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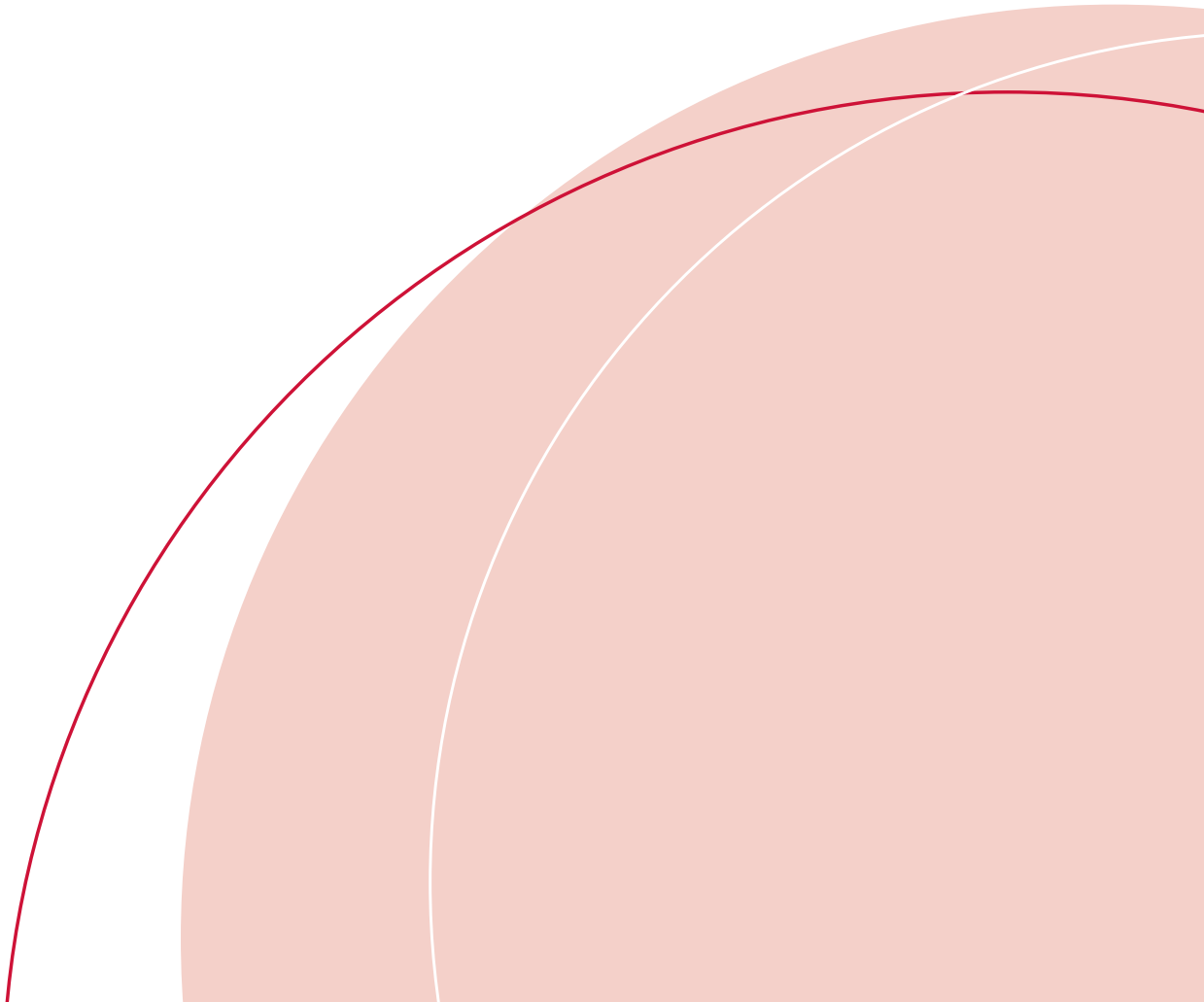
Humanitarian protection in Uganda: a Trojan Horse?

Chris Dolan and Lucy Hovil



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Disclaimer

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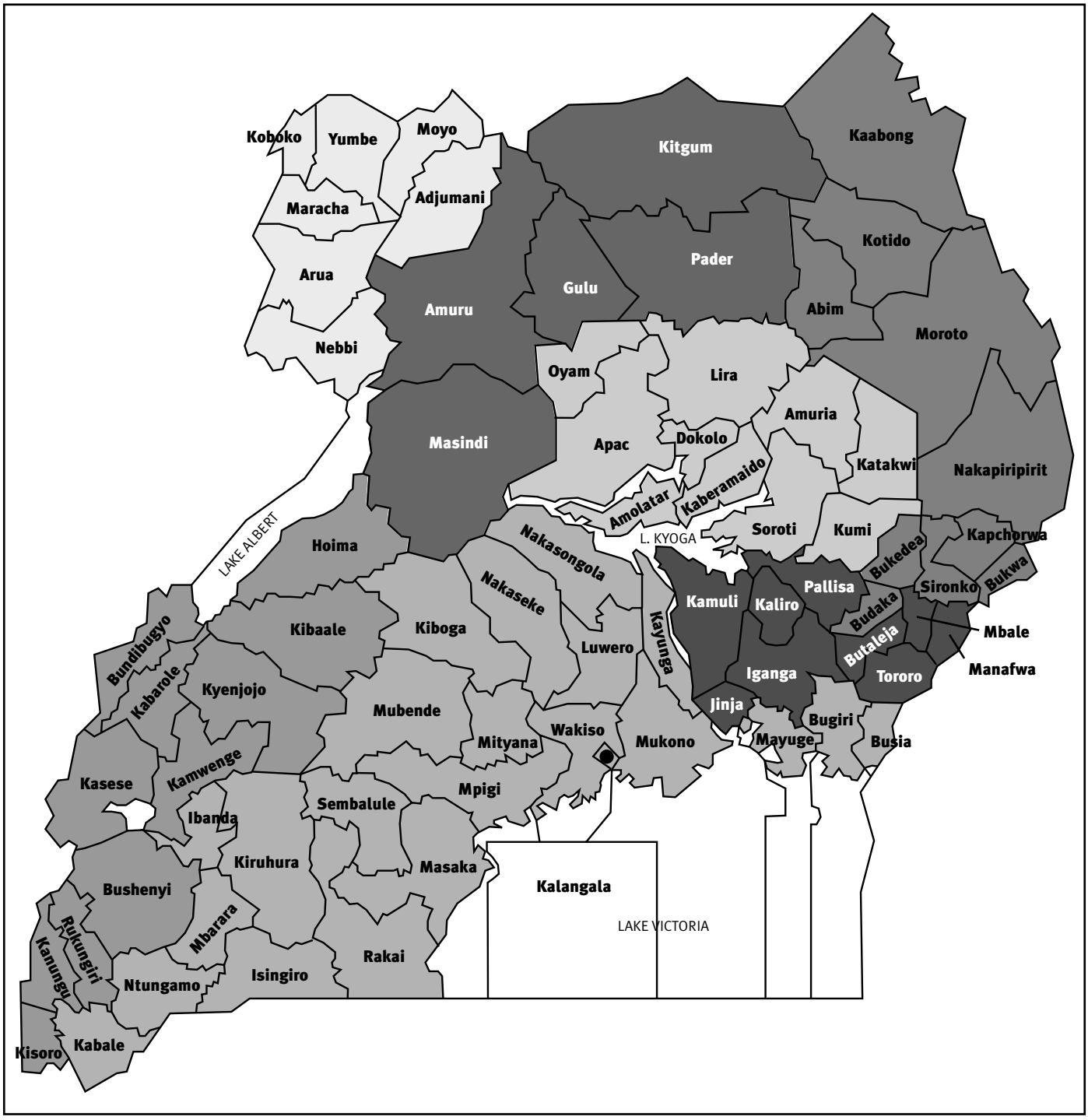
Map of Uganda



Karamojong affected districts

Holy Spirit Movement affected districts (1986–1988)

Main LRA affected districts (1986–present)

Other LRA affected districts (Post-Iron Fist II)

West Nile affected districts (1988–2002)

ADF affected disreicts (1996–?)

Acronyms

ADF	Allied Democratic Forces
AF	Auxiliary Forces
AVSI	Associazione Volontari per il Servizio Internazionale
CBO	Community-Based Organisation
CCF	Christian Children's Fund (Child Fund International)
CHOGM	Commonwealth Heads of Government Meeting
CPA	Comprehensive Peace Accord
CRS	Catholic Relief Services
CSOPNU	Civil Society Organisations for Peace in Northern Uganda
DDMC	District Disaster Management Committee
DRC	Democratic Republic of Congo
FDC	Forum for Democratic Change
GoU	Government of Uganda
HSM	Holy Spirit Movement
ICRC	International Committee of the Red Cross
ICC	International Criminal Court
INGO	International NGO
IMTC	Inter-Ministerial Technical Committee
IRC	International Rescue Committee
JMC	Joint Monitoring Committee
LC	Local Council
LDU	Local Defence Unit
LRA	Lord's Resistance Army
MSF	Médecins Sans Frontières
NALU	National Army for the Liberation of Uganda
NRC	Norwegian Refugee Council
NUAPP	Northern Uganda Advocacy Partnership for Peace
OHCHR	Office of the UN High Commissioner for Human Rights
PEAP	Poverty Eradication Action Plan
PRDP	Peace Recovery and Development Plan
RPF	Rwandan Patriotic Front
SCF	Save the Children Fund
SCiU	Save the Children in Uganda
SGBV	Sexual and Gender Based Violence
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Fund

UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNRF	United National Resistance Front
UNSC	United Nations Security Council
UPDA	Ugandan People's Democratic Army
UPDF	Ugandan People's Defence Force
WFP	World Food Programme
WHO	World Health Organisation
WNBF	West Nile Bank Front

Executive summary

For nearly two decades, the international community ignored the situation in northern Uganda, with increasingly catastrophic consequences for the civilian population there. For the last two years, however, it has come under the international spotlight: in late 2003 the north found itself re-designated as one of the world's worst humanitarian crises, following a visit by the UN's Under-Secretary General for Humanitarian Affairs, Jan Egeland. Since then, there has been an influx of humanitarian organisations, many of whom describe some or all of their work as 'protection-oriented'. This reflects increased international awareness of the rights dimensions of external intervention. It is also an important, albeit belated, response to the fact that what Egeland portrayed as a 'crisis' is in fact the predictable symptom of systematic, systemic and long-standing failures in protection by key actors. A further indication of changing perceptions was the UN's choice in 2005 of northern Uganda to pilot new approaches to the protection of internally displaced persons and the coordination of such activities.

