitical context generally, or from the political context in Sudan more specifically. At the international scale a significant number of possible scenarios exist that could contribute to either the perpetuation of the conflict within northern Uganda, or the destabilisation of peace and security in Sudan, or between Sudan and Uganda. The conflict in northern Uganda, must therefore be seen as a potential threat to international peace and security, and should therefore be placed upon the agenda of the UNSC for consideration, and possible intervention.

On 25th November 2004, as part of a trip across the region that included Sudan, Rwanda and Burundi, the UNSC visited Kampala in order to discuss regional security issues and the situation in northern Uganda. The visit to Kampala included a meeting with President Museveni and a press conference. Planned meetings with representatives of civil society from northern Uganda were cancelled. This visit to Kampala presented the UNSC with a significant opportunity to express serious concern over the protection crisis in the North, and to increase political pressure upon both the GoU and the LRA to pursue peace aggressively. This is particularly so, given the fact that a ceasefire had been called by the

GoU on 14th November²⁰⁷. The UNSC somewhat weakly drew the line at expressing concern over the humanitarian situation in the north, and in expressing support for the GoU. As such, a historic opportunity to increase meaningful international pressure for protection and peace building was lost.

8.1.6 UN Secretary General

According to the provisions of United Nations Security Council Resolution 1460 the Secretary General is encouraged to enter into dialogue “with parties to armed conflict in violation of the international obligations applicable to them on the recruitment or use of children in armed conflict in order to develop clear and time bound action plans to end this practice.” It is reported that approximately 85 percent of the LRA is comprised of abducted children, and that the UPDF, despite the Ugandan government’s ratification of the CRC Optional Protocol on Child Soldiers, and in spite of UPDF guarantees that such practices do not occur, continues to accept under-18’s into regular and irregular forces²⁰⁸. Recognizing the devastation the conflict has wrought on civilians, Kofi Annan recently spoke of the necessity to work with all of those at the national and international level who are in a position to stop the “terrible cycle of violence in Northern Uganda.” He has also called on these parties to “do their utmost to protect innocent civilians”²⁰⁹. He is clearly aware of the scale of the problem, and should be able to invoke Res. 1460 in a bid to improve the protection of children in the region.

An obstacle to this is the fact that the UN SG’s Special Representative for Children and Armed Conflict is the Acholi-Ugandan Olara Otunnu. Given his official position, Mr. Otunnu should be the direct link between the UN agencies on the ground and the Secretary General on children’s issues, and should be the person most engaged with lobbying to improve their protection. Indeed many Acholi have asked the question “Why does Otunnu not do more for the children of his own homeland?”. Unfortunately Olara Otunnu is not well favoured by the Ugandan ruling elite, as he has a history of strong political opposition to the Museveni regime, and is rumoured to have been linked to Acholi rebel movements in the past. As such, it is most unlikely that he would ever be invited by the GoU to bear witness to the situation of children in Acholiland himself, and this presents an obstacle to moving the issue forward aggressively within the bureaucracy of the UN.

8.2 International Criminal Court (ICC)

The International Criminal Court is the body responsible for enforcing IHL as it pertains to the most serious crimes of concern to the international community. In accordance with the Rome Statute (1 July 2002)²¹⁰, the ICC has jurisdiction with respect to the crimes of genocide, crimes against humanity, war crimes and the crime of aggression. The ICC has the power to investigate any such crimes that are reported to it, and is able to prosecute individuals for their part in perpetrating them.

In December 2003 President Museveni requested the ICC to launch an investigation into crimes against humanity in northern Uganda with particular focus on the crimes of the LRA. An initial investigation took place from March 2004, and on 29 July 2004, the Court announced that it was launching a formal investigation which would hopefully lead to prosecution.

The entry of the ICC into the protection system in Uganda has caused consternation among peace activists, humanitarian agencies and civilians, for a number of reasons. Firstly, there are worries that once the ICC investigation is underway that the senior commanders of the LRA will see that they have no positive escape route from their current situation. The Uganda Amnesty Act was put in place to allow the LRA an escape valve that would encourage LRA members to give up arms and return home. But in order for the ICC investigation to be effective, this will require an amendment of the Amnesty provisions to take place, excluding key commanders from the possibility of receiving amnesty. This amendment has already been tabled before Parliament, but it has not yet been agreed.

²⁰⁷ It has been suggested by some commentators in Uganda, that there are suspicions that the ceasefire of Nov 14th may have been called largely as a piece of political stagecraft in preparation for the visit of the UNSC.

²⁰⁸ Human Rights Watch (2003) *Abducted and Abused: renewed Conflict in Northern Uganda*, Vol.15, No12a, p.58.

²⁰⁹ UN, *Secretary General Press Release SG/SM9164*, Feb 24 2004.

²¹⁰ For the full text of the Rome Statute see <http://www.un.org/law/icc/statute/romefra.htm>

This is a critical issue, because in the past Joseph Kony has stated that he would not accept Amnesty unless there were international guarantees against his prosecution. An amendment of the Amnesty, and the entry of the ICC would mean that Kony and his henchmen could be held more directly accountable to IHL²¹¹.

While these moves are clearly very positive when considered from the perspective of achieving justice for crimes committed, from a protection perspective they could be disastrous. Removing all possibilities of amnesty means that there is no incentive for the senior command of the LRA to stop fighting. Indeed, it is probable that it will lead to an escalation in violence if the cornered rebels seek to fight to the last. As such, the ICC's entry into the picture seems to ring a death knell for the possibility of a peaceful resolution of the conflict, and could quite possibly increase humanitarian suffering in the short term. Justice may come at the expense of peace and protection.

One further point of importance is that the ICC's mandate will require it to investigate crimes committed by all parties to the conflict. This will mean that serious abuses reported to have been committed by UPDF officers and other agents of the GoU should be investigated and may be prosecuted at the international court. It is hoped that this will provide an effective means for holding senior officers accountable, and for prompting reform of the security services.

