

## End of Mission Report

<b>PROCAP Deployee</b>	Paul White
<b>Assigned to</b>	UN OHCHR Uganda as Senior Protection Adviser
<b>Function</b>	Acting Head Office Gulu & Field Coordinator responsible for supervising offices in Pader, Kitgum and Lira
<b>Duty Station</b>	Gulu, Northern Uganda
<b>Length</b>	August, 2006 – February 2007 (6 months)
<b>Date of report</b>	March 2007

### 1 Setting

Most of OHCHR's field offices in northern Uganda operated in Phase Three security areas during my six month assignment period. The peace talks between the Government of Uganda and the Lords Resistance Army (LRA) officially opened on 14 July 2006 in Juba, Southern Sudan. The Parties signed a formal cessation of hostilities agreement on 26 August 2006 and later extended it to 28 February 2007. The LRA leadership and the majority of their combatants went to southern Sudan and the northeastern Democratic Republic of the Congo, at the onset of peace talks between the LRA and the Government. The Juba talks, mediated by Vice-President Riek Machar, in July 2006, resulted in a significantly improved security situation in Northern Uganda. Greater freedom of movement especially in the Lango sub-region led to the movement of around 300,000 internally displaced persons out of camps towards their areas of origin. Yet, an estimated 1,200,000 internally displaced persons are still estimated to remain in overcrowded camps in sub-standard living conditions in Northern Uganda.

In the context of UN humanitarian reform in Uganda, OHCHR Uganda took on the 'sub-cluster lead' on human rights and rule of law (so-called in Uganda). Responsibilities included working in cooperation with its principal protection partners, UNICEF and UNHCR as well as OCHA to close the identified human rights and humanitarian protection gaps in Northern Uganda. Generally relationships between OHCHR and these UN partners were good. There was little dispute about 'protection space'. I believe that the fact that cooperation in the north was easy was due partly to the UNCT clarifying the cluster (and sub-cluster) leadership, the limited numbers of protection staff - forcing all us to allocate resources carefully - and the overwhelming amount of protection work that needed to be done.

Although authorities recognize in their National Policy on Internally Displaced Persons that the internally displaced are entitled to the full protection of national laws and that the State has the obligation to respect, protect and fulfill the human rights of their citizens the understanding was not reflected in actions of all authorities, some of whom continue to act without legal basis.

## **2 Protection Environment**

The protection environment I faced in Uganda was very different from my previous IDP experience in places like Afghanistan and Darfur where UN protection strategies were drawn up on an almost blank page. In Uganda there are, police, courts and a prison system (although poorly functioning and under-resourced), a Human Rights Commission (whose decisions are not enforced), Civil Military Cooperation Centres (functioning with some limited success in Gulu), local and national government institutions (sometimes antagonistic towards each other) and traditional leaders and practices (generally being revived after a lapse). In addition there is an array of recently arrived NGOs and UN agencies amongst some longer stayers working with IDPs.

The National IDP Policy endorsed in August 2004 provides the framework for work with the internally displaced. In Uganda the National Policy is close to the Guiding Principles on Internal Displacement issued in 1998. In theory at least the Ugandan framework is generally consistent with international human rights law and provides an authoritative framework for the identification of the rights, guarantees, and standards relevant to the protection of IDPs. In practice, the environment in which we tried to make the Cluster system effective is more complex and challenging. The scope OHCHR's activities in the north, which are not restricted to IDPs, depended to a large extent on the needs of the IDPs and the capacities of the government to address these. The availability of staff and resources also influenced the activities undertaken by the Office.

