Fostering the Transition in Acholiland:
From War to Peace, from Camps to Home
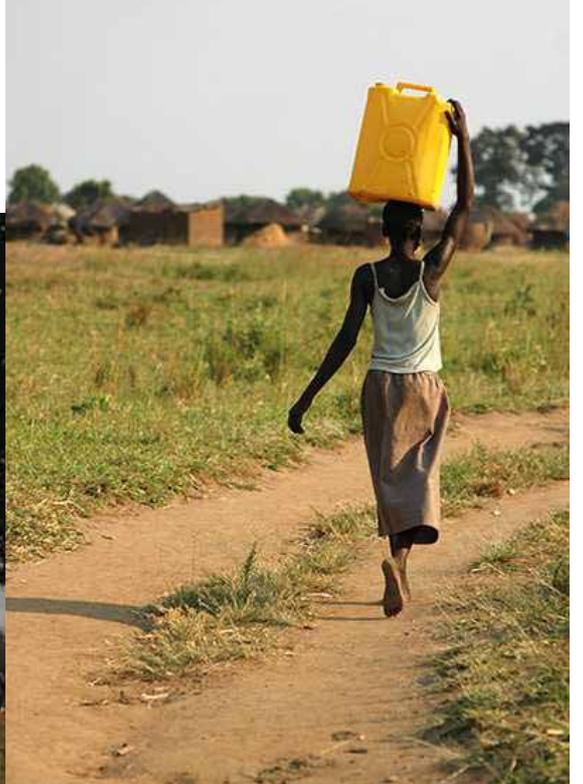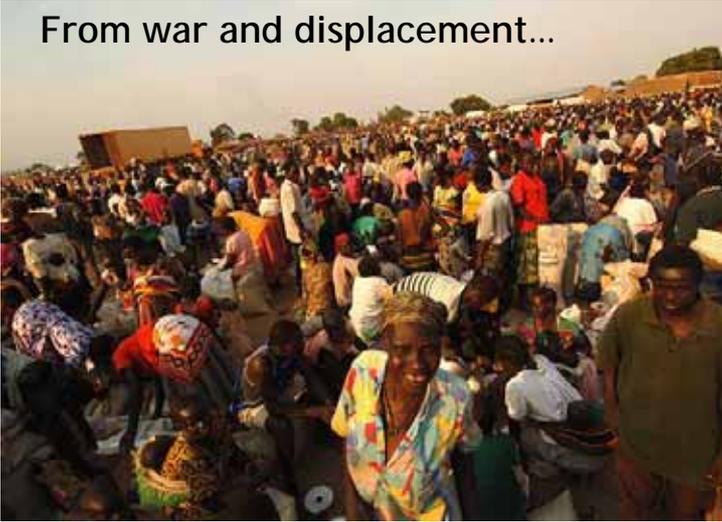

Human Rights Focus

Gulu, Uganda

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From war and displacement…

…to peace and home.

ACKNOWLEDGMENTS

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EXECUTIVE SUMMARY
AND RECOMMENDATIONS

This report aims to help foster the two transitions currently underway in Acholi sub-region of northern Uganda: from twenty-one years of civil war to tentative peace, and from over a decade of mass internal displacement to a return home. It does so by identifying, using a human rights lens, existing and potential obstacles to sustainable and inclusive peace and return. The report's fundamental conviction is that the Acholi community can and should itself lead the processes of return and reconstruction, and of justice and reconciliation, and so all external interventions, whether oriented around return, economic development, human rights, women's empowerment, or justice and reconciliation, should be limited to providing the "minimum effective dose" needed to enable the Acholi community to rebuild itself in an inclusive manner. The report is based primarily upon research carried out by eight researchers staying in sixteen camps in all four districts from May-August, 2007.

Movement and Voluntary Return

The Acholi want to go home, and they are going home, despite a lack of water, roads, building materials, tools, and information. Voluntary return is their right: as the National IDP Policy states, "Government commits itself to promote the right of IDPs to return voluntarily, in safety and dignity, to their homes or places of habitual residence." It is therefore the responsibility of government and intergovernmental organizations (IGOs) and non-governmental organizations (NGOs) to provide an enabling environment for return without trying to control the process.

A wide variety of different patterns of movement are seen in Acholiland at present. Some people are remaining in camps, but most are moving to smaller camps, to even smaller transition sites, or to pre-displacement villages and homes. Many are commuting regularly to their land or between different locations. Given this varied and often unclear situation, it is a significant challenge to ensure that the displaced citizenry's right to voluntary return is respected. In Gulu and Amuru, return generally appears to have been voluntary, but in Kitgum and Pader this is not the case, as people report that they are following orders from the district leadership not to return home, but to settle in smaller camps instead.

Therefore, in Kitgum and Pader, the primary human rights concern is that people are being denied their right to voluntary return by the government, a policy with which IGOs/NGOs appear to be cooperating by moving aid provision from main camps to decongestion camps. In Gulu and Amuru, the primary human rights concern around return is that government and IGOs/NGOs, through their failure to rehabilitate infrastructure and basic services and their failure to provide information to IDPs, are intentionally or unintentionally keeping people in the camps and preventing them from moving home.

We argue that infrastructure and service provision at present should focus on rehabilitation and the re-creation of conditions that pertained before displacement. For government and IGOs/NGOs, this primarily involves reopening roads and rehabilitating water sources, both of which are beyond the capacity of returning IDPs, and then providing basic tools and rebuilding schools and health centers. These tasks are entirely within the scope of emergency humanitarian and early recovery programming. Providing these basic needs can serve as a catalyst for the community to mobilize further resources itself. Key to successful return is promoting the democratic accountability of aid and service providers, which can ensure that IGOs/NGOs work according to the interests of the returning population.

➔ *Recommendations: Movement and Voluntary Return*

- Government needs to provide the unequivocal message that forced displacement is over for good.
- Government needs to guarantee the right to voluntary return, especially in Kitgum and Pader districts, and provide clear and consistent messages to that effect.
- Government and IGOs/NGOs need to guarantee people's right to return home in safety and dignity by providing an enabling environment for return.
- Government and IGOs/NGOs must avoid doing anything, intentionally or unintentionally, that might hinder people from or bias people against returning home.
- A regular, professional police presence should be established throughout Acholiland to replace the UPDF and to deal with crime and other threats.
- The approach to infrastructure and service provision, in particular water and roads, should be one of rehabilitation, not emergency aid to displaced populations.
- IDPs need to be provided with accurate information about security, infrastructure, service provision, and food aid distribution so as to effectively plan their return.
- The accountability of aid providers to aid recipients needs to be ensured by replacing the camp management paradigm with an accountability paradigm. Open discussions among IDPs, IGOs/NGOs, and government in public meetings should be the basis for the engagement of humanitarian actors with the community.
- A national-level inquiry is needed into the procurement process for relief and reconstruction aid. Without this, donors could see their efforts to promote reconstruction come to naught, and the management of return could turn into another tragic instance of corruption and apathy carrying the day at great human cost.
- We suggest that district local government should be tasked with the primary role of procurement so as to improve accountability to the community, with the Office of the Prime Minister taking an oversight role.

Acholi Society and Return: Men, Women, and Land

Acholi Society and Women's Rights

Acholi society has undergone significant changes as a result of the war and displacement. Men and male elders have seen a precipitous decline in their authority, while women and youth have seen an increase in their authority and independence. Women, in many cases in response to the depravation of the camps, have started businesses, joined groups, and taken positions of leadership. This has given rise to tension within the Acholi community, much of it around the controversy over women's rights. There is a real possibility that men may try to re-impose their authority over women and youth once back in the village, through force if necessary. While the acute level of violence against women seen in camps, much of it due to alcohol, will probably be reduced as people return, there is a possibility that physical violence by men against women could continue under the guise of family or clan discipline. Even if violence is not the instrument, the suppression of women's economic, educational, associational, and leadership activities would represent a serious violation of their rights.

Since successful and sustainable peace and return can only be realized through independent action by an organized community, it is the primary task for interventions to carefully promote and support community organization which can enable the community to act for itself. In this context, interventions should help cultivate positive change from the legacy of war by ensuring that newly empowered actors—women and youth—continue to play a role in the post-conflict period, while also not ignoring the role necessarily played by more long-standing legitimate authorities—male elders and traditional authorities.

➔ *Recommendations: Women's Rights*
- Women's rights education needs to be backed up by institutional mechanisms for enforcing those rights. Women need legal protection backed up by the police in order to make their rights a reality.
- Women's rights interventions need to be focused on building women's power through business, education, and association, and then letting the process of cultural change occur through the agency of these empowered women.
- Interventions are needed that support the social, economic, and cultural organizations that women formed in the camps, keep those groups together through the transition, and help women form new groups in new locations.
- The building of meeting places or halls for women at the parish or sub-county level would play an essential role in sustaining women's right to association.
- Youth also need interventions to help create economic organizations that can provide them with income-generating work and sustain their organization and socialization during return, thus ensuring that they are active participants in the process.

Land

Given the relatively vast number of Acholi accessing land for farming at present, and the chance that during the next year these numbers could increase further, the most pressing issue is to ensure that returning Acholi secure land in a broadly inclusive fashion. Long-term strategies for protecting Acholi land should be broached, but remain secondary to the immediate need to help people return and should wait until the community is at home and can lead the process of defining those strategies itself. We identify several types of threats to Acholi land: land grabbing, including by the state or UPDF; conflicts between members of the same family, or between families, clans, or neighboring tribes; and exclusion of marginalized individuals from land access due to fractured or non-existent family or clan relations. The two instruments being used at present to address land disputes are traditional authority based in customary land tenure and LC courts. We believe that neither mechanism alone is adequate to the problems arising during return, and that for now the two should be brought together.

➔ *Recommendations: Land*
- LC II courts could be professionalized and expanded through the mandatory participation of elders and *rwodi kweri,* and women and youth leaders.
- Alternatively, Area Land Committees, in particular Parish Land Committees, could be created to incorporate traditional authorities and women and youth leaders as decision-making members.
- Traditional leaders, with the involvement of women and youth, should address the threat of exclusion faced by those who might be seen as unwelcome by their clans.
- A public body needs to take a lead role in monitoring and publicizing threats to Acholi land. We suggest the land sub-committee within the DDMC Human Rights Promotion and Protection sub-committee as a viable option for this watchdog role.

INGO National Staff

National staff people working for international NGOs, we found, face significant problems in terms of working conditions and worker's rights, problems that have been almost entirely overlooked. The surplus of qualified potential national staff has led to low job security, poor treatment, and abuse, including reports of sexual exploitation. It has also left national staff with little recourse, and cases were reported where national staff have been fired for trying to organize, requesting better working conditions, or trying to publicly raise cases of abuse.

➔ *Recommendations: INGO National Staff*
- An INGO national staff organization should be established, or at least a public forum where problems can be aired and solutions proposed.

- Local government and local human rights and community-oriented organizations should help sponsor such meetings and protect those national staff who are involved from retribution.

Peace, Justice, and Reconciliation

Although accountability, justice, and reconciliation in northern Uganda are essential from a human rights perspective, they can only be effectively and legitimately addressed after the war has ended and people have returned home. It is absurd that tens of millions of dollars are being expended on interventions claiming to help bring about justice or reconciliation—the ICC is the most egregious example—when peace is not yet secured and most Acholi are still living, and many are dying, in squalid displacement camps. For the conditions to discuss justice to be present, people need to go home and rebuild their family and social relations, relations with the land, and livelihoods. In our research, we found an absolute primacy of demands for peace, return, and reconstruction over the demand for justice among the Acholi.

Therefore, in this report we address the question of justice and reconciliation in light of the pressing need for the war to end and for people to go home. First, we inquire into the future of formerly abducted persons (FAPs), and ask if they will be integrated into family and clan structures and thus gain access to land, or will face exclusion, which could pose a significant threat to peace and return. Second, we consider the possibilities and inadequacies of current initiatives intended to promote justice and reconciliation, with close attention to the questions of state impunity and gender. Third, we call on the participants in the peace talks in Juba to use those talks as an opportunity to mandate the creation of a broadly inclusive and legitimate civilian body that can discuss accountability, justice, and reconciliation in the context of wider discussions around the war and its legacy.

→ Recommendations: Formerly Abducted Persons
- FAPs' fears of threats from the UPDF and government should be addressed through the streamlined provision of amnesty **certificates**.
- To deal with potential threats of revenge from the community, there should be an attempt to provide some of the same protection afforded FAPs in the camps and in town—specifically government and police regulation—back in the village.
- Threats from the community should also be dealt with by traditional authorities, along with other legitimate authorities—women and youth leaders—working towards reconciling FAPs with the community. Religious leaders will also play a substantial role in this broadly inclusive community-based reconciliation project.

Challenges to Post-Conflict Justice

For any process of accountability, justice, and reconciliation to be legitimate, it has to be able to address crimes, human rights violations, and human rights abuses by all parties to the conflict. It must also grow from the deliberations of the survivors themselves, and must respond to the needs and demands of the most broadly inclusive array of survivors possible. While traditional justice mechanisms can deal with some aspects of the legacy of the war, in particular FAPs, they are inadequate as the sole process through which accountability and justice would be realized. Their inadequacies could even lead them, if promoted exclusively, to provide the government and the national army with impunity. Traditional justice could also have the potential to silence women and refuse women the right to decide what justice means in response to their own unique experiences during the war.

The proposal for a Truth and Reconciliation Commission suffers the former problem as well. The attempt to establish the truth through civilian testimony will be undermined by the fact that, while people will do not seem to be afraid to speak out about LRA violence, especially when the LRA returns, it appears that they will be very afraid to speak out about government violence, even if the war were to end. Therefore, fear of speaking out and government's

predicted refusal to engage in a truth and reconciliation process in good faith could lead to a fatally one-sided truth telling process and the guarantee of impunity for one of the sides.

Although national legal mechanisms are sufficient to deal with the LRA, there may indeed be a need for international legal mechanisms in investigating and trying those state and military officials who might otherwise enjoy unlawful impunity. However, apparently responding to its own political and institutional interests, the ICC seems to have put politics before justice in deciding to prosecute only the LRA and to align itself so clearly with the other side in the conflict. On the question of popular perceptions of the ICC, whatever people's sentiments might be on the role of the ICC after the war has ended and the rebels have returned, it was almost unanimously declared by the Acholi we spoke to that at present, the ICC should withdraw its warrants so that the peace talks can proceed.

→ *Recommendations:Compensation*

- For now, instead of the focus on traditional justice, a TRC, or international legal involvement, we propose a focus on compensation by the government, funded, if necessary, by the international community. Compensation can shift attention away from grandiose, possibly counterproductive, and probably impossible schemes for "Transitional Justice" to more modest and viable contributions to justice *and* peace.
- Compensation at this very early stage should be provided not to individual victims— this might be a viable option later—but to all Acholi survivors, since all Acholi have suffered as a result of the war. Compensation should be oriented towards helping all survivors by rehabilitating and reconstructing the entire Acholi society and economy.

Acholi-Acholi Dialogue and Consultation Body
While we applaud the signing of the Agreement on Accountability and Reconciliation in Juba, we reiterate that the determination of what accountability, reconciliation, and justice should comprise must be gradually arrived at by the survivors themselves. Neither the LRA nor the government has the right to decide what accountability and justice mean, and the survivors do not only deserve to be consulted on the issue, but rather must be the primary voice in its determination. It is the survivors who have the right to decide what justice means in response to war, not the perpetrators of that war.

→ *Recommendations: Dialogue and Consultation Body*

- We suggest the formation of a body made up of Acholi civil society and community organizations, traditional leaders, peace activists, religious leaders, human rights activists, academics, and community representatives from the camps, return sites, and villages. This body should be convoked to discuss the war, its causes and legacy, and gradually approach the questions of accountability, reconciliation, and justice.
- We suggest that the consultations and debate occurring now around Agenda Item Three might defer the decision as to what accountability and reconciliation will encompass to this body. The Juba talks can thereby provide the legal and political mandate for such a body and ensure significant international oversight.

INTRODUCTION: A TENUOUS MOMENT

Acholi sub-region in northern Uganda, where war has raged for twenty-one years and over a million people have been displaced into camps, has been on the cusp of two historical transitions—from war to peace, and from the camps to home—for over a year now. A combination of environmental factors—including rains, demands of farming, and lack of materials for building—technical factors—especially the slow pace at which rehabilitation of water sources, roads, schools, and health facilities is proceeding—and political factors—including the mixed messages sent by government on voluntary return, security, and the peace talks in Juba—have conspired to make movement out of the camps tentative and halting.

At present, although there is significant movement throughout Acholiland, there is very little permanent return to pre-displacement homes. Instead, depending on the district and area, most people are still living in the main camps, in decongestion camps, or in smaller new transition sites and are commuting from those locations to their land to prepare their homes and engage in farming. There is also significant movement between these different locations.

However, this could change significantly over the coming months, as the dry season arrives and environmental factors begin to facilitate return. Also, when a comprehensive peace agreement between the Lord's Resistance Army (LRA) and the Ugandan government is signed, a dramatically increased flow of people out of the camps is expected. Even if an agreement is slow to be finalized, as long as this window of peace continues, we would expect the vast majority of people to have left the camps, and most to have gone home, by the end of next year's dry season, that is, by early 2009. Due to this imminent and large-scale population movement, this report is an appeal for government, NGOs, and UN agencies to be prepared to enable and assist the movement out of the camps and the return home. To this end, it presents a number of recommendations as to how these preparations might best be effected.

This report also presents recommendations as to how those national and international NGOs and agencies that work with the community in human rights, peace building, conflict resolution, or capacity building roles might help prepare the displaced citizenry itself for return. This reflects our belief that human rights and justice can only be realized through organization by the community, and are not something that are granted from above like hand-outs. Rather, human rights begin with the community and end with the community—an organized citizenry is both the means and the ends of human rights.

In short, our recommendations are in two directions. First, we recommend changes in the practice of government and of inter-governmental organizations (IGOs) and non-governmental organizations (NGOs) intended to promote the democratic accountability of those agencies, increased community participation, and more effective interventions. We call on government and IGOs/NGOs to build transparency, accountability, consultation, and good governance into their own practice. We also call on them to ensure that they provide the minimum level of

service and infrastructure rehabilitation—with a focus on those goods such as bore-holes and roads that the community cannot provide for itself—needed for people to be able to go home and begin to rebuild their lives.

Second, we suggest strategies that can promote social, economic, and political organization among the displaced and returning Acholi so that they can make their voices and needs heard. This organization can create the conditions needed for the Acholi community to lead the process of return and reconstruction itself, which can set the stage for ensuring an inclusive and sustainable peace and eventually for dealing with justice and accountability. In this way, civil and political rights—in particular the right to participation and the rights that buttress that right—are at the heart of a human rights approach to the transition from war to peace and from the camps to home.

