

Report on
DURABLE SOLUTION ASSESSMENT
IN LANGO SUB – REGION
Date: 24 June 2008

Background

As of the 31st March 2008, all the 61 IDP camps present in Lango sub region were phased-out. The displaced population composed of some 466,000 persons returned to their village of origin. In consideration of the above and in line with its strategy, the protection cluster carried out an assessment to verify whether the displacement has ended.

I) Introduction

On the 24 of June 2008, the Lango Protection Cluster conducted an assessment to determine if former IDPs have achieved a durable solutions and consequently if the displacement has ended in the Sub region. The assessment was conducted through participatory assessment based on Age Gender and Diversity Mainstreaming principles using structured focus group discussion.

The assessment focused on the eight conditions contained in the Framework for Durable Solutions of the RSG on IDPs, to determine whether the conditions are met or not. This document is therefore set to share the findings of the assessment.

Objective:

- To assess whether the conditions set in the Durable Solution Framework are met and accordingly determine whether displacement has ended in Lango Sub Region and
- If not, to identify what is still required towards reaching that goal.

II) Methodology

The assessment was conducted in 3 places in Lira and Oyam Districts; one returnee area (Ajul Parish), one former camp (Omoror) and one settlement site (Gotojwang). On 23 June 08, a half day training on Durable Solution Framework and Participatory Assessment was given to participant and the assessment was conducted on 24 June 2008 using the Participatory Assessment tool guide. The information was gathered from 12 groups (4 groups in each site). In total 151 people participated in the assessment. The groups are as follows:-

- women (18 yrs old and above)
- girls (12-17 yrs old)
- men (18 yrs old and above)
- boys (12-17 yrs old)

Group members were selected randomly and were informed about the purpose of the assessment and confidentiality of information given. The group discussion took 1-2 hrs.

Information gathered previously through return monitoring was used to consolidate the findings.

III) Findings and analysis of the assessment

Condition No. 1

Formerly displaced persons do not suffer attacks, harassment, intimidation, persecution or any other form of punitive action upon return to their home communities or resettlement in other locations.

All groups assessed expressed some concern about security, the greatest problem being cattle raiders from Karamajong. According to the groups, the Karamajong warriors do not just steal cattle, but also steal other items and they do not hesitate to kill or injure anyone standing in their way. A recent killing by a group from Karamoja was mentioned by all groups. None of the groups identified any solution which they would be able to carry out themselves with regards to the threat from Karamajong. Instead, women, boys and girls, all three identified the solution to be increased number of men in the Anti Stock Theft Unit (ASTU). For the group of men the only solution proposed was to arm locals with assault rifles. According to the group, this used to be done during the Obote period. Selected villagers were given guns to protect themselves, which in the end also scared of the Karamajong enough not to even enter. Although occasional incursions and sighting of Karamajong cattle rustlers were reported however the groups stated that situation has improved significantly with the deployment of additional Anti Stock Theft Unit (ASTU) along the border. There was not any major Karamajong attack since March 2007.

Groups in the former camp said presences of unexploded ordinances/UXOs as their concern. In 2007 about 43 (3%) of the protection issues reported by UNHCR implementing partners were UXOs/mines. In addition to these, some farmers whose lands were formerly occupied by army barracks/detaches requested their land to be assessed. Though the response by the demining team and the UPDF was slow however most of the UXOs were defused and almost all of the lands formerly occupied by former detaches were assessed and confidence building measures were conducted. Only a couple of people are not able to access and cultivate their lands because they fear of presence of UXOs.

In the returnee area, all the groups stated gunmen called Bokec are attacking and robbing people at night. The attacks seem systematic and many villages in the assessed parish were affected. The most recent attack was around end of May 2008 in Ogwang village where the gunmen robbed money from a businessman and in Odololong village killed a child when all the villagers fled from them and they were not able to find anything. Some of the reasons given include that some people had acquired guns during insurgency and there are also army deserters and demobilized soldier still with arms. This coupled with lack of enough security personnel in returnee areas is creating fear.