Broadly speaking, therefore, key actors have begun to increase their humanitarian presence in northern Uganda. Within that, there has been some increase in the focus on protection. As a result, the post-2004 humanitarian response in northern Uganda offers a case study of recent UN and international NGO efforts in this area. Greater engagement in protection is evidenced, for instance, in increased debate about the extent to which humanitarian activities, when conducted in camps, endorse an untenable counter-insurgency strategy. Equally, there are fears that providing assistance for those who have moved to decongestion sites may constitute an endorsement of population relocation strategies that violate the fundamental rights of IDPs.

The findings of this paper show, however, that the balance of day-to-day activity remains weighted in favour of traditional humanitarian intervention, as the more protection-focused programmes are largely still in a start-up phase, and funding for such programmes is not yet adequate. As such, it is too early to assess the direct impact of protection activities on the ground. It is however possible to explore some of the modalities of this emerging area of humanitarian intervention. Furthermore, it is apparent that a wide range of activities are being put under the rubric of protection, reflecting a spectrum of views on the roles and responsibilities of key actors (in particular of the state, international governments, the UN and NGOs), and thus of what constitutes protection in practice.

In order to set parameters within which to locate these divergent views, this paper identifies a spectrum of protection activities. At one end is what could be termed 'soft' protection, whereby non-state actors re-articulate their relief activities in terms of rights protection and promotion. Reflecting the primacy they afford to the needs and rights of civilians rather than to the actions of the state, this work effectively serves as a substitute for the state when it is incapable or unwilling to meet its responsibilities. It is also an implicit critique of a state that has failed to deliver. At the other end of the spectrum is what could be termed 'hard-core' protection. Under this rubric, non-state actors do not substitute for the state, but instead continue, through persuasion and denunciation, to hold the state to account for its failure to ensure the rights of its citizens.

The decision to transfer financial and human resources out of traditional humanitarian activities and into a more deliberate engagement with protection issues has largely been taken at headquarters level, in response to global changes in policy, strategy and funding, rather than in response to detailed field-level assessment and planning. The influence of global priorities – and the corresponding absence of community involvement in planning – is felt in the standardised categories of vulnerability which are used, at times to the detriment of those who are truly vulnerable in this particular context.

The combined impact of a diverse set of interventions under the umbrella of 'humanitarian protection' is hard to estimate. Overall, the tendency is for agencies to adopt the new language of protection, yet revert to traditional relief interventions when it comes to actual activities on the ground, and to replicate existing institutional hierarchies in the new coordination mechanisms (the clusters). There is little evidence that the notion of 'humanitarian protection' has as yet resulted in a qualitatively different approach to programming, or achieved a significantly greater impact on the so-called 'humanitarian crisis' in the field. Indeed, delivery remains limited when measured against objective need on the ground. At a more conceptual level, as reflected in the cluster hierarchy (in which human rights is a sub-cluster of the protection cluster), it appears that protection, from a humanitarian perspective, is not primarily construed as a human rights issue.

Humanitarian involvement in protection is still a very new area, and many organisations are still feeling their way. Furthermore, there have been some dramatic shifts in the overall approach to the north taken by the Ugandan government, as manifest in its unprecedented engagement in peace talks in Juba. As such, humanitarian organisations on the ground are having to adjust both to changing dynamics in the global humanitarian community, and at the same time deal with a rapidly changing situation in northern Uganda.

Notwithstanding the above remarks, the arrival in northern Uganda of a greatly increased humanitarian presence, this time with a stated concern for protection issues, has brought a number of matters to the forefront of public awareness (most notably a concern with child protection and sexual and gender-based violence). Alongside the International Criminal Court's investigations of the Lord's Resistance Army, awareness has grown of the government's role in generating and sustaining the 'humanitarian crisis' through its policies of militarisation and encampment in 'protected villages'. The impact of this in terms of increasing donor and UN involvement is now beginning to be felt by the government, not least in the interest taken by the UN Security Council from late 2005 onwards and in UNHCR's radical use of the protection cluster to push for freedom of movement for the internally displaced.

As such, the arrival of humanitarians who, if they restricted themselves to traditional relief activities would be seen by the host government as a relatively harmless 'gift', has in this case been something akin to the arrival of the Greeks' legendary horse in the city of Troy: what initially appeared a harmless gift has in fact proved to contain elements which have substantially weakened the government's grip on the situation in northern Uganda and, by extension, its responsibility for the safety of civilians there.

Chapter 1
Introduction

Since the 1990s, there has been a growing awareness of the vulnerabilities of civilians in conflict, and a corresponding recognition among humanitarian organisations of the need to respond more effectively to these vulnerabilities through a stronger protection orientation. As such, the word 'protection' has become a much used, but possibly also much misunderstood, term within the general humanitarian discourse. With a host of agencies now using protection to describe what they formerly termed simply humanitarian programming, there are almost as many interpretations as there are actors. Nonetheless, as Diane Paul (1999) notes, despite the fact that human rights abuses lie at the core of conflict-induced emergencies, 'the protection of civilians from attack and/or persecution is not at the centre of most humanitarian action'. According to one humanitarian actor in Uganda, 'There are so many agencies in Kampala, but they are not on the same page. People are talking about protection, but what does that mean?'.[1]

This confusion reflects wider ambiguities in a discourse which struggles to define humanitarian protection, and to clarify what it should look like on the ground. At the heart of this confusion lies an unresolved question: is humanitarian protection simply the juxtaposition of two existing areas of activity (humanitarian action and human rights), or does it represent a qualitatively different type of intervention, demanding different skills and personnel? Claude Bruderlein (2001: 7), for instance, describes humanitarian protection as 'a point of convergence among the regimes of IHL, human rights and refugee law'; HPG (2004) ascribes the confusion to a conflation of different understandings of protection amongst humanitarian, human rights and political actors. ICRC describes a whole spectrum of activities that fall under the overall heading of 'humanitarian protection', a position reflected in James Darcy's view that humanitarian actions should be seen as 'one part of a spectrum of human rights activities: that assistance and protection are closely related activities that can and should be justified in human rights terms' (Darcy, 1997). What this means in practice is that, at one end of the spectrum, we have traditional human rights activities, while at the other there are what would previously have been considered purely humanitarian interventions.

The dominant view of humanitarian organisations has been that intervention is justified wherever there is human need, regardless of the broader political context.[2] The predominant view of human rights protectors, by contrast, has been that rights are best assured by holding the duty-bearers to account — and that the delivery of services by non-state actors effectively lets the real duty-bearers off the hook. Humanitarian organisations dealt with the symptoms of a breakdown of protection by the state, but did not attempt to investigate too closely the causes of that breakdown or their own role in sustaining it. A smaller number of agencies, such as ICRC, UNHCR and UNICEF, also specialised in holding states to account for their protection responsibilities, in line with the view that the ultimate responsibility for protecting citizens' rights (i.e. the actual implementation of steps necessary to ensure them) was the domain of states.

Recently, however, the terms of debate have begun to shift. As a human rights orientation has become more mainstream, and has come to include not only social, cultural and economic rights but also the political and civil rights which were formerly the primary focus of human rights protectors, humanitarian organisations have increasingly felt a need – indeed an imperative – to engage in, or at least be aware of, the wider context in which they operate. The conceptual distinctions between human rights protection and humanitarianism are becoming increasingly blurred, and a new category of activity referred to as 'humanitarian protection' has begun to emerge. The conceptual basis for this is to be found in the Inter-Agency Standing Committee (IASC)'s definition of protection:

> *Protection encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law: human rights, humanitarian and refugee (Paul, 2006: 16).*

Protection in one view involves humanitarian organisations in protecting the rights of beneficiaries by filling some of the gaps in state provision – such as the right to clean water in an IDP camp. In cases where these rights are not protected, non-state actors can substitute for the state. Responsibility extends upwards to the 'international community', and downwards to include the non-governmental organisations that compromise the majority of humanitarian actors. This form of humanitarian protection is referred to in this paper as 'soft' protection. It involves no challenge to the state; this lack of challenge can be interpreted either as a sign of the timidity of the organisations involved, or as an indicator of their emphasis on civilian rights and relative indifference to the state and its institutions, except in terms of its actions and inactions towards civilians.[3] This broader view of protection also specifies no hierarchy when it comes to

1 Interview with senior humanitarian worker, 4/7/06.

2 This can at times seem to contradict their espousal of the principles of 'Do No Harm'.

3 Arguably it is difficult for NGOs to pressurise a government which is failing to fulfill its responsibilities, particularly when they are funded by the very donors who are unwilling themselves to hold the government to account.

protection activities: all rights are presented as equally important.[4]

From a rights perspective, however, the proper functioning of a state and its institutions offers the best opportunity for the continuing recognition and protection of rights. Thus, protection work should aim to promote the survival or re-establishment of the state as a duty-bearer. Humanitarian organisations should add a witnessing role to their daily tasks: where they witness an absence of rights they should speak up about it. This role, while in the long run more supportive of the state as an institution, is generally regarded by states themselves as threatening in the immediate term — and is therefore more difficult for humanitarian actors to engage in, particularly where they lack support from their own funders.[5] Faced with these issues, Oxfam International has begun to talk of its own 'right to protect', and has identified three levels of protection activity, ranging from 'minimum standards' which must be met, through to 'no-go' areas which Oxfam should not normally consider, such as 'direct interventions with military authorities on specific incidents of abuse' (Oxfam International, 2005: 15). The Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP) has produced a guide for humanitarian agencies that seeks to close the gap between the intention to protect and the actual practice of protection (Slim and Bonwick, 2005).

Although such guidelines are a positive development, our findings show that the gap between theory and practice remains. As such, the question of what humanitarian protection actually means in a day-to-day sense, in our case in northern Uganda, is unanswered. In practice, most humanitarian organisations adopting the language of protection in Uganda situate themselves somewhere between the two ends of the spectrum outlined above. On the one hand, they see their service delivery, particularly where day-to-day programming is done in a 'protection-sensitive' fashion, as a practical contribution to protecting the rights of beneficiaries. On the other, they pursue information-sharing, advocacy and lobbying activities, notably with the state and the UN. In doing so, they are able to draw on a range of national legislation, such as the 1995 Constitution, international conventions to which Uganda is a signatory, and the human rights, humanitarian and refugee law frameworks stipulated in the IASC definition of protection. Meanwhile, however, the fundamental tension between relief and protection remains: humanitarians can only pursue these forms of protection activity to a certain (relatively limited) point, before their capacity to deliver services on the ground is jeopardised. For individual agencies, therefore, fundamental strategic questions remain. How far should they go? And, given the current political climate in Uganda, how far can they go?