Prominent Issues and Concerns

There are a few issues we would like to highlight from the outset. *First*, the future of human rights in northern Uganda depends almost entirely upon only two factors: first, peace through negotiations, and second, return home from the camps. The Ugandan government and the international community need to provide firm, unequivocal, and consistent commitments to peace through negotiations and to a permanent end to forced displacement. Without these commitments, which have not been forthcoming enough from either the Ugandan government or the international community, the citizens of northern Uganda will be condemned to more suffering, depravation, and death as a result of this protracted and needless war.

Second, we found an overwhelming desire and intention among the displaced Acholi to leave the camps and return home. Throughout Acholiland, a vast majority of people we spoke with estimated that within one or two years, especially if a peace agreement is concluded in Juba, they would be living and farming at home, and many even had meticulous plans for realizing that goal. Enabling return home is therefore essential because return appears to be the fundamental aspiration of the vast majority of the displaced. At the same time, enabling return is essential from a human rights perspective because, we believe, the systematic destruction of dignity that camp life has brought about can only be overcome, and the long term guarantee of human rights be realized, if the majority of the displaced Acholi return to their land and resume farming.

Given this wide-ranging desire and intention to go home that we found among the displaced, we are disturbed by recent reports by IGOs/NGOs stating that twenty to thirty percent of all displaced people will remain in the camps permanently, and so interventions should be tailored to rendering the camps sustainable in the long run. First, reports like these open IGOs/NGOs to accusations of cynically attempting to ensure their own job security by maintaining the camps instead of working for interests of those they serve. More importantly, reports like this can prove to be self-fulfilling prophecies: if IGOs/NGOs believe that people will not leave the camps, they will continue to orient their programs around the camps and fail to provide sufficient assistance to those who want to go home. As a result, return home will be hindered by a lack of services, and larger numbers of people will end up, by necessity,

remaining in the camps. We emphasize again that it is the duty of IGOs/NGOs to help people go home, not only because that is what the displaced want, but also because it is only from home that people's human rights can be fulfilled.

Third, many observers have cited dependency among the displaced as presenting an obstacle to return. We found nothing of the sort. When asked if the Acholi have become dependent upon aid, people in the camps stated clearly that no, it is Kony and the camps that have made them dependent on aid, and as soon as these are resolved, so will their "dependence" on foreign aid disappear. Everywhere, people are moving home despite great hardship, including a lack of water, building materials, and tools. They have managed to produce sizable harvests in the first planting season despite the lack of resettlement kits and the distribution of non-germinating seeds. So far, we conclude, people have been leaving the camps and returning home despite the work of government and aid agencies, not because of it. This is not a sign of dependency, but a sign of the fact that people will leave the camps and go home even with minimal assistance. Clearly, there are certain basic requirements—namely, the rehabilitation of water sources and roads—that are needed for people to go home, and other services—the rehabilitation of schools and health facilities—that, if not accessible, will make some people hesitant to return home. But, as long as the necessities for survival at home are available, people will continue to return from the camps. As a member of a women's group in Awach said about resettlement kits, "this is not being fulfilled by the government. But as long as there is peace, people will return anyway, and the failure to provide resettlement kits will just be another violation of the rights of the people affected by the northern war."

Fourth, we assert that the major obstacle to return, along with the failure to rehabilitate basic services in home locations, is the dramatic information deficit that the displaced must deal with. Displaced and returning persons are given mixed messages from the government on where they may settle, on security, on the peace talks, and on the future of displacement. IDPs reported that they have been given almost no information by IGOs/NGOs about what aid will be provided, when it will be provided, and where they can access it. The displaced desperately need this kind of information if they are going to effectively plan their return.

Without accurate information, people end up employing expensive coping strategies: for example, due to the lack of information on resettlement kits and food aid, some people are maintaining two homes, one in the main camp and one in a transition site or in pre-displacement village. IDPs are then often accused of double-registering in a dishonest attempt to get double provisions of aid, when in fact it is most often a symptom of IDPs, facing a lack of information, trying to ensure that they get any aid at all. The main thing that the displaced citizens we spoke to ask for—and that we as human rights activists ask for—is that government provides accurate and consistent information about movement, security, peace, and material assistance, and that IGOs/NGOs be transparent about what they will supply, when, and where so that people can plan accordingly. Even if very little will be provided, as long as people are told so, they can make do.

Fifth, although accountability, justice, and reconciliation in response to long periods of violence are certainly essential from a human rights perspective, it is our position that these questions can only be effectively and legitimately addressed *after* the war

has ended and *after* people have returned home. All efforts and interventions at present should be oriented towards helping people return home permanently and sustaining this period of peace that has prevailed in Acholiland for over a year now. It is baffling that tens of millions of dollars and a substantial international effort are being expended on surveys, research, and interventions claiming to help bring about justice and reconciliation—the ICC is the most egregious example—when peace is not yet secured and most Acholi are still living, and many are dying, in squalid displacement camps. This principle, that all efforts at present should be oriented towards finding peace and enabling return, and that justice and reconciliation can only be effectively and legitimately addressed once the war is over and people are at home, informs our discussion of justice and reconciliation in Part III of this report.

Method

This report is based on research carried out by eight researchers living in the displacement camps for a total of three months, from early May until early August, 2007. They were overseen by the project team at Human Rights Focus, which also carried out its own research in and around Gulu Town. Each researcher was assigned a county, and two camps within that county, spending six weeks in each camp and in the decongestion camps, transition sites, and homes around that camp. The camps covered were:

District	County	Camp 1	Camp 2
Amuru	Kilak	Amuru	Pabbo
	Nwoya	Anaka	Alero
Gulu	Aswa	Awach	Palaro
	Omoro	Acet	Opit
Kitgum	Chua	Namokora	Mucwini
	Lamwo	Palabek Kal	Madi Opei
Pader	Agago	Kalongo	Patongo
	Aruu	Corner Kilak	Laguti

The researchers used a variety of research methods, including confidential individual interviews, group discussions, and formal surveys. By living in the camps, in addition to the constant informal conversations they had, the researchers were able to some extent to become a part of the community by conducting human rights trainings, helping to resolve disputes, providing human rights advice, and even engaging in road clearing and other collective work. Over the aggregate of 24 months of research carried out, the researchers spoke with thousands of people from all walks of life in the camp: elders, youths, women, business people, landowners, political leaders, UPDF soldiers, LDUs, militia members, formerly abducted persons, paralegals, religious leaders, and many others. Living in the camps provided the additional benefit of avoiding the sampling bias that comes when research is only carried out during the day, given the fact that at present a large part of the camp population spends all day in the fields and only returns at night.

As a rule, Human Rights Focus does not pay or give any material goods to people to provide information or participate in discussions. This posed a significant obstacle to our researchers at first, since the expectation, and even demand, for payment from

researchers and IGOs/NGOs—known often as a "sitting allowance"—has become widespread among the displaced population. This is an understandable response on their part to the widespread policy among researchers and IGOs/NGOs to provide such payment. However, through persistence, patience, clear explanations of the purpose of our research, and a willingness to work around the very busy schedules of the displaced people, the researchers managed to carry out thousands of individual interviews, group discussions, and surveys without providing payment in return. What we did frequently give in return, and what often convinced people to willingly participate, was information about their rights, about the National IDP Policy, and about how to handle human rights issues they were facing in their communities. Once people understood the benefits of engaging in the discussions and interviews, and understood the overall purpose of our project, they were often very willing sit and talk without the offer of material gain. We call on other IGOs/NGOs and researchers to take the same approach.

I. MOVEMENT AND VOLUNTARY RETURN

The National Policy on Internal Displacement

A major basis for this report is the National Policy for Internally Displaced Persons of August, 2004, along with relevant constitutional and international human rights instruments. The starting point for articulating a human rights-based approach to return in northern Uganda is the unequivocal insistence that internally displaced persons, as Ugandan citizens, are guaranteed the full set of rights, freedoms, and protections offered under the 1995 Constitution, and the full set of rights, freedoms, and protections offered by the international human rights instruments to which Uganda is party, since Uganda has made no official derogations from these instruments. As the National Policy for Internally Displaced Persons makes clear in its Preamble, "Internally Displaced Persons shall enjoy, in full equality, the same rights and freedoms under the Constitution and all other laws, as do all other persons in Uganda." Because the displaced are, first and foremost, citizens of Uganda and entitled to the full panoply of constitutional and human rights, we have reservations about the term "IDP." We would emphasize that displaced citizens remain citizens and cannot be reduced to a technical abbreviation that tends to efface their legal and political entitlements and to "entitle" them only to top-down charity.

The internally displaced, like all Ugandan citizens, are guaranteed freedom of movement and the freedom to choose their places of residence (National Policy, ¶3.2). This is the basis for the principle of voluntary return. As the National Policy makes clear, "Government commits itself to promote the right of IDPs to return voluntarily, in safety and dignity, to their homes or places of habitual residence" (¶3.4). Those who have been displaced into camps cannot be forced or ordered to stay in the camps, forced or ordered to settle in new camps or transition sites, forced or ordered not to return and settle at home, or forced or ordered out of the camps. The forced displacement that led to the formation of the camps, a massive violation of the citizenry's human rights, must not be repeated in process of return.

Given the Joint Monitoring Committee statement of 15 December 2006 and subsequent statements by the leadership of the different districts which, by June 2007, had declared all of Acholi sub-region except for a few areas of Lamwo County, Kitgum, open for return, the citizenry's freedom of movement and right to return to locations of their choice must be guaranteed unconditionally. Any attempt by any actor to force or order people to stay in camps, to settle in certain decongestion camps or transition sites, to not return home, or to move out of the camps, is a grave violation of their right to voluntary return.

As the National Policy states, displaced citizens also have the right to return in "safety and dignity." "Safety" means that it is the duty of government, through the deployment of police and, where necessary, UPDF, to ensure that people are safe in moving to locations of their choice and are safe in staying in their homes. "Dignity" means that it is the duty of government, with the support of IGOs/NGOs, to ensure that the requisite infrastructure, resources, and information are provided for people to return home. The failure to provide basic resources and infrastructure needed for return, such as water sources, roads, tools, and health facilities, represents a violation

of the citizenry's right to voluntary return. Similarly, the failure to provide the basic information needed for people to plan their return home, whether that failure is on the part of government or IGOs/NGOs, is also a violation of this right.

Patterns of Movement and Types of Settlements

The patterns of movement seen thus far vary widely between different districts and even between different parts of the same district. Furthermore, these patterns could change dramatically during the upcoming dry season and depending on developments in the Juba peace talks. Therefore, we draw attention to major present trends while focusing on recommendations for dealing with increased movement in the future.

The misconception needs to be dispelled that everybody who has moved out of the main camp has somehow "returned." In fact, only a very small fraction have returned to pre-displacement locations, and even here there is some question as to what it means to have "returned home." The dominant pattern is not return but rather a large number of people remaining in the main camps and others engaging in permanent, semi-permanent, tentative, or occasional movement to smaller camps, new collective settlements, villages of origin or, sometimes, the locations where they lived before displacement. In an effort to provide some clarity to these patterns, we distinguish between four types of collective settlements that have emerged in Acholiland, which we also differentiate from independent resettlement by individuals, families, or extended families in pre-displacement homes or locations very close to those homes.

- First, the main camps, or "mother camps" remain, although many of them have seen a precipitous decline in their populations. These are the camps in Amuru, Gulu, Kitgum, and Pader that were gazetted by the government and in which aid agencies concentrated their interventions.

- Second, there are official decongestion camps that were planned by the government and into which people began moving in 2005. These for the most part have populations of at least several thousand.

- Third, there are a large number of what amount to unofficial decongestion camps, although this label may be contested. These settlements are concentrated in Kitgum and Pader districts, where settlement has generally been directed from above by district security officials. These are smaller camps into which people are sent from the main camps. They have populations of up to several thousand, and often have superior service and security provision relative to the temporary transition sites considered next.

- Fourth, there are what we are calling temporary transition sites. These are new settlements of anywhere from a few dozen to over a thousand people from which there is improved access to land. Numbering in the hundreds, some of these sites were formed spontaneously by different members of the community, while others were planned by local government or district officials. The smallest of these transition sites tend to merge with locations where return straight home has occurred, and the largest merge with unofficial decongestion camps. While those who live in these sites tend to call them

camps, we would refrain from doing so except in the cases of the largest, if only to emphasize the importance of people moving out of these locations.

Therefore, despite statements to the contrary, the majority of people in Acholiland—and the vast majority in Kitgum and Pader districts—are still living in camps. Many people are living in smaller camps, and access to land has improved. However, the dominant overall situation is still one of displacement into camps which, we argue, needs to be brought to an end.

RETURN PATTERNS: GULU AND AMURU

In Gulu and Amuru districts, people's movement and settlement have generally not been explicitly restricted by the government. There have been a few instances of restriction, such as in Amuru where people have been ordered not to settle on what is claimed to be forest reserves or game reserves. Nevertheless, for the most part, patterns of movement in Gulu and Amuru are determined by the legacy of forced displacement, the failure to facilitate return home by government and IGOs/NGOs, and the continued uncertainty on the part of the displaced citizenry.

Movement out of the main camps, settlement in transition sites, and return to pre-displacement homes is being organized in a number of different ways. In some places, people are spontaneously returning in family units to pre-displacement parishes, villages, or even "under their mango trees." In some places, people are moving to locations where there is a school in place, since land immediately around the school can be accessed for building temporary structures and schools are often locations where other services might be located. In other places, people have settled onto land that was offered by individuals as a place for temporary inhabitation. Sometimes it is clan elders who have made land available; this seems to be the case, for example, in Mede transition site and in Paibona, where the Rwot of Paibona reportedly played a significant role in directing people to occupy the land. Other times, movement and settlement are organized by different families who lived in the same general area before displacement, regardless of their clan affiliation. In yet other places, it is younger men who possess land in suitable locations who have mobilized movement, often in coordination with lower levels of camp leadership and LCs. In Binya, for example, it was a decision by the landowner, in coordination with LCs and the commanding officer of the UPDF battalion in Acet, to create a new settlement. Elsewhere, resettlement has been more explicitly directed by local and district government into official or unofficial decongestion camps. Finally, local social, economic, and cultural groups are in some places helping their members move out of the camp and clear their land for cultivation. In short, movement out of the main camps and resettlement and return have been organized by a wide variety of agents, reflecting the multiplication of sources of authority that has occurred in the context of the camps.

Land access in the transition sites varies as well. While many people are accessing the land they farmed before displacement, this is not universally the case. Many are farming land loaned to them by family or friends. Others, for example some in Gwengdiya transition site, are renting land in the vicinity, either from friends or from strangers. As a result, there are people staying in many sites who were not living in those areas before displacement. This is another reason why characterizing these as "return sites" is misleading. The mixing of clans that characterized life in the camps

continues to characterize life in the transition sites: the number of clans found even in small settlements can be well over ten. Indeed, even where people are moving back to their original parishes or villages, this can still lead to significant mixing of clans, given the fact that upwards of a dozen clans can be found in even a single parish.

RETURN PATTERNS: KITGUM AND PADER

In Kitgum and Pader, however, during our research we found that people's movement and settlement are still in many ways controlled by the government, often by the state security apparatus. While in Gulu and Amuru, return has, in many areas, been spontaneous and bottom-up and have generally involved significant involvement by the community, in Kitgum and Pader, for the most part movement has been top-down as people report that they are following explicit or implicit commands by government to shift to new smaller camps. This is despite statements by district officials that have declared all of Kitgum and Pader districts, except parts of Lamwo county, open for voluntary return. These statements, however, have been contradicted by other statements by security and UPDF officials instructing people not to return home. For example, in August 2007, General Aronda Nyakairima, the chief of defence forces, stated that "on the issue of decongestion, we (UPDF) are advising that before the peace agreement is signed, we must go slowly on the decongestion process," and declared that IDPs had to return to the decongestion camps in the evenings ("Gen Nyakairima Warns IDPs against Resettlement," *The Monitor,* 13 Aug. 2007).

This perhaps unofficial policy of shifting people to decongestion camps has been enforced through reported incidents in which people who had spontaneously resettled on their land were forced into camps. One example of this was in Amoko, Pader. In short, the occasional use of UPDF to order people out of spontaneous settlements, combined with the mixed messages from district security and UPDF as to freedom of return, have led to a situation where people in Kitgum and Pader generally report that they are waiting for permission from the RDC, as head of security in the district, before they return to their homes. Given that they remain in decongestion camps, it appears that IDPs in Kitgum and Pader still perceive that permission as being withheld. If this is not the case, it needs to be unambiguously and consistently made clear by the district leadership.

This state of affairs raises a number of human rights concerns. Most significantly, it appears that the internally displaced citizenry's right to voluntary return is being violated in Kitgum and Pader, given the commanded manner in which resettlement from main camps into smaller, decongestion camps is taking place, and the forcible manner in which people have occasionally not been allowed to settle at their pre-displacement homes. The argument that this settlement in smaller camps is due to security issues is subject to a number of questions. First, General Nyakairima's statement that people should not return home until after a peace agreement is signed in Juba makes people's return contingent not on the actual security situation, but on a political process that could drag on for a considerable time. Second, it is the constitutional duty of government, through a regular police presence and, in response to external threats, the UPDF, to provide security for people in their homes. As many IDPs asked during our discussions, if the UPDF has the surplus capacity to protect Somalis in Somalia, why can they not protect Ugandan citizens in Uganda? Third, we would ask what differentiates Gulu and Amuru, on the one hand, from Kitgum and Pader, on the other, that makes it safe for people to go straight home in the former but

not in the latter. Together, these challenges imply that the decision to make IDPs move to decongestion camps in Kitgum and Pader, while letting IDPs settle spontaneously in transition sites or in their homes in Amuru and Gulu, is a political decision, not one based upon the factual security situation. Moreover, it is a decision that impinges significantly on the human rights of the displaced citizenry in Kitgum and Pader, especially their right to voluntary return.

This also raises questions about the role of IGOs/NGOs in Kitgum and Pader who are moving their operations from the main camps to the decongestion camps. Displaced persons frequently reported to us that IGOs/NGOs had informed them that they would not receive aid unless they moved into the decongestion camps. However, since the aim is to let people return home, and since the government's decongestion camp strategy is only possible if aid agencies provide aid to the new settlements, it is the responsibility of aid agencies to ask if there is any other approach they might take— individually or, preferably, collectively—to help people return home, instead of continuing to enable the government's policy of forced displacement in camps.

Who is Remaining in the Camps?

The question of who is leaving the camps and who is staying, and what this says about such patterns in the future, is very complex and can only be broached in a study such as ours. First, there is a tendency among many IDPs to accuse certain categories of people as being unwilling to leave the camps. Older adults often claimed that male youth had become accustomed to the camp lifestyle, were too lazy to dig in the fields, and would remain in the camps. Boda-boda (motorcycle/bicycle taxi) drivers and so-called Utoda boys (taxi-stand touts and loaders) were most frequently targets of these accusations. Older adults also often accused young women of turning to alcohol and prostitution and as being unwilling to leave the camps. Business people were also often cited as planning to stay.