In November 2004 however, President Museveni surprised peace activists by stating that if the LRA leadership were to give themselves up as part of a peace negotiation, that they would remain eligible for Amnesty, and that he would attempt to cancel the investigations of the ICC. This is an extremely positive step that may ultimately serve to finally facilitate a peaceful process of dialogue with the LRA. Complications may emerge however in terms of the fact that ICC is only mandated to cancel its proceedings in cases where to continue would not serve the cause of justice. As such, it will be necessary for the GoU to make a strong case for the efficacy and appropriateness of the local justice and mechanisms of the Acholi, and of Ugandan society more broadly.

8.3 International Committee of the Red Cross (ICRC)

The ICRC is mandated under the Four Geneva Conventions of 1949, and their Additional Protocols of 1977, to act as the promoter of International Humanitarian Law, in order to protect and assist the victims of armed conflicts and their consequences. Until late 2003 the ICRC was not operational in Uganda, following the controversial killing of 6 ICRC workers in Ituri on 26 April 2001, in which militias that had allegedly been trained by the UPDF were implicated. Given the suspected involvement of Ugandan security forces in these killings, ICRC restricted its operations in Uganda, leaving a single national programme officer as a monitor in northern Uganda based in Kitgum. Given the escalation of violence, displacement and protection abuses in northern Uganda from June 2002, ICRC mobilised an assessment mission in 2003, and finally decided to reengage in the sub-region in 2004.

ICRC is now engaged in a careful phase of programme resumption, initially focusing its interventions on humanitarian relief in Kitgum District, on general protection activities with detainees in prisons, police stations and army barracks, and on restoring family links. In particular ICRC is planning to build up a more comprehensive monitoring presence in the region by undertaking distributions of NFIs and other essential resources to IDP communities with the intention of increasing the humanitarian space in the region, and of improving humanitarian protection of civilians by building an increased humanitarian presence - particularly in very poorly serviced areas such as Pader.

ICRC currently has two delegates stationed in the field who have a mandate to undertake activities specifically related to humanitarian protection in northern Uganda. These delegates will be focusing their attention on monitoring reports of abuses of IHL, and particularly on abduction of children by the LRA. In September these delegates were still at the stage of assessing the situation, and establishing where and how the ICRC would be able to add most value on protection issues. Their focus will be on gathering reports of abuses,

²¹¹ Even if the Amnesty is amended the ICC will still take precedence in international law.

documentation of those abuses and confidential follow up on both sides of the conflict on how to improve the protection situation for civilians.

As usual, the ICRC is committed to impartiality and neutrality and will not be engaging with the UPDF on gaining humanitarian access, relying on its identity and on the sign of the Red Cross to provide protection. As part of its commitment to neutrality it will also be seeking to establish contacts with the LRA for the purpose of negotiating some kind of commitment from them on safe humanitarian access.

8.4 International Humanitarian NGOs

In those situations where the sovereign state is unable or unwilling to act as the safety net for the civilian population in a time of armed conflict, that responsibility legitimately falls to humanitarian aid organizations. Humanitarian organizations may play a valuable role in each of the areas of protective response, be it responsive, remedial or environment building. The key ways in which they can do so include:

- Provision of humanitarian aid to assist civilians in maintaining a standard of living that allows them to live with dignity
- Provision of aid to support shield structures that directly protect civilians from abuses of their rights
- Provision of presence and witness in the field of conflict as a disincentive to the parties to commit abuses against civilians' rights
- Monitoring and reporting of protection threats and abuses committed by the parties to the armed conflict
- Supporting the structures and institutions of both government and civil society in an effort to reinforce the overall protective environment

Given the gaps in the GoU's provision of humanitarian assistance to the civilians of northern Uganda, the responses of humanitarian organisations are critical for the protection of the rights and dignity of those affected by the conflict, and particularly for those who have been forcibly displaced. As noted, the forced displacement of civilians over the past 2 years has left a massive vacuum in service provision in the region, and has created life threatening living conditions for 1.6 million people. The GoU has failed in its responsibility to provide adequate services for these people, and has also failed to create an effective operating environment for the adequate provision of national assistance through its failure to pass the National Policy on Disaster Management, and by its refusal to designate the region a disaster area. As such, civilians are dependent upon international humanitarian organizations for their basic requirements.

The international humanitarian community in Uganda is large, and has grown significantly since Jan Egeland identified northern Uganda as the worst forgotten humanitarian crisis in the world in November 2003. Almost all major agencies are now represented in the country. Agencies are operational across the Northern region, though programmes do tend to focus on those areas that are most accessible due to security - in particular Gulu District, Kitgum, Lira and Soroti. Pader District is most poorly served by humanitarian agencies given that insecurity there has proven a serious obstacle to access over the past 2 years.

The current phase of the humanitarian crisis in northern Uganda means that humanitarian agencies are mainly focused on the responsive phase of assistance provision, and are seeking to increase humanitarian space through increased access and presence in the field for the provision of direct life saving assistance. Interventions tend to be focused on food security, water and sanitation, public health education, health service provision, non-food item distribution, shelter and education, in addition to the rehabilitation of formerly abducted children and former LRA combatants.

However in spite of the recent increases in programme scale, operational humanitarian responses in the region are still not proportional to the overall humanitarian need. This is in large part a result of the failed protection environment, and particularly due to the fact that humanitarian access has not yet been secured in an effective manner. Many agencies

remain committed to the standpoint that it is inappropriate to use UPDF escorts to gain access to beneficiary communities, therefore relying on security analysis to determine where and when assistance can be delivered, distributed and monitored. Similarly, the scale of the humanitarian crisis has grown more quickly than humanitarian agencies have been able to respond. Thus, there is a need for more widespread provision of basic humanitarian assistance. In particular, increased assistance to smaller, more isolated communities is needed - especially in Pader District, and in Chua County, Kitgum District near the border with Sudan - as it is in the many previously unrecognised camps across the region.

A number of agencies are seeking specifically to monitor humanitarian protection issues in the region, and have programmes designed to specifically target the protection needs of civilians. These agencies include NRC, AVSI, Oxfam, WVI, SCiU, CARE among others.

