

**Follow-up Working Visit of the Representative of the UN Secretary-General
on the human rights of internally displaced persons to Uganda,
13 – 17 July 2009**

MEMORANDUM

on

Key Findings and Recommendations

I. INTRODUCTION

1. The Representative of the UN Secretary-General on the human rights of internally displaced persons (the Representative), Prof. Walter Kaelin, conducted a working visit to Uganda from 13 to 17 July 2009 pursuant to his mandate contained in Human Rights Council resolution 6/32. His main objective was to engage with the UN Country Team, UN agencies and other organisations involved in the ongoing process of finding durable solutions for internally displaced persons (IDPs) and returnees in Northern Uganda and to continue his constructive dialogue with the Government of Uganda as part of his follow-up to his earlier working visit in 2006.
2. This memorandum, which is based on observations and findings made by the Representative during the visit as well as on information made available to him, is offered in a spirit of support and guidance to all actors, national and international, working to assist and protect the human rights of the internally displaced persons in Uganda.

II. THE REPRESENTATIVE'S VISIT TO UGANDA

3. The visit to Uganda was a follow-up to the Representative's visit in 2006, when he participated in a workshop on Uganda's National Policy for Internally Displaced Persons hosted by the Government of Uganda and during which he visited Gulu, Lira and Pader. That visit took place at a time, when the majority of the displaced was still in camps, but some limited movement out of camps had already started. In a letter to His Excellency, President Museveni of 28 July 2006, the Representative drew attention to the need to find durable solutions for the internally displaced and outlined the preconditions and procedural elements necessary to achieve such solutions. In particular, he pointed out the importance of security, access to land, transitional humanitarian assistance and the availability of basic services in return areas as paramount preconditions to return as well as the need for consultation and participation of the displaced to ensure a voluntary and informed decision. While in the context of present returns some of these elements have been achieved or implemented in practice, others have not yet been fully addressed. The Representative's visit in particular followed up on the issue of finding durable solutions for all the displaced at a moment the majority of the displaced have returned, settled elsewhere or locally integrated. His focus was not only on areas of return, but he paid also special attention to the remaining IDPs in the camps, many of them extremely vulnerable, as well as to the displaced in transit sites.

4. During this visit to Uganda, the Representative met with the Right Honorable Prime Minister Apolo Nsubambi, the Minister for Relief, Refugees and Disaster Preparedness Tarsis Kabwegyere, the Minister of State for Northern Uganda Rehabilitation David Wakikona, the Under Secretary for Pacification and Development, as well as District Officials in Gulu and Pader districts of Acholi sub-region. He also consulted with heads of UN Agencies and other international organizations, Camp Phase Out Committees, the Ugandan Human Rights Commission and civil society. In the Acholi sub-region, the Representative visited camps, transit sites and areas of return in Gulu and Pader district, where he met with the displaced and returnees.
5. The Representative would like to express his sincere thanks to the Government of Uganda for receiving him and engaging in an open and constructive dialogue.
6. He would also like to express his sincere gratitude to the UN Humanitarian Coordinator and the Office for the Coordination of Humanitarian Affairs in Uganda for the invitation and the support provided in the preparation and during his working visit, including logistical support. He is also grateful to the representatives of UN Agencies and other international organizations, civil society and particularly to the displaced communities who shared their experiences and expertise.