OHCHR needed to understand and support existing local structures rather than try to establish them. Much of our work required close cooperation with government and statutory officials whose were responsible for much of what we wanted to do. In the atmosphere created by the peace talks the emphasis of my work during my mission in Northern Uganda required not so much the creative establishment of structures but an adjustment of the environment to make the existing structures work and to change attitudes so human rights are respected and not ignored. I found it far easier to Chair a Protection Working Group in other operations, usually made up only

of non government actors, than to be the Secretariat to a District Human Rights Promotion and Protection Committee – a structure established under the National IDP Policy, which included government representatives and which served as the main gathering point for protection actors. Our role supporting the Ugandan Human Rights Commission as the Chair and HURIFO as Vice Chair meant we did not control the agenda or procedure but could only seek to influence. Attempts to exert what was perceived as a strong influence caused some difficulty in the relationship. On reflection, I would have been more productive had I spent less time trying to influence the leadership prior to meetings and more time ensuring NGOs raised issues meetings and insisted on follow up.

The ‘subcluster’ approach was not well known amongst those in the system, even in the North, or for that matter amongst those coming from outside Uganda. It was not clear to the UN let alone government and NGO actors. There was a need to develop the understanding and promote the OHCHR’s subcluster leadership role without upsetting or changing significantly the existing local and national structures. We worked closely with the other “focal point” agencies designated to work in tandem with UNHCR’s overall coordination of the cluster e.g. rule of law and justice (UNDP); prevention and response to sexual and gender based violence (UNICEF); protection of children (UNICEF); protection of other persons with specific needs (UNHCR); land, housing and property issues (UN-HABITAT) and promotion and facilitation of solutions (UNDP). The work with UNDP was hampered by a lack of knowledge by local staff. For example, rule of law and transitional justice issues of interest to UNDP were dealt with in Kampala with little or no direct communication with their staff in Gulu.

Other issues like high turnover or lack of international staff in UN and NGOs, lack of protection experience of some NGO staff, and in the early part of my assignment, limited coordination amongst protection actors in the north created some delays in moving ahead.

My approach was to try to keep structures, processes and modalities as simple, flexible and responsive as possible. I noted a tendency both within the UN and the GoU to organize meetings that are too big to be effective, too diverse to reach constructive conclusions, too inclusive to work out a valid response that benefits IDPs and too far away from the north (e.g.in Kampala) to be in touch with the reality of the IDPs. Further it appeared at one stage that the situation was moving quickly to the development phase and the system did not seem quite ready for this. Some agencies knew little about Human Rights so there is a lot to be done to make partners aware

of human rights based development to ensure skills in programming and make sure values implanted in undertaking human rights based development.

### **3 Activities and Achievements**

*Making the “the Inter-Agency Standing Committee (IASC) Sub-cluster on Human Rights and Rule of Law Strategy” operational in northern in Uganda.*

Prior to my arrival, in the capacity as sub-cluster lead on human rights and rule of law in Uganda, OHCHR drafted “*the Inter-Agency Standing Committee (IASC) Sub-cluster on Human Rights and Rule of Law Strategy*” This “living document”, completed in September and released in October 2006, was shared with partners and others through the District Human Rights Promotion and Protection Sub-Committees (DHRPs) in Gulu, Kitgum, Lira and Pader in Northern Uganda and in other fora. It was considered a ‘draft’ because it was a living document. Few unsolicited comments were received in relation to the document itself but there was substantial interest in the concept of a ‘sub cluster’ leader. The document and the concept were discussed in various meetings with local and international partners, donors and local and national authorities.

The reception to the release of the document is probably accurately described as ‘not with a bang but not with a whimper either’. The unique assortment of tasks of the sub-cluster is perhaps one reason partners were not so keen to comment upon the document as a whole. There are no other organizations that will, in one day, be in the camps investigating a human rights violation; trying to work on polices that will ensure better access to justice through meetings in prisons, with magistrates, police prosecutors and lawyers; coordinating with local groups interested in land issues and sitting in the dirt in an IDP camp discussing a truth and reconciliation. The diversity of the priorities to which OHCHR was suited did not fit the exact profile of any other organizations. It was easy to identify partners with an interest in one or two priorities areas but not all four so as sub cluster lead it was necessary to use different tactics in each of our sub cluster priority areas.

The four sub cluster priorities and a brief summary of some of the main activities follows.