In terms of protection monitoring, agencies disseminate reports on protection issues to district level protection working group meetings chaired either by UHRC, OCHA or the DDMC. However monitoring of protection related abuses is seriously affected by the lack of effective humanitarian space in the region. Much of northern Uganda remains inaccessible to NGO staff working on protection issues, and monitoring of abuses against civilians is highly irregular. Organizations such as HURIFO have trained local civilians to act as volunteer paralegals in the IDP camps, and their reports provide the best source of monitoring information, though it is very difficult for independent monitoring to take place.

This is particularly the case for Pader District, where humanitarian access has been virtually non-existent over the past two 2 years. This District represents an almost total state of exception, where institutions of law and order are not in place, where institutions of government are unable to function effectively, and in which parties to the conflict have been able to operate with almost total impunity. Humanitarian presence is extremely limited, with few humanitarian agencies willing to take the risk of placing staff in the field on a full-time basis. As such, little witness is available, and few reliable reports of protection abuses emerge.

Humanitarian agencies in northern Uganda also have to be clearly aware of the protection threats that may be posed by their own interventions. No humanitarian operation is entirely free from the risk that it will expose beneficiaries to increased protection threats if it is not implemented thoughtfully and with protection in mind, and this is particularly true in northern Uganda. It is clear that, at least in part, LRA activity can be correlated to humanitarian action. In particular, the fact that the LRA is more or less dependent upon aid food for its survival, means that LRA attacks on civilian locations can be linked loosely to deliveries by WFP. Many reports have been received of LRA attacks taking place with the express intent of looting food, on or soon after the day of delivery, and these attacks often involve the abduction of civilians for the purposes of portering. Similarly, in 2003 planned distributions of mosquito nets in Kitgum District were cancelled because of the fears of potential beneficiaries that the LRA would see the nets as an attractive incentive for attack and looting. In some camps visited civilians also indicated that humanitarian aid distributions had contributed, in part, to increasing conflicts between households in the IDP camps. Reportedly the practice of targeted distributions for highly vulnerable households was leaving other needy households to feel that the most vulnerable were receiving unfair preferential treatment, even though the communities themselves had identified the vulnerable households.

Finally, a most substantive issue raised during the research related to the fact that international organizations, through their assistance provision, could be seen to be supporting the GoU on two key issues:

- Neglect of the humanitarian crisis generally - by substituting for the GoU and allowing it to avoid its responsibilities as the institution responsible for civilian protection
- The existence of IDP camps - which in some cases have been created by force, through the abusive action of the GoU forces, and without proper provision of adequate services by the GoU as required under IHL.

While it is clear that the humanitarian imperative in northern Uganda is overwhelming and urgently requires humanitarian action for the relief of suffering, it is moot to acknowledge that the humanitarian community has placed itself in this position. By failing to provide services for those it has forcibly displaced, the GoU has moved the burden for the protection of civilians from the threat of deprivation onto the shoulders of civil society, even though it is itself responsible for a degree of that deprivation. This process mirrors that whereby the GoU has placed the burden for physical protection of civilians against the threat of violence onto civilians themselves – by deploying the UPDF mainly for offensive duty, and by requiring ordinary civilians to join militias and LDUs. As such, the humanitarian community needs to think long and hard about the implications of this, particularly as there can be no doubt that GoU forced displacement has seriously increased humanitarian suffering in the region, and because the LRA has clearly indicated in the past that it considers humanitarian agencies to be in league with the GoU, and as such to constitute a legitimate target²¹²

8.5 International Donor Governments

The international donor community must play a critical role in any consideration of humanitarian protection issues in Uganda. This critical role emerges from the complex character of the relationships that exist between donor governments and the GoU, for a number of reasons:

- International donor governments constitute the most significant source of funding for the humanitarian interventions of the humanitarian community in northern Uganda. In particular donors such as the UK, the USA, the EU and the Scandinavian countries have contributed several million dollars to humanitarian relief efforts over the past few years, and this trend continues. As such, they have a key role to play in ensuring that humanitarian protection programmes are adequately funded.
- The GoU receives just below 50% of its national budget from international donors through the mechanism of direct budget support. As such, the donor community is directly implicated in many of the budgetary decisions made by the GoU, and should be able to exert a strong degree of leverage in influencing the government to define its policy agenda. This leverage could play a key role in helping the GoU to better define its strategy on humanitarian protection.
- As part of their contribution to budget support, a number of international donors underwrite the Ugandan military, and therefore have some influence in negotiating with the GoU over the constitution and management of the MoD and UPDF. Their power to engage in this manner was exemplified in May 2004 when a group of donors rejected the GoU's defence budget over queries on its size and spread across budget lines. May 2004 also saw the conclusion of the donors defence sector review, which was designed to evaluate the state of the Ugandan military and elaborate a vision for the defence sector over the coming years.
- Given that it is states that govern IHL, the international donor community is also able to work through multilateral mechanisms to see that the standards of IHL and IHRL are applied properly. Donor governments are the key players in creating action within the UN, and can have direct influence over the way in which the UN acts to ensure that obligations under IHL are honoured.

Thus the international donor community has the ability to influence the protection environment in four principal ways: by funding humanitarian organizations to do active protection response on the ground, by influencing the GoU and UPDF to change their tactics to better provide humanitarian protection to civilians from the LRA and from their own

²¹² For instance, in December 1999 the LRA distributed a letter in Gulu which said: "Today several UN agencies like UNICEF, other human rights organizations and NGOs like World Vision are masquerading as relief workers during trouble and times of war... You should know that they are in Gulu, Lira, Kitgum or Apac not as relief workers, but to fulfil the agenda of Museveni... Where were the UN, the human rights agencies and UNICEF at the time you were herded into camps?" (Signed by senior rebel commander Sam Kollo). Taken from Finnstrom S (2003) *Living with Bad Surroundings*, Uppsala, p.195; Similarly, in an internet press release from 2001 the rebels also accused the UN and UNICEF of providing "poison food aid to the northern population..." <http://www.spacegroove.com/joesphkonv>

staff, and by using the multilateral institutions to bring both the LRA and the GoU to account for their failures to uphold IHL and IHRL.