III. KEY DEVELOPMENTS

7. The Representative is impressed by the progress made in Northern Uganda, in particular the fact that on average about 80% of the former 1.8 Million internally displaced persons (IDPs) have left IDP camps and returned to their homes or transit sites close by and started to rebuild their lives again. This was only possible due to the restoration of freedom of movement for all IDPs and the significantly improved security situation in the war-affected Acholi sub-region. The shift of responsibility to uphold law and order from the UPDF back to civilian authorities and the redeployment of civilian police in Northern Uganda was an important contributing factor.
8. The Peace, Recovery and Development Plan for Northern Uganda (PRDP) with the four strategic objectives, 1. Consolidation of State Authority, 2. Rebuilding and Empowering Communities, 3. Revitalization of the Economy, and 4. Peace Building and Reconciliation, is an important framework to contribute to the building and further consolidation of peace and security and to bring the urgently needed recovery and development to the North of Uganda. The Representative commends the intention of the Government to use the PRDP as an instrument for bringing these areas up to the national development average. This would help to end the past marginalization of the North which was one of the underlying causes of the conflict and thus contribute in crucial ways to prevent the emergence of new tensions and avoid a relapse into conflict. The PRDP thus is an essential pillar supporting durable solutions to internal displacement and sustainable peace. The Representative welcomes the Government's commitment to fully and effectively implement this plan through the 14 implementation programmes without further delay and notes the allocation in the Government's budget 2009/2010 of 30% of the funding needed for its implementation.
9. The Representative is encouraged by the very active role of the Government of Uganda, at central and at local level, and welcomes its strong commitment to find durable solutions for all the displaced in war-affected districts and notes the efforts made at central and local level in that respect through the PRDP and beyond. However, in light of remaining challenges, these efforts need to be strengthened and better linked and coordinated with international

and local partners in order to have a maximum impact and eventually achieve sustainability of return and other durable solutions.

IV. SPECIFIC KEY CHALLENGES AND PRIORITIES

10. While the achievements in Northern Uganda's Acholi sub-region are impressive, serious challenges remain to be addressed. In the course of his visit, the Representative identified the following key challenges and priorities:
 - Finding durable solutions for the residual case load in the IDP camps (section A)
 - Freedom of choice in the context of durable solutions (section B)
 - Land disputes (section C)
 - Enhancing tangible impact of recovery and development activities in return areas to make returns sustainable (section D)
 - Food insecurity as an exacerbating risk factor for IDPs and returnees (section E)
11. During his short visit to Uganda, the Representative did not have an opportunity to address the issues of reconciliation, transitional justice, return and reintegration of persons formerly associated with armed groups, including children. However, he emphasizes that these are relevant aspects also related to the success of sustainable peace in the North and they should not be overlooked.

A. Finding durable solutions for the residual case load in the IDP camps

12. Large-scale returns and the ensuing reduction of camp populations mean that humanitarian assistance needs have decreased. As a consequence, many humanitarian actors have left the Acholi sub-region (often shifting their operations to Karamoja) and less humanitarian funding is available. Despite the impressive overall improvements of the humanitarian situation, specific humanitarian needs remain. The most pressing need is assisting the extremely vulnerable individuals (EVIs) among the residual camp population in Acholi sub-counties, including elderly, women- or child headed households, disabled or mentally or chronically ill persons and children left behind in the camps with a view to not only responding to their specific needs but also finding durable solutions for them.
13. Durable solutions must also be found for persons (including EVIs) remaining in the camps and challenged to return because of disputes over land or because they are landless. Others remain in camps because they prefer to integrate in the place they have spent years because they have found their livelihoods in those areas.
14. Unless specific measures are taken to find durable solutions for remaining populations facing particular challenges and vulnerabilities, they will become an obstacle to camp phase out. Camp phase out continues in Acholi sub-region, but the process has slowed down. The Representative welcomes a cautious approach to closing down camps, given the risks such a process entails, but nevertheless encourages authorities in particular at local level to further the process of camp phase out in accordance with the National Policy for Internally Displaced Persons and the Camp Phase Out Guidelines.
15. Such camp phase out process and the eventual closure of camps should be based on an analysis of the needs of the remaining populations. IDPs should be included in this process

from the very beginning and duly informed, consulted with and able to participate in the process. There is no "one size fits all" solution and the free and genuine choice lies with the IDPs on whether to return, locally integrate or settle elsewhere. Landlords should also be included in this process and solutions negotiated for those who cannot or will not return, but opt for local integration, so as to avoid that formal camp closures lead to forced evictions.