Despite the effort of the Government which deployed Anti Stock Theft Unit (ASTUs) to prevent attack from Karamajong and Special Constable of Police as a way to reinforce the overall security in the Northern regions, security remains a concern. It was suggested that additional security personnel be deployed in the sub region and that police night patrol be organised to prevent attacks, apprehending culprits and disarming gunmen as well as former soldiers. It was also suggested to strengthening the Defence Secretary in LC 1 by training and equipping them to be more active in reporting incidents promptly and responding.

Other concern raised in relation to safety, was rumors of LRA being back in the country and delay in the signing of the comprehensive peace agreement. However majority are aware that these are only rumors and return monitoring reports also show that returnees feel more safe and secure.

Although the above mentioned attacks and criminal activities are a serious concern, however, it was noted that these are not carried out to “punish” IDPs” upon return. Karamajong cattle raiding historically existed prior to the displacement and criminal activities are common throughout Uganda. In addition the Government has showed to be proactive in trying to reestablish good security conditions by deploying ASTUS and SPCs. Furthermore the concerns or needs are not specifically related to their displacement.

Based on these the assessment teams agreed that *Condition No 1* is met.

Condition No 2:

Formerly displaced persons are not subject to discrimination for reasons related to their displacement.

None of the focus groups reported any discrimination for reasons related to their displacement or any other reason. However it should be noted that almost everybody was displaced hence, it would be difficult to see who would discriminate the people for reasons related to their displacement.

Additional information collected prior to the assessment revealed that girl mothers and their children face stigmatization and discrimination within their own families or communities due to cultural reasons (unknown fathers, therefore no marriage and no benefit for the parents). 60 girls mothers victims of discrimination were identified by the Child Protection committees in Aromo, Omoro & Ogur Sub counties during the second quarter of 2008. This is a serious protection concern that requires resources and structures to address it. However, it does not regard only former IDPs but the overall population in Lango.

- The assessment team agreed condition No. 2 is met

Condition 3

Formerly displaced persons have full and non-discriminatory access to national and sub-national protection mechanisms, including police and courts.

All groups indicated that they have **non-discriminatory** access to both police and judiciary.

What was cited, however, was the apparent corruption and inefficiency of system hampering the effectiveness, and the distance to travel in order to get the police. Nevertheless, when needed, both instances could be reached by all groups. The women and men group indicated that they foremost use the LCI court and only approach the police and higher courts for matters outside the jurisdiction of the LCI court, e.g. physical violence.

The Government showed to be proactive in trying to reinforce access to police by deploying an increased number of Special Police Constables. The deputy Inspector General of Police was based in Lira to facilitate the process. access to national and sub-national protection mechanisms in Lango remain an

The assessment team agreed condition No. 3 is met.

Condition 4

Formerly displaced persons have access to personal documentation, which typically is needed to access public services, to vote and for administrative purposes.

The men and women stated that the LCI of the village are registering all members of the village. They also mentioned that there is no problem to get the LCI chairperson to sign a letter which would prove their identity if needed at e.g. banks or public administration.

Concerns were raised with regards to birth certificates. Although available for a fee of 1,000 UgShs, the women group indicated that not many of the children do have a certificate. Normally the certificates are only acquired during campaigns, as the distance to go to get them at the sub-county headquarters are too long and the fee is too high. As a solution, the focus groups suggest that the certificates should be brought to village or parish level and the local authorities should become more vigilant to ensure that all newborns are registered. Efforts are ongoing to support the Government to fulfill its obligations to provide birth certificates to the whole population. However these efforts only target children from zero to eight years.

Though some problems in accessing documents were reported, mostly due to ignorance about the procedure by the community, remoteness of the service providers or high fee, the assessment team agreed condition No. 4 is met

Condition 5

Formerly displaced persons have access to mechanisms for property restitution or compensation regardless of whether they return or settle in the area where they found refuge or a new location.

The groups expressed that they have access to mechanisms to deal with property restitution issues. However, the functionality of these mechanisms were questioned, especially the formal system which includes the LC courts. All groups in the returnee area mentioned land dispute and restitution as a major concern particularly when it involves people who have money or affiliated to officials. Widows or orphans have particular problems in regaining their spouses or parents' land sometimes ending up landless.