When we asked people who actually belonged to those categories, most explained their firm intention to leave the camp and return home in the next year or two. Even many boda-boda drivers we spoke to expressed this intention, and we found a number of them already living in transition sites. In discussions with those who were still in the camps, we often found that their decision to stay there for the time being was a strategic decision designed to maximize benefits based upon the very incomplete available information, not one based on dependency, laziness, and a desire for the "luxuries" of camp life. First, it was often a matter of access to land: those whose land was accessible from the main camp, or who could gain temporary access to land for farming from friends or relatives, might see little reason to move out of the camp for now. If people were able to commute to their land frequently enough to take care of farming needs, they sometimes expressed their preference for that option for the time being. Many of those having land conflicts we spoke to were waiting for those conflicts to be resolved before they went to farm, as it would be a wasted effort if the land were to be taken away or the crops destroyed by competitors.

Second, many people were unwilling to settle in the transition sites or decongestion camps because they saw those sites as "just another camp," did not want to waste their effort, and were waiting until they could return straight home. This was often the

basis of explicit strategies: for example, a widow in Corner Kilak explained that she was still in the main camp and not in a transition site, not because she was "vulnerable," but because she could only ask for help to build a new hut once and wanted to wait to ask that favor until she could go straight home.

Third, significant uncertainty was expressed over the peace talks and the future of displacement, so many people said they were unwilling to expend the effort in leaving the camp until they were sure they would be able to stay for good. Business opportunities were keeping those with fixed investments in the trading centers. Lifestyle choices were responsible for very few people remaining, from what we could see. As we discuss further below, problems with families or clans, often involving problems with land access, were keeping some people in the camps for the time being. Finally, some people expressed an unwillingness to return to specific areas, in particular areas where there had been significant fighting and killing, because they were waiting for the area either to be cleared of UXOs or cleansed spiritually.

A pressing question is whether aid and service provision are keeping people in the camps. We found that when people cited a lack of aid and service provision as preventing them from leaving the camps, this is not to be understood as a sign of dependency, but rather as a sign that the basic necessities for survival—mostly shelter and water—and for a life with dignity were in large part not yet accessible in people's pre-displacement homes. This implies a need to re-orient service and aid provision to facilitate return home, as we address below. Another problem is that people were unsure if aid would continue to be provided to the main camps, to new settlements, or to homes. As a result, some adopted strategies such as maintaining two homes in order to increase their chances for accessing aid. For these reasons, the numbers of people who appear to be remaining in the main camps may be larger than the number of people who actually live there permanently. These numbers are certainly larger than the number of people that would live in the camps if IGOs/NGOs were to provide basic services in home areas, or if they were provided with accurate information about aid provision. The continued presence of people in the camps is reflective not of dependency, but often of the failure of government and IGOs/NGOs to provide accurate information and services in home areas. By failing to do so, IGOs/NGOs may be effectively keeping people in the camps themselves.

In the future, while it is doubtless that some people will remain in the camps by choice and some by necessity, this former group will only be as large as the economic basis of the former camps allows once the emergency relief economy disappears, while the latter can be assisted in return through careful interventions. Many former camps will return to being trading centers where people gather from the surrounding areas for economic, political, or cultural purposes, reflecting the increased mobility that might be expected among Acholi, especially youth and women, in the post-war period. This implies that the camps/trading centers might continue to play important roles in some people's lives, but it does not imply that the camps would continue to be the permanent home for large numbers of displaced people. In fact, as the camps' economic foundation in relief aid disappears, many who are unwilling or unable to return to the village will probably not remain in the emptying trading centers but will instead move to towns, where economic opportunities remain. This implies a need for careful urban planning in the main towns, especially Gulu and Kitgum towns. It also puts into grave doubt the validity of claims that durable solutions need to be found to

ensure that camps are turned into viable communities, since twenty to thirty percent of all current camp inhabitants will remain in those camps after the war.

Enabling Return Home

It has been a year since preparations began for people's return home in Acholiland. While it is important to consider what has been done so far by government, IGOs/NGOs, and donors towards helping the process of return, it is equally important to make preparations for the upcoming dry season and following year when a significant amount of movement is likely to take place.

We have emphasized that it is the duty of government to provide an enabling environment for people's return home through its own policies and through directing IGOs/NGOs to orient their work towards facilitating return. This approach will only be successful, however, if it is developed and implemented through a process of full consultation with and participation of the displaced citizenry. Another way of conceiving this requirement is that government and IGOs/NGOs must avoid doing anything, intentionally or unintentionally, that might hinder people from or bias people against returning home. All initiatives, policies, and interventions carried out by all actors should be critically assessed against this standard; any intervention that is hindering people from or biasing people against returning home should be reformed. In Kitgum and Pader, the principal obstacle to return at present is the apparent continued policy of forced displacement, seemingly consented to by the IGOs/NGOs working there. In Amuru and Gulu, however, the principal obstacle has been the failure of government and IGOs/NGOs to fully enable return home.

We would like to note that, while we recognize the necessity of having contingency plans in case the peace talks break down and open fighting resumes, it is the position of Human Rights Focus that those contingency plans must by no means include provisions for supporting another round of forced displacement. As we have argued for over a decade, forced displacement in northern Uganda was illegal and could amount to a war crime or a crime against humanity. It is the duty of all local and international NGOs, UN agencies, and donors to prevent this devastating strategy from being employed again.

SECURITY

Throughout Acholiland, people expressed their security concerns over the fact that the LRA had not yet come out. However, that people said they feared for their security and were hesitant to go home as long as the rebels remained in the bush did not necessarily mean that people were afraid of the rebels. Indeed, in many areas the last violent incident by the LRA was years ago, and people understood that the rebels were hundreds of miles away in the Sudan and DRC. Instead, people tended to explain that they would feel insecure for two different reasons as long as the rebels had not come out. First, people feared that as long as the rebels remain in the bush, the chance also remains that the government will issue another order forcing them back into the camps. Second, people explained that as long as the rebels are in the bush, bandits—known locally as *boo kec* and identified variously as UPDF soldiers, homeguard, or civilians—can use the LRA presence as a cover to carry out their own

criminal activities. In short, people did not fear rebels themselves so much as what government or bandits might do as long as the rebels remained in the bush.

The first security challenge—that people fear another government order to return to the camps—can be addressed both by making sure that forced displacement does not happen again and by reassuring the IDPs that forced interment is over for good—not an easy task, but necessary.

The second security challenge—banditry—can also be addressed through two routes. First, security can be fostered by simply helping to rebuild the fabric of Acholi society through encouraging return home and promoting reconstruction. Before the camps were created, the Acholi managed to a large extent to guarantee their own security at home through different strategies. For example, they could freely move to escape armed groups, and they had dense communication networks between the villages that allowed information to be passed quickly and action to be taken to avoid rebel or government violence. As a man in Pagik transition site explained, the kind of havoc wreaked by bandits now could not have happened while people lived in the villages, because people in the villages were spread out, organized, and worked together. Indeed, banditry of the type seen today only became a problem when people were concentrated in camps and return sites and the social organization and freedom of movement that had allowed them to deal with insecurity broke down. Therefore, he explained, when people return to the villages and rebuild their social organization, banditry will in large part no longer be possible.

Second, an expanded, non-military, regular police presence should be established and replace the UPDF as the primary coercive agent ensuring security and protection. Whatever the identity of *boo-kec*, they can best be dealt with by police. The SPCs are meant to address this need and they have the potential to do so. However, so far their record is mixed. In some places we heard complaints that SPCs torture suspects and detainees. Corruption also appears to plague the force according to reports that some suspects had to bribe SPCs in order to be released from arbitrary detention. The problems with SPCs arise in large part from their inadequate training, poor supervision, and lack of resources and pay. If they are going to become the principal institution for providing security, and this appears to be the best option, SPCs should be professionalized through additional training, supervision, and resources. Otherwise they may become a source of insecurity, not a solution.

By the same token, UPDF deployment is *not* the solution to insecurity. Indeed, many people see the UPDF as a cause of insecurity since they accuse the soldiers of disguising themselves as LRA in order to loot and rob, of committing rape, torture, and murder against camp inhabitants, and of renting their guns to bandits. Not only is a universal UPDF deployment to deal with insecurity unnecessary as people return home, it is also objectively impossible. The UPDF simply cannot provide security to every person in their homes, nor would such a permanent domestic deployment of the military be desirable from a human rights perspective.

An additional source of insecurity in eastern Kitgum and Pader is incursions by Karimojong to steal cattle or other goods. People there have responded to the insecurity caused by Karimojong and the inadequacy of the security provided by the UPDF and Anti-Stock Theft Unit by creating a small-scale, local self-defense group

known as Group 4 in Pader or Palatun 4 (Platoon 4) in parts of Kitgum. We also heard calls for the government to provide arms for self-defense to civilians wishing to return home. Group 4 presents a dilemma: the only body that is seen as effective and accountable to the community is an unpaid, unregulated militia, and there is grave danger that this ad-hoc solution to insecurity could become another cause of insecurity.

Therefore, the best solution to the problem of attacks by Karimojong would be to create a professional police force, into which Group 4 could be incorporated, that works in conjunction with the Local Council structure and with informal community structures, such as the elders, to ensure their accountability to the community. This needs to be complemented by a comprehensive security approach involving discussions in both Karamoja and Acholiland.

INFRASTRUCTURE AND SERVICE REHABILITATION

Infrastructure rehabilitation and service provision should be oriented towards facilitating movement out of the camps and towards home. In some areas, people will pass through temporary transition sites, while in many places they will return to pre-displacement villages or homes immediately. Government and IGOs/NGOs need to make clear, through words and through actions, that they are committed to helping people move out of the camps and return home in a manner of their own choosing.

The transition sites present a specific human rights challenge: namely, to ensure that interventions involving the sites promote movement out of the camps *and* promote return home among people passing through the sites. That is, the transition sites should serve only as launch-pads from which those moving out of the camps can more easily return to their land. Therefore, two distinct dangers must be guarded against: first, the danger that people will not leave the camps because of inadequate infrastructure and resources in transition sites and in home areas; and second, the danger that infrastructure and services will be concentrated in the transition sites, to the exclusion of home areas, to the point that people will remain in the transition sites, turning them into permanent settlements dependent upon humanitarian aid—in essence, into new camps.

To facilitate people leaving the camps to transition sites (where such sites are needed), these sites should be targeted by infrastructure and resource interventions and the number of such sites should be increased. First, government and IGOs/NGOs should provide assistance to those groups of people who have or resettled spontaneously and created transitional sites on their own. Returning citizens should not be directed to certain transition sites or locations and not others, and assistance must not be selectively provided to certain sites. It is the duty of those providing resources and infrastructure to respond promptly and adequately to the spontaneous movements of returning citizens; anything else is in contradiction with the National Policy, which asserts that, "Government institutions and local authorities shall recognize as a matter of principle that all assurances and guarantees and all provisions set out in this policy apply equally to IDPs who may return spontaneously by their own means" (¶3.14).

While transition sites can encourage voluntary exit from the camps, it is essential that the emphasis is placed on leaving the transition sites and especially on return directly home. Interventions targeting transition sites should be tailored so as to help people

stay there only as long as preparations for returning home last. The transition sites should not be approached through a camp management paradigm, in which management for the sake of sustainability is the focus. Resources and infrastructure should not be exclusively concentrated in these transitional sites, and the sites should not be subjected to planning and management interventions by IGOs/NGOs. Concentrating resources in or attempting to plan and manage the transition sites could contribute to making those sites permanent, thereby creating a new, if decentralized, archipelago of aid-dependent camps in Acholiland. Instead, transition sites should be provided with the *minimal* level of resources and infrastructure needed to sustain people while they prepare to go home, and people in the sites should be allowed to plan and manage their lives and their return home themselves. Also, it is predictable that the massive service gaps that characterized the main camps would only widen in the new settlements, given that they are more numerous, less easily accessed, and less regulated.

For these reasons, it is a cause of concern that some IGOs/NGOs, in particular those involved in camp management, appear to perhaps be preparing for temporary transition sites to become camps. According to data presented by some camp management IGOs/NGOs, they are expecting that even sites of only one or two hundred people will increase in size to several thousand, which would unquestionably turn these sites into camps. Our response is that IGOs/NGOs should orient their interventions specifically so that these expectations *do not* become a reality. Again, figures like these, and interventions based upon them, open some IGOs/NGOs to accusations of promoting their own institutional sustainability, instead of the sustainability of return. These "expected" figures can also, by serving to orient interventions towards transition sites instead of towards home, turn into self-fulfilling prophecies.

Most importantly, the focus needs to be on return home, not on the transition sites. Human Rights Focus would argue that an infrastructure and service strategy that is oriented towards *rehabilitation* will most effectively provide both the minimal level of assistance needed for the temporary support of the transition sites and what will be needed for the citizenry once it has returned home. Key to this approach is the effort to re-create the conditions that pertained before displacement. This would be primarily through the reopening of roads and water sources, with schools and health facilities to follow. This would also require providing tarpaulins for roofing in case there is a problem with the grass during the upcoming dry season. The proposal that service provision interventions should be focused at the parish level is certainly an improvement from focusing interventions on the camps or the larger transition sites. However, we emphasize again that the focus should be on rehabilitation of infrastructure and services in an effort to pave the way for full return.

Rehabilitation of roads, water sources, schools, and health facilities in locations where they existed before displacement, along with the provision of tarpaulins for roofing if necessary, are key tasks that are entirely within the scope of emergency humanitarian and early recovery programming. These need to be undertaken at once by those humanitarian IGOs/NGOs operating in Acholiland, under the overall direction of district government. Only once rehabilitation has been accomplished, pre-displacement conditions have been re-established, and people are back home, can a shift from emergency and early recovery to a developmental approach ensue.

The rehabilitation effort should provide, to borrow a phrase from medicine, the "minimum effective dose" needed to enable people to return and begin to rebuild their lives for themselves. This minimum effective dose can serve as a catalyst because then people can begin funding their own reconstruction instead of waiting for government and IGOs/NGOs to provide. For example, reopening and rehabilitating roads can make it possible for people to bring their produce to market and then buy needed supplies with the proceeds. Or, digging a bore-hole can improve community health, provide more free time, strengthen community resilience, and thus allow the community to help bring "vulnerable" people out of the camp and into return sites.

With this as a background, the provision of public goods in two key sectors—water and education—can be examined briefly in Amuru and Gulu districts. In Kitgum and Pader, as mentioned, the aid agencies seem to be cooperating with the government's decongestion strategy, a policy that the aid agencies need to critically examine so that they are not complicit with prolonging displacement in those districts.

In Gulu and Amuru, water continues to be a critical problem in many transition sites and home areas. Indeed, water is one of the few services (along with road re-opening) that is, by necessity, the primary duty of government and IGOs/NGOs to provide and that, if not provided, could prevent large numbers of people from returning home. Despite this desperate need, however, IGOs/NGOs have been reported as continuing to build expansive water systems in the main camps while failing to provide water in areas outside of the main camps. Awach, Acet, and other places our researchers were based all witnessed this problem. This not only hinders return practically, but also is widely interpreted by camp inhabitants to mean that the IGOs/NGOs are planning for people to remain in the camps long into the future. IDPs pointed out unused bore-holes in the main camps, while noting that people in the return sites are drinking dirty water. There is also the case of an NGO that apparently continued to dig bore-holes in the main camps against the directives of the district administration. Therefore, we recommend that aid agencies should end the construction of new water systems in the main camps and focus on rehabilitating water sources throughout the villages. This pertains to the issue of humanitarian accountability, addressed below.

The right to education is under significant pressure right now as a result of return. Many children are being left alone in the main camps so they can continue to attend school, while their parents work in the transition sites where schools are not yet functional. However, as with water provision, some IGOs/NGOs appear to have continued to concentrate their activities in the main camps. For example, in one large camp a new early childhood development programme has just been started by an NGO. Instead of helping to solve the problem, this is intensifying it, since such a programme will split up even nursery-school aged children from their families and make return more difficult. This clearly raises human rights concerns about child protection. Efforts need to be focused on re-opening schools in their original sites, and no new schools, especially nursery schools, should be constructed in the main camps. Again, this ties into the need for accountability among IGOs/NGOs.

RESETTLEMENT KITS
The question of tools, seeds, and other materials needed for resettlement is a highly charged issue at present in all four districts. The major problems plaguing this

process were exposed with the widespread distribution of non-germinating seeds during the first planting season, which is perhaps the most disturbing episode so far in return: given that food rations had been reduced in many areas, some displaced citizens resorted to eating the seeds, which had been treated with chemicals and sprayed a green color. A case in point is in Kalongo, Pader, where green posho (cornmeal) was a common sight for a time. The deeply flawed process that led to the distribution of useless seeds also has a negative impact on food security, thereby placing the state in violation of Article 11 of the Covenant on Economic, Social and Cultural Rights. If the failures that allowed the procurement and distribution of useless seeds are not discovered and addressed, the corruption, apathy, and lack of accountability that produced this fiasco will doubtlessly be replicated throughout the return and reconstruction process.

Many IDPs and returnees have still received no resettlement kits. In some places where goods have been distributed, the distribution has apparently been selective (or random) and often inadequate. Some of what has been distributed is sub-standard to the point of uselessness; the weak machetes and coarse blankets (ending up as doors of bathing shelters) are obvious examples. Many displaced Acholi told us they would prefer cash instead of goods since they no longer trust the government's procurement process. People also expressed uncertainty as to who is to receive resettlement kits and what they will contain; this uncertainty is highlighted when it comes to the issue of the thirty iron sheets promised by government. Without information, wild rumors circulate about what people must do to get iron sheets and resettlement kits. Some have decided to wait for them, others are resigned to going home empty-handed.

To make sure that germinating seeds and adequate tools are distributed in the future, and to curtail this kind of criminal irresponsibility, we recommend a national-level inquiry into process of procuring and distributing relief and reconstruction aid from start to finish. The processes of procurement and distribution need to be made transparent, and those involved need to be made personally accountable to the donors and to the displaced citizenry. A united call for such an inquiry needs to come from government, the non-governmental sector, and donors. If this does not happen, donors will see their efforts to promote reconstruction come to naught, and the management of return could turn into yet another tragic instance of corruption and incompetence carrying the day at great human cost.

Finally, the provision of resettlement kits is important not just as a way of facilitating return. Rather, it also touches on the question of justice because, as displaced Acholi were often quick to point out to us, the reason they lack these household items and tools is that, when the government forced them to move into the camps, they had to leave all these goods behind. After they had gathered in the camps, the government troops moved through the empty countryside, burning down granaries and homes. UPDF were followed by the rebels, who often took what remained. Therefore, people argued, the provision of resettlement kits is not a matter of charity, but a matter of right since the government owes these things to them.