(a) Finding durable solutions for the extremely vulnerable individuals

16. The biggest remaining humanitarian challenge is finding durable solutions for the extremely vulnerable individuals (EVIs) among the displaced in camps. The number of EVIs remaining in IDP camps is not exactly known and needs to be assessed. In the absence of exact figures it is possible to say that this caseload is substantial but manageable. If their situation remains unaddressed, EVIs will face serious problems regarding their rights to food, water, or health and risk becoming forcibly evicted. The Representative witnessed some cases of severely malnourished IDPs in camps in Pader district. The phase out of food assistance due to lack of funding as well as the current drought exacerbates the risk for the extremely vulnerable individuals to become the first victims of hunger, and associated vulnerabilities to violence and exploitation.
17. To perpetuate humanitarian assistance to EVIs in camps cannot be the solution. Many EVIs in the camps wish to return to their homes as they have no one in the camps who will take care of them. At the same time, they cannot return by themselves. Targeted interventions are needed to support them in finding durable solutions in accordance with their preferences. In this respect, the Representative welcomes the Government's initiative to fund the construction of 200 huts for EVIs in Pader district. But much more remains to be done. Some EVIs have lost all family members in the course of the conflict or due to HIV/AIDS and other illnesses. Others cannot return because their families are facing too many difficulties in areas of return to take care of them or have simply abandoned them. The long lasting displacement situation in Acholi sub-region has destroyed some of the social fabric within the communities and their traditional solidarity mechanisms. The possibility and sustainability of return of EVIs will therefore depend to a large extent on the ability and resources of returnee communities to reintegrate their most vulnerable members. Local authorities can and have to play a crucial role in the process of mobilizing returnee communities to help EVIs reintegrate. However, due to the very precarious situation in return areas, particularly as regards food security and access to health services, and the very limited capacities of returnees, this will only be possible if the EVIs and/or their communities receive incentives in the form of targeted support (e.g. agricultural implements, oxen and ploughs) in the areas of livelihoods (both agricultural and non-agricultural – i.e. diversification), food security or reconstruction programmes. Reintegration of EVIs is critical and camp phase out will become an extremely difficult process without robust and concerted efforts of returnee communities, local authorities and the humanitarian community.
18. For those EVIs who prefer to locally integrate in the camp area, local authorities should assist in finding solutions with the landlord so as not to expose EVIs to the risk of being forcibly evicted upon formal camp closure. In this regard, the Government should consider acquiring land for EVIs who wish to locally integrate.
19. A particular category among the EVIs is children left behind in camps. The Representative has been informed that over 40% of households leave children behind in camps, mainly because of better access to school and health care in camp areas. As these children live largely on their own, their vulnerability and exposure to violence, abuse, neglect and exploitation (incl. sexual exploitation) increases dramatically. While this separation in many cases is only of a temporary nature, the Representative is concerned about this practice

which reinforces the call for basic and quality services in return areas as well as the need to invest in community devised temporary care arrangements for children left behind, child-headed households and orphans.

20. Particular protection concerns were also brought to the attention of the Representative with regard to those EVIs with mental or chronic illness, who have been abandoned and left behind.
21. The situation of the EVIs needs urgent attention and a common strategy with a view to prevent human rights violations, solving their situation and avoiding their displacement becoming even more protracted. The Representative is concerned that a premature and rushed humanitarian downsizing at a moment when recovery efforts have not sufficient impact on the ground to allow communities to address the situation of EVIs themselves. Humanitarian actors and donors should pay continued and focused attention to solving the displacement situation of EVIs and remain careful with phasing out so that the few warning signals, such as malnourished people, do not become more.

(b) Finding durable solutions for those without access to land

22. Land issues prove to be a major obstacle to return for those IDPs who are landless or who cannot access their land due to land disputes (see below Section C). Women, child-headed households and orphans face particular challenges in this regard, and often remain at the margins of legal redress opportunities. This is partly due to discriminatory customary practices in land and inheritance rights as well as to the lack of information/awareness of legal processes and protection of entitlements. This is compounded by the limited availability and outreach of legal assistance services which have limited specialization in children's cases.
23. Once camps are formally closed at the end of the camp phase out process, the landlords have the right to freely dispose of their land within the limits of national law. This includes the right to rent out or to sell their land, implying the risk that IDPs who still live in their huts on the premises of the landlord will face forcible eviction if they do not have the financial means to remain. In order to ensure that such evictions are prevented, measures addressing land disputes (see below Section C) need to be taken.
24. The situation of those who are landless needs particular attention. Providing alternative land, either public or purchased private land, to them is a requirement to solve their displacement situation. Section 41 of the Ugandan Land Act provides for a land fund to be used to "resettle people who have been rendered landless by government action, natural disasters or any other cause". The Government should equip this fund with the means necessary. It should further consider acquiring land for the landless.