1.1 A note on methodology

This report is a case study of humanitarian protection in northern Uganda. It was commissioned by the Humanitarian Policy Group (HPG) of the Overseas Development Institute (ODI), and is a contribution to ODI's research on the subject of humanitarian protection. Along with Colombia and Sudan's Darfur region, it builds on the findings of ongoing work in HPG aimed at clarifying 'the terms of the debate and examine how agencies, donors and other actors interpret the various concepts of security and protection through policy and practice'. Collectively, these case studies aim to analyse the application in practice of agencies' protection policies, and the effectiveness of their protection programming. This study used the same basic methodology as the other two papers, in particular document reviews and in-depth qualitative interviews with key humanitarian actors in Kampala, Gulu and Pader. We did not seek to explore protection needs at a community level, as these have been set out in comprehensive detail in a growing number of academic, human rights and policy studies.

4 ICRC identifies three types of protection activity: those which respond to the immediate effects of abuses and violations, those which have a remedial function, and those which are 'environment-building', in other words, which aim at 'creating and/or consolidating an environment … conducive to full respect for the rights of the individual'. See Paul (2006: 16).

5 Given the unwillingness of any individual NGO to risk expulsion, it remains an unanswered question whether such expulsions could actually be sustained by the government of Uganda.

Chapter 2
An overview of the conflict in northern Uganda

In all, 22 known groups have taken up arms against the government since Yoweri Museveni came to power in 1986. Of these, Joseph Kony's Lord's Resistance Army (LRA) is the most notorious and enduring. The conflict between the government and the LRA can be divided into six phases. The first, between 1986 and 1988, involved remnants of the former national army, the Uganda National Liberation Army (UNLA) of Milton Obote and Tito Okello, who retreated to northern Uganda and then regrouped in southern Sudan as the Uganda People's Democratic Army (UPDA). The majority of these ex-soldiers were brought out of the bush under a peace deal in June 1988 (Lamwaka, 1998: 155). In the second phase, from 1988 to 1994, the LRA came to prominence, and was sufficiently active to prompt the government to create local 'bow and arrow' groups for civilian self-defence; to launch Operation North, under which the entire northern region was effectively sealed off from the outside world; and to create the post of Minister for the Pacification of the North. The first incumbent, Betty Bigombe, appeared to come close to striking a peace deal with the LRA in early 1994, only to see it dashed by a seven-day ultimatum from Museveni telling the LRA to come out of the bush.

Phase three, from 1994 to 1999, saw a considerable escalation in the conflict, with Sudanese government support for the LRA, and increasing levels of internal displacement as the government instituted its policy of 'protected villages'. By the end of the period, however, levels of violence had declined. This reduction in violence continued into the fourth phase of the conflict, between 2000 and 2002, as increasing numbers of LRA fighters took advantage of a blanket amnesty introduced in January 2000. The fifth phase, from 2002 to 2003, saw the launch of Operation Iron Fist, a military operation designed to crush the LRA once and for all. The LRA responded with attacks across northern Uganda, and fighting spread to regions hitherto unaffected, in particular the Langi and Teso areas of the north and north-east.

The sixth phase, from late 2003 to mid-2006, was marked by increased international interest in the conflict, including from the United Nations and the International Criminal Court (ICC). Peace negotiations between the government and the LRA began in June 2006, and a ceasefire was signed on 26 August. These changes can be explained by a number of converging factors, including the government's losses throughout northern Uganda in elections in February 2006, the installation of the Government of Southern Sudan following the Comprehensive Peace Accord in October 2005, the holding of elections in the Democratic Republic of Congo (DRC) in 2006, the need to be seen to take action prior to the Commonwealth Heads of Government Meeting in November 2007, and the prospect of the ICC turning its attention to government actors.

2.1 The impact of the conflict on civilians

The catastrophic impact of the conflict on civilians has been repeatedly documented in a range of academic, human rights and policy studies. In some areas of the north, 90% of the civilian population have been displaced. An estimated 40,000 children 'commute' in search of safety each night, and thousands have been abducted. A recent UNICEF survey (2006: 53) estimates that more than one in three young men and one in six young women have at some point been abducted.

In essence, the state has failed in its responsibility to protect those living in the north either from physical harm or from human rights abuses. Indeed, in many instances the state itself has been responsible for abuse. During Operation North in 1991, for example, civilians were rounded up for mass screening exercises known as Panda Gari (Dolan, 2005: 78), and large sectors of the population were forcibly relocated to IDP camps. By mid-2006, there were a total of 220 camps, of which 142 were in the Acholi districts of Gulu, Kitgum and Pader.[6] This forcible internal displacement has violated people's rights in their broadest and most encompassing sense. As Dolan (2005) puts it, what has passed for 'protection' in northern Uganda has in fact been a cover for violation and mass humiliation (Dolan, 2005: chapters 5–7). Psychosocial impacts akin to those more usually found in individual torture victims are evident across society as a whole. Mortality rates are high. One study in 2005, hotly disputed by the government, put the crude mortality rate in Gulu, Kitgum and Pader well above emergency thresholds, with an estimated 1,000-plus excess deaths per week. Murder was found to be the third most common cause of death, with nearly 4,000 killings in the period January–June 2005 (Ugandan Ministry of Health, 2005: ii). More than 60% of the population in the north live below the poverty line.

2.2 Interventions in northern Uganda before 2004

For the bulk of the war, the main actors in northern Uganda have been the government, represented by the Uganda People's Defence Forces (UPDF), elected and appointed local government officials, rebels of the LRA, and the thousands of civilians affected by the conflict. Although numerous self-help groups and associations emerged in the IDP camps, very few enjoyed any meaningful external support (Dolan, 2005: 186). Some of the best known local actors include the Acholi Religious Leaders Peace Initiative, local Justice & Peace commissions, the revived 'traditional leaders' under paramount chief Rwot Achana, the Human Rights Focus (HURIFO), and the community organisation the People's Voice

6 Interview with UN official, Kampala, 19/6/06.

for Peace. National NGOs include ISIS-WICCE and the Refugee Law Project. A diaspora grouping called Kacokke Madit also contributed to mobilising international awareness of the conflict in the late 1990s.

Local NGOs dealing specifically with returned abductees include the Gulu Support the Children Organisation (GUSCO), the Kitgum Concerned Women's Association (KICWA) and the Concerned Parents Association (CPA) in Lira. The Amnesty Commission, created in 2000 to implement the Amnesty Act of the same year, established offices in Gulu, Kitgum and Pader, but its activities focused primarily on handing out amnesty certificates to former combatants rather than dealing with issues of reintegration and reconciliation (Hovil and Lomo, 2005).

Although a number of other local and international NGOs and CBOs have been working in the north for many years, the international community as a whole, ostensibly out of respect for government sovereignty, chose not to publicise what was happening there.[7] In the mid-to-late 1990s only Amnesty International and Human Rights Watch gave northern Uganda international attention, but with limited effect: such exposure did not achieve any rapid impact, nor did it encourage other international actors to increase their presence. A small group of international NGOs was involved in supporting local initiatives (Save the Children in Uganda (SCiU) in Gulu, the International Rescue Committee (IRC) and AVSI in Kitgum), or undertook classic humanitarian interventions in the IDP camps, such as supplementary feeding schemes (e.g. World Vision, Action Against Hunger (ACF)-USA), water and sanitation (IRC), school construction (Norwegian Refugee Council (NRC)), and the occasional distribution of non-food items (ICRC, World Vision, Oxfam).

Other agencies carried out more 'developmental' projects, such as income-generating activities and micro-finance. World Vision, for example, sought to improve the economic situation of camp inhabitants through demonstration plots, and in the late 1990s NGOs such as ACORD became involved in the revival of traditional leadership structures. By the late 1990s, the situation of returned abductees had begun to attract the attention of organisations focused on the rights of child soldiers.

Only three UN agencies were present in the north during the 1990s. The World Food Programme (WFP)'s NRC-implemented food distributions effectively enabled the government's policy of forcible encampment to continue long after it would otherwise have become untenable. As one UN official put it: 'I think the previous approach by WFP in judging success by how much food it has managed to drop off in the camps has caused part of the problem of dependency and let the government see their enforced camp strategy as a success. There needs to be a constant review of the camps … but that discussion didn't take place for ten years'.[8] UNICEF was primarily interested in abducted children, and paid little attention to the broader question of child protection in the general population (Dolan, 2002). UNHCR was only present in its capacity as a refugee agency, and was unable to prevent the LRA attack on Achol-Pii refugee camp in Pader district in August 2002 in which over 80 refugees were killed (Bagenda and Hovil, 2003). Although a UNOCHA office was opened in Gulu in 2002, it can be stated with some confidence that the humanitarian presence prior to 2004 was sorely lacking, and protection activities were almost wholly absent.

2.3 Interventions in northern Uganda after 2004

Compared with the period before 2004, the profile of interventions in the last two years has changed considerably. With LRA incursions into eastern Uganda in 2003 the war was forced onto the national stage. At the same time, UN Under-Secretary General for Humanitarian Affairs Jan Egeland's verdict on the crisis in the north – he called it the 'worst humanitarian situation in the world' (IRIN, 2004) – brought international attention. Although this statement could not have been made without years of careful documentation by a range of activists, academics and policy-makers, it clearly jolted international organisations into action in a way that earlier efforts had not.

2.3.1 International NGOs

NGOs in the field in northern Uganda include ACF, AVSI, CARE, COOPI, CRS, GOAL, IRC, ICRC, Medair, MSF, NRC, Oxfam, SCiU and World Vision.[9] While these agencies are predominantly undertaking relief interventions, some have engaged explicitly in protection work. For instance, following an emergency assessment in Pader in May 2006, SCF decided to start an emergency programme and scale up its child protection work. IRC, which at a global level took up the question of protection in 2000, is beginning protection work in Kitgum after a three-year search for funding.

NRC's Information Counselling and Legal Assistance project (ICLA) established in 2003, provides one model for bridging humanitarian and protection programming. NRC is the only agency that provides legal aid in a context of almost non-existent judiciary mechanisms. However, staff members report considerable challenges in reconciling local and 'traditional' norms with international human rights norms, particularly in dealing with SGBV issues.[10] They also report a greater focus on training and the provision of legal aid, rather than public denunciations of human rights abuses.[11]

ICRC, having suspended its operations in 2001 following the

7 For a full discussion of how this continued silence was possible, see Dolan, 2005.

8 Interview with UN official, Kampala, 4/7/06.

9 See for example, the list of NGOs parcipating in the *Consolidated Appeals Process* 2006, p. ii.

10 This is perhaps not surprising when legal approaches to SGBV fail to deal with some of the underlying issues, in particular the changing relationship between patriarchal systems and the empowerment of women.

