



## **Commentary on “Only Peace can restore the Confidence of the Displaced”<sup>1</sup>**

**Given at the Public Hearing in the European Parliament  
Brussels, 5 October 2006**

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### **Introduction**

I would like to begin by thanking the Norwegian Refugee Council for organising this event to highlight the plight of the people of Northern Uganda, who for decades now have endured untold human suffering in the camps for the internally displaced.

In particular, I would like to extend my sincere appreciation to the efforts of the Members of the European Parliament, Madam Kinnock and Madam Morgantini, other Members of the European Parliament present, Excellencies and all protocol currently represented here.

My name is Moses Chrispus Okello, and with me here today is Dr. Chris Dolan. We both work with the Refugee Law Project, an organisation established under the Faculty of Law at Makerere University in November 1999 with the aim of protecting and promoting the rights of forced migrants in Uganda.

I have been asked by the organisers of this event to highlight key issues from the RLP/IDMC report and its new preface. To do this properly I feel I should first say a few words about the nature and impact of the conflict we are referring to.

### **Context and brief Background**

To begin with it is humbling to be asked to speak about the situation in northern Uganda when this would properly be the prerogative of those who have lived through the consequences of extreme brutality. We should also all recall that behind the number of eye-catching phrases that have been used to describe the situation in northern Uganda—“the worlds worst humanitarian disaster”, “a forgotten crisis” and indeed a “hidden conflict”—lies a deadly trail of grave human rights violations which have continued for approximately 20 years. These include chopped off limbs and ears, sliced off lips, abductions, and mass forcible displacement.

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<sup>1</sup> To see the 2<sup>nd</sup> Edition of the Report with its new preface, please refer to [www.refugeelawproject.org](http://www.refugeelawproject.org) or [www.internal-displacement.org](http://www.internal-displacement.org)



Indeed, until Jan Egeland brought the weight of his position to bear, it could accurately have been described as one of the world’s most studiously ignored situations of mass abuse, a situation in which many more actors than just the LRA are implicated. How many other such situations are there which are allowed to develop for 20 years, despite the pleadings for attention by those most directly affected?

Unfortunately, the lack of solid information about certain key issues makes it difficult to highlight the exact magnitude of the catastrophe. But what I can say for sure is that a large proportion of communities in northern Uganda have been forced to live in camps for the internally displaced under conditions that none of us here would tolerate for a second. A large number have been sexually abused, a large number severely and irreparably mutilated, and in the course of the twenty years, many lives have been lost. What this implies is that virtually everyone in northern Uganda has been victimised.

To these large numbers, I cannot put an actual figure, nor do I really think anyone can. Even if we had good quantitative figures, we could not begin to imagine the depth of the suffering which people have endured – and we have yet to see what the impact will be in the medium to long term.

I will now turn to some of the major findings of the IDMC/RLP report currently in front of many of you. The presentation is based on field research conducted by the Refugee Law Project, between October and November 2005 with follow-up consultations conducted between March and October 2006. The research benefited from financial support from the Norwegian Refugee Council.

While the study covered six broad themes, I will comment on the following points; National IDP Policy, IDP protection, humanitarian access, return, resettlement and early recovery, and indeed on ending the violence itself.

### **National IDP Policy and its Implementation**

To take the first of these, the National IDP Policy. As with so many other policy issues of interest internationally, Uganda appears to be cutting edge, the first country in the world to have a national IDP Policy. Yet to date, its implementation has been disappointing to say the least. To quote from a speech recently delivered by my colleague and co-author of the present report, Dr. Lucy Hovil, at a workshop organised by the Brookings—Bern Project

“despite a generally positive perception of the IDP Policy, significant problems remain with its implementation. There is inadequate funding for the structures



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provided for in the policy...Co-ordination and accountability at a district level, and between the district and central government, remain confused”

She went on to say:

“While it is important to take into account the fact that the policy is still in the early stages of implementation, it is also clear that it is not a silver bullet and cannot succeed if the broader policy and legislative context within it is intended to operate is not conducive. In short, if the policy is to be implemented quickly and effectively and to make a difference to the lives of the thousands of IDPs currently living in...camps then this broader context will also have to be considered.”

