

Strategy Paper for the Protection of Persons Displaced by the Conflict in Northern Uganda¹

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¹ In agreement with the IASC and the UNCT, this strategy pertains to the protection of conflict related IDPs and not to the broader population of all civilians in Uganda. Other agencies with their specific mandates and expertise will develop a separate approach for the protection of civilians in Uganda.

Protection of Internally Displaced Persons in Uganda

I. Background:

Northern Uganda has been characterized as an ongoing crisis of protection, manifested by the prevailing high level of insecurity in many parts of Acholiland and the Lango and Teso regions and the concurrent lack of confidence of displaced populations and other civilians in the ability of national and local security forces (UPDF and auxiliaries) and administration of justice institutions and personnel (police, courts, prisons) [NB. Distinction between law enforcement, ie. police and security forces, ie. army] to provide adequate protection. Attacks on villages, camps, trading centers and roadways -- targeting civilian populations -- killings, acts of harassment and assault, occurrences of sexual and gender based violence, abductions, and other human rights violations -- particularly restrictions on freedom of movement -- are ongoing and frequent. There are now an estimated 1.5 million internally displaced persons spread out in camps in the northern region including Masindi and Adjumani districts.

Protection constitutes one of the paramount objectives of the United Nations and the international community in Uganda. In northern Uganda the challenge of the protection of civilians in conflict-affected areas exists in a context where the large majority of the population has been internally displaced. Although there has been conflict of fluctuating intensity in northern Uganda since August 1986, extensive displacement in Gulu, Kitgum and Pader began in 1996. In mid-2002 yet more persons were up-rooted following the intensification of LRA military activity in northern Uganda in response to UPDF attacks on their rear bases in Sudan. LRA incursions deep into Lira and parts of eastern Uganda in late 2003 extended the area affected by insecurity into new parts of the country. Civilians have also fled LRA attacks in Acholi areas. However, here the scale of displacement is largely a result of government action to encamp civilians in order to restrict LRA access to food and intelligence, to enable unimpeded military operations and to provide fixed protection through static deployment of soldiers and Local Defence Units.² Improvements in security in eastern Uganda during 2004 led the majority of IDPs displaced by the LRA to return home. An improving situation in Lira in the first part of 2005 led IDPs in some parts of the district to move out of larger camps to smaller settlements closer to their fields and homesteads.

The major humanitarian concerns for the displaced began with large scale displacement approximately 10 years ago. Inadequate security, limited safe land access and overcrowded camp conditions with poor access to basic services, as well as lack of access to justice and of civilian policing, and limited opportunities for income generation combine to create an IDP population highly vulnerable to the violation of their human rights. All the social problems plaguing Uganda, such as domestic violence, rape, child abuse and exposure to HIV and AIDS, are exacerbated by the appalling living conditions.

² CSOPNU, 2004, *Ibid*, p63-66

The UNCT/IASC is following a twin track strategy that places emphasis on: a) the return of IDPs to their homes of origin, based on voluntariness and with the legal, material, and physical safety required to sustain such returns; b) the protection of encamped IDPs from human rights violations, violence, exploitation and abuse and, ensuring their access to basic services.

Given the size of the territory, the magnitude of the crisis and the multifaceted nature of its needs, a mutually reinforcing and fully complementary approach of all relevant actors in Uganda - UN agencies, NGOs, other international organizations, as well as civil society – is needed to ensure an adequate response. With that in mind a task team of key agencies with relevant activities in the area of protection³, under the co-ordination of UNHCR as the cluster lead for protection, has developed the present strategy in order to strengthen ongoing protection efforts

II. Goals

Pursuant to recognised legal principals, internally displaced persons have the right to liberty of movement and freedom to choose their place of residence. In particular, displaced persons have the right to move in and out of camps and settlements. This right is recognised in Chapter three, Article 3.2 of the National Policy for Displaced Persons. Recent pronouncements on the right of Ugandans to return have been made at the highest level of Government. Unfortunately, there has been little progress in return and some IDPs have been displaced for as long as 20 years.

Thus, the strategy for the protection of displaced people in Uganda will focus on two key goals:

- To facilitate greater freedom of movement⁴ and voluntary return of IDPs to areas deemed appropriate, and
- To ensure the effective protection of camp populations

³ This paper will be the result of a consultative and collaborative effort of the IASC, UN agencies, including UNICEF, WFP, UNHCR, OHCHR, OCHA, UNDP and several NGOs. The content of the paper will be discussed with key colleagues in UNHCR, with the IDD and the chairs of the field-based protection working groups in the districts of concern.

⁴ Freedom of Movement (FoM) does not necessarily imply return at this stage, unless IDPs choose to return. It does imply allowing IDPs greater freedom to make their own choices and to become more self sufficient at their own pace, if and when the security situation allows. More importantly, it implies that we work with the UPDF in new ways to encourage them to provide security to areas, rather than only to camps and cordons. Promotion of FoM and provision of assistance in camps are not mutually exclusive activities. We recognise the need to continue providing assistance in camps because the majority of people will remain in camps in 2006. However, at the same time, we must seek durable solutions. Promoting FoM is the beginning of that process (description provided by IDD, Geneva).

The Government will be encouraged to apply the provisions of the National Policy for Internally Displaced Persons and to request the international community to assist the Government in the safe return of internally displaced to the communities of their choice.