(c) Finding durable solutions for those with economic opportunities in camp areas

25. Some IDPs may opt for local integration in camp areas because they have found economic opportunities in these areas, in particular where camps have developed into trading centers. With the formal closure of camps, they need to find solutions with the landlords on whose land they are settling. They should be provided with the opportunity for legal support to ensure that the agreements reached between them and the landlords are fair and not guided by unbalanced power relations.

(d) Identifying the needs of urban IDPs to find durable solutions

26. Only very limited information is available on the magnitude and situation of IDPs in urban settings, in particular in larger urban centres such as Kampala, Entebbe or Jinja. It would be important to undertake a rapid population assessment and a profiling exercise to learn more about the magnitude of the problem and the situation and prospects of those IDPs.

B. Freedom of choice in the context of durable solutions

27. Uganda's National IDP Policy provides for three ways to achieve durable solutions: return, settlement elsewhere and local integration. The availability of these three solutions is an inherent component of freedom of movement and right to choose one's residence as provided for in Principle 28 (1) of the UN Guiding Principles on Internal Displacement and Article 12 of the International Covenant on Civil and Political Rights, to which Uganda has acceded in 1995. All IDPs retain their right to genuinely opt for one of the three solutions without pressure exerted on them. In the context of Uganda return to former homes or places of habitual residence is certainly the preferred solution for the majority of IDPs; however, some among the displaced, in particular those who have established economic activities in camp areas, prefer local integration in the area of their former camps. Some remain in transit sites and it is not excluded that some of these sites become permanent as they transform into viable communities.
28. While the Representative appreciates the Government's commitment to continue to adhere to the freedom of choice, as foreseen in the National IDP Policy, he remains concerned over instances of forced evictions or premature demolition of huts of camp residents. In March 2009, it was announced that camps in Gulu district will be closed by end of March 2009, which undermined the freedom of choice and voluntariness of return and led to forced evictions and cases of exploitation of IDPs by landowners. Such actions are generally not in line with the National IDP Policy, nor with international legal standards. The Representative welcomes the public renouncement of this plan to close down camps on a deadline and the assurance that no further deadlines will be set for camp closures. He urges the Government not to resort to forced evictions or premature demolition of huts and to protect the camp population from forced evictions induced by land owners. In this regard, the Representative recommends to the Government of Uganda to consider providing legal protection against forced evictions by third parties under Ugandan Law.
29. The majority of the displaced has already returned and the population movement out of camps continues across Northern Uganda. Recent statistics made available to the Representative during his visit indicate that this process unfolds unevenly and worrying differences exist between districts. The Representative is particularly concerned over the slow progress made in the newly created district of Amuru. This seems to be due to the fact that the new district authorities are not fully installed yet and humanitarian organizations are also largely absent. The Representative would like to underline that the adoption of decentralization measures must go hand in hand with establishing corresponding governance structures.

C. Land disputes

30. After long and protracted displacement situations as that in the Acholi sub-region, land disputes tend to be very complex partly due to the disappearance of demarcation or loss of traditional memory. Not all areas are equally affected. A mapping of the current land dispute situation building up on work already done by some actors (e.g. the World Bank) could help to identify the problematic areas and to better target capacity building interventions as well as the provision of legal support services.

31. The nature of land disputes varies:

- In camps, disputes between landlords and remaining IDPs are prevailing. The landlords further insist on compensation from the Government for using their land for such a long time.
- In return areas, the prevailing disputes are boundary and ownership disputes between and within families and clans, as well as inheritance disputes. Land grabbing by powerful people has also become a problem in some return areas.

32. The impact of land disputes is threefold: 1. They are an obstacle to return for IDPs still remaining in the camps (see above section A); 2. They are an obstacle to sustainability of return; and 3. They are an obstacle to returning land to agricultural use and thus may become a contributing factor to the present food insecurity as people tend not to cultivate land under dispute.