11 Interview with international humanitarian worker, Kitgum, 16/08/06.

killing of ICRC officials in the DRC, reopened its offices in Kampala in 2004, and currently has 29 officers in the field. While its initial emphasis was on meeting the 'essential needs' of IDPs, its focus on protection issues subsequently expanded.[12] ICRC believes that its impact and its ability to hold the government to account hinge on a commitment to confidentiality of information.[13] Only after repeated unsuccessful engagement with the government would ICRC consider going public with its findings, something which has rarely happened globally, let alone in Uganda. As such, it rarely denounces any of the abuses it witnesses.

2.3.2 The UN and its partners

Since 2004, the UN presence in northern Uganda has increased significantly. For instance, UNICEF has tripled the number of protection officers it has in northern Uganda over the period 2004–2006. At the time of the interview for this study, it had six international and two national protection officers in northern Uganda, some of whom had considerable experience. While the majority were designated as child protection staff, there is clearly a concern to consider protection more broadly.[14]

UNHCR, following decisions taken at the global level, has since late 2005 been able to incorporate IDPs into its mandate, specifically in the areas of camp management and protection. The choice of northern Uganda as a pilot for these new responsibilities has resulted in the relatively rapid establishment of offices in Gulu and Lira (though not in Kitgum and Pader), and the appointment of a number of implementing partners in camp management and protection monitoring throughout Gulu, Kitgum and Pader.[15]

Following an invitation from the UN Country Team in 2003, OHCHR opened its office in Kampala in July 2005, and signed a Memorandum of Understanding with the government in January 2006. The agency has a total of 49 staff, of whom 32 are on the ground.[16] OHCHR reports that 'Expectations are very high the moment we appear – but we've had to build offices from scratch'.[17] OHCHR is working closely with the Uganda Human Rights Commission (UHRC) to create Civil–Military Coordination Centres (CMCCs) in the four northern districts, and has recruited 14 UN Volunteers to staff them.[18] Building the capacity of the UHRC is a primary target for OHCHR. Gulu and Kitgum have seen the creation of the Protection Working Groups mandated in the government's IDP Policy, and these provide opportunities for humanitarian actors to interact with a range of other concerned parties. However, there was frequent reference to the fact that little has yet changed except for the number of meetings.

The UN's decision to pilot its cluster approach to humanitarian crises in northern Uganda has had several important effects. A protection cluster has been created, with UNHCR as the lead agency. This has given protection an unprecedented profile, although it remains to be seen whether UNHCR's concerns over freedom of movement will dominate at the cost of more comprehensive human rights protection.[19] As lead agency in the protection cluster, UNHCR is identifying implementing partners to monitor camps and return areas. The primary concern, however, seems to be with monitoring overall trends, rather than working on specific protection issues. In theory, individual cases are to be referred to OHCHR, but there is as yet little confidence that this will result in a systematic and sustained response to human rights abuse. The appropriate referral mechanisms have yet to be established.[20]

Local NGOs wishing to engage in protection activity have frequently faced funding constraints, leading one interviewee to remark that 'There are local NGOs saying they're doing protection, but they're completely limited by funding'.[21] However, in the post-2004 period some local NGOs have been able to overcome these limitations by becoming implementing partners of UN agencies. In Pader, for example, the Christian Children's Fund (CCF) and Friends of Orphans have both become implementing partners of UNICEF, which sets the overall terms of the intervention.

Along with an increased humanitarian presence and subsequent attention on the war, there has been a dramatic growth in media interest in the conflict-affected areas, as well as a massive increase in the number of policy and academic studies.[22] Perhaps most importantly, northern Uganda has also become a test-case for the newly established ICC, following a request from government to investigate the situation in January 2004. Subsequently the ICC issued arrest warrants against five senior LRA figures, including its leader, Joseph Kony, thus overriding the amnesty process.[23]

12 Interview with international humanitarian worker, Kampala, 25/10/06.
13 See also Paul (1999: 3).
14 Interview with UN official, Kampala, 4/07/06.
15 It is important to note, however, that this new engagement with IDPs is as yet a selective one, and has not to date resulted in any UNHCR presence amongst the many displaced in Karamoja (the UNHCR argument being that internal displacement there has resulted from criminal activity rather than conflict).
16 Interview with OHCHR official, Kampala, 20/10/06.
17 Interview with OHCHR official, Kampala, 20/10/06.
18 The UHRC had only recently established a presence in the north, and has been hampered by lack of resources and structures, and by some internal resistance to speaking out on government short-comings. Interview with OHCHR officials, Kampala, 7/9/06, Pader, 11/9/06.
19 Personal observation, protection cluster meeting, Kampala, 30/10/06.
20 Interview with international humanitarian worker, Kampala, 20/10/06.
21 Interview with international humanitarian worker, 4/7/06.
22 See the Bibliography to this paper, which demonstrates the upsurge in studies from 2005 onwards. Research leading to PhDs was conducted in the late 1990s by Finnstrom (2003) and Dolan (2005).
23 The involvement of the ICC while the conflict is still ongoing has been the source of much debate. In particular, it has raised issues around the interaction between traditional and international mechanisms of justice, and the sequencing of peace and justice. A number of reports refer to the involvement of the ICC and engage in this debate. See Human Rights Watch, 2005; Liu Institute for Global Issues, Gulu District NGO Forum and Ker Kwaro Acholi, 2005; Institution for Transitional Justice and the Human Rights Center, 2005; and Hovil and Quinn, 2005.

Chapter 3
Specific issues in the delivery of protection

The previous section described humanitarian protection activities in northern Uganda, both historically and in their current form. This chapter begins by setting out both the national legislative framework for protection programming, and the spectrum of definitions and understandings of protection in the context of northern Uganda. It then considers a number of issues relating to the wider political context and the process of implementation that are specific to the delivery of humanitarian protection.

3.1 Political context

3.1.1 National legislative framework for protection programming

Uganda has a strong legal framework which could be used to protect the human rights of its citizens, including IDPs. Under the Constitution, which is the primary basis for Uganda's legal system, nationals are in theory entitled to a wide range of rights (Okello and Ng, 2006). For instance, Article 20(1) of the Constitution specifically states that 'Fundamental rights and freedoms of the individual are inherent and not granted by the State'. The Constitution also encompasses a Bill of Rights, which includes all the universal human rights standards contained in international instruments. Specifically, it provides for the equal protection and treatment of individuals under the law.[24] Consequently, IDPs, as citizens of Uganda, are theoretically entitled to all the rights and freedoms enshrined in the Constitution.

Under growing national and international pressure, the government explicitly recognised its responsibilities towards IDPs in February 2005, when it launched The National Policy on Internally Displaced Persons, one of the first policies of its kind in the world.[25] The policy explicitly states that IDPs are entitled to equal protection and non-discrimination by the government and, specifically, that IDPs have the right to request and receive protection and humanitarian assistance from national and district authorities. The policy is consistent with international humanitarian and human rights law, and is in accord with the United Nations Guiding Principles on Internal Displacement.

However, the implementation of the policy has been weak, and the government's decision, in response to growing UN Security Council attention, to create a Joint Monitoring Committee to oversee the IDP situation and to work with the Ministry of Finance to create a Poverty Reduction and Development Plan has largely nullified the IDP policy's potential as an effective protection tool.[26]

24 Refer to Article 21(1) of the Constitution.
25 Angola, for example, also has a national policy; unlike Uganda, it has been made into law.
26 IDP Policy, Preamble. For more information on the IDP Policy and its implementation, see Hovil and Okello (2006).

3.1.2 Divergent definitions

There are several possible ways to define and interpret protection. Even within the UN different responses were given to the question of how organisations define it. As one UNICEF staff member said: '[Our definition] doesn't quite match UNHCR, which is why we're trying not to tack it down. There's enough common understanding'.[27] This statement perhaps refers to the fact that UNHCR has identified freedom of movement and high mortality rates in the camps as the two over-arching protection issues that it intends to focus on.[28] UNHCR's emphasis has met with some resistance from organisations that wanted to focus more on the abuses of the UPDF, and that are yet to be persuaded that increased freedom of movement will automatically have a positive impact on other rights abuses.[29]

At one level, these differences can be set aside. For instance, one UN official described how the UN Country Team had tried to put together a protection strategy that could be agreed upon by all UN agencies operating in Uganda, but after 16 versions had decided to put it aside and 'just move forward'.[30] However, this lack of consensus was being felt on the ground: several informants referred to the confusion that these different interpretations of protection were generating. As one UN official put it: 'Protection means different things to different organisations. So how do you coordinate that and get the benefit out of it? It's just confused … Everyone has different focuses on protection'.[31] Another interviewee observed: 'I think what is missing is a collective understanding. We can have our own ways of doing things, but we need to agree on a framework'.[32]

Most common, perhaps, is the broad-based or 'soft' definition of protection used by the IASC. This was succinctly paraphrased by one national NGO worker: 'When we talk of protection it is any activity that helps promote somebody's life. So if someone works on sanitation you are also protecting the life of the community'.[33] This understanding, which was also articulated as 'having a protection lens' or mainstreaming protection into all activities,[34] was, however, often accompanied by a corresponding assertion that engaging with the government over protection was primarily the domain of human rights organisations. In other words, there was a widespread view that the responsibility of a humanitarian

27 Interview with UN official, Kampala, 4/7/06.
28 Interview with UN official, Kampala, 4/7/06.
29 Interview with UN official, Kampala, 4/7/06.
30 Interview with UN official, Kampala, 20/10/06.
31 Interview with UN official, Kampala, 3/7/06.
32 Interview with humanitarian worker, Kampala, 19/10/06.
33 Interview with local humanitarian worker, Pader, 11/9/06.
34 Interview with international humanitarian worker, Kampala, 4/9/06.

organisation is primarily to ensure that it takes protection concerns into account while delivering services, rather than engaging in the more fundamental issues, such as the fact that there are IDP camps in the first place. The emphasis on mainstreaming protection alone was borne out by the fact that many agencies stated that their protection work was limited to activities such as seeking to identify sites for boreholes that minimise the risk of women being raped while collecting water. As an international humanitarian worker commented, 'if an IDP can get to a latrine without being harmed, that is called protection'.[35]

The minutes of one of the weekly meetings of child protection agencies in Pader (8 September 2006) exemplify the elastic way in which protection is understood. When agencies were asked to report on their planned child protection activities for the following week, these included 'Conflict resolution and peace building training for teachers', as well as 'training for young mothers in brick making'.[36] There was no indication that these initiatives may help reduce civilians' exposure to risk or threat. As one UN official said, 'many of the child protection agencies just focus on being nice to children rather than delivering any hard services'.[37] While in principle all these activities can fit under the definition of protection, as per the ICRC concept of complementarity, the danger is that only service delivery interventions with a 'protection lens' will be implemented to any meaningful extent.