THE INFORMATION DEFICIT

While part of the debacle that has characterized the management of return by government and IGOs/NGOs so far can be attributed to the failure to provide goods and services, a large part can also be attributed to the failure to provide accurate

information. Indeed, to a significant degree, the problems we have identified in this report stem from the deplorable lack of information provided to the IDPs, the failure of government and aid agencies to consult with IDPs, and subsequently the IDPs' inability to participate in the planning of return. This needs to change immediately and fundamentally.

The refocus of service provision on rehabilitation will require significant consultation with the returning citizenry in order to understand basic needs in home areas and what conditions were like before displacement. Consultation is only becoming more necessary as return proceeds. Moreover, consultation is not only a practical consideration, but is also an essential part of a human rights-based approach to return, one in which people are entitled to lives of dignity and self-determination. As such, it is mandated in the National Policy: "Government and Local Governments shall rehabilitate social and economic infrastructure including health posts and health centres as well as market access roads and schools in camps, return and resettlement areas in full consultation with and participation of Internally Displaced Persons" (¶3.13-15). The failure to make interventions transparent and to base them upon genuine consultation represents a violation of the citizenry's human rights, in particular their right to participation. Furthermore, as the National Policy makes clear, "In order for IDPs to be able to make the decision to return with full knowledge of the facts and freedom of choice, the Government shall use appropriate means to provide Internally Displaced Persons with objective and accurate information relevant to their return and reintegration" (¶3.4). In short, government and IGOs/NGOs must be transparent in the planning and implementation of their activities.

The failure to provide information is not only a violation of the IDPs' rights, but also makes planning for return extremely difficult on their part. The uncertainty over food aid provision highlights this problem: not a single IDP we spoke to knew how much longer food would be provided or where it would be provided. They were left guessing based on rumors and clues derived from observed changes and patterns, such as the recent sudden reduction of food supplies. Displaced citizens need clear information about how much longer food distribution will continue, the quantities that they will receive in the future, what locations food will be distributed to, and if and when the three-month final distribution will be made. Across the board, people need accurate information provided in public meetings in the camps. Meetings are far preferable to the radio as a mode of disseminating information since many people do not have access to radios, let alone access to telephones needed to call in. Pamphlets, leaflets, and fliers are also inferior compared to public meetings, which are the best mode of information distribution that can contribute to the accountability of IGOs/NGOs to beneficiaries.

Humanitarian Accountability and Return

Just as information must flow from government and IGOs/NGOs to the people for the sake of transparency, it must also flow from the people to government and IGOs/NGOs so that the latter can make their planning and implementation popularly responsive and accountable. Accountability to the people on the part of government and aid agencies has become even more important as IDPs return home and their

needs change rapidly. This requires a both change in IGO/NGO practice, and the promotion of organization among the displaced and returning citizenry.

TECHNICAL EXPERTISE VERSUS DEMOCRATIC ACCOUNTABILITY

The dominant humanitarian approach is to put efficient delivery of aid through technocratic arrangements above the democratic accountability of the aid providers. This approach is based upon the assumption that the participation of aid recipients in aid distribution and the accountability of aid providers to aid recipients necessarily subjugate aid distribution to imperatives that undermine its own strategy of promoting survival through technical expertise. It is the humanitarian aid industry's faith in technical expertise, not democratic decision-making or even the political process, as leading to the most efficient delivery of aid that gives rise to the assumption that democratic accountability hinders the efficient delivery of aid. However, we argue that this assumption is unacceptable from a human rights perspective and that it is not supported by the evidence. In fact, democratic oversight and regulation of aid provision can help combat the corruption among aid providers and local partners that so often undermine the efficient delivery of aid, and can ensure less wasted effort and fewer useless interventions and duplicated projects. In short, transparency and accountability will lead to increased, not decreased, efficacy.

In Uganda, the dependence on technical expertise over political process has led to the promotion of camp leaders as the privileged mediators between IGOs/NGOs and the displaced citizenry. The promotion of camp leaders as primary local agents for IGO/NGO interventions, in particular the delivery of food and non-food items, has led to reports of corruption among camp leaders, which became especially apparent in controversies over registration. We have heard complaints that, through false registration of orphans, widows, and disabled, aid programmes that are supposed to benefit these categories end up benefiting the camp leader and his friends or family. There are also cases reported of camp leadership charging a "registration fee" of 500-1000 shillings per person. World Food Programme recognized the problems involved in giving camp leaders the exclusive authority in making registration lists, and has employed *rwodi kweri* to make the lists instead. While people generally saw those lists as better, since the *rwodi kweri* are closer to the community, charges of corruption were still heard.

In their defense, camp leaders complained to us that IGOs/NGOs give them little or no information about what they will provide and when, and that some IGOs/NGOs tend to simply dump supplies in their hands, which makes them easy targets for charges of corruption. Camp leaders argue that they have become the scapegoats for frustration among camp inhabitants, when in fact they themselves are handicapped by the approach of the aid agencies. Whatever the case may be, this points to the clear need for change in IGO/NGO policy on aid delivery.

Democratic accountability can also address the problem of the politicization of service provision, which hinders the universal and impartial delivery of aid. Politicized aid distribution was sometimes reported to us in places with significant contestation among national political parties. In these places, people reported that known political opposition figures were not given aid, and that threats of withholding aid had been made to coerce votes for certain candidates or parties. This was especially heard in Kitgum district, with Lamwo county a place of special concern. If

aid delivery is democratically accountable, then these abuses can be exposed and addressed.

Humanitarian accountability can also prevent duplication and wasted efforts. This is especially important as people leave the main camps and require service provision in new sites and at home. We have already noted how bore-holes are still being drilled and schools established in main camps against the interests of the returning population, projects that will go to waste as people leave the main camps for good. Another example is the failure to provide needed follow-up and maintenance on technically advanced projects such as motorized water systems. Duplication of work could also be controlled, and issues of poor timing could be handled better. For example, one NGO distributed poles for roofs to households after the grass needed to cover the poles had burned down; another was organizing dance and music groups during the planting season; another was calling for seed fairs even once the planting season was over. Finally, projects that follow donor funding but do not speak to the needs or interests of the people could be refused. As more and more IGOs/NGOs move into Acholiland in response to improved security and increased donor funding, the need for political and democratic regulation of these organizations and projects increases accordingly.

PROMOTING HUMANITARIAN ACCOUNTABILITY
This kind of accountability can be promoted from two directions: by changing the IGO/NGO approach in general and by promoting specific initiatives among IDPs. As to the first, the key is for IGOs/NGOs to not put exclusive authority on any one institution or sector of Acholi society, since that can lead to corruption and inefficiency. Instead, aid agencies should endeavor to engage with multiple interlocutors within Acholi society, and to have overlapping and different methods of assessment, consultation, implementation, monitoring, and evaluation so that checks and balances come into play at every stage. At the same time, this process should be guided by an overall commitment to publicity and transparency.

For example, the process of needs assessments could be carried out through a series of meetings with different sectors of the community, especially organized sectors and those with legitimate authority, such as women's groups, youth groups, farmers' groups, and elders. This should be complemented by open public meetings on proposed interventions, and needs to proceed in coordination with local government officials, especially at the sub-county level. Information in Acholi concerning different initiatives should also be publicly posted prior to meetings. Lists of beneficiaries of different programs could be made public so that they can be subject to cross-checking and public scrutiny. In short, the dominant camp management paradigm, in which data are collected by IGOs/NGOs in the camp and then sent upwards through the organization, and information is provided downwards to the IDPs over the radio and through leaflets, needs to be replaced with an accountability paradigm. This paradigm is based on public meetings in which decisions can be reached through mutual deliberation instead of through a technical, bureaucratic process hidden from the IDPs themselves.

However, we recognize that this call for transparency, accountability, and participation in the name of human rights carries little weight without the institutionalization of mechanisms to guarantee them. Some provisions are made for

participation and consultation in the National Policy, but they are generally inadequate. For example, the mandate that "the DDMCs must include representatives of the IDPs in the planning and management of their return and resettlement" (¶3.4), is limited to a provision for one male and one female IDP representative in DDMC meetings (¶2.4). Adequate representation of an entire district simply cannot be guaranteed by two individuals. Therefore, further measures should be proactively pursued at the local and district levels to institutionalize the transparency, accountability, and participation mandated by the National Policy.

One proposal made by LC V chairman of Gulu District, Norbert Mao, is to change camp committees into return committees. These committees could serve as focal points for gathering information on return and facilitating a dialogue between the people, government, and IGOs/NGOs. Another proposal is to form parish-level return committees, which would complement the parish development committees and parish land committees. These return committees can organize and lead regularly scheduled meetings with camp and return site inhabitants at which representatives of government and IGOs/NGOs should be present. They can also provide the popular basis for Sub-County Disaster Management Committees once the latter are operative, since information at these meetings can feed into the sub-county level disaster management structures and strengthen the permanent local government structures. Indeed, we strongly support the formation of Sub-County Disaster Management Committees, and in many places, only basic resources such as stationery are needed to make them functional. These can provide the key link between the district and the community. In those camps where IGOs/NGOs have camp management programmes in place, these programmes can be re-oriented so as to facilitate the change from camp committees to return committees, and themselves should be re-oriented from management to return.

This raises another key aspect of humanitarian accountability, namely, that humanitarian aid agencies need to be accountable to and work within the structure established by the district and local government, which has primary responsibility for addressing the emergency in northern Uganda. Indeed, IGOs/NGOs are supposed to provide support to government programs, which have emerged through the political process, and are by no means to establish a parallel or competing structure. Failure by IGOs/NGOs to work within the district government framework or to comply with orders from the district government not only subverts the local democratic political process and governmental capacity, but also raises the specter of neo-colonialism.

II. ACHOLI SOCIETY AND RETURN: MEN, WOMEN, AND LAND

Periods of war, displacement, or disaster destabilize societies in destructive ways, but that destabilization may also present a break from which new, possibly more inclusive, orders can emerge. Acholi society is no exception. Although it is common for Acholi and non-Acholi alike to lament the very real devastation that Acholi society has undergone as a result of the war and displacement, we would also recognize that, in the midst of their negative impact, war and displacement have set the stage for potentially positive changes to emerge. In particular, we would point to the changes in the roles of women and youth that have occurred through life in the camps and in town. Here, we briefly examine some of the changes that Acholi society has undergone in recent years and ask about the repercussions of these changes from a human rights perspective. We also ask what further changes might be expected as people return home.

Our basic argument is that successful and sustainable peace, return, and reconstruction—along with justice and reconciliation as addressed in Part III—can only be realized through independent action by an organized community. Therefore, it is the primary task for interventions to, very carefully, promote and support community organization which can enable the community to act for itself. In this context, interventions should help cultivate positive change from the legacy of war by ensuring that newly empowered actors—in this case, women and youth—continue to play a role in the post-conflict period, while also not ignoring the irreplaceable role to be played by more long-standing legitimate authorities—in this case, male elders and traditional authorities.

This kind of program cannot be undertaken lightly, however, because such interventions can easily misfire and end up creating new harmful tensions within the community or simply being ineffective. Therefore, such interventions must take into account the actually existing structure of legitimate authority within Acholi society and work with it, while also gradually promoting further inclusion. Additionally, such interventions must carefully monitor their effects, intentional and unintentional, so that counterproductive interventions can be reformed or ended.

With this in mind, we focus on several key issues: changes in traditional Acholi authority structures; changes in the role of women and, to a lesser extent, youth; and problems faced in securing access to land. Finally, we deal with the human rights issues faced by an often overlooked group: national staff employed by international NGOs.

Traditional Authority

"Traditional authority" is usually taken to refer to the lineage- and clan-based structure of patriarchal, generally gerontocratic, authority within Acholi society that has, at various periods of Acholi history, played a significant role in political leadership and social regulation. Comprising both the more centralized authority of *rwodi* or "chiefs" at the higher levels of clan leadership and the more decentralized

authority of elders—*ludito kaka*—individually and in councils, at the middle and lower levels, this authority structure has been significantly undermined as a result of the war and displacement. However, this is not the place to enter into the controversies over what Acholi traditional authority was "really" like in the time before displacement, controversies whose scope stretches back to debates over colonial Acholiland and even the pre-colonial, in order to determine what changes have been introduced. Instead, we will focus on the existing structures of authority within Acholi society as they have emerged in the context of war and displacement, the possible changes that will be introduced in the process of return, and the human rights dimensions of these issues.

TRADITIONAL AUTHORITY AND DISPLACEMENT
Elders and other traditional authorities in the camps cited a number of factors that have led to the degeneration of their authority. First, many elders have died, and those that remain lack the capacity to deal with the unprecedented problems presented by the war and displacement. This powerlessness has translated into a reduction in the legitimacy they command among displaced Acholi, since the elders simply cannot solve most of their problems any longer. Traditional authority has been further undermined by the LC structure, which has assumed many of the duties elders and chiefs claimed as their own. Their disempowerment is intensified by NGO initiatives which tend to favor women and youth.

The physical setting of displacement has also had a significantly negative bearing on the authority of traditional leaders. The camp represents a general collapse of the spatial ordering that regulated Acholi society: whereas previously families were separate from each other, clans were in distinct areas, women and men were separate, and children were separated according to age, now everyone is together. Displacement led to a scattering of the clans, and restrictions on movement made clan meetings difficult. Even when meetings are held, elders and clan leaders have little way of enforcing their decisions, since they have temporarily lost their ultimate sanction, namely banishment from the clan and stripping away of the right to land. As a result, for some people "group meetings have taken the place of clan meetings," as a 33-year old woman in Palaro explained. Elders described having lost their power of social regulation, which had extended over sexual relations, marriage, children's education, and men's and women's responsibilities. They have also lost their legal role of mediating cases of murder or theft and their political role of leadership for the clan to a large extent. Not surprisingly, elders often recited for us a litany of complaints about the transformations they saw in Acholi society: women and youth had lost respect, money and political alignment had replaced seniority as the source of authority, women had turned to prostitution, male youth had turned to thievery, and both male and female youth were drunkards.

Elders themselves are not immune to criticism from younger members of the community, however. While people often expressed their desire for elders to re-assume their roles of teachers and advisers to the community, they also tended to complain that elders had abandoned them. "Elders just like to drink and sun-bathe," and no longer provide any assistance, said a woman in Palaro. In some places, people reported, elders tend to charge money to carry out ceremonies that they should perform for free. As a middle-aged woman in Palabek Kal declared, "Elders have

become the most greedy people in the community. They are lazy and always blaming and pouring their frustration on the youth."

This loss of authority among elders in the camps is matched by a lack of popular legitimacy among some of the clan chiefs, the *rwodi*. Some people in the camps saw the *rwodi* as becoming increasingly politicized, both by developing links with government and by getting involved in land controversies for their own benefit. For example, people in Amuru cited one *rwot* from there as being involved in purported land grabbing. Some people also decried that rwodi were out of touch with the community and, given their often youthful age and lack of proper "chiefly" upbringing, even with tradition itself.

Unlike elders, who have generally remained outside the orbit of donor funding, the highest level of *rwodi* have managed to tap into significant funding through Ker Kwaro Acholi, which is receiving funds from European and American donors in the name of "revitalizing traditional authority" and promoting "traditional reconciliation." Some *rwodi* have thus gained power through assistance from government or foreign donors without having firm legitimacy among the people. When this external support is used to enable *rwodi* to act in their own interests, this external support can work to the detriment of their popular legitimacy. It was commonly heard from the displaced that the *rwodi* should leave town and return to their people in the communities. A 54-year old woman in Gulu Town compared the problems faced by *rwodi* and elders by saying that *rwodi* need to "consult the community in the camps and villages," while elders are "just sitting, sunbathing, and then sleeping."

TRADITIONAL AUTHORITY AND RETURN
This loss of authority among elders and of legitimacy among rwodi is by no means permanent. People commonly expressed their interest in having elders re-assume their roles in the community and having rwodi engage with the people. In fact, elders, and to some extent *rwodi*, are already beginning to regain a degree of authority and legitimacy through the process of return. In the case of elders, three factors have led to this tentative re-empowerment: first, improved conditions in new settlements; second, the need for advice and mediation on land issues, especially around questions of demarcations; and third, the need for cleansing ceremonies, both of people and of land.

First, in some transition sites and at home, the increased space has allowed the revival of certain traditions, such as the *wang-oo*. The smaller numbers of people living together has also allowed links with elders to re-emerge that had been lost in the camps. People explained to us that the need for hard work in the new sites has reduced some social problems such as alcoholism and created a more communal atmosphere, in which elders are valued. The sudden increase in farming has also revived the role of the *rwodi kweri*, who preside over many farming issues.

As to land, while LC II courts are the place where most land disputes are being taken (this will be discussed below), elders are increasingly being consulted over boundaries between different plots of land or between families or clans, without the interposition of LC courts. They have played a role in some places of organizing or providing land for transition sites, and we even found cases where they have been called upon to

resolve conflicts between transition sites: for example, elders in Palaro sub-county are helping resolve disputes between Mede and Oroko transition sites.

Finally, requests for elders to cleanse land of bad spirits have increased as people begin to return to areas where significant killing took place and where human remains can be found. Additionally, as more LRA come out, elders are being called upon to oversee welcoming and cleansing ceremonies for the former abductees.

While a revival of the role of elders was very widely supported among the Acholi we spoke to, there was also a significant question over just what their authority will comprise and what the jurisdiction of traditional authority more generally will be. For many women and youth, the idea that Acholi traditional authority would come to match the conception many older Acholi men have of the pre-war order was simply not realistic. As a 37-year old woman in Awach camp said, "There is conflict in every society. But right now there is too much conflict here, with lots of confusion. The camp life has changed everything and it is going to be difficult to go back to the previous times of full tradition." Elders themselves and many men, however, tended to project a comparatively vast increase in their authority once back in the village in a bid to correct the problems of the camps. They variously explained how traditional authority will deal with everyone from ex-rebels, thieves, government informers, prostitutes, Congolese women, to troublemakers generally. In the most extreme versions, elders explained how they saw themselves as taking a dominant and all-encompassing role in social regulation in the post-conflict period.

This revival of traditional authority, men and elders explained to us, could take place through imposing discipline at the family level, the *dog gang* level, and the clan level through warnings, fines, corporal punishment, and, if all else fails, expulsion from the clan and potentially fatal curses. While elders and men generally explained that they would not punish people for what they did in the camps, and that it would only be those who continue to misbehave in the village who would be disciplined, strict rules were already being imposed to keep certain people out of the village. For example, in Palaro the clan elders assembled and told men that if they brought Congolese women back to the village, they (the men) would be refused land and expelled from the clan. Those seen as "rebellious" women, unruly youth, and others could face this problem as revived clan meetings could come to serve as a way of excluding from return those who are seen as undesirable from the elders' point of view. This raises serious questions about the potential for a rupture to emerge within Acholi society around this kind of systematic exclusion of certain categories from clan membership and land possession.