33. To address land disputes, the following measures should be taken:

- Strengthening mechanisms to settle land disputes: A proactive role of local authorities and traditional leaders in mediating these disputes is important. Existing dispute settlement mechanisms, formal as well as informal or customary complementing each other, in particular Area Land Committees and Land Tribunals, should be strengthened to enable them to deal more effectively with the case load, with particular attention to gender biases and special considerations when handling children's cases.

- Awareness campaigns on existing national legal regulations and available services related to land at the local levels for all those involved in land disputes;

- Expansion of legal aid projects to all affected districts to provide adequate support to those with problems to access their lands, ensuring specialization for handling children's cases;

- Strengthening of legal protection against forced evictions by third parties in the Ugandan legal framework.

34. Public acquisition of land by the Government should follow the procedures and meet the requirements as outlined in the Ugandan Land Acquisition Act of 1965. With this, unlawful evictions as occurred in Rackoko camp in Awere sub-county of Pader district in June 2009 can be avoided. In accordance with Article 3 of the Land Acquisition Act (Ch. 226), land can only be acquired if required by the Government itself for a public purpose. Land grabbing is illegal and individuals should receive adequate protection against such activities by local authorities.

35. The Ugandan Constitution in Article 26 provides that no one should be deprived of their property without compensation. Authorities, at central and local level, together with landlords and others claiming compensation should strive to find mutually agreeable solutions to the compensation claims.

D. Enhancing recovery activities in return areas: Making solutions sustainable

(a) General remarks

36. The Representative would like to recall that physical return is not equivalent to the end of displacement. Only once sustainability has been reached and the needs of the returnees are no longer displacement-specific, i.e. linked to their having been displaced, durable solutions have been achieved.

37. For a return process to be sustainable, the Representative has identified several general criteria relating to the process of finding conditions to achieve durable solutions:

- *Information on the return process, consultation with and participation of the affected communities:* These measures are necessary to enable IDPs to take a free and informed decision about the durable solution they prefer. Thus, they help to avoid forced returns, which tend to be not sustainable, and give the affected population a sense of ownership. Particularly EVIs should be duly informed, consulted and enabled to participate as they may have special needs regarding the provision of protection and assistance in the return and reintegration process.
- Return and transit sites should provide a *safe and secure environment for the returnees.*
- *Physical and social needs* must be addressed, including the provision of food, water, sanitation, proper housing and services such as health care or education. The Representative underlines the importance that solutions must, inter alia, be culturally acceptable to ensure that returnees can effectively enjoy their rights to food and water, adequate housing, health or education.
- *Settlement of land disputes* is an important element to sustain returns. Disputes should be handled with the care and efficiency necessary, in particular as access to land is often also linked to livelihoods of returnees. To this end, settlement mechanisms should be well equipped to deal with the dispute case load.
- *Continued access to livelihoods* is critical. Where access to old livelihood opportunities is no longer possible, the creation of new livelihood opportunities is important and must not be neglected. In Acholi sub-region, where a majority of returnees generate their income through agriculture, special emphasis should be put on a speedy opening (or clearing) of land to allow early access to their livelihoods. In particular, livelihood solutions are critical also for EVIs, who may not anymore be able to continue to sustain their traditional livelihoods, due to e.g. disabilities, chronic illness, or old age. The situation of child and female-headed households must also be addressed adequately.
- So-called *soft factors of political or cultural nature* must be taken into account and handled with the respective sensitivity. In particular, the role of traditional leaders and their powers attached to land should be recognized in return processes.

38. It is important that recovery starts as early as possible and not follow a phase by phase approach to avoid the gap between humanitarian assistance and the impact of development strategies. If recovery needs are not addressed from the beginning of the process and the transition from the emergency phase does not succeed, sustainability of durable solutions is at risk. The phase out humanitarian activities and impact of recovery initiatives should therefore go hand in hand.