As IDPs move back to their villages of origin there was scramble for land, with many returnees unsure of their boundaries and others looking to exploit this uncertainty and grabbed or encroached into others land. This led to rising conflict and tension within communities which is worsened by the lack of capacity within local government to resolve or prevent such disputes. Out of the protection incidents reported in 2007, the 313 (23%) were land disputes. Land disputes have always existed in Lango and are present all over the country. However the displacement has worsened the situation. In

this framework the Government is working at a reform of the land act to improve the situation.

As for solution, most groups cited a) simplifying the process of acquiring land title b) introducing of transparent and efficient institutions and mechanism esp. regarding disputes involving people with money and c) the use of the traditional system of clan elders, who know about the land ownership, to be given more roles in land issues because it is considered more just. In the settlement site, the women group also mentioned that they have plans to set up a women group which will help them speak with a stronger voice in issues such as land.

Although there is the need to improve the system all over the country by, amongst other things providing training to the LC courts and by addressing corruption issues, this notwithstanding the former IDPs have access to procedures for property restitution at the same level of other similarly situated citizens. Therefore the condition is met

Condition 6

Formerly displaced persons enjoy without discrimination an adequate standard of living, including shelter, health care, food, water and other means of survival.

On this condition the term “adequate standard of living” is vague, hence assessment teams tried to see the different aspect of their life with the emphasis on the enjoyment without discrimination. Below are some of the basic concerns on the living condition.

Food: All groups expressed concerns over the level of food available in the village. There seem to be a consensus that the amount of food produced is not adequate for a normal living. Quality and quantity of food is also rated very low. The causes for the inadequate food level are recurrent drought, flood, lack of seeds as well as ox ploughs or tools to cultivate more efficiently. The solution provided was to give additional seeds and tools/ox ploughs to the community to improve food security without creating a dependency syndrome among returnees. Efforts should also be done for alternative means of income generation activities.

Health: Health is one of the concerns raised by both men and women stating the inadequate health services in the areas. In the returnee area assessed, there is no health centre in the parish. The nearest health centre is in neighbouring parish, 6 km away, difficult for women and girls go there at night. In Uganda, the standard is one Health Centre II per parish, however majority of the parishes do not have any. In settlement site assessed, the closest health service is in Olilim sub-county HQ. The groups suggested that the best solution would be to have a functional Health Center II placed in each parish. In many places, the communities are willing to provide land and contribute labour and locally available materials

Water: The women groups in all the sites assessed stated that the available water is not safe or sufficient. Many sources of drinking water are unprotected springs, and/or river/streams. Throughout 2007, water was consistently mentioned by the returnees as one of the biggest challenges of returning home, as functional water sources in return areas also dried up during the dry season. Some said it takes them 2 hrs to fetch water from the boreholes. In many return areas, the water situation remains poor and interventions by the humanitarian community, although increasing, are insufficient at present.

In the settlement site and former camp, although they considered water to be adequate, the waiting line is often very long as the village borehole is shared with neighbouring villages. They suggested as solutions digging of boreholes and the women also suggest that they would organize the water collection in order to release some pressure on the pump. They requested if pipes could be provided for the community to repair the protected spring, in order to increase the amount of water in the community. Generally, efforts need to be made by all actors involved in water and sanitation sector to improve the situation.

Shelter

Groups in the former camp stated that there are some people who are not able to return to their villages because of lack of shelter in their villages. A recent assessment shows that there are 517 EVI/PSNs (0.1% of the peak displacement figure) still remaining in the 46 former camps in 18 sub counties of Lango Sub Region. Of the identified EVI/PSNs almost all said they want to return to their villages but are not able to do so because they do not have shelter. Although some interventions were made by UNHCR and its partners in EVI/PSNs hut construction there is need for further assistance. During the assessment, there were reports of incidents of forced evictions.

As stated above the term adequate standard of living is vague and was a difficult condition to verify. Generally, though the living condition and available services are poor however, the problems are not limited to the IDPs/returnees. It is noted that all enjoy available services *without discrimination*. In addition, the condition should be read in conjunction with the general principle that the displacement ends when “*IDPs no longer have needs specifically related to their displacement*.”

Considering the above, the assessment teams concluded that this condition is met.

Condition 7

Formerly displaced persons have been able to reunite with family members if they choose to do so.