A further obstacle facing those wishing to engage in humanitarian protection is the absence of consensus about the nature of the situation in the north. Some define it as a humanitarian crisis, others as a development project, and others see it as a protection catastrophe. There is thus disagreement about the need for humanitarian approaches, let alone humanitarian protection strategies. Some respondents felt there had been a failure to develop either a model of rapid response mechanisms for limited periods of time, or a long-term development model in which agencies are committed for the duration. One respondent described a kind of 'schizophrenic' action in Uganda, noting that only five NGOs had extensive emergency experience; 'the rest are developmental organisations doing emergency interventions. They have long experience of working with the government, but for emergency interventions you have to go quickly'.[38] This situation no doubt reflects, and is compounded by, the government's refusal to acknowledge the north as a national disaster area.[39] For instance, there has been widespread criticism that much-needed education systems have not been put in place in the camps.[40]

Thus, specific protection-focused programmes that go beyond the most basic understanding of protection have been minimal. While it was widely believed that it is unrealistic for humanitarian actors to be involved in the more 'hard-core' areas of protection, there was frequent reference to the fact that they were not even engaged in protection activities at the 'softer' end of the spectrum. As one NGO worker based in Gulu commented, 'I see protection as practically a non-entity here'.[41]

There is a considerable risk that rhetorical concern with protection will not result in real action, and little will change on the ground. As another individual working for a well-known international NGO put it, 'We had a protection workshop a few years back, so now the assumption is that all is done. There has been no follow-up'.[42] One UN official averred that defining humanitarian assistance as protection means that the most serious issues get overlooked.[43] In other words, what we have termed the 'hard core' of protection work is receiving barely more attention than it did prior to the arrival of 'humanitarian protection'.

3.1.3 Scale and balance of humanitarian and protection-focused activities

Clearly, the scale of the protection crisis in northern Uganda is immense. An entire population has been subjected to a form of 'protection' ('protected villages' which are in reality IDP camps) which has actually resulted in their violation, debilitation and humiliation, for periods ranging from one or two years to over a decade. The scale of response now required is huge, whether in terms of humanitarian, protection or recovery interventions.[44]

However, it is equally clear that the level of protection activity does not come near to addressing the needs. As one interviewee said, 'Everyone talks about protection, but no-one knows what it means to have a protection programme'.[45] This is evidenced by the fact that, with notable exceptions, few of the organisations spoken to have specific protection officers in the field. Indeed, informants referred to the lack of protection officers generally.[46] Furthermore, until the ceasefire of August 2006, less than one-third of IDP camps were perceived to be accessible without military escort, and as such the majority of locations saw no protection interventions whatsoever.[47]

While many activities are described in terms of protection, in practice this reflects the 'softer' forms of protection-sensitive programming, rather than monitoring and following up on

35 Interview with international humanitarian worker, Kampala, 3/7/06.
36 Child Protection Working Group, Pader Town Council, 8/9/06.
37 Interview with UN official, Kampala, 4/4/06.
38 Interview with UN official, Kampala, 19/6/06.
39 Under the Ugandan Constitution, the government must declare a national disaster in order to take emergency measures to protect and assist affected populations.
40 See, for example, Hovil and Okello (2006: 34).
41 Interview with international humanitarian worker, Kampala, 4/7/06.
42 Interview with humanitarian worker, Kampala, 3/7/06.
43 Interview with UN official, Kampala, 8/9/06.
44 The proposed budget for the Peace, Recovery and Development Plan, at some $336 million over three years, is some indication of this.
45 Interview with humanitarian worker, Kampala, 4/9/06.
46 Interview with international humanitarian worker, Kampala, 4/7/06.
47 The extent to which security assessments are accurate and up to date is impossible to discern. There is debate about the extent to which the government uses them as a means to control the movement of NGOs.

instances of rights violations and abuse. As one interviewee observed, 'Northern Uganda is the opposite of Darfur, where everyone went and hired protection officers because no-one knew what to do. Here there's nobody doing it. It's not just that the [PWGs] don't work, but the actors just aren't there to make things happen'.[48]

Even in the case of what might be considered less confrontational protection activity, there is limited engagement on the ground. Indeed, there was frequent reference to the fact that what was passing for protection was making little difference in terms of bringing about significant change in the situation in the north. As one interviewee put it: 'I feel that people are just jumping on the bandwagon, including the UN … Rather than building up a real picture of what is going on, they are just diluting the essence of the issue. Then they think they're doing protection, yet the government is getting off scot-free with this very unhelpful approach'.[49] As such, when humanitarian interventions provide direct services to civilians as a substitute for state action, they risk lessening the pressure on the state to engage in such activity.

Some humanitarian actors are beginning to engage more directly with the situation. As one UN official argued, 'There is a growing understanding and almost total acceptance that people have to be looking at issues around violence and abuse … People can't just stick in their little health programme. And I also think there's total acceptance of the camps being wrong, although this recognition is 10 years late'.[50] IRC, for instance, is starting to incorporate specific protection activities into its programming in northern Uganda. It now has one international and four national staff members specifically designated to carry out protection work.[51] Likewise, UNHCR's camp monitoring process has begun in Lira, with a number of national staff in the camps supported on a weekly basis by an international team.[52]

One of the few areas where there is sufficient momentum to make protection a reality is in the area of child protection. After many years of silence on the issue, there is now, thanks to the introduction of skilled child protection officers by UNICEF and others, attention to the needs of children in the IDP camps, to the existence of children within the ranks of the UPDF, and to the fact that the UPDF does on occasion seek to integrate returned abducted LRA children into its own ranks.[53] There is also growing recognition of forcible recruitment into the UPDF, with a recent survey finding that 7% of those ever in the military were drafted against their will.[54]

48 Interview with international humanitarian worker, Kampala, 4/7/06.
49 Interview with international humanitarian worker, Kampala, 20/10/06.
50 Interview with UN official, Kampala, 4/7/06.
51 Interview with international humanitarian worker, Kampala, 4/9/06.
52 Interview with UN official, Kampala, 4/7/06.
53 It is openly acknowledged by the UPDF and the Ugandan government that former combatants may be re-integrated into the armed forces if they so choose. This was admitted, for instance, by a UPDF representative during the launch of the RLP/NRC-IDMC report *Only Peace Can Restore the Confidence of the Displaced* on 17 March 2006 (Hovil and Okello, 2006).
54 UNICEF, 2006: vi, 71.

3.1.4 Funding

One clear reason why protection activities are still inadequate is funding. The majority of respondents felt that donors do not recognise 'protection' activities as a priority. According to one interviewee, 'In the absence of protection by main NGOs, one has to wonder if the donors have something to do with it'.[55] Both local and international NGOs reported funding problems for specific protection activities.[56] One INGO, for example, sought funding for its protection activities for three years before finding a donor, noting that, while NGOs lack clarity on what protection means exactly, donors are even less clear. Specifically, the interviewee commented that the demand for quantifiable results can be problematic.[57]

Of UNICEF's budget of just over $40 million for 2005, 10% was allocated to child protection. As at June 2005, the agency was still short by $1.25 million, and only one donor had made a contribution specifically to child protection.[58] While UNHCR's Special Appeal Budget was, unusually, fully funded for 2007, only 43% of the 2006 Consolidated Appeals was met, with the Protection, Human Rights and Rule of Law sector faring among the worst, with a mere 2% of its appeal reached.[59] The original 2006 Consolidated Appeals Process for Uganda requested $9 million out of a total of over $222 million (i.e., 4%) for protection-specific activities. In the 2006 CAP Revision, this figure increased to $23.8 million out of $262 million (9%), but less than $400,000 had been raised by November 2006.

In particular, there is little interest in providing funding for protection which involves holding the government to account for its failures to protect. This lack of donor engagement was a source of much frustration to many humanitarian actors. For instance, one interviewee stated: 'We're frustrated because key diplomatic missions are so careful about the whole issue of the war. It's so quiet'.[60] The interviewee complained that some donors thought they were engaging in protection because they were funding organisations to do incident reporting.[61] As he went on to ask, with reference to the donor community in Uganda, 'Where is the discussion on protection really taking place?'.[62] In short, notwithstanding the activities of NGOs reported on above, it can safely be said that donors have done little to strengthen the voice of non-state actors in Uganda when this involves holding the government to account for the situation in the north.

3.1.5 Government intimidation

A more fundamental deterrent to humanitarian protection activities in northern Uganda is the political climate. Both NGOs and UN bodies are reluctant to speak out against the

55 Interview with Gulu-based humanitarian worker, Kampala, 4/7/06.
56 Interview with national humanitarian worker, Pader, 11/9/06.
57 Interview with humanitarian worker, 4/9/06.
58 UNICEF, Donor Update, Uganda, June 2005.
59 UNOCHA, 2006.
60 Interview with senior humanitarian worker, 19/10/06.
61 Interview with senior humanitarian worker, 19/10/06.
62 Interview with senior humanitarian worker, 19/10/06.

government for fear of being ejected, and as a result few international NGOs have used their presence in northern Uganda as a starting point for putting pressure on other actors — the government or their own or other donor governments — to address the wider issues. As Paul (2006) asserts, since 2002 a number of NGOs have undertaken some advocacy work on behalf of the victims of the war, especially through the loose coalition Civil Society Organisations for Peace in Northern Uganda (CSOPNU), but they have generally been unable to 'bring a clear focus to their own critical role in protection'.