(b) Key obstacles in Acholi sub-region of Northern Uganda

39. The transition process between the phase out of humanitarian activities and impact of recovery and development efforts has not been well synchronized. Information received by the Representative indicates that, despite all the efforts under the commendable Parish Approach and success in some areas, in other areas tangible recovery impact on the ground remains limited compared to needs for water, food, schools or health facilities in areas of return. This raises concerns with regard to the rights to food, including drinking water, education, or health. While the Representative acknowledges resource limitations, he underlines the obligation of the Government to guarantee that at least the minimal standards of living of the returning IDPs are met and that recovery activities are conducted in a non-

discriminatory manner taking into account the special needs of particularly vulnerable groups. At the same time, the Representative acknowledges that sometimes the demands of the returning population are high as a consequence of their long-lasting displacement and accompanying dependency syndromes. Efforts aimed at empowering returning IDPs are particularly important in that regard.

40. The emerging transition gap, if not addressed immediately, bears the risk that after a while the returnees will be worse off than during displacement. First signals of such a negative development have already been observed, including large numbers of school drop outs, or impeded access for persons living with HIV/AIDS to anti-retroviral drugs in areas of return. Survivors of sexual and gender-based violence face serious challenges in accessing services, including medical care and the justice system, partly due to inadequate utilization of police form 3 (PF 3), and problematic requirements being imposed on survivors, such as the need for a signature by a medical doctor for PF 3, who are often unavailable in areas of return, as well as unlawful fees being charged. There are some indications that lack of basic services has already led to some reverse movements back to camps in some districts (particularly Kitgum) which indicates, that while return has taken place, the process is not yet sustainable.
41. The overall food insecurity (see below section E) also threatens the sustainability of return. Returnees may find themselves in a situation, where they cannot sustain their living with their traditional agricultural activities due to the current drought. The tense food situation further creates new risks for stability and durability of peace because of the dissatisfaction of returnee communities and entails also the risk of reverse movements back to those camps where food distributions continue.
42. While the security situation in the North is stable for now, risk factors, e.g. possible tensions in the context of the elections in Uganda in 2011, the referendum over the future of Southern Sudan, or food insecurity projections, continue to exist. The fact that the LRA is still active, even if not in Uganda, is still perceived by some of the displaced as a risk to their own safety and consequently influences their decision making as to when and where to return/settle. Such risk factors do not only show the need for upholding some degree of contingency planning, but clearly indicate the need to invest even more into making durable solutions sustainable to strengthen the resilience of the people in the North and lower their vulnerabilities to such risk factors.

(c) Enhancing recovery impact

43. The budget allocation of 30% of the funding for the PRDP and indications by donors to cover the remaining 70% as well as the Government's commitment to eventually fully implement this plan is a positive step in the endeavor to enhance the impact of recovery in Northern Uganda. In implementing this plan, the primary focus will be on four priority areas, i.e. the construction of roads, schools, health clinics, as well as on water points. The Representative welcomes the fact that the plan sets very clear and relevant priorities and focuses on much needed infrastructure. At the same time, to (re-)establish infrastructure may not be sufficient to ensure availability of necessary services. The Representative is concerned about information brought to his attention by central and district authorities that staffing and equipment of services remain a big challenge. The Government faces difficulties in finding staff, in particular for remote areas where absenteeism presents a problem, due to lack of housing opportunities for the staff. Lack of equipment of schools and medical stocks for health posts and clinics are other examples of challenges to the functionality of services. There is a clear need for the international community to strengthen the capacities (including skills and competencies) of the relevant line ministries and the district authorities. The UN

Peace Building and Recovery Assistance Programme (UNPRAP) seeks to complement to the PRDP and is a strategy for the transition from humanitarian relief to recovery and development. In addition, the 70% of funding that is expected from donors should also be used to make recovery activities under the PRDP functional. These resources should be used in a way that helps to solve these problems in order to have tangible impacts for returning communities in the short term.

44. There is a certain danger that the PRDP as a one time intervention has a limited impact only because it is not properly linked to the national and district development plans and coordinated with them in a way that would ensure proper follow-up to PRDP activities by the line ministries and local authorities concerned. It will be important to include and strengthen the recovery component in the district development plans in the coming years and thus to build on the actions and achievements reached under the PRDP. This may necessitate a revision and adaptation of these development plans in light of the achievements of the PRDP and remaining challenges once its implementation has come to an end.