The potential for tough discipline or exclusion by male authorities has a prominent gender dimension as well. It is not clear what role women will have in clan meetings, and the subject is subject to significant controversy. While some people explain that women have no voice at all and others explain that elder women can indeed be heard, the strongly patriarchal nature of traditional Acholi authority is incontestable. Much of this stems from the patrilocal, patrilineal nature of Acholi society. Wives are paid for through bride-price to her family, and then brought to the man's family. As a result, unmarried women are seen as a source of wealth to the family, but not really part of it since they are going to leave as soon as of a marriageable age. On the other hand, women who are married into a family are seen as having been "paid for"

through bride-price, and so as lacking authority within her husband's clan. At the extreme, one woman in Palaro explained that she felt that in Acholi tradition there is the idea that "a woman is married into a family and so has no power there, she cannot have any rights, she is almost like a slave, or like property." As a result, both unmarried and married women lack a strong claim on authority within the family or clan and are generally dependent on husbands, fathers, brothers, or male clan elders in resolving disputes or in accessing land. Although firm adherence to patrilineal and patrilocal norms has been disrupted at present as a result of the war and displacement, this only increases the potential negative impact of their purposeful re-imposition by male authorities upon women and youth. Indeed, among men, the re-establishment of traditional authority was often framed explicitly in terms of undoing the power gained by women and youth in the camps and imposing the power of men and elders over these formerly subservient groups. This leads into the question of the position of women in displacement and return, to be addressed next.

Women in Displacement and Return

"I did not find anything good about camp life, it is a curse and punishment. Returning home is my wish as long as there's peace, much as we will start from scratch because we have lost almost everything apart from our lives," said a 37-year old woman in Awach camp. This was a common response from women when we asked about the changes they had seen, good and bad, as a result of displacement. Women pointed out how camp life had had a significantly negative impact in terms of their quality of life and the hardships they had to endure. Because many men have died, joined armed organizations, abandoned their wives, or turned to alcohol abuse, women in large part are left with the primary responsibility for providing for their families, which had often expanded to include a number of dependents in addition to their own children. Food rations and non-food item distributions are not adequate, so women are faced with the additional need to earn money to feed their families and to buy basics such as soap or clothes. The level of violent abuse suffered by women at the hands of men is also extremely high in the camps, in large part due to rampant alcoholism.

As a woman commuting to Gwengdiya transition site told us, "Camp life has changed many women, they have learned to shoulder responsibility amidst poverty and pain." But many women also explained to us how it has been precisely this need to shoulder additional responsibility in the context of the camp, where they are in a public space with other women, where there are new opportunities for earning money, and where NGO and government interventions oriented towards women are frequent, that has given rise to certain positive changes in their lives that they would like to retain even after the end of displacement. Before displacement, women related, they lived in relatively isolated family homesteads, spaced out enough so that the male ideal of being "chief in one's own house" could be realized. As a 43-year old woman in Gulu Town explained, "we [women] were very far apart in the village. We did not have groups or come together like we do now."

Therefore, displacement not only caused significant physical hardship and suffering for women, but also brought women together in a way they had not been before. Perhaps the most noticeable result has been the emergence of women's groups,

mostly for economic empowerment through rotational work schemes—*kalulu pur*—or loan schemes—*kalulu cente*. These are often combined with cultural activities such as music, dance, or drama, and serve the additional purpose of providing women with a space in which to come together and discuss their problems. Some groups were started through interventions by aid agencies or by the government, but many of them have received no external support. The women's group has proved a rapidly multiplying social form as each group that is created in the dense camp setting, where the benefits—perceived or real—of being in a group are widely visible, serves as a catalyst for other groups. Indeed, many women who were not in a group expressed to us their intention or desire to join one in the future.

In addition to the benefit of women's groups, some displaced women also cited the relative independence, in particular from their husbands and fathers, that they had in the camps. Economically, women have gained access to loans, both individually and collectively. They can run small businesses and retain possession over the proceeds, and many expressed satisfaction at having learned to sell agricultural produce and save the money. Socially and politically, women pointed out the number of women who are now in positions of authority, especially in the local government system. Women are achieving new education through trainings by IGOs/NGOs and government on health and other issues. Again, many of these developments were seen as resulting from strategies employed in the struggle to feed families in the camps. Nonetheless, these developments were seen as positive by many women we spoke to. As a 49-year old woman in Pabbo said, while "women's experiences in camps have not been good, some have been empowered by women's rights." As she reveals, the discussion around the changing role of women in the camps is generally voiced in terms of women's rights, which we focus on next.

Many men, however, tended to express disapproval for the changes in women's roles in the camp. While some men recognized that women were engaging in business and forming groups to care for their families (and often for their husbands), many said they saw those activities as negative. For example, when men brought up the issue of women's groups, they might dismiss them as opportunities for women to get together and drink. Women's new ability to take out loans and start businesses was seen as an insult by some men, since husbands were in a sense replaced by access to credit. On day-to-day affairs, men complained that women were marrying without being given permission by their families, staying out late, wearing pants, eating chicken (previously off-limits to women), and going to discos and sleeping around. Women have forgotten how to grind sesame and do other basic household chores, men charged. Most fundamentally, women have lost the respect they used to show for men and elders, which men blame for increased domestic violence. Men seem to have made these sentiments clear to women, and as a result some women told us that men are jealous of their new, although limited, power and freedom. A 28-year old woman in Gulu Town explained, men are jealous "because we earn money and do not go asking for money from them all the time. We can also plan our earnings and acquire assets which men do not like," whereas before "at home girls were seen as assets or a source of wealth when they would marry."

THE QUESTION OF WOMEN'S RIGHTS
The bitterly controversial question of women's rights illuminates these problems clearly. Part of the problem is in the translation. The word commonly used for

"rights" in Acholi is the verbal noun "*twero*," derived from the verb "*twero*," literally meaning "to be able to," or "to have the capacity or ability to," and which carries strong connotations of power and authority. When the phrase "*twero pa mon*" ("rights of women") is used as the translation of "women's rights," it bears with it connotations of women's authority or power, not legal protection or mutual respect. In this way, a group of women could speak positively about women's rights but then complain of people "misusing" women's rights, either taking them as a guarantee of personal license or as a legitimation for the imposition of authority. The case was raised of a female politician who, during campaigns, showed up with armed bodyguards to a rally; it is hard to understand how this could be construed as a misuse of women's rights without taking into account the association of *twero* with authority.

The problem of translation aside, most women we spoke to would probably agree that, as a woman in Palaro said, "It is not only men that have rights, women are human beings and so also have rights." Women's rights, as explained by a women's group in Laguti, include the right to political participation and leadership, to economic activity and business, to own money and property, to education, to associate and form groups, to express themselves, to employment, and, very importantly, to legal remedy when men try to violate their rights. "These rights are good because they make us independent not dependent on men," a woman in the group from Laguti told us. But another woman in the group pointed out unhelpful aspects of women's rights promotion, for example a radio program on which, according to the women, freedom of dress was encouraged, or T-shirts that were distributed in the camp on which a figure of a woman and of a man are pictured with an equal sign between them. According to this women's group, these interventions only provoke men, belittle important aspects of Acholi culture, and end up giving women's rights a bad name.

The promotion of women's rights has been able to take hold because of a number of factors that converged in the camps. First, as mentioned, women were faced with the need to find ways of surviving and supporting their families. As a result, the opportunity to engage in petty trade and have access to credit helped many women significantly, and they were able to justify this activity in the language of women's rights. Second, a number of government interventions around women's empowerment have taken place, including those that opened new leadership positions for women. Third, IGOs/NGOs often favor women in their interventions and tailor many interventions, such as income-generating activities, towards women specifically. Finally, some women, while expressing their general approval for women's roles in Acholi culture, also expressed their opinion that certain aspects of those roles should be changed, or that certain negative aspects which had receded with war and displacement should be done away with permanently. Most often cited were the practices of pulling teeth, scarification, and certain food restrictions. However, some women also made clear that, as a 56-year old woman in Mucwini put it, "I agree with most of Acholi culture except the issue of being so submissive to men that makes us be just like slaves."

Acholi men tended to blame government and NGOs for promoting this desire among women for more authority than what they had had in the village. While this desire has undoubtedly bloomed in the context of the camps, it seems in fact to pre-date the NGO presence and women's rights interventions. For example, the women's group Labonge Lworo ("Without Fear") in Ogwil, Pader, came together back in the early

1990s specifically to empower women. As they explained, they formed a group "because women were naturally considered shy. We could not speak in public and we were kept behind doors. So we came together in this group to change the way that people thought about women. We wanted to strengthen our assertiveness, and be together with each other, and also entertain people." Their group was helping women contest for leadership positions, gain confidence and share ideas, and carry each other through hard times. In addition, they had become involved in rotational farming. Therefore, women's rights interventions which are oriented towards women's empowerment do indeed tap into a long-standing undercurrent of dissatisfaction among some women at their subservient role within Acholi society, a dissatisfaction that has been allowed to express itself and be redressed to some extent in the context of displacement.

Among some men, and especially among older men, the issue of women's rights only provoked disdain. From one extreme point of view we occasionally found, all women's rights represent an illegitimate attempt by women, encouraged by government and NGOs and backed up by LCs and police, to usurp male authority and impose themselves as equal to, or superior than, men. As an 85-year old male elder in Palaro said, "if women are to possess rights, our homes are doomed." A group of male elders in Gulu Town concurred, saying, "women have been so spoiled because of women's rights." They have become "big-headed," and a situation has emerged where "men have become women and women are men." As a male elder in Anaka camp told us, in his opinion the current understanding of women's rights is mistaken. Women do indeed have rights in the village, he explained, namely culturally-defined rights over the kitchen and over preparing and serving food. Several times, men told us that while the man is the president in the home, the woman is the prime minister. From this perspective, the very idea of women's rights as they are now promoted is anathema to the idea that women are paid for and thus become a kind of property of their husbands. As property, women cannot possibly have a claim to authority over men, and women's earnings are, from that perspective, in fact the earnings of her husband as a return on bride-price. We also heard a widespread accusation among men that women's rights are to blame for increased domestic violence in the camps: the reasoning is that since women now think they can do anything in the name of women's rights, they provoke their men into beating them. The most extreme claim we heard is perhaps that women's rights have led to an increase in HIV/AIDS because now women think they have the right to have promiscuous sexual relations.

Contra claims by men that women's rights have caused domestic violence, many women explained that women's rights, *when backed up legally by LCs or SPCs,* had instead reduced domestic violence. Indeed, the reputation that SPCs have rapidly earned in the camps of being a friend to women and an enemy to men puts into relief the significant gap in legal redress for cases of domestic violence that had existed before the SPCs were widely deployed. This role of SPCs and LCs in interceding in cases of domestic violence had led some men to resent the fact that women were going to these authorities in case of domestic violence instead of taking the case to family and clan structures first. As a man in Awach explained, the SPCs are "violating men's rights to control their women." The SPCs have also been reported to provide help in some cases where women's husbands tell them to hand over the proceeds from their business on penalty of divorce or a beating. The popularity of SPCs among women demonstrates that family and clan structures were inadequate

from the point of view of women in dealing with violence and other abuses of their rights. By the same token, reports that certain IGOs/NGOs have dissuaded victims of gender-based violence from accessing legal remedy is distressing and unacceptable from a human rights perspective.

WOMEN AND RETURN

Now that return is becoming an imminent possibility, the question arises of what will happen to women's roles as they return to the village. The women we spoke to almost unanimously expressed their desire and intention to return home. Even those who cited the positive changes that had arisen in the camps did not see those as a reason to remain. Nevertheless, many did express their hope that as they returned, they would be able to maintain some of the benefits derived from camp life, while leaving behind the overwhelming depravation of the camps. But is this possible? Or will the isolation and lack of legal recourse in the village, combined with the intention among men to reassert proper gender roles, lead to a reduction in women's authority and rights?

Men's predictions and plans for women in the post-conflict era varied, ranging from the militant demand to abolish women's rights to the resignation that things would be different now in the village, since women's rights were to some extent irrevocable. However, most men interviewed shared a perception that "the rules" in the village were different from "the rules" in the camp or in town. Thus, men argued, because women had forgotten those rules, and even how to do their basic duties, they would have to be "retrained" in their roles and duties and reminded of village life. As a group of men in Laguti put it (to a female Acholi researcher), women will be re-instructed, "just like teaching new oxen how to plough."

This predominant attitude signals that there might significant human rights concerns for women upon return. While the acute level of violence against women seen in camps, much of it due to alcohol, will probably be reduced as people become occupied with farming and other jobs, there is a possibility that physical violence by men against women could continue under another guise, namely family or clan discipline. As a 58-year old man in Opit explained, "Acholi culture says women's role should be housekeeping. That is what their role should be and once back in the village they will accept it. If they do not, then men will force them." Or, as a group of men in Madi Opei said, "we will regain our power and strip off women's new authority." They concluded that women's rights should no longer be taught.

A group of men in Alero made the explicit connection between the presence of SPCs and women's rights, one man saying that once back in the village, SPCs would not be present, and so when people went home, the "new lessons for women in isolation will resume where there is no presence of SPCs and no groups where women can run to." This would seem to imply that at least some of this "retraining" will involve physical violence—"caning" as it is commonly referred to. Caning and other punishments for breaking social norms can take place at the family or clan level, administered by the husband or clan enforcers. But even if violence is not the medium, the "stripping" away of women's business, property, associations, and authority would represent a serious violation of their rights. In addition, it could prevent women from being active participants in return, which is needed for a just and sustainable peace.

Fortunately, men were not unanimous on the need to "retrain" women. Indeed, many men explained that they would be happy to accept their wives' new roles as business women and leaders. In the same group in Madi Opei, one man explained that he foresaw the relation between himself and his wife to be one of joint work and responsibility, in which there would even be joint ownership of property, unlike before. Women had even been given seats on councils of elders in Bobi and Alero. For their part, women recognized the variation among men's attitudes, and often explained that their ability to maintain their businesses, property, associations, education, and skills would depend greatly on the individual husband. But for the most part, women appear to be expecting many men to try to re-impose their authority. As a group of women in Gulu Town said, "men are always telling women that, you wait, you are feeling good in town because you are protected." While women declared their hope that their husbands would accept their new economic and political roles back in the village, they also recognized that this might not be the case.

For many women, this represented a significant injustice. As a group of women in Madi Opei explained, the custom of not letting women speak at clan meetings and not letting them have a role in decision making should be done away with. After all, they continued, since it was women who had kept men and even Acholi society itself alive during the years of displacement, why should they now be silenced and ruled by the very men who abandoned their responsibilities? Why should men "re-instruct" women once back in the village, instead of women instructing men as to how things will be?

However justified these arguments may be, in case men refuse to accept women's new roles once back in the village, women may have few options. There may still be some recourse to law enforcement in case of serious violations of their rights, especially through the SPCs. But if clan- and family-based mechanisms become dominant, will these be able to protect women's rights to the satisfaction of women themselves? Or will many of the rights women want guaranteed, such as business, property, and protection from domestic violence, be seen by male elders and clan leaders as antithetical to Acholi tradition, and so might women find themselves without recourse?

Even if women manage to secure legal protection through LCs and SPCs after return, women could still face problems from male authority through threats of divorce or punishment by the clan. Many women predict that divorce rates will rise in those marriages where men refuse to recognize their wives' rights, and that some women may even have to return to the camp or to town if all fails in the village. Indeed, divorce in patrilineal Acholi society is a major blow to a woman, who is suddenly cast back upon the mercy of her father's family in order to access land. Some women have also been made vulnerable due to the fact that many men and women had been co-habiting and having children in the camps without actually getting married and exchanging bride-price. As a result, these unmarried women can be more easily abandoned by their male partners since they were never formally brought into his family or given access to land. Women told us that they foresaw a number of women with children being abandoned in this way. Some women with significant business interests may be able to maintain themselves in trading centers or in town, but this is not a likely possibility for most.

As a way of retaining their rights in the village, many women in groups told us that they plan to bring their groups and the power of that association back to the village. However, this may not be an easy process, since many of the groups formed in camps drew members from a widely dispersed geographical area and may break up as people return home. Indeed, many groups we spoke to are already suffering from a loss of members. Some groups had made contingency plans as to how to keep their group together as they return home, which included increasing personal investments, scheduling meetings a long time in advance, and raising the penalty for missing meetings. But these groups, as we explain below, can also benefit greatly from external support at this key juncture.

Other developments that could have an impact upon women's rights in the village include the possibility of changing settlement patterns. Some women explained to us that as they return to the village, they expect to be resettling in larger units than before—for example, at the *dog gang* level, a collection of related households, instead of at the individual family level. For many women who have been living in town this is of particular interest: as one 24-year old woman in Gulu Town put it, she plans to return to Mon Roc in Patiko and settle with other women so as to "share fear." If those changed patterns prove lasting, the preservation of a space for women's association and voice may be significantly easier. Finally, it is important to monitor if women can translate their new social and economic power into authority within traditional institutions, such as by gaining seats on councils of elders as mentioned.

FOSTERING WOMEN'S RIGHTS IN RETURN
In planning interventions around women's rights and women's empowerment, an essential consideration is for interventions, whether oriented around land, development, or justice, to take into account this newfound legitimate authority possessed by women in the camps, and to work with it alongside other more long-standing, though attenuated, forms of authority. It is essential that well-intentioned external interventions do not unintentionally shut down this space and eviscerate the power that women have managed to forge during displacement, especially those interventions taking place in the name of "revitalizing traditional authority."

A key to women's rights interventions is to understand that empty symbolic gestures, like t-shirts with controversial messages, can backfire, and that "sensitization" workshops alone can often be ineffective. Instead, teaching about rights while providing institutional mechanisms for enforcing those rights is the best way to proceed. This applies not only to violence against women but also to women's rights to employment, property, and business. Women need legal protection backed up by the police in order to make their rights a reality. The other lesson for IGOs/NGOs is that women's rights interventions need to be focused on building women's power through business, education, and association, and then letting the process of cultural change occur through the agency of these empowered women.

We would also suggest that women's rights programming should develop a strategy of working with progressive men within the community. Women generally understand and fulfill their rights every day. It is men who can pose a challenge to the continued realization of these rights in the context of return. Obviously, to promote respect for women's property rights and for women's increased authority will be difficult, but there are many men who see collaboration and increasing equality

between women and men as the future. If interventions focus on these men, and if counterproductive, culturally misinformed interventions are avoided, a male constituency for change may be developed over time and women's rights may stop being used as an excuse for violence and the imposition of male authority.