This lack of clarity means that, according to Paul, humanitarian NGOs have been unable to 'reduce and mitigate abuses through leadership and advocacy' despite what she sees as their obligation to 'strive towards public and specific recommendations regarding the need to protect the public both from attacks by the LRA and elements of the Ugandan military, and from the effects of deplorable conditions in the camps' (Paul, 2006: 7). As one interviewee commented, 'the proliferation of NGOs doesn't mean things are better. No one has done well in Uganda'. Likewise, with reference to the UN's role in northern Uganda, one interviewee observed:

> *The problem of the country is that it's a development success story. And this has been supported by the UN RC…You can't be with them and criticise them. You can't do both.*[63]

In particular, government intimidation has ensured that the majority of humanitarian actors have shied away from challenging the state on its responsibility to protect its citizens. Those that have spoken out have been intimidated – both at a local level and at a national level. A UN official described an event two years previously: 'an army official once called all the NGOs in the district, said security was for UPDF not NGOs, and anyone who writes about it would be closed down and chased from the district'.[64] Another humanitarian actor talked about some of the dynamics at a local level: 'Personal security is very, very porous. There are lots of defence units under the influence of alcohol. You can't argue with them'.[65] The Country Director of a large INGO summed up the dilemma that consequently faces the majority of humanitarian workers: 'We are prepared [to raise difficult issues], but I am not authorised to have [my organisation] closed down … It is rarely better for us to leave'.[66] A field-worker reiterated this point, saying: 'On the ground we want to do a good job, but there is an element of real compromise. We are always thinking, what will the state do?'.[67]

These issues were brought into sharp focus following the March 2006 release of a report by CSOPNU, which drew heavily on the mortality survey in Gulu, Kitgum and Pader referred to above (CSOPNU, 2006). As one interviewee observed, 'After the release [of the report] our drivers were scared to move around'.[68] This intimidation became more tangible when, at a meeting with NGOs at Museveni's ranch soon after the release of the report, it was made clear that NGOs were to remain silent on issues of government responsibility.[69]

Government intimidation is compounded by the dependence of many humanitarian actors on the army for security (Hovil and Okello, 2006: section 4). This dependence, and the direct association with one major category of human rights violators which it involves, is profoundly compromising for humanitarians.[70] As one interviewee put it, 'if you talk against UPDF you are taken as opposition. It has made the work of human rights so difficult'.[71] One humanitarian actor noted: 'we have to rely on the UPDF. We are caught between denouncing them and needing them'.[72] The ICRC, MSF and AVSI (in Gulu district) appear to be among the few actors to consistently choose to move around without UPDF protection.

3.2 Humanitarian protection on the ground

3.2.1 Planning processes

Although not always the case, in planning their interventions the majority of organisations interviewed appear to operate to a predetermined agenda, often governed by decisions made at headquarters. As a result, numerous respondents expressed frustration over the fact that they have limited scope and flexibility for day-to-day interaction with the fluid context in which they are working.

Furthermore, to date there has been limited inter-agency planning, although in theory this should change with the introduction of the cluster approach, as cluster members are supposed to carry out joint planning. As a recent ICVA report highlights:

> *[W]orking as an implementing partner of a UN agency often means that the NGO is told by that agency what to do. Such as relationship is quite different from cluster coordination, which is expected to work on the principle of the equality of partners and the joint definition of priorities (ICVA Coordinator, 2006: 10).*

63 Interview with international humanitarian worker, Kampala, 5/9/06.
64 Interview with UN official, Kitgum, 16/8/06.
65 Interview with UN official, Pader, 11/9/06.
66 Interview with international humanitarian worker, Kampala, 4/9/06.
67 Interview with senior humanitarian worker, Kampala, 19/10/06.
68 Interview with senior humanitarian worker, Kampala, 19/10/06.
69 Interview with senior humanitarian worker, Kampala, 4/9/06.
70 Reports of the UPDF torturing civilians are ongoing, and victims of abuse are frequently told to report the abuse to the very forces that committed it. Although the UPDF has executed a number of soldiers following courts martial, this has two problems: first, as a parallel process it does little to strengthen the rule of law as a whole; and second, such cases are the exception rather than the rule. The more usual approach to accusations against a soldier is simply to transfer the culprit elsewhere.
71 Interview with UN official, Pader, 11/9/06.
72 Interview with humanitarian worker, Kampala, 4/9/06.

3.2.2 Needs assessments

Needs assessments have fallen into two categories. The first is the assessment of overall trends of return, which has been largely driven by OCHA, and will now be supplemented by outputs from UNHCR return monitoring activities and from a UNICEF multi-sectoral monitoring project. The second is the assessment of the needs of largely pre-determined categories of vulnerable groups. As a result, a major characteristic of humanitarian assistance has been the focus on child protection – particularly on abducted children – and SGBV. As one NGO worker said when asked how their agency decides where to focus its programming: 'The most vulnerable population are the women and children'.[73]

With few agencies conducting comprehensive analyses of the protection situation in their geographic areas of operation, the tendency has been to rely on externally driven prioritisations or categorisations of need. Thus, while some respondents spoke of sending teams into the field to do needs assessments in order to determine where their pre-defined programmes can be best applied, on the whole there appears to have been a lack of consistent needs assessment, or any fundamental questioning of pre-determined categories of vulnerability and the needs which are presumed to go hand-in-hand with these vulnerabilities. One important negative effect is to infantilise women. As noted by one respondent, the practice of 'not really distinguishing between children and women, that's quite endemic here, everyone coming out of LRA is considered a child somehow'.[74]

Take, for instance, night commuting, a highly visible need that immediately attracted significant amounts of attention within the humanitarian community in 2004. However, research conducted in 2006 found that providing assistance to night commuters was creating a significant incentive to commute, that the original response had been misguided and that there was need for more 'responsible' programming. In particular, it was acknowledged that the focus on night commuters failed to take into account those who had not been abducted and those who were too far away from towns to consider being night commuters.[75] As one interviewee argued, 'There is now pressure for night commuting centres to close. Everyone agrees that family unity is best for child protection. Night commuting centres are not in their best interests'.[76] A more careful and protection-oriented analysis in 2004 could have helped to limit the development of this phenomenon rather than, as was the case, turning it into a major problem.

Furthermore, the way in which groups have been classified as 'vulnerable' has led to significant portions of the population being overlooked, as well as a failure to work on prevention of abuse. For example, as one humanitarian worker commented, 'it is very hard for them [UNICEF] to go beyond women and children'.[77] Categories of vulnerability are clearly deeply entrenched, and the mainstream discourse of 'vulnerabilities' has continued to identify women, children, the disabled and the elderly as demanding closer attention by protection actors. Broadly speaking this covers approximately 75% of the population. The remaining 25% – essentially men over the age of 18 – are assumed to be doing fine by virtue of their gender and their age. As one respondent remarked, 'once [men] hit 18 you go from abused to abuser'.[78] The inaccuracy of this assumption is gradually being acknowledged internationally (World Bank, 2006), and is beginning to be recognised for the purposes of humanitarian (protection) programming in northern Uganda. When SCiU conducted an inter-sectoral assessment in May 2006, it recognised that the previous focus on LRA child mothers failed to meet the needs of the IDP population, and that some of its projects, such as income generating activities, could be of value to a far wider range of beneficiaries. A UNICEF report in September 2006 argued for a 'shift from targeting based on simple and potentially stigmatizing categories (i.e. formerly abducted) to more salient measures of vulnerability' (UNICEF, 2006: iii). Such an approach would, the report suggested, result in a move towards programming that is 'more inclusive of young adults, treating them as a central category of concern, rather than an addendum to child support and protection programmes' (UNICEF, 2006: iii).

3.2.3 Community involvement in agency planning

Another defining feature of the war has been the lack of access to camps during periods of more intense fighting. In June 2005, for example, only 30% of camps were accessible without military escort.[79] NGOs have spent considerable periods of time confined to the major urban centres in the north, unable to travel to the rural camps where the majority of people were living. According to ICRC:

> *when we resumed in the north in 2004 it was first necessary to make a proper analysis of what type of needs were most urgent to cover, and which ones were not addressed properly. There was already a huge range of NGOs and UN agencies, so we had to look into major shortcomings. At the time, ICRC had the advantage of being extremely flexible and being able to move easily because we never used escorts. This has been an asset for us to reach out in places and camps rather [far] from the centres.*[80]

This general lack of presence has been particularly critical in Pader, where, since Operation Iron Fist, there has been almost no international presence. Even the district's administrative headquarters were out of bounds. There were no witnesses when thousands of people in Pader were forced into

73 Interview with national humanitarian worker, Pader, 11/9/06.
74 Interview with humanitarian worker, 10/09/06.
75 Interview with UN official, Kampala, 20/10/06.
76 Interview with UN official, Kitgum, 15/8/06.
77 Interview with humanitarian worker, Kampala, 4/07/06.
78 Interview with humanitarian worker, 10/09/06.
79 UNICEF Donor Update, Uganda, June 2005.
80 Interview with ICRC official, Kampala, 25/10/06.

'protected villages' during Iron Fist, and no accountability as a result. The situation was exacerbated by the fact that there was no mobile phone network in the district, and most agency staff were not allowed to travel by road.

The security difficulties faced by humanitarian organisations wishing to access the camps has inevitably made it hard for agencies to work closely or in an extended fashion with camp residents. As one humanitarian worker observed, 'I don't really see that there's much of anything going on in a lot of districts at camp level'.[81] Some organisations talked of how they had set up committees within the camps, but were also quick to acknowledge the many shortcomings of their approach: they are often imposed upon the communities and are not part of a wider, cohesive strategy. One interviewee, for instance, said that IDPs had begun participating in sub-county disaster management committee meetings only three weeks previously.[82] Another admitted that they were simply too busy to have adequate interaction with IDPs.[83]

A significant exception to this was ICLA, which is specifically including IDPs in its training. As an NRC staff member commented, 'We felt it would be better to have IDPs, they are volunteers, as they understand the environment well and are always accessible'.[84] By contrast, the same interviewee reported how paralegals based in the towns had had a reduced impact, with frequent problems arising relating to their lack of accessibility.

3.2.4 Measuring success

It is not easy to identify the indicators agencies use to measure the impact of protection activities or protection-sensitive humanitarian activities. In part, this relates to a lack of baseline information on many crucial aspects of the situation. For example, UNICEF's attempt to establish a database of abducted children (known as the Abducted Child Registration and Information System, or ACRIS) gives a reasonable sense of levels of abduction by the LRA over the years. However, there has been no corresponding effort to record how many young girls have been taken as wives by UPDF soldiers and their auxiliary forces. The result is that, while there are some programmes to reintegrate returned child mothers from the LRA, there is no equivalent for ex-UPDF 'wives' abandoned when their 'husbands' are transferred elsewhere. Equally, as there have been virtually no police posts in most parts of northern Uganda, and the UPDF has been the de facto source of 'law and order', there are no records of charges laid. In particular, quantitative records of UPDF abuse are unavailable. Such gaps in baseline data were a source of considerable frustration to many of those interviewed, particularly those who had only recently engaged in protection activities.[85]

In part, the difficulties of measuring success relate to the nature of the work. This is particularly true of some protection activities, such as training in human rights law or the government's IDP policy. As one respondent noted:

> *To measure the impact of this [training the UPDF in human rights awareness] is extremely difficult. But I am rather convinced that some effect of all this at some point will trickle down into the realities and daily lives of IDPs as well.*[86]

A further issue in measuring success is that, as one UNICEF staff worker put it:

> *nobody reports results [to UNICEF]. We've had a problem just getting NGOs to report to us … we don't know how many vulnerable children we're working with, for instance. So we've tried to simplify indicators to 5 or 6 things – in essence is how many vulnerable children have you identified by age and what services are provided for them.*[87]

He went on to say that, while UNICEF has now recognised the importance of reporting, the agency is still trying to convince NGOs of its value.