E. Food insecurity

45. The present situation of food insecurity which is mainly due to this year's drought in many parts of Eastern Africa puts EVIs remaining in the camps at risk of starvation. The Representative witnessed already signals of severe malnourishment affecting a few individuals he saw. The food situation may further impede the sustainability of return and poses a risk for returning communities who already struggle to adapt to their new lives, and increase vulnerability to violence, abuse and exploitation. Their traditional subsistence agricultural activities may no longer be a self-sustainable livelihood as their crops may be affected in the context of changing climate patterns unless adaptation measures such as introduction of drought-resistant crops, irrigation and elements of mechanized farming are taken.
46. Given the already tense food security situation, it is important to set up a contingency plan and to draw up a food security network in case the drought continues. In the longer term perspective, changing climate patterns generally demand that conditions necessary to improve food security are adapted to these newly emerging patterns. Further investments into measures restoring long-term food security are also necessary to guarantee the right to food. Adaptation measures are necessary to avoid that the impact of climate change, e.g. in the form of a food crisis, triggers new displacement.

V. FUNDING

47. The Representative was informed about a decline in humanitarian funding. While he agrees that the general situation has improved to an extent that humanitarian needs have gone down considerably, he feels that targeted humanitarian funding, particularly to address the continuing humanitarian needs of the extremely vulnerable individuals in camps as well as transit sites and areas of return is still needed. At the same time, recovery activities need to be stepped up and funding gaps closed.
48. The Representative reiterates his position that recovery is not only part of a human rights-approach to relief responding to all relevant needs of affected persons, but also cost-effective as it strengthens the capacity of communities to overcome dependency from humanitarian assistance and strengthen their resilience. Moreover, successful recovery

contributes to addressing the root causes of the conflict and thus peace-building. Northern Uganda needs to see a peace-dividend now.

VI. RECOMMENDATIONS¹

49. Durable solutions for residual camp populations: The Representative of the Secretary-General on the Human Rights of Internally Displaced Persons recommends to the Government of Uganda and the humanitarian agencies and organizations:

- To acknowledge the individual's right to a free and informed choice as to whether return, locally integrate or settle in another part of the country in accordance with the National Policy for Internally Displaced Persons and to ensure that all three settlement options remain genuine options for the remaining camp population, as well as to refrain from any pressure forcing the remaining IDPs out of the camps, e.g. by announcements of premature camp closures. Dissemination of information about camp phase out or closure should be age sensitive and provided in a way reaching the most vulnerable of the camp inhabitants.
- To regularly conduct inclusive and participatory assessments of the situation of especially vulnerable individuals (EVI) in camps, including older persons, women- and child-headed households, children left behind in camps, persons with disabilities, with mental health problems, with HIV/AIDS and with chronic illnesses, and to continue to assist and protect them with a view to responding to their specific and pressing needs until durable and sustainable solutions are found for them.
- To plan and execute targeted interventions to support EVI in finding durable solutions in accordance with their genuine preferences through the development of a comprehensive EVI reintegration strategy with the following elements: (i) Efforts, in particular of local authorities, to mobilize and support returnee communities to reintegrate their most vulnerable members, re-establish traditional and/or community based networks of support; (ii) Incentives for EVI and/or their communities in the form of targeted support (e.g. farming implements, oxen and ploughs) in the areas of livelihoods, food security or reconstruction programmes to enhance the absorption capacities of the communities; (iii) Protection of EVI, who, despite such efforts, cannot return or prefer local integration, against forced evictions by third parties and support in finding adequate solutions with landlords, which could include the public acquisition of land for them.
- To address the situation of those who cannot return due to disputes over their land by taking targeted measures addressing land disputes (see paragraph 50) and providing protection and legal redress from forced evictions.
- To address the situation of the landless and to provide alternative land to them. The land fund, provided for in section 41 of the Ugandan Land Act, should be equipped to fulfill its purpose to resettle people who have been rendered landless.

1. While reconciliation, transitional justice, reintegration of persons formerly associated with armed groups are critical aspects for the realization of sustainable peace in the North, considering these could not be addressed during the Representative's mission due to time constraints. They therefore do not figure in the proposed set of recommendations. However they certainly form an integral part of the comprehensive humanitarian and recovery efforts required to secure durable solutions.