Equally important as women's rights interventions are those interventions that do not directly address women's rights, but that support the social, economic, and cultural organizations that women formed in the camps and that are threatened by return. What are immediately needed are interventions that can help women keep their groups together through the transition and that can help women form new groups in new locations. The creation of meeting places for women at the parish or sub-county level would also play an essential role in sustaining women's right to association and the benefits proceeding from that right. Without continued organization and association, in leaving the camps women might also leave behind the positive developments that arose in the context of the camps. As a result, they could find their economic, social status, and human rights collapsing as a result of the return home.

YOUTH AND WOMEN: CROSS-CUTTING ISSUES

Youth face many of the same issues as women. They are accused of being drunks and immoral by elders, of enjoying camp life and being unwilling to return, of being interested only in money, and of having forgotten Acholi culture. "They don't know culture, even if they return they will not change," said a 67-year old man in Awach. In the camps, it seems to a visitor that almost everyone tends to accuse those younger than them of "having no respect"—young men say it about school children, middle-aged men say it about young men, and elders say it about everyone.

For their part, youth expressed to us an intense desire to escape the camps, and blamed the degeneration in behavior on the conditions in the camps, especially the idleness and lack of work. Indeed, even those youth who were among the most pilloried by other camp inhabitants generally expressed to us their firm intention to return home. At the same time, like women, youth also cited certain positive benefits that had arisen from their time in the camps. Youth described the benefits from being together and from the relative freedom they had in the camps or in town. Youth have gained new skills and knowledge in the camps, and for many youth, camp life, despite its material hardships, represents access to a world that is, in their eyes, modern and global and that offers a degree of freedom, independence, and opportunity that was impossible in the village.

A vast number of youth groups have sprung up in the camps, sometimes as a result of independent initiative, and sometimes as a result of interventions such as by NGO Forum. Like women's groups, youth groups provide an avenue for association, for income generation, and for cultural or athletic activities. For example, there is a very vibrant community of *aguma* music groups at present, which engage in competitions between different camps and regions. Youth positively cite their socialization with peers and their participation in activities such as watching videos, going to discos, listening to music, and simply being together as against the isolation of life in the village. However, according to most youth we spoke to, even these benefits will not be enough to keep them in the camps when the opportunity to return presents itself (those youth in town, however, do frequently express their intention to remain there.)

How clan and family authorities will respond to the return of relatively independent and assertive youth is uncertain. Again, mechanisms need to be put into place in case youth who are seen as undesirable are systematically excluded from return and access to land. Otherwise, there could be a increasing number of excluded, frustrated youth gathering in towns and in trading centers where they could be subject to harsh treatment by police and security services and could potentially pose a threat to the stability of post-conflict Acholiland.

Youth, like women, need to retain some of the benefits of life in the camp while escaping its depravation and humiliation by returning home. Only in this way can youth become active and willing participants in the process of return. Much of this can be accomplished through specialized interventions to help create economic organizations that can provide youth with income-generating work. For example, by providing jobs such as brick-making, youth can make a productive contribution to the process of returning home and gain a stake in that process. This can also allow youth to find a source of personal income and stay in contact with their age-mates, smoothing the transition back home. Effort should also be directed towards helping to sustain those social and cultural organizations that youth have formed in the camps, in particular the *aguma* groups. Finally, it is probable that, as a 20-year old man in Awach put it, "when youth return, these things will have to follow them to the villages," in that either the ex-camp will remain a meeting point, or other centers will spring up where youth can assemble and enjoy a bit of "modern" life.

The Land Question

Given the relatively vast number of people accessing land for farming at present, and the chance that during the next year these numbers could increase further, the most pressing issue is to ensure that returning Acholi secure land in a broadly inclusive fashion. Long-term strategies for protecting Acholi land should be raised, but remain secondary to the immediate need to help people return home. Indeed, we agree with and are motivated by the argument that, in the words of a 2004 CSOPNU report on land, "The ability of IDPs to secure their land on return will have long term implications for peace and stability in the North, and action now could avert a new humanitarian crisis of landlessness and social exclusion." For this reason, we focus here on the obstacles and challenges that Acholi face in terms of securing land for farming. We then identify a short-term strategy for addressing these problems, while also recognizing the need for a coherent and rights-oriented long-term approach to protecting Acholi land and ensuring its fair distribution into the future, an approach that can adequately respond to the current legal and political realities in the country.

One theme we would identify is that the significant flexibility and uncertainty that characterizes Acholi customary land tenure—an advantage before the war while land was still relatively plentiful and not seen as monetarily valuable—has become a potential problem in that it can open the way for the manipulation of land tenure by those with the money or power to do so. Combined with this are the challenges presented by the co-existence of two different systems for resolving land disputes, one based on the customary tenure system and the other on the LC courts, in particular LC II. While the former held sway before displacement, it seems that it has widely been replaced by the latter, especially in dealing with more significant cases.

THREATS TO LAND AT PRESENT

The first category of threats to securing land comprises threats to land from outside Acholi society. These can come from the state, including the UPDF, from private individuals, or from government officials who use their power to acquire land for personal use, then enforce that claim through deployment of security services. Agago Ranch in Pader has been raised as an example of this kind of problem. As a 68-year old man reported, "the UPDF have taken over my land in Agago Ranch claiming it is government land and yet I have lived on that land for over sixty years." People in Amuru District have reported numerous cases of government figures grabbing land for their own use. There is also an issue of the state gazetting land for forest reserves or game reserves, thus placing it under state control. There have been cases reported where signs are posted on land that was under the customary ownership of individuals or clans, or where demarcated areas are expanded surreptitiously. The threat is not only that land will be turned into a reserve, but that it may then be de-gazetted by government and given to "investors." This threat of investors being given land by government under the claim that it is for the "public good" through "development" purposes is also a very intensely perceived threat.

The second category of obstacles comprises threats from within Acholi society that existed before displacement but are being intensified in the process of return. Prominent within this category are conflicts between members of the same family, between families, between clans, and between the Acholi and neighboring tribes. There are also problems around land that had been provided by clans to individuals or families from outside that clan for their use. Many cases have arisen where these people, who may have used the land for decades, are being refused re-access by those who granted it to them, or more frequently by the children or grandchildren of those who had granted it. These expulsions are often happening in the name of "*ngom kwaro*," or ancestral land, and have been reported to us from across Acholiland.

Problems can also result when those who had been loaned such land try to take personal possession of it, possibly to sell. This reflects a wider problem in Acholiland, namely individuals taking advantage of the informal character of customary land tenure to claim exclusive individual possession of land and then sell it for their own benefit, without the consent of the families or clans that share authority over that land. This is facilitated by the growing dominance of LC II courts in deciding land disputes, the frequent exclusion of elders and *rwodi kweri* from those courts, and the receptiveness of many of those courts to bribery. These land sales may increase further as more land becomes accessible to surveyors, and unscrupulous members of families and clans try to reap the proceeds from increasingly valuable land.

The third category comprises the threat faced by marginalized individuals that they may be stripped of access to land because of their fractured family or clan relations or because of exclusion and stigmatization. Many Acholi, especially older Acholi, in the camps did not recognize this as a threat, and the statement that "nobody will have a problem, because all Acholi have land," was frequently heard. This belief is based upon the structure wherein men have access to land through their fathers and grandfathers, women have access to land through their husbands (which continues if the husband dies), and those who are left at the margins or have problems with their

immediate families are absorbed into other families or clans. At present, the generosity and expansiveness that characterized Acholi attitudes towards land in the past and that guaranteed land to all Acholi are indeed still operative in many cases—take for example the large number of dependents that heads of families have and the fact that most heads of families explain their intention to provide land to their children and dependents equally. But whether this generosity will survive return is up in the air. Indeed, given the massive disruption suffered by Acholi society, the fragmentation of family and clan relations to a degree never seen in the past, and new pressures on land and new opportunities to reap profit from land, it is unavoidable that there will be—and there already have been—significant cases where those with fractured family relations, especially those who have lost their husbands or fathers or who face exclusion by clan authorities, will have problems accessing and securing land.

Of special concern are categories such as orphans, widows, widows' children, former abductees without family, and children born in bush. This is not to say that these groups are uniformly "vulnerable," for most people within these categories we spoke to expressed few fears and many have secured access to land already. However, a large number of people within these categories did express real concerns, and we witnessed a number of situations where they have been excluded from land already, often in very complex ways. To take only one example, a 32-year old woman in Tyer, Pader, explained how her husband, a soldier, had died, upon which she was rejected from his family, with the connivance of the elders, on the charge that she had stolen his money. She moved to Corner Kilak and was given land by a male elder there out of sympathy for her and her seven children and five dependents. However, that man died and now his children and grandchildren have told her that they are taking the land back. At present she is a market vendor, and given the fact that her father has also died and her brothers are unwilling to share land with her and her many children, she does not think she will be able to secure access to land. Accusations of bad behavior or disobedience to the clan, as discussed above, could also be employed as public justifications for these exclusions, whether of women, youth, or undesirable men.

Many of those individuals we spoke to who have returned from the LRA faced problems as well. In one group of formerly abducted persons (FAPs), for example, fewer than half the members knew where "their land" was, and several of those who knew also knew that their land had been taken away by relatives or neighbors. This may not be widely representative—for one thing, we spoke mostly to FAPs who had been with the LRA for longer periods of time—but even if a minority of FAPs have problems, it is something that needs to be addressed. As discussed below, FAPs may be subject to accusations of misbehavior or possession by bad spirits, *cen*, as justification for stripping them of their land. Other FAPs we spoke to had been intimidated from returning to their land by threats of violence, from which they often have little recourse due to negative community and official attitudes towards them. Some said that they were making plans to move to town instead of to the village. Again, this should not be overstated, for many FAPs we spoke to, especially those with significant family still alive and with good community relations, expressed no concern over land access.

This raises the problem of defining "vulnerable" or "extremely vulnerable individuals" (EVIs) according to certain broad categories. Vulnerability has to be defined in terms of what exactly people are vulnerable to, and differentiation has to be made between different people in the same category. That is, if vulnerability to land dispossession is the issue, then it is clear that not all orphans, widows, and FAPs are vulnerable—in fact, many of them are less vulnerable than people outside of these categories. One key determining factor in the Acholi context would seem to be an individual's relations with family and, to a lesser extent, the clan. Those with bad relations may indeed be vulnerable to land dispossession, while those with good relations may not be vulnerable at all. Simply, "vulnerability" has to be understood within the local social context.

THE NEED FOR RAPID AND CONCERTED ACTION

Given the many threats to equitable land access for the Acholi at present, there is no single mechanism that can deal with the problem comprehensively and into the future. The two instruments most often used at present derive from the two different systems for mediating and deciding land disputes and claims that are currently, uncomfortably, co-existing in Acholiland: first, traditional authority based in customary land tenure, and second, LC courts which were given a vague but potentially wide-ranging jurisdiction over customary land tenure in the 1998 Land Act. We would suggest that neither mechanism alone is adequate to the problems being faced by returning Acholi, and that in the short-term, the two need to be brought together.

The inadequacies of LC II courts ware frequently raised with us. These courts seem to often ignore, or to be ignorant of, customary land tenure and to refuse to take into account the opinions and knowledge of the custodians of customary land, elders and *rwodi kweri*. These courts are often inaccessible to the poorest, and people in many areas accused them of accepting bribes. At present, in some areas elders are being brought in as witnesses by LC II courts, but they have no decision-making power. In other places, Area Land Committees have been formed on which elders have a seat, but are not yet functioning.

However, the alternative to LC courts, mediation by elders and *rwodi kweri*, is not without problems either. First, at present, they are ill-equipped to deal with the very modern threats that Acholi are facing to their land, such as illicit sales, fraud, or land-grabbing. In some places, people reported corruption among elders as well. Sometimes elders can appear out of touch with the dramatically changed social reality of Acholiland; for example, elders often told us categorically that all FAPs have access to land, when this is obviously not the case. Without a formal legal aspect to jurisdiction over land disputes, there is little chance that external and modern threats to Acholi land will be adequately dealt with by traditional authorities alone. This incapacity could set the stage for frustrated traditional authorities or communities to turn to armed vigilantism as the only option, as has already been seen, for example, in Amuru district.

There is significant debate within the Acholi community, and even among traditional authorities themselves, as to how land disputes should be settled and land access should be negotiated in the future. Some, such as a large group of elders and traditional authorities we spoke with in Palabek Kal, took a strict line that power over land should be exclusively under their control with no interference from other

authorities or land committees. However, other elders explained that LC II courts or land committees can play a productive role, and that women and youth should have a say in land matters. For the most part, among elders and among the wider community, land committees were often proposed as the best way of dealing with the problems.

Therefore, for the time being, we believe that a combination of the two mechanisms, along with the inclusion of women and youth leaders, needs to be brought about. This can happen through the professionalization of LC II courts and their expansion through the mandatory participation of elders and *rwodi kweri,* and women and youth leaders, in LC II decisions. Or it can happen through the widespread establishment and capacitation of Area Land Committees, in particular Parish Land Committees, that incorporate traditional authorities and women and youth leaders as decision-making members. These would need to work within a unified system and offer recourse to higher levels when dealing with problems they cannot solve alone, for example external land grabbing, which need to be credibly addressed by higher courts and police.

The problem of the systematic exclusion of certain groups or individuals from land access by families or clans is the primary duty of traditional authorities to resolve, with the involvement of women and youth leaders. Cases in which such individuals are dispossessed of land to which they have a firm claim may be dealt with effectively by LC II courts or land committees. However, the task of persuading clans or families to accept people who were not living in their area or whose fathers were not living in their area before displacement and to absorb them into land tenure will in large part have to be undertaken through leadership from *rwodi*, councils of elders, and others. These leaders can also, with the involvement of women and youth, deal with the threat of exclusion faced by those who might be seen as undesirable by the clan.

Finally, there is need for a public body to take a lead role in monitoring and publicizing threats to Acholi land on a district or Acholi-wide level. For the present, we would propose the land sub-committee within the District Human Rights Promotion and Protection sub-committee of the DDMC could be a viable option for this watchdog role. They could also serve as the central point at which different proposals and projects around land by government and IGOs/NGOs are made public. There is a significant possibility that different external initiatives on land could end up being contradictory, or even counterproductive, if they are not coordinated with each other and are not under the overall direction of district and local government. Therefore, it is the duty of IGOs/NGOs and other organizations working on land issues to make transparency a foremost principle in their activities on land and to openly share and consult with other actors on this extremely important and sensitive issue. Once people are out of the camps and back on their land, only then can discussions about longer-term strategies for managing Acholi land to the benefit of all Acholi begin.

An Overlooked Human Rights Issue: INGO National Staff

In our interviews with national staff of international NGOs (INGOs) in Gulu Town, about half those interviewed refused to have their names written down, and all insisted on confidentiality. This might seem surprising, especially since none of the other categories of people we spoke to insisted on such confidentiality, even ex-LRA combatants. But when the degree of fear and uncertainty that INGO national staff live under concerning their employment and job security is understood, this insistence makes sense. It also reveals the significant problems they face in terms of workers' and civil rights. For these reasons, we will not identify this group of interviewees in any way other than to say that they are young, mostly college-educated Acholi working in lower and middle ranks for international agencies or INGOs in Gulu Town.

Young educated Acholi in Gulu Town face a dilemma. Many explained to us how they tend to resent their treatment by foreign staff and their lack of voice in INGOs; in private settings, some unhesitatingly accused some INGO foreign staff of neo-colonialism and racism. However, given the minimal urban private sector, the few jobs available in the civil service, and the discrimination practiced against Acholi in the south, including Kampala, many young, educated Acholi simply have no other choice than to work for INGOs or international agencies. While this dilemma is, under the current political and economic dispensation, unavoidable, and the alternative, the departure of INGOs and the introduction of massive unemployment among young Acholi, is unpalatable, this dilemma can at least be ameliorated through changes in the way INGOs operate in northern Uganda and through organization on the part of INGO national staff.

WORKING CONDITIONS AND WORKERS' RIGHTS

INGO national staff reported to us that the process of getting a job with an INGO can be unfair and abusive. Personal or family connections, corruption, and sexual exploitation were reported to frequently be a part of recruitment and hiring. There is a surplus of qualified potential INGO employees in town, and it is not uncommon to receive a hundred applications for one INGO national staff position, almost all of which will be from university graduates. Furthermore, university education in Uganda—Makerere, Gulu University, Kampala International University, and Makerere University Business School—is increasingly tailored to the NGO job market: courses in such vocational topics as logistics management are increasingly popular, courses that can only be used in the INGO context. Therefore, especially with the opening of Gulu University in 2003 and the exponentially increased intake of students at Makerere, the number of Acholi university graduates with expectations of finding work in the INGO sector is growing constantly. As a result, INGOs can fire employees with impunity, subject workers to harsh demands and poor conditions, and remain impervious to worker dissatisfaction since there is always another university graduate eager to take the job.

Young, educated Acholi INGO staff we spoke to widely criticized the behavior of *both* foreign staff *and* high-ranking national staff. As to the foreign staff, as one national staff said, "national staff are treated [by foreign staff] as work horses and not consulted for any decision by the organization." There appeared to be a widespread

sentiment that international staff simply do not trust the national staff, do not listen to them, and often do not treat them with respect. National staff reported being given short contracts, often only a few months at a time, and as easily finding themselves under probation or being fired for unclear offenses.

These feelings are compounded when they see international staff paid relatively astronomical amounts (for example, one prominent INGO pays its foreign staff upwards of US$100,000 dollars a year) to come and oversee national staff who have considerably more local experience and knowledge, but make a fraction of the expats' pay. On the issue of salaries, one interviewee said, "They feel Africans cannot live without them. But in fact it is them, the whites, who cannot live without Africans!" Issues of respect are also voiced by many Acholi: that in a place where great value is put on education, etiquette, and dress, foreigners should be given jobs despite poor behavior such as coming to work in t-shirts. Foreigners' social behavior can also be a cause of tension. For example, drivers for one INGO are put on standby at night "just to drive the experts to clubs, restaurants, or bars without overtime pay. The whites stay in the bars and clubs after midnight and you have to wait to take them home." As another interviewee said, "Our experts just love bullying national staff. They have the perception that blacks are stupid and that because they are giving money to Africa they have the right to rule over us." Added to this is the fact that in some INGOs, some international staff do not speak English well—let alone Acholi, which is only spoken by a tiny handful of international staff of any INGOs.

Some evangelical Christian INGOs have reportedly gone so far as to demand that employees are "saved"—that is, convert to born-again Christianity—if they are to work there, and fire those who do not. There was even a case reported where one INGO demanded that their employees marry within the church to retain their jobs. Another demanded that employees regularly go for Christian fellowship meetings when not working. Some workers see these directives in the context of foreigners' intention to assert power over Africans. As one staff member said, "the whites do these things purposely so as to contain everything under their control and achieve their desires, and also to impose their authority and to leave the national staff confused."