- **Improved human rights protection of camp/returnee populations;**
  - *Working with UNHCR and their partners ARC, AVSI, NRC, national NGOs with paralegals in the camps and return areas like CRS/JPC, & HURIFO.*

- *Made operational through* camp visits; referral; follow up and interventions in relation to individual cases.
- *Activities* included individual case follow up, training on human rights for IDPs, police and military and establishing an information sharing network with paralegals and other major protection actors in camps and return areas.
- **Strengthened civilian administration of justice and increased access to justice at all levels;**
  - *Working with* UNICEF; PAS/LAP; ICLA/NRC; SCinU; War Child Canada & GoU Chainlink which includes Magistrates, Prison officials, Police, Probation and court officials.
  - *Made operational through* Action Groups meetings at least monthly to deal with a specific topic.
  - *Activities* included finalization of GBV cases, assisting local lawyers by providing additional recourses, interventions with local authorities after analysis of situation and training of trainers with paralegal groups.
- **Appropriate mechanisms established to adequately address land and property disputes and appropriate response to challenges and gender issues relating especially to women in land and property rights disputes during post-conflict reconstruction.**
  - *Working with* UN Habitat, those with specialist knowledge like the paralegals CRS/JPC, ICLA/NRC & HURIFO.
  - *Made operational through* OHCHR establishing and leading and a small group to build an analysis and action on earlier reports.
  - *Activities* included establishment of action group with a focus on legal process and monitoring of work of paralegals on land.

- **Transitional justice mechanisms, including appropriate reconciliation processes at village and parish levels supported.**
  - *Working* with Quakers, Northern Ugandan Peace Initiative, local partners, university community and other researchers.
  - *Made operational through* ‘talking’ group that was developing into an action group to focus on research in camps and return areas.
  - *Activities* included maintaining contact with variety of players and working through the complexities of this issue with them.

**Some main achievements of the HR/RoL sub-cluster work with partners during the assignment period included:**

- Supporting the DHRPPs in each District and establishing them as a primary protection forum.
- Establishing an Action Group on Access to Justice with local and international NGOs and UNICEF in Gulu. This group has so far worked, with some success, on decongestion of prisons. In early 2007, the Group focused on juvenile justice issues. The Group is envisaging that it invite others with a capacity and mandate to join.
- Monitoring and supporting the Chainlink (groups consisting of Chief Magistrates, magistrates, prisons, police and legal NGOs) which works towards creating efficiencies in the court systems in Gulu and Lira.
- Human rights training for members of UPDF and the Uganda Police Force in Gulu, Lira (Special Police Constables), Pader and Kitgum districts on their roles and responsibilities as state actors in promoting and protecting human rights; on issues of child rights and sexual and gender based violence.
- Human rights training for the Internal Security Officers operating in Lira and Dokolo districts especially as they work with returnee communities.
- Working with the Uganda Human Rights Commission to strengthen their capacity, especially in their work with Civil-Military Cooperation Centres (CMCCs) in investigating human rights violations, protection concerns and in advocacy and outreach activities in all Districts.

- Working closely with various national and international NGOs who work with paralegals to coordinate and better understand the work of paralegals and how the UN can offer more support to the existing paralegal network within the camps and return areas.
- Mapping of paralegals and other legal mechanisms in camps and return areas. Alerting Protection cluster lead and donors to the need for financial support required by some paralegal groups.
- Working to find partners to assist with legal and related technical issues in SGBV to ensure survivors are aware that they can have access to the legal system for redress.
- Establishing OHCHR's role as sub-cluster lead in land and property rights issues by developing networks to ensure that appropriate mechanisms are in place during post-conflict reconstruction.
- Advising key actors involved in the peace process regarding international human rights standards and transitional justice (accountability and reconciliation).
- Setting up participatory research in the IDP camps and return areas to map the current forms of transitional justice, examine traditional justice in Acholi areas and non-Acholi area in the north and survey opinions of communities concerning barriers to reconciliation and appropriate avenues for justice and reconciliation.
- Creating opportunities for dialogue with local NGOs and government partners concerning existing community-based reconciliation mechanisms and transitional justice mechanisms to be put in place at district and village levels, starting with return areas.
- Establishing with UNHCR the northern interagency protection meetings.