Family separation was not a major problem in Lango, as majority of the IDPs were in camps within their sub counties not far from their villages. Subsequently to the achievement of freedom of movement all over the country, there is no obstacle to family reunification if family members choose to do so.

One group in the former camp stated that few EVI/PSNs are unable to reunite due to the problem of not having shelter in their villages. A previous assessment noticed that there are some children living in former camps who are not yet reunited with their families due to the lack of resources. The group needs the support of child protection mechanisms.

As stated above, although there is need for interventions to address the issues of the EVI/PSNs, including children, remaining in the former camps separated from their family due to lack of resources, there is no formal obstacle to family reunification. Therefore this condition is met.

Condition 8

Formerly displaced persons are able to exercise the right to participate fully and equally in public affairs.

All groups stated that they participate fully in all public affairs. Even the boys and the girls stated that their voices at times are being heard, normally through their parents, in public affairs. In the settlement site, the women did express, however, a need of training in how to better involve themselves in decision-making. The assessment teams agreed that this condition is met.

Conclusion

The assessment and previous monitoring reports show that more than 99% of former IDPs have returned to their villages of origin and that they no longer have needs specifically related to their displacement. Former IDPs do not face any discrimination for reasons related to their displacement or any other reason. Though some security concerns were reported such as the Karamajong attacks and armed thugs, these are of criminal nature and not directly linked to the cause of their displacement and are not carried out to “punish” IDPs” upon return. The issue of UXOs though of concern to some returnees especially people whose land was formerly occupied by army detachments, is not a major problem in the sub region.

Although the delays in the signing of the final comprehensive peace agreement still concerns the population in Lango, now they feel safer and more secure than before.

On the standard of living, despite increased intervention by humanitarian agencies to address some of the gaps, the living condition of former IDPs still remains bad. Many parishes do not have health centres, some accessing health services in neighbouring parishes which sometimes are far and without adequate staff and medicine. In many return areas the available water is not safe or sufficient. In addition, there are still serious protection needs, including with regard to Child Protection, that must be addressed. However, it should be noted that the problem is not limited to former IDPs/returnees but concerns the overall population.. All former IDPs access what is available without any discrimination.

Based on the above findings the assessment team concluded that the conditions set in the Durable Solution Framework are met in Lango Sub Region and that the displacement has ended.

Below are some recommendations to address some of the concerns raised during the assessment.

Recommendation

- The government, as the primary responsible to protect its citizens, has to deploy additional security personnel, patrolling during night to prevent attacks, apprehending culprits and disarming of gunmen and former soldiers. Government should have a clear Demobilisation, Disarmament and reintegration strategy to prevent individuals from resorting to crime as a livelihood mechanism in the areas of return
- The Defence Secretary under LC 1s should be strengthened by training and equipping them to be more active in reporting incidents promptly and responding.
- All former barracks/detachments should be assessed for possible presence of UXOs and demining teams should respond promptly to reports of mines/UXOs
- There is high need for developmental activities by govt and developmental agencies like construction of service providing institutions such as health

centre, schools, courts and provision of safe and adequate water. In addition there is a need for intervention on income generating activities to improve the living condition of the population.

- Local authorities should be empowered by training and equipping them to enable them handle administrative and land issues effectively and efficiently.
- Recovery interventions need to be considered and implemented as a matter of urgency to bridge the gaps from humanitarian relief to development
- Development programming should take into considerations human rights principles and standards if holistic and meaningful development is to be realized. Therefore government and development actors should consider mainstreaming human rights in all their actions for the effective protection respect and fulfillment of the rights of all persons.
- Government should come up with clear property restitution/ compensation mechanisms or procedures coupled with a comprehensive land policy; a) to protect and adequately compensate individuals whose land was occupied and used for military detachments/barracks, camps settlements and burial grounds, b) to protect vulnerable individuals who have been rendered landless by other members of the community through land grabbing.
- Improve access to Justice (*N.B to reinforce condition 3*) especially through strengthening administration of Justice e.g. opening sub courts closer to the population and deploying more G1 Magistrates to handle the looming number of cases which are not handled and does not fall within the jurisdiction of LC 1 courts

Agencies participated in the assessment

1. OHCHR
2. UNICEF
3. ASB
4. Samaritan Purse
5. UNHCR