UNHCR is currently establishing monitoring systems with a number of NGO implementing partners, and these are likely to involve a relatively limited number of key indicators. In principle, where implementing partners identify specific instances of abuse, these are to be referred to OHCHR. UNICEF appears to be establishing a parallel and wider monitoring system, to be implemented by the International Organisation for Migration (IOM), which will monitor key indicators pertinent to all the clusters operating in northern Uganda.[88]

3.3 Coordination and leadership

> *The challenge of the protection cluster is how to bring humanitarian and human rights protection understandings together.*[89]

3.3.1 The problem

Given the adverse political climate, the uncertainty regarding what humanitarian protection should entail and inadequate donor support, there is clearly considerable need for strong leadership in the area of humanitarian protection. The lack of such leadership (particularly by the UN), and the resultant lack of impact on the ground in northern Uganda, has been a cause of widespread frustration. As one interviewee said: 'Common understanding and coordination is yet to happen. We take such a long time to get anything moving'.[90]

81 Interview with international humanitarian worker, Kampala, 4/7/06.
82 Interview with UN official, Kitgum, 16/8/06.
83 Interview with Gulu-based humanitarian worker, Kampala, 4/7/06.
84 Interview with humanitarian worker, Kitgum, 16/08/06.
85 Interview with international humanitarian worker, Kampala, 25/10/06.
86 Interview with international humanitarian worker, Kampala, 25/10/06.
87 Interview with UN official, Kampala, 4/7/06.
88 Personal communication, UNICEF consultant, Kampala, 28/10/06.
89 Interview with UN official, Kampala, 7/9/06.
90 Interview with humanitarian worker, 20/10/06.

Indeed, several informants commented on the fact that what passes for coordination is largely an information-sharing exercise rather than meetings in which agencies arrive at a consensus on what should happen. For instance, while Protection Working Groups (PWGs) and District Disaster Management Committees (DDMCs) are now meeting, they focus more on identifying issues than on deciding what subsequent action should be taken.[91] As one interviewee said with reference to the Gulu PWG: 'It is only held monthly, so we can't achieve anything. And it is just the ad hoc raising of issues and information sharing. It gets nowhere'.[92] However, the same informant went on to suggest that the PWG in Kitgum, coordinated by UNICEF, was working more effectively – or, at least, was holding more regular meetings.

Arguably, coordination is difficult in an emerging field such as humanitarian protection: given the variety of interpretations of protection there is a corresponding difficulty in coordination, both conceptually and practically. At its most extreme there is the contrast between ICRC, which argues that its function as a protection actor resides in its refusal to share information, and the opposing view that information-sharing is the crux of the matter. One UN official, for example, argued that:

> *The sharing of information is crucial, but it's not happening. If you link together the human rights abuses that, say, UHRC and OHCHR identify, that UNICEF is identifying, what the overall health issues are, then you could link that together and have a general understanding of the trends, of the real problems in the camps – where the government actors are not responding, where UPDF abuses are more prevalent, and where jointly you could focus your activities.*[93]

He added that, although he thinks OHCHR and UHRC are now doing monitoring, he had not received any information from them on emerging issues. Another interviewee put across a stronger, but not isolated, opinion of coordination: 'I have never seen anything as dreadful as Uganda in terms of [coordination from within] the UN system'.[94]

A further obstacle to leadership has been the fact that, until recently, no specific agency was ultimately responsible for IDPs at a global level. The decision taken in Geneva in October 2005 to make UNHCR the lead agency on camp management and the protection of IDPs is an important indicator of changing patterns of forcible displacement globally, and the corresponding need to adapt institutional responses.[95] For the population of northern Uganda, which has long been confined to the IDP camps, the promotion of the right to freedom of movement by the UNHCR-led protection cluster has been perhaps the single most important protection intervention by a humanitarian actor in the field to date.[96]

3.3.2 The response

The UN's response to coordination problems has been the cluster approach, which was formulated in the course of 2005, and implemented from late 2005 onwards in a number of pilot countries, including Uganda. The choice of Uganda as a pilot makes an important political statement at an international level, insofar as the emergency orientation of the clusters signals an acknowledgement that all is not well with the Ugandan 'success story'. At an implementation level, the designation of UNHCR as lead agency, both to coordinate the protection cluster and to act as provider of last resort, is intended to address the problem of accountability in implementation.

The arrival of the clusters has not been straightforward. Although it is hoped that they will narrow the gap between NGOs and the UN, the feeling on the ground is that they in fact have the potential to widen it. As one NGO worker put it: 'While addressing the issue of accountability, which is the good side of [the cluster approach], they are losing out in respecting our uniqueness and specific competencies'.[97] Within the UN itself, there are complaints about the additional meetings the clusters have generated. According to one respondent, 'If we weren't in a cluster, we wouldn't have to waste our time'.[98] One UN staff member told us:

> *The only difference between the cluster approach and the classical sector approach is in terms of accountability and provider of last resort … If you have a sector working properly there's no difference to the cluster approach … But here it has not been done systematically enough. It has been done very badly.*[99]

Notwithstanding these doubts about whether the clusters represent a significant change from previous practice, many of those interviewed acknowledged that it is early days, and they are currently reserving judgement. To date the UNHCR-led protection cluster is generally acknowledged to be the most pro-active, though even by UNHCR's admission it has been 'a long process to come into being'.[100] As one senior NGO worker said:

> *I believe the protection strategy for the protection cluster has become the de facto reference point for everyone in Uganda … Although HCR has been unpopular, at least they're doing something instead*

91 Interview with UN official, Kampala, 4/7/06.
92 Interview with Gulu-based international humanitarian worker, 4/7/06, Kampala.
93 Interview with UN official, Kampala, 4/7/06.
94 Interview with international humanitarian worker, Kampala, 5/9/06.
95 These initial findings on the roll-out of the cluster approach were presented by Dr. Lucy Hovil at the UNHCR pre-EXCOM meeting in Geneva, 28 September 2006. For full text, see www.refugeelawproject.org/resources/seminars/EXCOMcluster.htm.
96 It is debatable whether they would have promoted this at an earlier stage in the conflict.
97 Interview with humanitarian worker, Kampala, 4/9/06.
98 Interview with UN official, Kampala, 7/9/06.
99 Interview with UN official, Kampala, 8/9/06.
100 Interview with UN official, Kampala, 4/7/06.

> *of pretending it's business as usual with a new name. Like the water sector meeting is now the same useless meeting but it's called the water cluster.*[101]

Yet even with the protection cluster, there was reference to the fact that NGOs had not been consulted adequately in the preparation of the Protection Strategy Paper[102] which, by June 2006, was on its sixth draft.[103] Furthermore, two important agencies from a protection perspective, ICRC and MSF, have both refused to become full members of the protection cluster. As one UN official said in relation to this, 'In my opinion, the cluster approach has more alienated ICRC from the UN than brought them in'.[104]

Perhaps the most disturbing aspect of the clusters – and of the protection cluster in particular – is that they tend to reflect and thus perpetuate the institutional needs and hierarchies of the UN agencies involved, rather than allowing a fresh look at how to organise those agencies and their relations with non-UN organisations. OHCHR, whose broad concern with human rights could in principle justify its position as lead agency on protection issues, has in Uganda been made the lead agency for the human rights sub-cluster of the protection cluster, alongside the child protection and SGBV sub-clusters. The protection cluster in turn has tended to focus on the question of freedom of movement,[105] rather than creating a sub-cluster to deal with this very specific dimension of protection. The message is clear: protection, from a humanitarian perspective, is not primarily a human rights issue.

These positions in part reflect the fact that OHCHR has only recently arrived in the country, and indeed has only just become an operational agency at a global level. But they also highlight the way in which, in the humanitarian world, human rights protection is effectively subordinated to non-human rights concerns. It is thus not clear whether the protection cluster has succeeded in meeting the challenge of bringing 'humanitarian and human rights protection understandings together'.[106]

101 Interview with humanitarian worker, Kampala, 4/9/06.
102 Further reference to the difficulties between NGOs and UNHCR over their protection strategy is documented in the ICVA's Uganda Trip Report, May 2006 (http://www.icva.ch/doc00001845.html).
103 See UNHCR, *Strategy Paper for the Protection of Persons Displaced by the Conflict in Northern Uganda*, draft 6, 6 June 2006.
104 Interview with UN official, Kampala, 3/7/06.
105 See *Strategy Paper for the Protection of Persons Displaced by the Conflict in Northern Uganda*, Draft 6, 6 June 2006; compare the IASC document *Sub-cluster on Human Rights and Rule of Law Strategy*, draft, 23 September 2006.
106 Interview with UN official, Kampala, 7/9/06.

Chapter 4
Conclusion and recommendations

> *Protection creates an entry point for doing things that would otherwise be seen as too political … For example, it has allowed the issue of abuse by all sorts of actors other than the LRA to be raised … However, the problem with the discourse on protection is we can't deliver it up front, even if we can work on the structures that are supposed to deliver it.*[107]

Although it can be argued that it is better late than never, there is something ironic in the fact that, in some of the worst-affected areas of northern Uganda, we are only now – on the eve of a potential peace agreement – seeing the establishment of offices by the UN with a particular focus on protection, and the development of protection monitoring programmes using NGOs as implementing partners. This awakening has been slow in coming: while Operation Iron Fist and its aftermath undoubtedly pushed the humanitarian crisis to new depths, the nature of the protection failures, and the fact that they affected entire populations, was nothing new, and had been documented time and again from the mid-1990s onwards.

There is a tendency amongst over-burdened humanitarians to feel that, even now, nothing is really being done. As one UN official said: 'The police are almost non-existent. OHCHR should be there but we don't see much evidence yet. UHRC's presence is not much better – their presence in the north isn't any better than a year ago – it's marginal'.[108] Another aid worker expressed similar sentiments: 'I thought the place would be crawling with child protection experts and everything would be very systematic, but it is not'.[109] Indeed, some NGO representatives felt that their organisations had established bases just to be seen to be present in what has become a politically important humanitarian crisis, rather than out of any fundamental commitment to protection.[100]

Notwithstanding these criticisms from within the humanitarian community itself, important changes are beginning to take place, and a number of significant protection actors are now establishing themselves. They will be needed for some time to come: although a peace accord is to be hoped for and, if attained, will constitute the greatest single contribution to improving the protection situation on the ground for the IDP population, protection concerns will not disappear overnight.

In particular, it is important to emphasise the role played by humanitarian actors – whether inadvertently or not – in drawing sustained and high-level international attention to the situation in northern Uganda after nearly two decades of studious silence on the part of the international community as a whole. The findings of this study suggest a complex and mutually reinforcing interplay between levels of international attention and levels of humanitarian presence. The designation of a humanitarian crisis in late 2003, and the subsequent proliferation of humanitarian actors and academic and policy studies, has clearly been an important factor in generating increasing pressure on both the government and the international community to be seen to be doing something. In short, the biggest protection success of the humanitarian community to date has been a *political* one.