**Some concerns of the HR/RoL subcluster include:**

- Delay in deployment of Special Police Constables in Northern Uganda, as foreseen in the humanitarian emergency action plan.
- Financial support for legal aid programmes in Northern Uganda needs to be reviewed and considered more systematically by the Protection Cluster, in cooperation with existing donor initiatives (Legal Aid Bashed Fund, etc).
- A lack of clarity in relation to the relationship with the Early Recovery Cluster which does not meet in some parts of the north – especially in relation to access to justice and to land issues.
- A need for clarity in some places in relation the responsibilities for the follow up of individual cases.

- Lack of information regarding the terms of reference and scope of monitoring work of UNHCR cluster partners monitoring return, to avoid overlap with HR/RoL sub-cluster human rights monitoring and to maximize cooperation.

#### **4 Other strategy objectives - Information & UNSC Resolution 1612**

**In addition to the abovementioned, strategy objectives were also set in relation to**

- **information collection, sharing and analysis and monitoring and**
- **reporting mechanisms under Security Council Resolution 1612 (2005) on the protection of children in armed conflict.**

I did not pursue the objective of information collection, sharing and analysis and monitoring until new staff arrived. In my experience a degree of personal ownership and understanding is necessary for those setting up systems to effectively collect information. This was also tied to the arrival of a new IT staff member in Kampala with some expertise in establishing such systems for OHCHR. After arrival of a HRO a filing system was established and more focus given to this aspect of the work. The IT specialist had other priorities during his visits to the north so this strategy objective was not achieved but was developing.

In contrast I spend a large percentage of time on the development of SCR 1612 in Uganda. I think 1612 development can be described as 'moving fast but with a long way to go'. It was not until I was asked to write a report on progress to date on 1612 that I realised that considerable progress had been made in 6 months. Although primarily a UNICEF responsibility OHCHR took the lead in the absence of UNICEF leadership in the north. UNICEF New York had requested some assistance with the development of 1612 procedures during my briefing in Geneva on the way to my assignment.

The Uganda Task Force on Monitoring and Reporting (UTFMR) had met once (in the presence of Mrs. Radhika Coomaraswamy, UN Special Representative for Children and Armed Conflict) but little more had occurred in relation to developing SC Resolution 1612. The UTFMR membership comprises OHCHR, UNICEF, Save in Uganda and the Ugandan Human Rights Commission. Various informal meetings took place between Task Force members.

The second UTFMR meeting took place in Gulu in Northern Uganda on 21st November 2006. As well as reviewing developments and finalising training the Task Force organized for UNICEF

and OHCHR to present 1612 issues to the Child Protection Working Groups for consideration in programme planning for 2007. OHCHR agreed to talk with ICRC about including 1612 information in their police and military training. ICRC in Gulu subsequently suggested the matter be referred to Kampala level. Members agreed to engage some child protection focussed NGOs on whether they may be interested in joining the UTFMR. A database for recording information gathered under SCR 1612 was planned. OHCHR agreed to provide the next meeting with some details about LDUs who, as a response to the LRA threat, were for some years sponsored, mobilized, trained and sometimes led by the UPDF.

The activities and achievement in relation to 1612, mostly due to initiatives taken or supported by OHCHR, included;

- **Training of monitors**

Training sessions for those interested in working as monitors of 1612, many of whom are experienced paralegals, were completed in Gulu and Kitgum in 2006 and planned for Pader and Lira in early February 2007, completing the initial training in the north of Uganda. Upon completion approximately 100 monitors from various NGOs and UN agencies will be capable of monitoring 1612 violations throughout the northern region of Uganda. Further training is planned, initially around Gulu, to develop the network of field and camp based monitors.

- **Development of an Incident Reporting Form**

An Incident Reporting Form covering 1612 violations was developed by OHCHR, UNICEF and the Coalition Against the Use of Child Soldiers for the first training session. After consultation within the Protection Cluster in Northern Uganda it was agreed the Form should be used by any NGO in the region. Whenever a 1612 violation is noted the Form is referred to UNICEF for verification and appropriate follow-up.