### **Protection of IDPs**

Members present, as you might know, events relating to northern Uganda have since last year moved at a sharp pace. There has been increasing international pressure on the Government of Uganda (GoU) to address the humanitarian situation, and the UN has stepped up its humanitarian presence in the area, with a lot of emphasis on questions of protection.

At the same time, particularly following the signing of Cessation of Hostilities Agreement between the Government of Uganda (GoU) and the Rebels of the Lords Resistance Army (LRA) in August this year, physical and legal protection of IDPs improved but remains far from ideal. While there have been no direct LRA attacks on the camps following the signing of this agreement, recent concern regarding the conduct of some breakaway remnants of the armed forces remains.

Our research revealed a lack of access to justice due to the absence of functioning judicial institutions in most of northern Uganda particularly in Pader District, a general break down in law and order, and continuing incidents of sexual and gender based violence, all happening in a highly militarised context.

An unacceptably high level of abuse of civilians and exploitation of women, girls and the elderly therefore continues, not only meted out by the armed forces and their auxiliaries, but also by IDPs against themselves.

On a positive note, the phenomenon of night commuting, which until recently was synonymous with the conflict itself, seems to be finally ending. As of October 2006, most night commuter centres in northern Uganda are on the verge of closure, although clearly more critical thinking needs to take place regarding the fate of their erstwhile residents.



### **Humanitarian Access and assistance**

I will now say a few words about humanitarian assistance and access. Over the last few months, humanitarian assistance and access to IDPs has improved tremendously. Given that warring factions have a legal obligation under international human rights and humanitarian law to refrain from targeting civilians and to ensure safe access for humanitarian workers, emphasis should, however, be on unhindered access to the camps rather than on the use of military escorts.

As we speak, most humanitarian organisation, particularly those belonging to the UN family, still have to rely on and indeed emphasise the use of military escorts to conduct their day-to-day business. At the same time, infrastructural access to certain conflict-affected areas needs to be improved.

In the context of very recent massive population movements many agencies are changing food distribution strategies; at the same time as reducing the amount and frequency of food assistance to the IDP population in general, they are increasing targeted assistance through programmes such as food for work and food for education. These are going hand-in-hand with WFP validation exercises to ascertain who has moved where.

### **Return, resettlement and early recovery**

With respect to population movement, northern Uganda is currently in a state of considerable flux. Return home by IDPs in Teso and Lango sub-regions is an indicator of improving security conditions, and may have been encouraged by UNHCR's commendable promotion of the right to freedom of movement as part of its new IDP Protection strategy.

In Gulu, Kitgum and Pader, however, movement remains restricted, although some people are relocating to sites nearer to their homes. Overall, because civilian population movements have sharply increased, the fear is that resettlement and return will far outstrip the ability of the international community to respond if a durable peace is established.

On the other hand, there is also a risk that the current ebb in conflict might turn out to be yet another superficial lull, followed by unprecedented encampment should the Peace Talks in Juba break down.

### **Ending the Violence: Does the International Criminal Court Count?**

Hon Members of parliament, given that a resolution of the conflict in northern Uganda remains central to the improvement of the human conditions of the IDPs, I would like to



make a comment regarding the involvement of the International Criminal Court with the conflict in Uganda.

I understand that there is frustration by some EU member countries and a cross-section of the international community regarding the position Civil Society Organisations in Uganda have taken with respect to the International Criminal Court. Civil Society in Uganda has been accused of condoning impunity because of the stance they have taken against the ICC.

Unfortunately, the debate has become polarised by a George Bush kind of situation whereby “if you are not with us, you are against us”. The reality is that Civil Society does not condone impunity. They simply do not believe that the ICC prosecution is the best mechanism to achieve justice for victims and Ugandan society as a whole.

To pretend that Civil Society (particularly northern Ugandan Civil Society) condones impunity is a misunderstanding and a misrepresentation of the wishes and aspirations of Ugandans and in particular those who most bear the brunt of the conflict: the majority of Ugandans would love to see justice done sooner rather than later. However, they differ in their conceptions of justice and what it means to do justice.

The ICC as you might know does not address the underlying structural causes of violence. Furthermore, it only targets a few individuals, who it then isolates (to date five, of whom one is already widely believed to be dead). In most Ugandan cultures, however, there are specific mechanisms that punish impunity and ensure accountability even as they deal with the underlying causes of violence.