Although the international staff were often accused by national staff of arrogance and refusing to listen, it was the high-ranking national staff that were often described as the most directly exploitative and abusive. One interviewee explained that the foreigners tend to practice "divide and rule" over their employees, bringing certain national staff close and favoring them, then using them to spy on other national staff. Some of the harshest criticism is reserved for those high ranking male national staff who use their positions, especially during hiring, to demand sexual favors from women and money from men. This has led to a disturbing level of sexual and financial exploitation of national staff by fellow Ugandans who have gained high positions in INGOs. Sexual abuse and corruption during the hiring process are widely remarked upon at the larger INGOs, religious and secular alike. "Sexual harassment at the hands of the male national bosses is almost a necessary step females have to go through to get a job, especially as a volunteer," said an employee of one large INGO. She noted that such sexual exploitation had been reduced since the dismissal of a high-ranking national staff person a few years ago and constant warnings. However, she concluded, the effort was still not sufficient, and young women are still afraid to

report on cases because they fear they will be fired by vindictive national staff. It seems that it is within those organizations with substantial national staff and where nationals can rise into positions of authority that the most problems are encountered in this regard. Conversely, at smaller organizations, there is less differentiation between national staff and so less opportunity for this kind of sexual abuse. At one smaller INGO, a worker reports "real team work and support among national staff," whereas at a larger INGO a national staff member said, "Here, the problem is not the experts but the national staff."

IMPROVING WORKERS' RIGHTS FOR INGO NATIONAL STAFF
The surplus of potential national staff, often eminently replaceable in the eyes of the foreign staff, makes for a situation where, in one man's words, "NGOs' response to criticism from national staff is always negative. You'll either be fired or warned." Many staff reported their fear at raising even basic issues about working conditions, such as the lack of a lunch allowance during fieldwork. If complaints are raised, they explained, they can lead to a warning letter or the failure to renew a contract. One employee reported that the foreign staff were constantly issuing warning letters and "fail to follow proper procedures of the national labor law." National staff also complained that international staff can respond vindictively in response to complaints, such as by giving even more work, or by providing a lunch allowance but then deducting the money from salaries at the end of the month. In one mid-sized INGO, national staff got up the courage to raise the problem of low pay and bad conditions with management, and ended up getting a slight increase in pay and being allowed to sit in on management meetings. Another INGO instituted more staff participation in decisions and started having meetings where problems and issues could be publicly aired without retribution, a change that was greatly appreciated by national staff, it was reported. But these appear to be the exceptions, and "in most cases," it was concluded by the same person at the latter INGO, "such vocal and liberal local staff are dismissed."

For example, an employee for one prominent INGO was reportedly fired after he mobilized for an increment in salary and working conditions for national staff. At another, the complaint was heard that the foreign staff there are under such short contract, just 3-6 months, that it is impossible to build personal or even professional relations with them. Things were so bad at one INGO, according to a national staff person, that a meeting was called in Kampala with a high-ranking international staff person, who promptly resigned at the end of the meeting after the revelations of how the national staff were being treated. However, the difficulty of dealing with international staff on short-term contracts has meant that national staff still face a constant struggle to gain respect and good working conditions.

Understandably, we found significant fear among national staff that prevents them from speaking out, let alone from attempting to organize. One male national staff explained that, "there is limited freedom of expression for national staff with INGOs." Another told us that, "We have not tried to do anything because of a lack of job security with INGOs. The INGOs can create something against you once they realize you want to stand up for the truth and pin them, then you are dropped like rotten fruits." We as human rights activists would simply ask that INGOs, in their dealings with national staff and beneficiaries, respect and be held to the same standards of

good governance, transparency, accountability, consultation, participation and human rights that they, and we, demand of governments.

A NATIONAL STAFF FORUM
We found unanimous support among our interviewees for an INGO national staff organization, or at least for a public forum where problems can be aired and solutions proposed. One man recognized the need for a "coalition to check these so-called experts," and another said that it could "bring liberty to the national staff," "free them from the oppression of the foreign staff." But national staff also noted the serious obstacles to such a forum, including different policies in different organizations, fear of retribution, intimidation, and the fact that those national staff with high positions might sabotage such initiatives to build favor with the foreign staff.

Therefore, it was widely proposed that local government needs to get involved with this kind of forum, especially under the aegis of LC V Chairman Norbert Mao. Indeed, national staff declared that local government should have been involved already, especially in dealing with cases of unfair firing, worker abuse, corruption, and sexual exploitation. Others explained they saw the need for local human rights and community-oriented organizations, such as Human Rights Focus and Gulu District NGO Forum, to help sponsor such meetings and then protect those national staff who are involved from retribution by INGO employers. We agree that it is only with the involvement of local government and local civil society organizations that this kind of much-needed organization among INGO national staff can succeed.

III. PEACE, JUSTICE, AND RECONCILIATION

The question of justice and reconciliation in northern Uganda is currently subject to intense discussions nationally and internationally, and are the justification for a number of substantial and costly international interventions now taking place. But, as we asked at the beginning of this report, why are tens of millions of dollars and a significant international effort being spent on interventions claiming to help bring about justice and reconciliation, when peace is not yet secured and most Acholi are still in displacement camps? Again, justice and reconciliation are key human rights issues, but, like the major questions around land, the major questions around justice and reconciliation can only be effectively and legitimately addressed *after* the war has ended and *after* people have returned home. In order for the conditions to discuss justice to be present, people need to go home and rebuild their family and social relations, their relations with the land, and their livelihoods.

This is why we see the current national and international effort around justice and reconciliation as premature. Indeed, the same critique frequently applied to the ICC—that it intervened into an ongoing conflict—can be applied to other interventions as well. Those committed to peace in northern Uganda should not let the funding that has been made available for justice and reconciliation interventions blind them to the continued pressing need for the war to end and people to go home. We found an absolute primacy of demands for peace, return, and reconstruction over the demand for justice among the displaced Acholi in our work, which is supported by other, more quantitative studies. For example, a recent study by the International Center for Transitional Justice showed that *only three percent* of Acholi respondents named justice as being a priority for them right now, while peace, health, security, food, land, return, money, and education were all named by between thirty two and forty five percent of people surveyed. For over ten years, international attention has consistently failed to focus on ending forced displacement and ending the war through negotiations, and the current fixation on justice and reconciliation only follows this trend.

Therefore, in this report we address the question of justice and reconciliation in light of the pressing need for the war to end and for people to go home. First, we inquire into the future of those men, women, and children who have returned from the LRA, either through escape, release, or capture by the UPDF. We ask if these FAPs will be integrated into family and clan structures and thus gain access to land, or will face exclusion from families and clans. Second, we consider the inadequacies of current initiatives designed to promote justice and reconciliation, with close attention to the questions of state impunity and gender. Third, we call on the participants in the peace talks in Juba to use those talks as an opportunity to mandate the creation of a broadly inclusive and legitimate civilian body that can discuss accountability, justice, and reconciliation in the context of wider discussions around the war and its legacy. It is our position that genuine justice and reconciliation must be able to effectively deal with all the parties to the conflict and must arise organically from the community itself. The emphasis should therefore be on preparing the community to deal with these issues itself, instead of trying to resolve these issues from the outside before the community is ready.

Formerly Abducted Persons (FAPs)

The experiences of formerly abducted persons who have returned from the LRA is subject to a number of extensive studies, and is an important question from a human rights perspective. In this report, however, we narrow our focus to the potential problems that some FAPs may face during the process of return, in particular the possibility that they may be excluded from family and clan structures and be unable to secure access to land. If this occurs, it would not only have a very negative impact on those FAPs as they try to eke out a living in trading centers, in town, or with armed groups, but it could also end up contributing to future instability in post-conflict Acholiland.

OBSTACLES TO RETURN

On the question of obstacles to FAPs' return to the village, we would first point out that most FAPs we spoke to expressed little or no fear at the prospect of return, and many in fact have already begun to return. In large part, this seemed to correlate with the degree to which they had re-built ties with their families and had integrated themselves into the community. This, in turn, sometimes had to do with the length of time they were with the rebels. For men, a longer time meant a greater chance that they would be seen by the community as responsible for violence. For women, a longer time often meant a greater chance of having husbands still in the bush and having children they had brought back with them to the camps.

Although many FAPs we spoke to seemed to be experiencing few negative effects from their time with the rebels, for others their time with the LRA still had a major impact on their lives and on their plans for return in the future. Among the latter, it is important to distinguish between those who might be unwilling to return to the village and those who might be unable to return. Those who might be unwilling include those who are settled in town, or, to some extent, in camps/trading centers, and have managed, through vocational training or individual enterprise, to create an economically viable life for themselves there. Others have joined the UPDF and prefer to remain with the armed forces than to return to the village. More significantly from a human rights perspective, however, are those who are unwilling to return not because they have a preferred option elsewhere, but because of deterrents in the village. The central concern reported by these FAPs was fear of violence by three groups: the LRA, if the rebels have not returned; the government and UPDF; and the Acholi community.

First, many FAPs explained that as long as the LRA had not come out of the bush, they would fear re-abduction or violent retaliation for having escaped or otherwise left the rebels. These security fears are ameliorated somewhat in the camps, and almost entirely in town, especially Gulu Town. The isolation of the village, however, would leave FAPs vulnerable. By the same token, the LRA often carries out retributive violence not only against those who have escaped but also against the communities in which they live. As a result, people might be reluctant to allow FAPs to live in their vicinity as long as the LRA are still perceived to pose a threat.

Second, many FAPs expressed fear that they could be arrested by the government or UPDF on accusation of being rebels or rebel collaborators. Additionally, they expressed fear of being made scapegoats for banditry or theft that might take place in

the village. This problem can partly be resolved through a streamlined provision of amnesty certificates, through a public commitment by the government to protect FAPs, and through rapid discipline for UPDF or state officials found abusing the rights of FAPs.

Third, many FAPs expressed significant fear of revenge attacks once back in the isolation of the village by other members of the Acholi community for their perceived role in violence and atrocities. As a man in Palaro said, "[Government] Amnesty does not seal and protect them from future revenge." Although almost every individual we spoke to said that personally, he or she was ready to forgive the FAPs, people also frequently said that they expect others to take revenge once back in the village. As one man put it, "not everybody who says they should be forgiven is willing to forgive." In the eyes of many, revenge attacks upon FAPs once they are away from the regulation of the camps and town will be inevitable. As a farmer commuting from Gulu Town said, once people are back in the villages, "space would have been found to revenge on them, and this would be the beginning of a new mad era in the villages."

As an elder in Alero camp stated, "This war is coming to an end. But there is another war that is coming, even a bigger war that could finish us all." This can be understood in two ways. First, if people decide to take revenge, this could lead to a war within Acholi society, of the community against FAPs, and in some cases even against the families of FAPs—indeed, a few families of notorious ex-LRA expressed fear to us of returning. However, the statement could also mean that, as others confirmed, if FAPs are not forgiven, they might decide to return to the bush instead of facing violence and rejection in the community, just as many have joined the UPDF or other armed groups to escape life in the camps. Given the number of small arms circulating in and around northern Uganda, some male FAPs, as a last resort, might indeed turn to crime or return to rebellion.

We spoke to many FAPs who explained that they would be unwilling to return to the village if they are not forgiven, since they feared precisely this violent treatment. This is especially the case among those who were in the bush for a longer time, those who were known or suspected to have killed people, and those who did not have significant family to help them out once back. Of the FAPs in camps and in town who expressed to us an intention to go back to the village, many said that staying in the village would be contingent upon how they were treated. Some FAPs explained the fear they had that people were welcoming or accepting them into the camps only "with their mouths," with words, while "in their hearts" they still had anger. Given this fear, and the speed and power with which rumors travel in the climate of uncertainty in Acholiland, even a few isolated violent incidents against FAPs could have a significant impact on FAPs' perception of the level of threat and lead many to not return.

LRA and government collaborators may find themselves in a similar situation, which will also need to be addressed. Although most people expressed their willingness to forgive FAPs, many fewer people said that they would be willing to forgive LRA and government collaborators. Collaborators were often accused of being the worst of all parties that were involved in the conflict, worse than LRA or UPDF commanders, and sometimes as simply deserving death. "Unless collaborators run away from the

community, they will not survive," explained a group of men in Palaro. However, since there is little sympathy for these categories, unlike for FAPs, it is likely that a high number of them may not return to the village and may end up in town centers or elsewhere.

Those FAPs who are unable to return, as opposed to those who are unwilling to return (though there is overlap between the categories), include many whose parents and male relatives have died, those who have been separated from or rejected by families or clans, and those who have lost access to land. Many FAPs we spoke with, especially those who had been with the rebels for longer periods, described the stigmatization and lack of acceptance they had faced from the community. Some predicted, and some reported to have found already, that this could translate into exclusion from access to land. Moreover, as people return to the land, even those who had been accepted in the context of the camp by family members—especially those accepted by more distant relatives such as uncles—may find those relationships breaking down in the face of competition for land in the village. Many female FAPs, especially those with children, described difficulty in getting married, which means difficulty for them and their children to access land. We spoke with female FAPs who did had gotten married in the camp, only to be rejected by the husband's family, or to have their children born in captivity to be rejected. As a result, many female FAPs can end up dependent upon the generosity of their brothers and father, or even falling back on their mothers' clans.

OPTIONS FOR FORMERLY ABDUCTED PERSONS
The consequence is that some FAPs who are either unwilling or unable to return to the village are predicting that they will stay in the trading centers, move to Gulu Town or Kitgum Town, or join the armed forces. Town is seen as a particularly attractive option, since many in the camps have the perception that aid is more easily accessed in town and also because of the safety and anonymity that town offers, as opposed to the camp or the village where, as a FAP in Madi Opei put it, "everybody knows who you are and what you have done." There is a possibility that those who are unable to support themselves and cannot join the armed forces, in particular women, may simply end up destitute. The numbers of FAPs who might end up dispossessed of land and living in trading centers or towns is impossible to predict, as is the future prevalence of violence against them in the village. Indeed, the resilience of FAPs should not be underestimated, nor should the need for external interventions be overstated. While the vast majority of FAPs will be able to return, even if a portion find themselves landless, this group, especially since they may be those who spent longer with the rebels and feel frustrated and excluded from Acholi society, present a human rights and possibly a security concern.

The most commonly proposed solution to the problems faced by FAPs is "forgiveness and reconciliation" through "traditional ceremonies." However, this is not as transparent a solution as it is sometimes presented as being. First, all ceremonies are not the same—there are significant differences between welcoming and cleansing ceremonies, in addition to differences in the level—family, community, or clan—at which they are performed. While the figures offered as to the fraction of FAPs who have gone through some kind of traditional ceremony vary widely between reports, we found that even among those who had gone through some kind of ceremony, very few went through more than the welcoming ceremony of stepping on an egg at the

family level, sometimes presided over by family or village elders, other times just by the parents. We found that such ceremonies were no guarantee that FAPs would feel welcomed over the long run by their extended families, and usually had little impact on the FAP's acceptance by the wider community. For example, an 18-year old man in one of the return sites around Laguti who had spent three years with the LRA explained that when he returned, only his mother was there. He stepped on an egg at his home, but the community rejected him, his hut was burnt down, he was beaten up by other young men, and then was turned away by the police for lack of evidence. Some other FAPs he knew had fled to town for safety, and though he hopes to access land through his mother, he explained, he has significant fears of more violence once back in the village. These kinds of experiences, though not always accompanied by such violence, were related to our researchers throughout Acholiland.

Another problem is that there is uncertainty around the value of ceremonies that take place within the camp setting, as opposed to those that take place at home. This is due to the geographic dependence of much ritual practice in Acholi culture. Rituals often physically center around the family shrine, the *abila*, or around certain geographical features—mountains, streams, rocks—endowed with spiritual power. In the camp, this geographic specificity of rituals has been lost, and so some expressed doubt at the power of rituals performed in the camp. Other Acholi, however, linked the power of ritual more to the persons of elders than to specific geographical locations, and stated that reconciliation with FAPs in the camp setting was indeed genuine, since the elders were in the camps as well. Therefore, it remains an open question whether welcoming rituals that took place in the camp will be valid once back in the village, or if the welcome was in a sense only into the temporary world of the camp.

Among proponents of traditional reconciliation, public forgiveness by the clan through ceremonies once back at home is generally put forth as the most viable way of integrating FAPs into Acholi society and avoiding the possibility of revenge attacks. Forgiveness at the extended family or clan level will make that family or clan responsible for what FAPs have done, so that if anyone carries out revenge, from within or without the family or clan, they will be answerable to the family or clan as a whole. But this raises two questions: first, will this happen, and will this public forgiveness lead to access to land for FAPs? Second, while this could help significantly *within* the clan, could it also lead to *inter*-clan conflict? That personalized violence and revenge can resolve into inter-clan violence is not impossible. For example, there have been violent incidents between two clans in Chua county, Kitgum, after the LRA killed a number of people from one clan in retaliation for the escape of a young man who originated from the other. Taking place in the context of long-standing land conflicts, this has led to fear that inter-clan revenge attacks will take place once people are back in the village.

FOSTERING INCLUSION OF FAPs
In the face of these issues, we make several suggestions. First, in terms of protection from threats by the LRA, peace is obviously the solution. Second, in terms of threats from the UPDF and government, the amnesty process needs to be streamlined. Third, to deal with these threats and to deal with potential threats from the community, there should be an attempt to provide some of the same protection afforded FAPs in the camps and in town—specifically government and police regulation—back in the

village. As with the protection of women's rights this might be difficult, given the relative isolation of homesteads and the lack of a significant government or police presence in the countryside. However, if the LC system is strengthened to deal with just this contingency, and the SPCs are trained on how to help FAPs, then a degree of government protection might possibly be afforded. This was a need widely voiced by FAPs themselves as well.

Fourth, there is a need for the traditional authority structure to be encouraged to assist FAPs in reintegrating and to provide them with access to land. This can take place in part from above through direction and oversight by KKA. It can also take place from below by opening up the traditional authority structure and giving youth and women a voice in these structures, as has already happened in terms of women in some clans. This is not something that can be imposed from the outside, however, and can only come about through gradual change effected by male elders and empowered women and youth.

For the present, the best option would seem to be for traditional authority structures to work in conjunction with other, often less formal, structures of legitimate authority that have emerged during the war—women's groups, youth groups, respected local leaders—towards reconciling FAPs with the community. There is also a large role for the churches to play in this broadly inclusive community-based reconciliation project. Exclusive emphasis should not be put on male elders alone, since this could undermine the inclusiveness and wide legitimacy that the project of reconciliation requires.

Challenges to Post-Conflict Justice

The struggle for justice in situations like northern Uganda—where there is a long history of anti-civilian violence by armed groups and a history of economic, social, political, familial, and personal devastation—must be a multi-layered and multi-faceted process. It must address a wide range of crimes and human rights violations by a wide range of actors. Any attempt to reduce justice to only one kind of process, only one set of actors, or only one meaning is bound for failure, since it will be seen as partial and incomplete by the survivors and can lead to a miscarriage of justice. In short, for any process of accountability, justice, and reconciliation to be legitimate, *it has to be able to address crimes, human rights violations, and human rights abuses by all parties to the conflict.* Any process that cannot effectively and equally deal with all parties to the conflict is going to be partial, incomplete, and possibly an agent of injustice itself by providing impunity to certain actors.