The majority of international donor attention to the crisis in the north has so far been focused on the need to fund humanitarian programmes in the region, and increases in funding for the interventions of the humanitarian arms of the UN and of NGOs have been significant in the past 24 months. Some funding has been made available to protection specific programmes, particularly those relating to the reception, rehabilitation and reintegration of abductees and former combatants. Unfortunately however the protection related needs of the civilian population far exceed the funds that have been made available, and some donors have been explicit in their reluctance to fund protection specific programmes²¹³. Similarly some of the programmes working on reception and rehabilitation of abductees have faced serious funding constraints in recent months, particularly those that focus on the rehabilitation of former combatants over 18 years of age.

Donors have not yet shown that they are able to bring significant influence to bear upon the GoU and the LRA on upholding their obligations under IHL. All donor governments have made clear their opposition to the LRA over its abuses of human rights, and they have categorically condemned their actions, but the nature of the LRA and its operations makes it difficult for the donor community to exercise direct influence over their actions in the field. Indeed it is even possible to argue that explicit donor condemnations of the LRA in the media can lead to an increase in the threat of violence against civilians, as the rebels have shown clearly that their most common response to explicit criticism is to increase violence, often engaging in punitive massacres. Some efforts have been made by donors such as the UK to approach the LRA via the GoS, but these efforts do not appear to have been very effective, either because of obstruction from the GoS, or because the efforts themselves have been overshadowed by other diplomatic priorities such as the South Sudan peace accord, or Darfur.

In terms of influencing the GoU over its responsibilities to protect civilians, the most vocal donors have tended to take the line that the GoU has the right to pursue a security response, and should be supported in its military campaign against the LRA. This line has generally been tempered by a call for the GoU to accept the need for peace negotiations with the rebels and to seek a peaceful resolution to the crisis in the medium term. Little or no explicit attention has however been paid to the need for improved GoU protection of civilians. No explicit condemnation of the GoU's forced displacement policy has been made, and there has been no explicit call for the GoU to better honour its obligations to provide services for those affected by the policy, or to focus its military resources in the north on defensive physical protection of civilians. Diplomatic pressure has however been applied for the GoU to improve the reform process within the armed forces, and calls have been made for those UPDF officers suspected of abuses and crimes to be tried for their offences.

To date the general assumption has been that because of the scale of budget support, that the international donor governments present the best avenue for influencing the GoU on issues of humanitarian lobbying and advocacy. The argument goes that because donors provide almost 50% of the government budget that they hold the principle power that could be used to influence the President and his government to change their policies on peace and protection in the north. Supposedly the donors have the power to threaten cuts in aid or sanctions in order to lever change, and many believe that this is the only really powerful lever that Museveni will respect and understand.

Sadly, it is not clear how powerful this lever actually is. In 2003 Museveni ordered a massive cut of 23% across all line ministries in order to supplement the Ministry of Defence and the UPDF. This massive transfer of funds was made without consultation with donors and in contravention of agreements with the donors on a defence expenditure cap. When donors complained, Museveni was combative, accusing international governments of overstepping their mandates and interfering in local politics. Some of the donors decided to punish the government by restructuring aid, but this did not appear to influence any change in

²¹³ For instance in early 2003 ECHO indicated that it would not be willing to fund protection specific components of humanitarian programmes in northern Uganda.

Museveni's attitude or in the GoU's approach. This year the GoU submitted a budget with an increase in military expenditure of 30%, and this budget was rejected by the donors, who are seeking clarification and explanation. The donors also presented their support to a Parliamentary Committee that sought the designation of the north as a disaster area in early 2004. Once again, rather than influencing a change in GoU policy, this act prompted a violent reaction of criticism from the government and the threat of expulsion from the country for the head of the EU delegation who was accused of exceeding his powers. Museveni has also been quick to accuse the donors for the perpetuation of the conflict as a result of their failure to increase the military budget in recent years.

As such, it is not clear how much power the donors have. Over the past two years President Museveni has appeared to be rather dismissive of donor demands, and clear in his conviction that he knows best and will pursue his own strategies whatever the cost, even if that means cuts in aid. In fact, it appears that Museveni understands quite well that the donors themselves are caught in a dilemma regarding budget support. They underwrite the successes of the Ugandan economy, and cannot threaten significant cuts to the aid budget as these would jeopardise both the economy and the stability of the country. According to one representative of a government aid agency, to punitively cut the aid budget over the north Uganda issue would be like "pressing the nuclear button" - it is a power no donor is willing to use. This problem is then combined with the fact that different donors clearly have different opinions on the best means for the GoU to prosecute its obligations in protecting civilians (for instance the USA is clearly in favour of the military offensive, while the EC is vocally in favour of aggressive peace deliberations) and it becomes easy for the GoU to escape through the cracks in the donor community's incoherent fascia.

8.6 Inadequate Intervention by the International Community

Overall, the international community has been extremely slow to acknowledge the scale of the humanitarian crisis and act appropriately. Amounts of aid provided to relieve deprivation of IDPs, and to protect civilians in northern Uganda from rights abuses have been woefully inadequate given the extent of the humanitarian crisis.

While levels of aid provision have significantly increased in the past year in particular, levels of aid delivery are far from proportional to the scale of the crisis, largely because of the lack of effective humanitarian space available due to insecurity, and due to donor commitments in other humanitarian emergencies globally. In particular there is need for significant expansion in the levels of aid provided to improve the living conditions of IDPs, to reducing levels of deprivation caused by displacement, and to protecting civilians from violence and coercion.

A particular gap has been in the provision of direct humanitarian protection services and in monitoring of humanitarian protection conditions and human rights abuses. Among the mandated organisations UNHCR remains inactive on issues of internal displacement in Uganda, and ICRC only resumed its programme in northern Uganda in 2004. UNICEF has only recently expanded its protection programme to meaningful levels, and UNOCHA has only recently begun to draft a protection strategy with OHCHR. In particular given the extent of human rights abuses committed against children in the conflict, the failure of the UN Secretary General to invoke Resolution 1460 on the use of children in armed conflict and become directly involved in trying to broker a solution to the child protection crisis presents a significant gap that must be addressed.