On the debit side, humanitarian engagement with the debate on protection has only resulted in changes at the margins of day-to-day activities and programming, rather than fundamentally altering the overall nature of humanitarian activities. Few agencies have made major investments in stand-alone protection activities, and work challenging the government to address the impact of the war, for example by calling for access to justice for victims of violations and abuses, has been limited. Even protection-related activities that are less confrontational have remained minimal, and as a result so has the impact of INGOs on the overall protection situation.

Furthermore, protection activities that focus on the population as a *whole*, rather than on the most visible victims, have barely begun. Many agencies have difficulty going beyond preconceptions of who the perpetrators and the victims of violence are. The tendency to break down the complex of violations into more manageable caseloads, generally through the use of globally developed and imposed notions of vulnerability, appears primarily to serve the institutional and administrative interests of the organisations concerned.[110] As a result, despite the presence of humanitarian actors with a stated commitment to protection, civilians remain fundamentally unprotected. International humanitarian actors themselves are all too aware of this – indeed, interviewees' self-awareness and honesty regarding their own 'failings' was striking throughout the research for this paper. As one interviewee put it: 'I think that collectively the humanitarian community in northern Uganda has done a terrible job … and

107 Interview with donor official, 9/8/06.
108 Interview with UNICEF official, Kampala, 4/7/06.
109 Interview with humanitarian worker, 11/09/06.
100 Interview with humanitarian worker, Kampala, 27/6/06.

110 Perhaps the most egregious example of this failing is the ICC: while being touted as the world's best hope for international justice, the ICC's statute only allows it to investigate events that occurred after its statute was elaborated, namely from mid-2002 onwards. As such, it is unable to deal with a backlog of violations from the period 1986–2002, substantially undermining its credibility. Furthermore, the focus that has been put on the ICC – and the way its involvement in the war has dominated discussion and responses to issues surrounding its potential resolution – has obscured the need to maintain a focus on the majority of the population who are not going to be directly affected by the ICC.

now they simply say it's a protection problem so we don't have to evaluate our past failure'.[111]

One of the more obvious reasons for this failure is the level of government intimidation. Paul (2006: 13) argues that NGOs have both the obligation and the opportunity to engage more specifically and directly on issues of IDP protection with the Ugandan government, the UN and foreign governments with close bilateral relations with Uganda. However, this study confirms that, where there is the will to engage more directly on protection, humanitarians are hampered by fear of the consequences, a fear compounded by inadequate protection for humanitarian agencies from the UN Security Council, the RC/HC and donor governments.

A more structural reason for the lack of visible impact includes the novelty of the engagement: after 40 years of humanitarian intervention, becoming involved in advocacy, for instance, represents a fundamental change in orientation. Linked to this is the extent to which protection remains too broadly defined. As such, it allows humanitarians to situate themselves anywhere on a sliding scale from minimal engagement (characterised by having a 'protection lens' that ensures that, for instance, boreholes and pit latrines are put in the right place) to substantial efforts to hold the government to account. As a result, people risk thinking that they are doing protection without necessarily addressing those protection issues that play a fundamental part in the war itself.

The concept and implementation of humanitarian protection is still in its infancy in northern Uganda. Although when looked at from the field level, it can often seem that humanitarian protection has not yet taken root, it must be stressed that this is not for lack of intent on the part of the many humanitarian actors in the field. Indeed, the difficulties of bringing about a fundamental shift in the nature of humanitarianism – away from an explicitly apolitical stance and towards engagement with the political context – cannot be overestimated. As a result, an objective assessment requires the observer to consider not just the impact of on-the-ground programming, but also the broader impact of the emergence and articulation of this form of activity.

When looking at the overall impact on the political context within which abuses are taking place, the success of humanitarian protection in northern Uganda has been considerable. It is no coincidence that the government is talking about peace for the first time in 20 years, less than two years after the arrival of significant numbers of humanitarian actors. The observation of a donor official – that 'Protection creates an entry point for doing things which would otherwise be seen as too political' – brings to mind the well-known legend of the Trojan Horse. After an unsuccessful ten-year siege of Troy, the Greeks built a huge wooden horse and offered it as a gift to the citizens of the city. The Trojans accepted the gift, only to find, once the horse had been taken into the town, that it was filled with Greek warriors, who burst out and took the city.

In northern Uganda, the 'gift' of scaled-up humanitarian intervention has been something of a Trojan Horse, in that it had exactly the effect the central government had for so long been seeking to avoid, namely of attracting international attention to the protection disaster in northern Uganda.[112] Not only has this undermined the image of Uganda as a success, but it has also threatened Uganda's fragile sense of sovereignty. The parallels with Troy are clear – and whether this is regarded as good or bad obviously depends on whether you are a 'Greek' or a 'Trojan'.

4.1 Lessons learned and recommendations

The humanitarian protection framework

- *The broad definition of protection, as adopted by many humanitarian actors, risks rendering the term meaningless*. In fact, the broader the definition, the softer it gets.
  Recommendation: What is beginning to constitute the soft outer edge of the protection spectrum (e.g. locating a borehole in a way that minimises the risk of women being raped while collecting water), although falling within the ICRC concept of 'complementarity', *should not be described as protection, but rather as protection-sensitive humanitarian programming*.
- *Protection-sensitive programming should not be mistaken for the far more difficult task of promoting protection through holding duty-bearers to account*. The traditional core of protection programming, the monitoring of abuses and the holding to account of those responsible, is still sorely lacking and requires a significant investment of effort and resources. In terms of the UN agencies, OHCHR is best placed to lead on such work.
  Recommendation: Organisations should have people with specific skills in protection work, together with the necessary budgets. The UN Country Team should promote OHCHR's role in holding government to account, with active support from the Resident Coordinator/ Humanitarian Coordinator. The latter should also press the government to reduce its intimidation of humanitarian actors, and make recourse to higher bodies such as the UN Security Council should such pressure prove fruitless.
- *The over-emphasis on pre-determined vulnerable categories results in many needs not being addressed*. The considerable reluctance before 2004 to engage with the protection needs of the community as a whole, and the long-standing refusal to consider the UPDF and its auxiliaries as perpetrators, has in many instances fed into the overall pattern of protection problems. Arising from the restricted understanding of who the perpetrators and victims are, there remains a risk that, if a peace agreement

111 Interview with senior humanitarian worker, Kampala, 5/9/06.

112 It must be noted that the government is not entirely homogeneous. It is at times useful to distinguish between central and local government actors, as their positions on the conflict and protection issues diverge considerably.

is reached in Juba, it will be widely assumed that the need for protection work is substantially reduced or removed. This would be a mistake: there is a long way to go before northern Uganda is fully demilitarised (including a comprehensive demobil-isation process), and until this happens a range of very immediate protection threats remain.[113]

Attracting international attention

- *The humanitarian response was largely triggered by the intervention of Jan Egeland in late 2003. Generally, major humanitarian actors and donors lack independent critical analysis (or budgets).*
  Recommendation: Humanitarian actors who are serious about protection should be pursuing their own situation analyses, working with concerned local actors and lobbying donors for increased funding for protection work. Furthermore, it is critical that the members of the UN Country Team forward such information to their respective headquarters.

Protection roles and responsibilities in ongoing conflict situations

- *International NGOs and the UN are not well placed to conduct serious protection monitoring activities in ongoing conflict situations, primarily because they are rarely in the most affected places at the most difficult times.*
- *Even if INGOs and the UN were in place, their capacity to identify the less visible forms of human rights abuse – such as rape – needs to be informed by an understanding of the particular cultural context.* This kind of understanding is rarely achieved by international NGOs in general, still less by humanitarian actors who are in situ for only limited periods of time. As such, some areas of serious human rights abuse are likely to be overlooked, particularly by those wearing a vulnerabilities lens. For example, international NGOs consistently underplay or simply ignore the issue of male rape.
  Recommendation: Protection work needs to be undertaken not just for, but also with, local actors. Humanitarian protection organisations must establish working relations with local organisations and must provide the necessary political support to enable them to carry out protection monitoring activities when international organisations are absent due to security concerns
- *Engagement with protection issues is not optional.* In northern Uganda, the failure to denounce the IDP situation, and to base most interventions inside the camps without any corresponding efforts to analyse the camps or to resolve the causes of displacement, amounted to complicity with the government's policies and served to entrench displacement for many years.
  Recommendation: While humanitarian actors may feel compelled to address immediate suffering, this must always go hand in hand with careful analysis of the underlying issues and calculated action to address those issues. The need to avoid further complicity is particularly critical at a time when there is talk of planned returns, some of which may not be fully voluntary.

Planning and needs assessments

Agencies need to suspend their assumptions about who exactly is most vulnerable and assess this in the light of the local context.

Recommendation: Humanitarian protection agencies need to seek some understanding of local context, in particular gender and generational issues, both through existing reports and informants, and through new data collection. *A lack of analysis prior to implementing activities can compound problems.*

- *Base-line data is necessary if any quantitative analysis of the impact of protection work is to be made.*
  Recommendation: Newly arriving agencies should avail themselves of existing reports, but also consider investing in baseline data-collection activities.

Community involvement in delivering protection

- *Egeland's success can only have been achieved in the context of many years of painstaking and largely unrewarded work conducted by local organisations to document the harsh realities of life for their fellow citizens.*
  Recommendation: Closer attention should be paid to local actors prior to and during interventions. More extensive protection monitoring in conflict situations requires a degree of creativity around, and trust in, the use of local partner organisations. For international organisations involved in protection monitoring, careful documentation of their humanitarian activities, if presented in the right way, could go a long way to inform the outside world of the gravity of a given situation.
- *Alternative mechanisms of community involvement need to be found.* At times community members may be more willing to come to the humanitarians than the humanitarians may be to go to the community. In such instances, mechanisms can be established to ensure ongoing consultation between the two, even where the humanitarians do not have a physical presence.

Coordination and leadership

- *Public denunciation of human rights abuses places those involved at risk (both the victims and those denouncing the abuse).* Humanitarian actors wishing to get involved in this form of protection activity therefore need to make strategic alliances in order to protect themselves. This is most likely to be an issue for local and international NGOs, and these actors need to educate their donors on the importance of such work and on the leverage that donors can potentially exercise on their behalf. The protection cluster also offers the potential for inter-organisational solidarity in the face of government opposition to protection findings.

113 It remains to be seen whether local justice and healing processes, such as *mato oput*, will effectively deal with returnees.

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