This is the first requirement for post-conflict justice to be legitimate. The second is that it must grow organically from the deliberations of the survivors themselves, and must respond to the needs and demands of the most broadly inclusive array of survivors possible. It should grow equally out of the deliberations and decisions of those organized forces that have legitimate authority within society, as well as out of the involvement of those who, because of their experience, have a special claim to inclusion in the process—that is, those with an ethical claim to inclusion—even if they are without significant social authority or organization. In what follows, we measure   different   proposals—traditional   justice,   a   truth   and   reconciliation

commission, and formal legal processes—against these benchmarks. We conclude with a call for compensation complemented by the convocation of an inclusive and broadly legitimate civilian body that can begin discussing these questions subsequent to discussions around the war and its legacy generally. Both of these—compensation and a body for dialogue—might find their legal and political mandate in the Juba peace talks.

THE POSSIBILITIES AND LIMITATIONS OF TRADITIONAL JUSTICE
Human Rights Focus recognizes the importance of justice and reconciliation mechanisms and processes that are based in the cultural institutions, practices, and heritage of the Acholi. However, also need to raise a few issues that should be addressed if traditional justice is going to be consistent with the human rights of the survivors.

First, there has always been a question around who is the arbiter of Acholi tradition, that is, who has the authority to speak and act as the voice of Acholi tradition. We warn against assuming that this authority is the exclusive possession of any one group, such as the *rwodi* or clan chiefs; instead, the important role of elders, who in many ways were the real repository of tradition and even had the power to censure clan chiefs, should be recognized. Indeed, right now elders are the ones who are closest to the community and are the most widely present across Acholiland. Furthermore, they are seeing their authority revive in the process of return. The *rwodi*, while cited by many we spoke to as having an important role in post-conflict justice and reconciliation, were at the same time seen by many Acholi as being out of touch with the community. Therefore, the responsibility over traditional justice should not be granted exclusively to any one faction, but should be cultivated by all those traditional authorities with legitimacy among the community today.

Second, traditional justice, while it may be effective in dealing with problems among the Acholi and between the Acholi and other tribes, is ill-equipped to deal with crimes and human rights violations committed by a modern state. While the process of dealing with the LRA commanders and reconciling FAPs with the Acholi community will certainly be of central importance and, especially in dealing with the latter, traditional authority will necessarily play a significant role, this is only half the story. We also found an intense need among the Acholi—as intense as the need to deal with the legacy of LRA violence—to deal with the legacy of government violence. In confidential settings, and sometimes even in public settings, people spoke at length about the intense violence they had suffered at the hands of the government.

The atrocities and crimes, including mass killings, torture, and rape, committed by the Ugandan military against civilians during the course of the war have been documented by international human rights organizations, such as Human Rights Watch, and by national human rights and peace organizations such as Human Rights Focus. People frequently cited the violence used by the government during the early years of the war, during Operation North in 1991, and during their campaigns of forced displacement as examples of what the government should be held accountable for. In addition to the violence, Acholi widely expressed the feeling of having been betrayed by the government because it failed in its responsibility to protect the people from rebel attacks. Additionally, the memory is still raw of the massive theft of cattle

that occurred in the early years of the war by Karimojong with the collusion and sometimes reportedly direct participation of the NRA.

However, holding accountable those responsible for such a legacy of state violence is simply beyond the capacity of traditional authorities. They have no jurisdiction over non-Acholi and they lack the coercive power of national courts. From the perspective of the accused, traditional mechanisms are not beholden to the rule of law and do not provide the guarantees of a modern formal legal system. Furthermore, since traditional justice is premised in large part upon admission of the crime, Acholi we spoke to widely explained that they had little faith that the government would be willing to admit what they had done. The experiences of impunity for UPDF who have committed crimes further solidified this perception: "To bring a soldier to justice is impossible, they have been made immune," said a man in Palaro. Therefore, while traditional justice mechanisms can deal with some aspects of the legacy of the war, in particular FAPs, they are inadequate as the sole process through which accountability and justice would be realized in the post-conflict period. In fact, their inadequacies could lead them, if promoted exclusively, to provide the government and the national army with impunity for the crimes and human rights violations they have committed in the course of the war.

THE GENDER DIMENSION OF TRADITIONAL JUSTICE

The gender dimension of traditional justice demands serious consideration. This is because traditional justice as it is sometimes promoted has the potential to silence women and refuse women the right to decide what justice means in response to their own unique experiences during the war. As discussed above, traditional Acholi institutions are male-dominated, but the war and mass displacement have led to women and youth finding a voice and authority they lacked before. We are concerned therefore that the process of traditional justice might itself unintentionally make these empowered women and youth feel excluded from the process of post-conflict reconciliation and rebuilding, which could undermine the legitimacy, universality, and sustainability of any solution arrived at through traditional justice processes. The deliberations and decisions as to what accountability and justice mean in response to a legacy of violence need to involve the participation of all those with legitimate authority, which will, in the case of post-conflict Acholiland, include women and youth, as individuals and as groups, alongside generally male traditional authorities.

The need for women to be deeply invested in the process of realizing justice stems not only from the fact that women possess new legitimate authority, but also from the fundamental principle *that those who decide what justice means should be those who have suffered injustice.* In the course of the war, women have faced specific kinds of violence, for example rape, generally not experienced by men. It would be unjustifiable for male elders to be the ones to decide what justice means for women in response to their particular experience of violence. It would be even more unjustifiable for men to decide for women that the perpetrators of certain forms of violence against them should simply be forgiven. Just as it is not the right of the ICC to decide what justice means for the Acholi, and when they try to do so they silence the voices of the Acholi survivors themselves, so is it not the right of men to decide what justice means for women, and when they try to do so they silence the voices of female survivors of violence.

The challenge is to ensure that community-based justice mechanisms are not instruments of male justice, reconciling male authorities among themselves at the cost of denying and effacing the women's experiences and demands for justice. Indeed, men may be satisfied with a negotiated solution among themselves that does not involve punishment, when women are not ready to accept that as a "solution" at all. For this reason, community-based accountability and justice processes cannot be reduced to traditional justice processes because the community itself, especially now after twenty-one years of war, is in no way reducible to those who claim traditional authority. Therefore, the participation of women and youth in the process of defining and realizing accountability and justice needs to be guaranteed; we would leave it up to the gradual deliberative processes among all the survivors themselves to decide just how this participation should be institutionalized.

TRUTH AND RECONCILIATION COMMISSION

Human Rights Focus is in full agreement with the idea that lasting peace and legitimate justice will have to be founded upon a process of establishing the truth and then acting according to that truth. It is in this context that calls for a Truth and Reconciliation Commission (TRC) have been made, often drawing upon the example of South Africa as a successful African precedent. However, there are significant concerns about how appropriate a TRC as the primary instrument of justice would be to the Ugandan context. In South Africa, for example, the TRC was able to be effective only because it was established *after* a major national political transition. Indeed, looking at other cases as well, it appears that a major national political transition is a principal precondition for the success of a TRC, in particular where the government is deeply responsible for violence and crimes.

Peace in northern Uganda, however, would simply not represent this kind of major national political transition. Even if the LRA is disarmed and returns to society, one of the parties to the armed conflict—the current Ugandan government—would still be left with an exclusive hold on state power, in exactly the same position as it was in during the war. It is not surprising, then, that displaced Acholi expressed to us their fear of speaking out about government human rights violations for fear of violent reprisals by the government. As one person in Pabbo said, "people fear to talk about these things because people fear that at night government soldiers might come and kill them." In Patongo, people bring up the case of a man who was reportedly killed by soldiers after trying to speak out about government violence. A camp inhabitant in a transition site around Madi Opei said, "if they find you reporting the truth, they call you a rebel collaborator." Or, as a 38-year old woman in a transition site around Opit explained, "I don't want to talk about the crimes committed by the government because they will come for me. I have had a lot of problems. Please let other people talk about it." Often, it was only elders who would speak in public about government violence. When asked why they had the courage to do so, the answer given was frequently similar to what was voiced by an old man in Pabbo: "We have lost our children to the war already, what do we have left to fear?"

Because of this, the attempt to establish the truth through civilian testimony will be undermined by the fact that, while people will probably not be afraid to speak out about LRA violence, especially if the LRA returns, they will probably be very afraid to speak out about government violence, even if the war were to end. Indeed, the difficulty of trying to find justice while the current government is in power was

frequently remarked upon by Acholi in the camps. "Government will not admit the wrong it has done against the Acholi. There would need to be a change in national government for justice to be done," said one 38-year old man in Opit. Therefore, fear of speaking out and government's predicted refusal to engage in a truth and reconciliation process in good faith would lead to a fatally one-sided truth telling process and the guarantee of impunity for one of the sides.

How might these drawbacks be addressed? Many displaced people told us that they would only feel safe and confident in telling the truth if it were done confidentially and there were significant international involvement and oversight. For the present, we agree that confidentiality and international involvement are indeed key aspects of slowly fostering the emergence of the truth. However, for the present, a complementary approach might be to create a body that is not specifically a TRC—since we see little chance that a TRC would be able to be impartial and effective at this point—but would have a wider mandate to discuss the war and its legacy, within which discussions of accountability, justice, and reconciliation could begin to take place. This body could then, if the community eventually decides that it is appropriate, mandate the creation of a TRC. We discuss this option further below.

FORMAL LEGAL PROCESSES AND THE ICC

As we have endeavored to explain, state impunity is both a real and perceived threat to the efficacy and legitimacy of traditional justice processes or a TRC. Formal legal proceedings may also be undermined by this same threat. It is the belief of Human Rights Focus that if formal legal proceedings are called for, the LRA can be adequately and justly dealt with through national legal mechanisms. Indeed, this has been formalized in the Agreement on Accountability and Reconciliation between the Ugandan government and LRA signed recently in Juba. Therefore, we and the signatories to that agreement concur that there is little need for the ICC be involved in prosecuting LRA leaders.

However, given the history of impunity that has plagued the process of finding justice for crimes by the Ugandan military in northern Uganda, and given the increasing politicization of the judiciary and the assaults upon its independence and integrity by the executive, national legal mechanisms may be inadequate to finding justice in response to crimes and human rights violations committed by the state. Therefore, there may indeed be a place for international legal mechanisms in the pursuit of justice in northern Uganda, namely, to investigate and try those government and military officials who might otherwise enjoy unlawful impunity.

However, the ICC, the international institution created specifically to deal with just this kind of situation, in which survivors of massive human rights violations cannot obtain justice from their own state, has tragically betrayed those survivors. In doing so, it has also betrayed the trust of human rights defenders, who were depending upon this institution to serve as a champion of victims and an enemy to impunity. Apparently responding to its own political and institutional interests, the ICC seems to have put politics before justice in deciding to prosecute only the LRA and to align itself so clearly with the other side to the conflict. The ICC could have intervened in northern Uganda to ensure that the state and national army are not unlawfully exempt from the demands of justice in the long run. Instead, the ICC intervened on one side and flouted the impartiality demanded by the rule of law and by its own Rome Statute.

The one comment we would make on the controversial topic of popular perceptions of the ICC is to point out that of the thousands of Acholi we spoke to in the course of the research, only a tiny handful of people stated that they did *not* see the ICC as a serious obstacle to peace. Whatever their sentiments might be on the role of the ICC after the war has ended and the rebels have returned—and on this, there were differences of opinion—it was almost unanimously declared that at present the ICC should withdraw its warrants so that the peace talks in Juba can proceed. This demonstrates how questions of justice, including the ICC, are seen almost exclusively through the lens of what will bring peace and end the suffering. It also demonstrates how foreigners, pursuing their own ideas of what justice should mean, can end up sabotaging the one thing, peace, that the survivors of the war themselves value above all else.

To conclude, post-conflict justice will be very tricky given the political realities of Uganda at present and in the future. Institutions cannot be blindly lifted from elsewhere and applied to the Ugandan context, because if such institutions are unable to deal effectively with all parties to the conflict, they may end up only entrenching impunity and injustice. Instead, what is needed in the long run is a process or set of processes that (1) have legitimacy among and respond to the demands of all those who have experienced injustice—men, women, youth, elders; (2) can address all the parties to the conflict equally; and (3) are guaranteed a degree of independence and impartiality through the participation of the international community in a manner mandated by the survivors themselves.

What this amounts to is, again, a call for an institutionalized debate, grounded in informal grassroots discussions, so that the community of survivors can decide for itself how justice can best be done. Those individuals and organizations who want to help bring justice to northern Uganda, therefore, can do so by helping to create the preconditions for this debate, helping to lay the groundwork for justice. A major part of this, of course, is peace. Another is rebuilding Acholi society, making it self-sufficient once again. This can be brought about in part through a program of compensation for the survivors of the war, which can also go some way towards repairing the relation between the Acholi and the national government.

COMPENSATION

Acholi we spoke to raised the need for government compensation around three issues: first, the looting of cattle in the early years of the war; second, the specific personal harms they have suffered; and third, the economic loss incurred as a result of displacement. Many also demanded compensation from the government for the damage and harm caused by the LRA, on the basis that the government failed to carry out its duty of protecting civilians from the rebels. As a women's group in Laguti explained, the government started the war then failed to protect the Acholi from what it had begun. Consequently, they felt, the government should compensate them for all they have lost since 1986. Others tended to put the responsibility for compensation for LRA crimes upon the LRA itself, while recognizing that the LRA may need financial assistance in making the payments.

As we argued, the political conditions are simply not present for impartial justice on a national level through traditional mechanisms, a TRC, national courts, or the ICC. Therefore, a focus on compensation by the government and funded, if necessary, by

the international community, can be helpful. Compensation can shift attention from grandiose, possibly counterproductive, and probably impossible schemes for "Transitional Justice" to more modest and viable contributions to justice *and* peace. Indeed, compensation is a realistic prospect. Donors have been spending $200 million every year on operating and managing the camps, and even a fraction of this could go a long way to helping rebuild Acholi society. And how many health centers could have been built with the money the ICC has spent on salaries, public relations, and transportation in their pursuit of four men?

Finally, compensation at this stage should be provided not to individual victims—this might be a viable option later—but to all Acholi survivors. While certain people have suffered more obvious immediate violence, *all* Acholi have suffered as a result of the war. Since the beginning of this war, everybody has been forcibly displaced, everybody has been forced to live in a camp, everybody has had to live in fear of violence, subject to political and military oppression, everybody has had to flee from the rebels, everybody has lost very close people to the war, everybody has seen their economic livelihoods destroyed, their children go hungry, their old ones left to suffer. Therefore, we would move away from the language of victims—when everyone is a victim, this term becomes meaningless—and instead use the language of survivors, which also projects a common future, instead of emphasizing the divisions of the past. Every Acholi living is equally a survivor of the war, and compensation should be oriented towards helping all survivors by rehabilitating and reconstructing the entire Acholi society and economy in an inclusive and including fashion.

This is not to say that specific groups or individuals should not be targeted for special interventions, for example certain orphans, widows, or FAPs who have been unable to secure access to land and are facing economic destitution. However, for the time being, these interventions should not be based upon a claim to particular suffering during the war but should be oriented instead towards rebuilding an inclusive, self-sufficient Acholi society. Additionally, this is not to say that different categories of survivors will not legitimately demand different kinds of justice as time goes on; the case of women that we raised above speaks to this. However, at the present conjuncture, we believe that seeing the Acholi as a community of survivors, instead of as a number of different individual victims, is the most productive approach.

The process of truth and reconciliation, when it does happen, is going to be slow and piecemeal, proceeding in accordance with the demands of survivors and from the community as it rebuilds itself. This process should not be rushed so as to fit the demands of foreign donors eager to sponsor traditional justice projects. Just as, according to the Acholi proverb, "*Motmot ocito munnu poto,*" so should justice proceed slowly but steadily. One starting point, along with efforts to strengthen Acholi society, could be the aforementioned civilian dialogue body, which we discuss in the next and final section.

The Juba Peace Talks: Laying the Foundations for Justice

The ongoing peace talks in Juba, Southern Sudan, appear to be the best chance for peace so far in the twenty-one-year war, and every effort must be made by every party interested in peace to support these talks and bring them to a successful conclusion.

We specifically applaud the signing of the Agreement on Accountability and Reconciliation, the third agenda item. However, we would reiterate our belief that the determination of what accountability, reconciliation, and justice should comprise must be gradually and organically arrived at by the survivors themselves once the war is over and people have gone home.

In this sense, neither the LRA nor the government has the right to decide how accountability and justice will be addressed after the war. The proposed consultations between the LRA and government and the war-affected citizenry, when they are carried out, are important but inadequate for ensuring that the survivors have the primary role in deciding what justice means. The survivors do not only deserve to be consulted, but rather they have the right to be the primary voice in the determination of what justice and accountability comprise. It is the survivors who have the right to decide what justice means in response to war, not the perpetrators of that war.

To this end, we would recommend the formation of a body composed of Acholi civil society and community organizations, traditional leaders, peace activists, religious leaders, human rights activists, academics, and community leaders and representatives from the camps, return sites, and villages. This body should be convoked to discuss the war, its causes and legacy, and gradually approach the questions of accountability, reconciliation, and justice. The strongest component should be the displaced, who can lead more informal grassroots discussions within their communities, which can provide the popular and legitimate basis for the deliberations within the body itself. There is also a place for international observers and oversight to help guarantee the integrity of the forum and the safety of the participants. The body should reflect the changed sources of legitimate authority within Acholi society, thus giving a prominent place to women and youth. The LRA will also have a place—for they are survivors of the war as well—but only once they have returned as civilians to the Acholi community. It could be complemented by similar community- and civil society-based procedures among the Langi and Iteso, the other communities deeply affected by the war.

This body might take inspiration from the Darfur-Darfur Dialogue and Consultation which was formalized last year in the Darfur Peace Agreement, in which "stakeholders can meet to discuss the challenges of restoring peace to their land, overcoming the divisions between communities, and resolving the existing problems to build a common future." Similarly, some kind of "Acholi-Acholi Dialogue and Consultation" could be formalized by the ongoing peace talks in Juba. We would suggest that the consultations and debate occurring now around Agenda Item 3 might explicitly propose to defer the decision as to what accountability and reconciliation will comprise to this Acholi-Acholi Dialogue and Consultation. The participants in the Juba talks can thereby provide the legal and political mandate for this body and ensure significant international oversight. In this way, the Juba talks can focus on bringing the rebels out of the bush and settling the differences between them and the government, while also setting the stage for a broadly legitimate civilian body that can eventually decide on the questions of justice, accountability, and reconciliation through the agency of the survivors themselves.