This more general neglect of the humanitarian protection situation is reflected in the overall lack of coherent public political pressure from international donors and multilateral organizations to influence the LRA, and the GoU in particular, to guarantee the effective protection of the civilians from violence, coercion and deprivation. It is also reflected in the lack of coherent public political pressure from international governments for a serious, coordinated approach to the peaceful resolution of the conflict.

9 Protection Strategy

9.1 Humanitarian Protection and the Need for Just and Lasting Peace

Humanitarian protection constitutes the most urgent threat for civilians in northern Uganda. Armed conflict between the GoU and the LRA has placed civilians in a situation where they have nowhere to hide from violence, coercion and deprivation, and in which the GoU's protective strategy has worsened human suffering, and has become life threatening.

While the GoU continues to pursue a predominantly military strategy to end the war, this situation is likely to continue indefinitely. Though the UPDF claimed new military successes in the second half of 2004, and even though nascent moves to enter into a peace process are in operation, protection threats remain constant for civilians on the ground. Each day they face a life threatening lack of food, resources and basic services; each day they face the threat of violence at the hands of both the LRA and GoU forces; and each day they sleep uncertain about whether or not they will be abducted and forced into the bush by the LRA, or pushed into militia units or LDUs.

Until such a time as a concrete peace is achieved this is likely to be the case. The LRA remains an effective protection threat as long as it is even marginally operational. The UPDF remains a significant threat for as long as a state of exception is in place as a result of forced displacement and insecurity. As such, the effective and appropriate provision of protection from the effects of violence, coercion and resulting deprivation must be considered the priority need in northern Uganda, and efforts to secure a protective environment should come first before all other initiatives. Human suffering in northern Uganda is intolerable and after 18 years, seemingly intractable. All responsible parties must therefore focus their efforts on minimising human suffering by putting in place effective protective measures.

In the final instance however, the protection crisis in northern Uganda is a direct function of the conflict as a whole, and as such represents the most tragic manifestation of the cycles of marginalisation, violence and revenge that have driven conflict in Uganda for decades. Thus, while it is imperative that the GoU and the international community do all that they can to immediately improve and guarantee the protection of civilians in the conflict affected areas, the most effective protection intervention will be the effective resolution of the conflict via peaceful negotiation, national reconciliation and the construction of a just and lasting peace. In November 2004 the first glimmers of hope that such a process might be able to succeed have been witnessed seen, though at the time of writing it still remains to be seen how that process will unfold. It is a historic opportunity to finally relieve the people of northern Uganda of the suffering and terror that they have lived with, day in, day out for nearly two decades. It is an opportunity for all parties involved to finally honour their obligations under international law, and is one that the LRA, GoU and the international community must seize aggressively, and pursue with integrity, good will and fortitude.

9.2 Recommendations

There is no doubt that the scale and intensity of abuses perpetrated by the LRA directly against IHL and IHRL far exceed the abuses committed by the forces of the GoU. However, it can also be in no doubt that the primary responsibility for protection of civilians under IHL and the Constitution of Uganda lies with the GoU itself. As such, the majority of recommendations made below target the GoU, and highlight the principle ways in which the government can act to inhabit its mandate to protect more vigorously and more effectively.

The weighting of the number and scope of recommendations is in no way representative of an attitude that the GoU is in some way 'more to blame' for the protection threats faced by civilians than the LRA, or that the LRA can in any way be excused for its breaches of IHL and IHRL. On the contrary, this report unequivocally denounces the actions of the LRA as outrageous breaches of the most basic standards of law, ethics and human rights. It does however reflect the burden of responsibility that must fall to the state as a result of the social contract that exists between itself and its citizens.

Sovereignty comes with obligations as well as rights, and the obligation to protect is perhaps the most fundamental of these. This obligation involves a commitment not only to provide security to civilians who are threatened by the LRA, but also to ensure that they are able to live in dignity with adequate food and services, that effective and adequate institutions exist for the exercise of justice and conflict resolution, and that a protective environment is created in which a just and lasting peace can be achieved. These responsibilities are monumental in their scope and scale and must therefore be reflected in the nature of the recommendations that follow.

Finally, their relative weighting is also an unfortunate reflection of the serious constraints that exist for organizations seeking to influence the LRA. Under current conditions no viable avenues exist for direct contact and discussion with the LRA on protection issues. As such, any recommendations made to them can only be general, but emphatic. Once more positive conditions prevail, a more detailed set of recommendations for action by the LRA may be presented. Thus, the struggle to build a protective environment must focus its attentions on those institutions that have the overall responsibility for guaranteeing protection, and that are a credible target for change. As such, the bulk of these recommendations are pointed towards the GoU and the international community.

9.2.1 To the LRA

1. Immediately accept available offers to pursue peace negotiations, keeping open all avenues for dialogue with the LRA and being consistent in its commitment to achieving a peaceful resolution to the conflict and the construction of a just and lasting peace.
2. Immediately cease attacks upon civilians.
3. Immediately cease abductions of civilians.
4. Immediately cease looting of food and other resources from civilians.
5. Immediately cease use of abductees and children as combatants.
6. Immediately cease all cruel and abusive treatment of abductees.
7. Immediately release all abductees and combatants who wish to return home to take advantage of amnesty.
8. Immediately agree to discuss issues of humanitarian access with ICRC and the UN, and provide credible guarantees on safe access for humanitarian agencies to IDPs and rural communities.