- To reinforce legal aid services for those IDPs who opt for local integration because they have established livelihoods in former camp areas to ensure that agreements reached with landlords are fair and balanced and to upgrade, where appropriate, such locations to urban areas in accordance with the law.
- As regards IDPs outside of camps, to assess the situation of IDPs in urban areas outside the Acholi sub-region with a view to develop appropriate strategies for finding durable solutions.

50. Addressing land disputes: The Representative recommends to the Government and relevant national and international actors to address the problems of disputes over land and land grabbing with the following measures:

- Undertaking a mapping of the land conflict situation in affected districts, building upon existing work, to identify problematic areas where capacity building interventions as well as the provision of legal aid are particularly relevant.
- Supporting the role of local authorities and traditional leaders in mediating these disputes and strengthening their capacity.
- **Strengthening the capacity** of Area Land Committees and Land Tribunals to enable them to deal more effectively with the case load.
- Expanding legal aid projects to all affected districts to provide adequate support to those with problems to access their lands, with particular attention to gender biases and special considerations for handling children's cases.
- Conducting age and gender sensitive awareness campaigns on existing national legal regulations and available services related to land for all those involved in land disputes at local level, with deliberate targeting of EVIs.
- Strengthening the legal protection against forced evictions by third parties in the Ugandan legal framework.
- Ensuring that authorities at all levels abide by the procedures and requirements of the Land Acquisition Act when acquiring land for public purposes.
- Finding mutually agreeable solutions to compensation claims of landowners whose land has been used for camps or the UPDF during the armed conflict, in line with Article 26 of the Ugandan Constitution.

51. Enhancing the sustainability of returns: The Representative recommends:

- To the Government to implement the Peace, Recovery and Development Plan (PRDP) and its infrastructural projects fully and without further delay and to address the challenge of making services in return areas functional, e.g. by the provision of equipment and staffing of schools and health clinics, deployment and strengthening social welfare and protection capacities of Community Development Officers (CDOs) at sub-county level as per national standards, and to make these services truly available to the returnee communities; and to the international community to complement this plan, in particular with activities focusing on the long-term functionality of services.
- To development actors to step up their presence, programs and activities in the Acholi sub-region in order to avoid gaps between the phase-out of humanitarian assistance and the full implementation of recovery projects.

- To the Government to establish effective governance structures in newly created districts, such as Amuru, to ensure proper implementation of recovery activities.
- To all relevant actors to ensure that the PRDP, as a one time intervention, is properly linked to the national and district development plans and coordinated with them in a way that ensures a proper follow-up to PRDP activities by the line ministries and local authorities concerned and, in particular, include and strengthen the recovery component in the district development plans in the coming years to build on the actions and achievements reached under the PRDP.
- To address the vulnerabilities of the returnee population engaging in traditional subsistence agricultural activities that may no longer provide a sufficient degree of food-security due to the impact of climate change unless adaptation measures are taken, (i) in the short term through the preparation of contingency plans and the establishment of food security networks in case the drought continues, and (ii) in the longer term, through measures such as introduction of drought-resistant crops, irrigation or elements of mechanized farming that are necessary to restore long-term food security.

52. Funding: The Representative recommends to donors to continue to support humanitarian, recovery and developmental efforts as per their commitments in the Good Humanitarian Donorship Code of Conduct and the Paris Declaration, in particular through:

- Acknowledging that urgent humanitarian needs continue to exist in Northern Uganda despite the huge overall improvement of the situation and focusing humanitarian assistance on especially vulnerable individuals in camps, transit sites and areas of return;
- Acknowledging the importance of recovery activities for achieving durable solutions for the displaced and building sustainable peace in Northern Uganda and increasing contributions for recovery and development activities, particularly in areas of return, in order to better synchronize humanitarian and recovery interventions.
- Continuing to support the Government and its international and national partners in their efforts to implement the Peace, Recovery and Development Plan by allocating the remaining 70% of the funding necessary to this end with a particular emphasis on measures targeting the functionality of established services;
- To further support the Government in the preparation of the AU Summit on Refugees, Returnees and Internally Displaced Persons in Africa, which can become an important milestone in the protection of IDPs in Africa.