Restoring relationships broken by conflict is the goal of justice in this case. This is what most people, including those who most bear the brunt of this brutal conflict would love to see used. The challenge now is to extrapolate the values embedded in these cultures and codify them into existing Ugandan law.

I would also like to add that a good number of people I have talked with say that by bringing pressure to bear on the LRA to talk peace, the ICC has served its purpose. Now that the LRA and the government have entered into bilateral negotiations, under intense media coverage and with a high degree of local community involvement, the ICC cannot be seen to be the spoiler by pursuing the indictments. This probably means the court has done its part. It is time to leave.

Ultimately, this is in recognition that the conflict is indeed a national issue and that the talks currently going on in Juba, just like the ICC itself, address one - but only one - of the many serious problems in this country. Withdrawal of indictments does not at this point imply ceding to impunity. Rather it is recognition that, as many readings on



transitional justice show, peace and justice often have to be sequenced and the relentless pursuit of any particular vision of justice can not succeed unless tempered with pragmatism. We believe that the withdrawal of the indictments will help to create the space in which alternative and more comprehensive approaches to justice can be explored.

### **Ending the Impasse**

By way of finalising the presentation of this report, permit me, honorable members of this European Parliament and other present dignitaries, to make a few comments about which way forward.

We believe that the EU Council Conclusions drawn on 15 May this year provide important signals; in particular we note the call for “Uganda to continue the democratisation process in a multiparty environment”, the recognition of the need for a strengthened “Parliament, dialogue between the government and the opposition parties and civilian control of the military in a democratic society”.

We also welcome the Council’s “willingness to support Uganda in these efforts, as well as in the fight against corruption and for poverty alleviation.” All of these seem to us to recognise the need for work to be done at a national level if the northern Uganda situation is to be addressed comprehensively.

(In this regard I would like to draw your attention to a press release in which we, as RLP, together with colleagues in the Faculty of Law at Makerere, have today called for dialogues with stakeholders on initiating a *National* Truth and Reconciliation process)

With regard to northern Uganda in particular, we feel it is important to restate, as the EU Council did, that “[t]he Government of Uganda has the primary responsibility for addressing the conflict and the grave humanitarian impact it has had”. We would like to hear what the EU Council proposes in terms of holding the Government to account for delivering on this primary responsibility.

We also welcome the UN’s decision to pilot the cluster approach in Uganda, a move which, although motivated by the desire to improve humanitarian coordination within the UN and between the UN and NGOs, has also had the important political effect of ensuring that international attention to a long-denied humanitarian crisis will be sustained for some time. It has certainly helped to change it from being a studiously ignored situation to becoming a very heavily studied one.

Our concerns about the EU position include its emphasis on the centrality of the ICC, an approach which can only be effected militarily, and the extent to which this contradicts its call for the Government to pursue a *peaceful* resolution of the conflict.



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We urge those EU member countries who sit on the UN Security Council to avoid endorsing the draft resolution which has been tabled by the UK calling for the use of military means to arrest ICC indictees. Alternatively, the EU could encourage a change in the ICC’s emphasis by substantially boosting contributions to the Victim’s Trust Fund.

We are also concerned that, although the European Parliament supported the implementation of the Joint Monitoring Committee, it should recognise the extent to which the JMC is a holding mechanism.

Not only has the JMC effectively displaced the policy on internal displacement, but our research found that very few people in northern Uganda are even aware of its existence. As such we would caution uncritical support of this body, though we recognise its importance as a forum in which Governmental bodies and humanitarian organisations can interact.

By way of closing: People never deliver peace to others. Peace is what collectively belongs to all humankind. It is now up to us to appeal to our humanity— if necessary by invoking our accumulated guilt—to respond, or at the very least to do something about the situation in northern Uganda in all its dimensions. A starting point to that is to take a moral and principled stand.

In that regard, I would like to end this presentation by reading for you a quotation adapted from, Elie Weisel, 1986 Nobel Peace Prize Winner. Elie said, ***“I swore never to be silent, whenever human beings endure suffering or humiliation. We must always take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented.”***

***Thank you very much***