9.2.2 To the Government of Uganda

1. Continue to pursue the peace process aggressively, keeping open all avenues for dialogue with the LRA and being consistent in its commitment to achieving a peaceful resolution to the conflict and the construction of a just and lasting peace.
2. Fulfil the legal and moral obligations of the state to guarantee the protection of Ugandan citizens as defined by the Constitution, IHL, and IHRL.
3. Make an unequivocal public commitment to prioritise national resources for the protection of civilians in northern Uganda from all forms of violence, coercion and deprivation.
4. In line with the NPIDP the President should appoint a Special Representative on IDPs.
5. Immediately establish a national inter-agency task force on humanitarian protection in northern Uganda, chaired by the Special Representative on IDPs, and including representatives of the government, UN and NGOs. To develop and coordinate a coherent national action plan for humanitarian protection in northern Uganda.
6. Immediately pass the National Policy on Disaster Management and declare northern Uganda a disaster area.

Security of Civilians

7. Increase UPDF resources to direct security provision for civilians living in IDP camps and urban areas in northern Uganda. Make security of civilians in human settlements the

primary responsibility of the UPDF. Increase UPDF contingents at all IDP camps, and make these contingents dedicated to each location. Reduce the rotation of UPDF troops around the region. Understand that defensive protection of civilians can significantly contribute to the military objectives of OIF by more effectively breaking the cycles of abduction and looting.

8. Request technical support from the UN and donor governments on civilian protection in the form of international Protection Advisors to support the UPDF.
9. Create more effective mechanisms for ensuring full participation of civilians in the development of plans that affect their protection and security. Consider the establishment of IDP Protection Committees at parish level. Require UPDF contingents and DDMCs to liaise formally with camp commandants on issues of protection and camp security.
10. In full consultation with, and only with civilians' voluntary will, begin a process of decongestion of IDP camps on a parish basis. Guarantee that adequate security will be provided by UPDF contingents. Ensure that adequate UPDF security is provided to previously unrecognised IDP camps.
11. Immediately repeal regulations on civilian movement. Reinforce the principle of distinction between civilians and combatants. Do not tolerate civilian casualties caused by UPDF soldiers or LDUs. Allow free and voluntary movement of civilians to and from IDP camps. Where possible, and in full consultation with civilians, provide UPDF security for civilians to visit plots or villages for the purposes of cultivation etc.
12. In full consultation with civilians, identify more reasonable hours for curfews in IDP camps and urban areas so as to enable households to more effectively complete their household tasks such as gathering wood, water and food.
13. Increase training to NCOs and soldiers on humanitarian protection of civilians, IHL and IHRL.
14. Ensure that adequate water and sanitation is provided by the GoU for UPDF and LDU contingents active in IDP camps. Immediately return to civilian use all water points, latrines etc. that have been commandeered by the UPDF, LDUs or militias.
15. Ensure that UPDF soldiers or UPF officers are mobilised to patrol and protect all night-dweller locations each night. Ensure that dedicated security is provided to all operating schools, hospitals and health centres in the region. Improve tactics for patrolling and protecting suburban areas around major towns during the hours of darkness. Ensure that patrols are systematic and managed effectively by experienced officers.
16. The UPDF should cease to employ scorched earth tactics in its operations during the dry season. Provide compensation to households whose properties have been destroyed by the UPDF.

Militias and LDUs

17. Immediately disband and disarm all militia units, or allow militia members to join the UPDF if they are eligible. Immediately release from duty all soldiers, LDUs and militias who are not able to prove that they are over 18 years of age.
18. Immediately cease the practice of using LDUs to support mobile UPDF forces. Ensure that LDUs are only deployed for protective duty in the locations from which they were recruited.
19. Enact formal legal provisions to regulate the creation, command, deployment and decommissioning of militia groups. Establish and enact a transparent, timetabled policy for the disarmament of all militia groups as soon as possible.
20. Guarantee that any civilians recruited for service as LDUs receive full training of no less than one full month, and are adequately provisioned with all required equipment. Ensure that all LDU units receive effective supervision and command from officers of the UPDF, and that they are paid in full and on time.
21. Establish more effective systems to enable civilians to report misdemeanours by LDUs and militias to the UHRC. Ensure that all LDUs and militias suspected of committing

felonies or misdemeanours are suspended from duties with their weapon requisitioned and are prosecuted in full.

UPDF Reform

22. Immediately enact measures to ensure that all members of the armed forces receive their salaries in full and on time every month, and that all soldiers are adequately equipped to do their job effectively.
23. Prioritise reform of the security sector by fully implementing the recommendations of the donor defence sector review. The focus should be on professionalisation of the UPDF, particularly: discipline, strong field command, leadership and financial accountability. The GoU should actively request strategic advice and assistance from donor governments in facilitating this professionalisation process.
24. Expand current investigations into army corruption, and prosecute publicly, independently and transparently all those with cases to answer. Make a firm and public statement to the UPDF and other GoU agents that corruption and abuses against civilians will not be tolerated and will be met with the strongest punishment allowable in Ugandan law.
25. Support the Uganda Human Rights Commission in fulfilling its mandate by actively facilitating its investigations into reports of human rights abuses by UPDF soldiers and other GoU agents. Ensure that all reports made are adequately investigated and are prosecuted publicly and transparently. Ensure that all punishments or fines ordered by the UHRC are carried out expeditiously and transparently so that aggrieved parties are able to receive palpable redress.

GoU Accountability

26. Significantly increase the number of UHRC officers mobilised in the north so that their numbers reflects the massive scale of human rights abuses reported in the region. Put in place at least one dedicated officer for each affected district.
27. Officers of the UHRC should chair the protection working groups active in each District, under the aegis of the DDMC. A representative of the UHRC should also chair the national level protection working group meeting held monthly under the aegis of UNOCHA.
28. The GoU should ensure that a senior representative, preferably from within Cabinet or the Office of the Prime Minister, holds monthly meetings with the UHRC, to receive reports on humanitarian protection concerns.
29. Ensure that all evidence gathered by the UHRC regarding human rights abuses performed by GoU agents is shared in full with the ICC as part of its investigation. Fully facilitate the ICC in investigations into abuses reportedly performed by GoU agents, particularly senior commanders of the UPDF.
30. The GoU should guarantee that a senior representative attends both the bi-weekly UNOCHA contact group meeting, and the monthly protection working group meetings.