- **Supporting a National Consultant employed by UNICEF**

UNICEF has employed a national child protection consultant, initially for 6 months commencing in December 2006, to follow up with the network of monitors established through the trainings and to collate their reports. If a 1612 incident is verified the consultant is responsible for gathering information and presenting it to UNICEF and OHCHR with appropriate advice.

- **Developing the Action Plan**

It was agreed at the first UTFMR meeting that “UNICEF should be lead negotiator with GoU on development and adoption of action plan and agreement on relevant benchmarks to monitor progress and implementation.” OHCHR agreed to provide technical support to UNICEF. The initial draft Action Plan that was presented to the Government of Uganda was subsequently rejected. A new Action Plan drafted by the Ministry of Foreign Affairs and UPDF is currently under consideration by UNICEF in consultation with OHCHR.

- **Other developments**

Sensitization in relation to SCR 1612 has taken place throughout northern Uganda through the District Human Rights Promotion and Protection meetings that take place in each district each month. Sensitization also took place during training of some staff of Civil Military Cooperation Centres and in meetings with District or other officials. Through UNICEF the UTFMR has received, from UPDF, an invitation to engage in joint site monitoring visits so inspections can be carried out. The development of a Human Rights Department within the UPDF employing senior military lawyers has the potential to develop the understanding of UPDF on this issue.

## **5 A note on the deployment**

Generally I was satisfied with the deployment. As it turned out it fell in to three phases of about two months each namely, holding the existing set up as staff left or were on leave; orientation of new staff and commence activities with new staff and handover to the new head of office. I felt at times I was overburdened with administrative, management, human resources, programming and donor relations aspects of the work and as a result the hours available to me to do protection work were limited. The offices were building during my deployment. Five new international staff arrived during my 6 months requiring significant time spent in orientation. I do not consider this something to complain about as OHCHR does not have the administrative and programming capacities of larger UN agencies and it was all part of making the sub cluster operational. OHCHR has issues relating to administration generally because of its status as an Office. Cars were also in short supply at times restricting our access to camps or leaving some staff without a vehicle which is not in keeping with Phase Three Security Regulations. OHCHR are well aware of these issues. It would, however, have been useful to have been made aware of what percentage of ‘non-protection’ work was required prior to the deployment. I suggest the PROCAP application should reflect this so non protection duties do not come as a surprise.

The advantage of being responsible for the overall operation in the north was that I was well positioned to influence the protection structures within the UN. I felt relationships with NGOs UHRC and the other UN agencies were quite good and healthy working relationships had developed. As in most operations these depend not only on mandates, structures and good will but personalities. Several offices were facing new personalities (including OHCHR, UNHCR and UNICEF) but I felt the ground work was established to develop healthy working relationships. By the end of my assignment the Office was positioned to move in any of several directions in accordance with the wishes of the new head of office, whose arrival was timely, and the capacities and numbers of the staff.

My background with NGOs and UNHCR meant that prior to assignment my understanding of OHCHR arose either through my own reading or through osmosis during earlier assignments. I would have benefited by spending more time with Procap colleagues who have previous experience with OHCHR or a more intense orientation with OHCHR, perhaps by attending the orientation for new staff that many of the new colleagues in the office attended. Procap colleagues who do not have experience in OHCHR and have 'down time' at the appropriate time may benefit from participating in the OHCHR new staff orientation programme.

In my view the subcluster emerged positively by the end of my assignment. The scope of engagement needs ongoing clarification, protection needs remain a cross-cutting concern, resources for IDP protection must be enhanced and actors must avoid an overly bureaucratic approach and an excess of large meetings to deliver protection effectively. Much of the networking and advocacy was done more effectively because of the cluster system and agencies seemed clearer about their protection roles and were comfortable with each other. In my view the still evolving system in Uganda provides a solid underpinning for the protection of IDPs.