



# Refugee Law Project

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Briefing  
Paper  
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## BEYOND 'VULNERABLE GROUPS': EFFECTIVE PROTECTION OF IDPS IN GULU AND KITGUM

### INTRODUCTION

The Refugee Law Project (RLP) conducted over 100 in-depth interviews in Gulu and Kitgum Districts in early June 2006. The majority of interviewees were internally displaced people living in 18 camps and other settlement sites, but government officials and UN and humanitarian staff working in each district were also interviewed.

In a context where nearly all residents of Gulu and Kitgum are displaced, government and humanitarian actors have increasingly sought to target those with the greatest need through the identification of 'vulnerable groups.' This amorphous population has typically included women, children, the sick, disabled, and elderly. Taken together, these groups in fact form the majority of the internally displaced population of northern Uganda, making the term 'vulnerable' almost meaningless.

One of the principal findings of the research was that the 'vulnerable groups' approach serves to oversimplify the complex socio-economic dynamics that impact upon IDPs' full enjoyment of human rights. It ignores the ways in which members of particular groups take steps to mitigate against their so-called vulnerabilities. The following five issues explicitly demonstrate limitations of the classical 'vulnerable groups' approach in this context:

### 1. ACCESS TO LAND

#### Summary of findings

**Access to land ensures a wider range of livelihood options to IDPs, thereby promoting greater self-reliance.**

- Whether they fall into one of the 'vulnerable' categories or not, IDPs who have access to land enjoy a higher standard of living than those who do not.
- IDPs not considered to have special needs but who lack access to land are typically excluded from assistance programmes and appear more susceptible to poor nutrition, ill health, alcoholism, depression, and economic and sexual exploitation.

**Many respondents expressed serious concerns that land disputes will emerge once people are able to return home.**

- The death of a large percentage of elders during the course of displacement, for example, is likely to complicate identification of traditional lands and therefore hamper return and restitution.

- A significant number of interviewees expressed strong fears that their land will be accessed and expropriated by external actors.
- Female and child headed households are at particular risk of losing land rights through illegal grabbing and misappropriation.

### Recommendations

To all relevant actors:

- *Provide* humanitarian assistance on the basis of individual needs assessments recognising socio-economic issues—particularly with respect to access to land—rather than on membership of a ‘vulnerable group.’

To government actors:

- *Invest* greater resources in legal remedies such as land tribunals.
- *Increase* transparency and access to justice for customary land owners, including through the codification of customary law in consultation with elders.
- *Protect* traditional land owners from encroachment and other violations of their land rights, as provided for in the Constitution and the Land Act.

## **2. DECONGESTION AND POPULATION MOVEMENT OUTSIDE CAMPS**

### Summary of findings

**Despite serious human rights and security implications surrounding decongestion, IDPs nonetheless perceived the process as offering a potential improvement in their situation insofar as it enabled greater access to land. However, those interviewed also made clear that they did not regard decongestion as a durable solution or as an alternative to ultimately returning home.**

- Local government officials expressed concerns at their minimal involvement in decision-making.
- Many government and humanitarian actors have expressed confusion over the terminology used to describe new settlement sites.
- Many government officials and humanitarian staff perceived that relevant actors, and the international community in particular, have moved too slowly and inconsistently in responding to the changing situation on the ground.
- IDPs identified a number of requisite criteria for decongestion sites including security and access to land, water, healthcare, and education.
- Many IDPs leaving established camps prioritise security and land over functioning boreholes, health centres, or schools. In such cases, many children are left—often with little or no adult supervision—in the main camp to access such services.
- A significant number of IDPs lack accurate information on the difference between the Government’s decongestion policy and its more comprehensive return and resettlement plans.
- Expectations have been raised amongst IDPs and government officials that iron sheets will be provided upon return although many IDPs recognised this might just have been a campaign promise.

- Overall, the location of decongestion sites suggests the prioritisation of military objectives over humanitarian concerns.

### Recommendations

To government actors:

- *Develop* protected areas where schools and health centres already exist and can be rehabilitated rather than create new camps, which necessitate the construction of such structures.
- *Inform* and *consult* IDPs on decongestion plans to foster realistic understanding of the process and increase its relevance to the needs of the displaced.

To humanitarian actors and donors:

- *Support* new spontaneous settlements on the basis of assessed needs and continue advocating for increased freedom of movement.
- *Support* the rehabilitation of existing infrastructure—particularly schools and health centres—in all sites where IDPs are moving and the construction of new infrastructure where needed and sustainable.

## 3. NIGHT COMMUTING

### Summary of findings

**Officials have expressed concern that the focus on the phenomenon of night commuting has distracted from other important children’s issues such as protection from exploitation and abuse in their daily lives and the provision of adequate health care and education. This is particularly significant given the sharp decline in the number of children ‘commuting’ to towns at night and given that many of those that still commute are no longer doing so primarily for protection reasons.**

### Recommendations

To all relevant actors:

- *Re-assess* the phenomenon of night commuting in light of other priority issues.

## 4. THE STATUS OF CONGOLESE ‘WIVES’ OF UPDF SOLDIERS

### Summary of findings

**Women and adolescent girls brought from the Democratic Republic of Congo as girlfriends, concubines, and wives of Ugandan soldiers live in almost every IDP camp in Gulu and Kitgum.**

- Although children fathered by Ugandan soldiers are entitled to Ugandan citizenship, there is little indication that this is recognised in practice.

- Congolese women are often discriminated against in camps, excluded linguistically, culturally, socially, and economically from camp life, and subjected to multiple forms of sexual abuse and exploitation.
- When soldiers are redeployed, Congolese women are often left behind, and many have been abandoned alone or with children.

#### Recommendations:

To all relevant actors, and particularly to the UPDF:

- *Recognise* formally the presence of Congolese women in IDP camps.
- *Conduct* further research to quantify the population and better understand the circumstances in which they are living.
- *Determine* the desires of each individual: return, refugee status, naturalisation/citizenship, or other durable solution.

### **5. INCOME GENERATING ACTIVITIES**

#### Summary of findings

**Most IDPs lack effective access to Income Generating Activities (IGAs) within camps. Although humanitarian organisations and government have introduced programmes dealing with IGAs, these have failed to address the needs of many individuals, particularly those who are not traditionally considered vulnerable.**

- Programmes dealing with IGAs in Uganda are disproportionately aimed at women to redress traditional income imbalances. However, in Gulu and Kitgum this approach is less relevant because both women *and* men living in IDP camps without access to land have little or no means of pursuing IGAs. Indeed, men's exclusion often leads to frustration and alcohol abuse that is at times manifested in domestic violence.
- IGA programmes effectively discriminate against those IDPs who are unable to read, fill out, and photocopy forms as well as pay registration fees.
- Women not targeted by IGA programmes and with no other livelihood options are turning towards producing alcohol, usually brewed using food taken from their own family's rations. Female brewers interviewed recognised the harm in this practice, both for their own families as well as for the (mostly) men who purchased alcohol and their families, but saw little alternative.

#### Recommendations

To all relevant actors:

- *Sensitise* men on women's rights to employment and livelihoods while increasing access to IGA for men, particularly those without access to land.
- *Reduce* bureaucratic obstacles to men's and women's participation in IGAs.