Humanitarian Response

31. Central government should work with district authorities and donors to ensure district level resources reflect their actual needs and status as conflict affected areas. This requires the use of equalisation grants, flexibility over the use of funds originally allocated for settled communities, less dependence on local revenue generation, improved governance at the local level, and effective use of World Bank Funds from the Northern Uganda Social Action Fund (NUSAF).
32. Develop a comprehensive plan for the reform and capacity building of the OPM, and ensure that resourcing of the OPM is increased to allow it to effectively carry out its responsibilities for coordinating the protection IDPs and coordination of humanitarian responses.
33. Immediately increase the amount of funding available from central government for humanitarian assistance in northern Uganda, particularly in those locations where

humanitarian conditions have been worsened as a result of forced displacement at the hands of the UPDF.

34. Increase flexibility of District funding to allow DDMCs to utilise redundant development funding for humanitarian assistance.

Humanitarian Access

35. In full consultation with all humanitarian actors establish a common strategy to secure safe unimpeded access to humanitarian assistance for civilians. Dependence on military escorts constrains access, brings with it concerns over neutrality, and is also frustrated by unreliability and poor vehicle maintenance. Increase the numbers of UPDF troops available for humanitarian escorts. Enact measures to streamline the process by which humanitarian escorts are provided to NGOs.
36. Ensure that effective humanitarian access is available to agencies that are not able to utilise armed escorts. Deploy increased numbers of UPDF troops specifically for the securing of major road axes in all Districts of northern Uganda, particularly Pader.
37. The UPDF should put in place daily, military protected bus services for civilians to move between major IDP camps and urban centres.

Reintegration of LRA combatants and former abductees

38. Immediately cease the integration of formerly abducted children and former LRA combatants into the armed forces of the GoU.
39. Establish a civilian oversight mechanism for the demobilisation and reintegration of returnees.
40. Ensure that the guidelines for processing and release of escapees and captured LRA combatants are fully observed by UPDF units and CPUs. Ensure that all former LRA combatants are given the clear and transparent choice of resettlement and rehabilitation. Make the process of integration of returnees via the military transparent for independent civil observers.
41. Disband Battalion 105. Integrate members into regular UPDF units, or provide them with a full and transparent choice of resettlement and rehabilitation in civil society, overseen by a civil authority.
42. Ensure that any reintegration programmes for returnees are community based and fully consider the needs and opinions of host communities.
43. Provide the Amnesty commission with its full budget so that it is able to effectively fulfil its mandate and provide Amnesty claimants with resettlement packages and rehabilitation support where necessary. This will mean that reintegration of former abductees and combatants will be more successful and will obviate any need to include them in the armed forces. Sign the Amnesty Act for a full three-year period.
44. Provide direct financial and moral support to local and traditional initiatives designed for the reintegration of former abductees and combatants into Acholi communities.

Policing

45. Make an unequivocal public statement that northern Uganda should be considered a priority for policing by the Ministry of the Interior. Immediately increase funding of the Uganda Police Force in northern Uganda so that their projected operational budgets are adequately met.
46. Authorise the release of a substantial number of new police officers for active duty in northern Uganda. Immediately provide funds for the training and engagement of Special Constables in each of the Districts in northern Uganda. Mobilise police officers or Special Constables in each of the IDP camps in northern Uganda.
47. Enact measures that ensure policemen in northern Uganda receive full payment in time each month, and ensure that all have the necessary equipment and working conditions to allow them to undertake their job effectively.

Voluntary Return and Resettlement

48. Allow all civilians to return home if they wish to do so, but only if they wish to. Provide clear and public guarantees that civilians returning home voluntarily will not be considered collaborators with the LRA.
49. Provide clear, public guarantees that civilians will not be forced to go home if their security is not guaranteed. Provide unequivocal public guarantees that the UPDF and GoU will not force civilians to move from IDP camps against their will.
50. Begin the process of planning for voluntary return and resettlement of civilians in full consultation with the war affected civilians, the international humanitarian community and through the DDMC structures.
51. Publish an unequivocal public statement to reassure civilians that their traditional land titles will be honoured on their return home, and that in no circumstances will civilian land be appropriated by the GoU or its agents while forced displacement is in operation.

9.2.3 To Donors

1. Collaborate in publicly expressing moral outrage at the scale of the protection crisis in northern Uganda. Demand that the GoU works more aggressively to honour its sovereign mandate on the protection of civilians.
2. Collaborate in applying pressure on the UN Security Council and Secretary General to understand that northern Uganda presents a protection crisis that is comparable in scale to that of Darfur. Urge them to take the crisis more seriously, and explore multilateral answers to the problem more aggressively. Seek to make northern Uganda a priority for the Human Security Network.
3. Develop a coherent and joined up critique of the GoU's protection strategy and openly encourage the GoU to move its military resources to defensive protection of civilians.
4. Link direct budget support to a GoU commitment to protect civilians in northern Uganda. Ringfence a part of direct military funding specifically for protection of civilians.
5. Those nations responsible for supporting the GoU with military funding should urge the GoU to accept direct technical support on designing and implementing best practice civilian protection strategies. They should also be tough in enforcing the recommendations of the defence sector review, and should urge the GoU to accept direct technical assistance in undertaking UPDF reform and professionalisation.
6. Demand that the GoU disband militias and to put in place effective legal mechanisms for doing so.
7. Urge the GoU to consider the possibility of accepting direct military support from external nations for the provision of civilian security, in the form of Protection Advisors and ringfenced funding.
8. Support the Amnesty Act in full. Urge the GoU to pass the Amnesty Act for a substantial period and commit to providing full funding for the Amnesty Commission.
9. Aggressively lobby the GoU to immediately pass the National Policy on Disaster Management. Link budget support funding to the passing of this Policy. Aggressively support the national structure for disaster management and IDP protection by providing technical support and adequate funding to the reform and capacity building of both the OPM and the DDMC structures.
10. Continue to exert firm pressure on the GoS to cease support for the LRA and to try and open avenues for negotiation with Joseph Kony on protection issues such as humanitarian space and respect for IHL.
11. Understanding that the ICC investigation into the war in northern Uganda poses a significant threat to civilian life and livelihood, urge the ICC to postpone its investigation until such a time as active combat has ceased.
12. While access is inhibited, the volume of aid allocated is less important than the monitoring of how aid is used. Donors need to aggressively monitor the way that the

GoU is using budget support and other bilateral funding to meet the needs of conflict-affected populations, and support the GoU in reducing barriers to using this funding more flexibly.

13. Maintain appropriate levels of humanitarian assistance in response to the CAP of USD 129 million particularly for those areas identified by civilians as being protection priorities - food security, water scarcity, public health, health care, non-food items and education. Given the alarming levels of social breakdown and decay caused by abductions and by life in the camps and urban night dwellings, additional assistance should be for the provision of psychosocial support and HIV prevention.
14. Increase funding for specific humanitarian protection programmes particularly to facilitate the collection and dissemination of accurate information regarding human rights abuses and breaches of IHL. Increase funding for programmes working to provide effective rehabilitation and resettlement for returning LRA abductees and former combatants, especially for those organisations assisting adult returnees.

9.2.4 To UN Secretary General

1. Applying UN Security Council Resolution 1460, seek to enter into dialogue with the parties to the conflict regarding the protection of children in northern Uganda. Appoint an effective Special Representative on children and armed conflict to deal specifically with the situation in Uganda.

9.2.5 To UN Security Council

1. Dispatch a protection focused fact-finding mission, possibly including a Special Envoy on humanitarian protection, to assess the humanitarian protection crisis in northern Uganda.
2. If the fact-finding mission comes to the conclusion that the GoU has failed in its responsibilities under IHL to protect civilians from violence, coercion and deprivation, undertake to pass a UN resolution on northern Uganda, urging the GoU to inhabit its mandate on protection immediately, giving a period of up to 6 months for the GoU to become effective.
3. Upon review of the resolution, if the GoU has failed to inhabit its protective mandate, suggest the possibility of an international intervention in Uganda with the purpose of effectively protecting Ugandan civilians.

9.2.6 To UNOCHA

1. Increase in house capacity on issues of humanitarian protection, and recruit a protection coordinator as soon as possible.
2. Establish a monthly protection report, which should include information on humanitarian protection conditions in northern Uganda, data on human rights abuses, and general security information.
3. Aggressively seek to find productive avenues for lobbying the GoU on humanitarian protection issues. Make more effective use of the UN Resident Coordinator to take humanitarian protection concerns to the President via the OPM

9.2.7 To OHCHR

1. Immediately establish an office in Uganda with the objective of increasing capacity for the monitoring and reporting of human rights abuses in northern Uganda.
2. Recommend that the UN dispatch human rights monitors to northern Uganda to provide a protective presence and to exercise witness to human rights abuses and breaches of IHL.

9.2.8 To Humanitarian Agencies

1. Understand that the protection priorities for civilians affected by the war in northern Uganda relate most strongly to deprivation, and are focused on issues relating to food security, water scarcity, firewood availability and public health.
2. In particular seek practical alternatives to the use of firewood collected from the bush for cooking, either through provision of alternative fuels or through distribution of energy efficient stoves.
3. Immediately seek to significantly increase the humanitarian presence in the field either by increasing the number of trips made to remote locations, or by establishing permanent presence in IDP camps. This presence will be effective in increasing deterrence to human rights abuses and will contribute to more effective monitoring of abuses.
4. Establish a comprehensive programme for training in and dissemination of the Guiding principles on Internal Displacement to IDPs across the region. Reinforce rights training with the establishment of effective structures through which civilians can report breaches of the GPs and mobilise community action. Establish programmes to disseminate the key principles of IHL and IHRL to members of the LRA, in Luo, either in print or via radio.
5. Establish programmes to reinforce and expand training in IHL and IHRL for agents of the GoU, particularly members of the UPDF, UPF, LDUs, DDMCs and other officers of the District administration.
6. Increase support for civil society programmes that train and facilitate volunteer paralegals in IDP camps. Such programmes should be expanded to cover the whole of northern Uganda, and organizations undertaking such work should be facilitated financially and logistically to more effectively gather and act on reports of human rights abuses.
7. There should be an increase in the scale of programmes aiming to provide income generation support to women and men resident in IDP camps including vocational training.
8. Those groups identified as especially vulnerable to protection threats (women, children, female and child headed households, the disabled, elderly and infirm) should be considered for specific assistance programmes.

9.2.9 To the ICC

1. Understand that an investigation into war crimes and crimes against humanity principally targeted at the senior leadership of the LRA is liable to provoke retaliatory attacks from the LRA against civilians, and will therefore significantly increase the humanitarian protection threats faced by Ugandan civilians in the short to medium term.
2. Understand that at this point of the conflict, protection of the rights and lives of civilians must be the first consideration, and that once violence has abated, and peace is in sight, that the time for a full redress of crimes on both sides will be appropriate.
3. Understand that any amendment made to the Amnesty Act as a response to the ICC investigation will effectively undermine any possibility of securing a peaceful resolution to the conflict, will jeopardise the potential for achieving a just and lasting peace.
4. Given these points, immediately postpone the investigation in northern Uganda until such a time as a peace agreement is reached, or combat has ceased through other means.

Annex Key Conventions and Treaties Uganda is Party to

- Geneva Conventions of 12 August 1949.
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977.
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977.
- Rome Statute of the International Criminal Court, 17 July 1998
- International Covenant on Economic, Social and Cultural Rights (CESCR), 21 Jan 1987
- International Covenant on Civil and Political Rights (CCPR), 21 Jun 1995
- Optional Protocol to the International Covenant on Civil and Political Rights (CCPR-OP1), 14 Nov 1995
- International Convention on the Elimination of All Forms of Racial Discrimination (CERD), 21 Nov 1980
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 23 Jul 1985
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 3 Nov 1986
- Convention on the Rights of the Child (CRC), 17 Aug 1990
- Optional Protocol to the Convention on the Rights of the Child (CRC-OP-AC) on the involvement of children in armed conflict, 6 May 2002