III. Objectives

Based on a common understanding of the protection challenges faced by the displaced population, and the international and national actors in Uganda, as well as standards developed within the Inter-Agency Standing Committee⁵ and the Security Council⁶ in recent years, and taking into account the specific mandates of each Agency, the following objectives have been agreed:

- i. Improved freedom of movement;
- ii. Ensure return is voluntary and local integration addressed;
- iii. Improved protection of camp populations;
- iv. Prevention and response to sexual gender-based violence;
- v. Improved child protection: children accessing protection services and support through integrated protection mechanisms
- vi. Strengthened civilian administration of justice
- vii. Adjudicative mechanisms in place to adequately address land and property disputes
- viii. Transitional justice mechanisms, including appropriate reconciliation processes, developed at village and parish levels

(i) **Improved freedom of movement**

To attain this objective, the following activities will be undertaken:

- Establishment of **Return Assessment Teams** in each district to support and advocate for the improvement of security for IDPs, in cooperation with UPDF, the local authorities and security, to enable greater freedom of movement, access to land and to develop a return plan.
- Identification of areas where IDPs are accessing land and support and encourage activities of security forces to improve security in these areas
- Improvement of communication between IDPs and security forces to build confidence in security measures provided.
- Identification of areas where curfews can be eliminated and restrictions on movement reduced or eliminated

⁵ Protection has been defined as “*all activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law, i.e. human rights law; international humanitarian law and refugee law. Human rights and humanitarian organizations must conduct these activities in an impartial manner (not on the basis of race, national or ethnic origin, language or gender)*”.

⁶ See Security Council resolutions 1265 (1999) and 1296 (2000).

- Identification of camps and corresponding returnee areas that can be assisted for voluntary return.

(ii) **Voluntary and safe return and local integration**

To attain this objective, the following activities will be undertaken:

- Establishment of monitoring and reporting mechanisms in return areas
- Registration of populations in those camps identified for voluntary return;
- Assessment of return and local integration areas and of available services for early recovery
- Information programmes on security and return in priority areas in close coordination with Early Recovery Cluster lead
- Development of an operational, phased return plan including logistics and provisions of basic returnee packages to be agreed by UN agencies, IASC and the GoU at local and central levels

(iii) **Improved protection of camp populations**

To attain this objective, the following activities will be undertaken:

- Camp management/coordination
 - Establishment of monitoring and reporting mechanisms
Establish Code of conduct and SOPs with local authorities, NGOs and IDPs
 - Identification of needs and provision of support of IDP leadership committees and OPM and district staff
 - Review and assessment of access to camps and site planning
 - Review of camp representation and management
 - Identification of responsible service providers and their capacity for each camp
 - Compilation of baseline data for each camp
 - Special assessment needs for vulnerable persons
 - Identification of camps with emergency conditions and proposal for urgent remedial action
 - Establish, support and train a fire response team
 - Review of overall camp conditions in those areas where return is unlikely (for infrastructure development)
 - Downsize, re-orient or reduce service provision in those camps from where return is taking place
- Ensuring the civilian character of camps
 - i.e. monitoring of arms availability and recruitment into combat forces;
 - taking appropriate measures to address the occurrences thereof;
 - increase international presence in camps.

- Increase Self Reliance
 - food security, income generating crops and trading activities
 - micro credit loans and grants, etc

(iv) Prevention and response to sexual gender-based violence (as a cross cutting issue)

- Coordination (including establishing multi-agency agreements defining roles, responsibilities and mutual accountabilities for action on sexual violence and abuse, disseminating IASC GBV Guidelines, adapting GBV Guidelines for local use, establishing common systems for case documentation, and disseminating programming lessons-learned and good practice);
- Improving understanding of nature and scale of sexual and gender-based violence;
- Strengthening locally integrated remedial service networks involving district authorities and NGOs, focusing on the needs of the child and adult survivor (to include community leaders, medical services, access to justice and psychosocial support);
- Capacity building of service providers and NGOs to prevent and respond to sexual violence by training community leaders, police, legal, medical, reproductive health and psychosocial service providers on systems and protocols for responding to sexual and domestic violence and on working with survivors;
- Community mobilization against sexual and domestic violence (both as a preventive measure and as a way of removing social obstacles to children and women reporting abuse) using community dialogue methodologies (eg. prevention of stigmatization, of social/legal persecution, and of abandonment; community dialogue on immediate risk reduction strategies);
- Build capacity of service providers and humanitarian agencies to streamline protection (including on reducing the risk of sexual violence and abuse) into service delivery.
- Promote Code of Conduct for UN/NGO staff and set up an inter-agency system for civilians to take forward complaints.

(v) ~~Child Protection and vulnerable groups~~ AS AGREED, BULLET POINT ON EDUCATION IS NEEDED

- Coordination (including establishing multi-agency agreements defining roles, responsibilities and mutual accountabilities for child protection, disseminating good practice guidelines, adapting guidelines for local use, establishing a common electronic database system for case management, and disseminating programming lessons-learned);

- Set up integrated inter-agency community level child protection mechanisms to identify children exposed to violence, exploitation and abuse, provide frontline remedial response and to make referrals to specialist and mainstream service providers (one mechanism per camp/sub-county, receiving motivation, technical support, on-the-job training and supervision from NGOs);
- Build capacity of mainstream service providers (medical, reproductive health and educational) to respond to vulnerable children;
- Community-based skills training (including life skills and HIV prevention) linked to income generation, using materials developed by the MGLSD Programme for Children and Youth to reduce risk of sexual exploitation and child recruitment;
- Psychosocial support programming. A core component of work of reception centres for formerly abducted children, this will be extended to youth groups and other networks at the IDP camp level;
- Ensure that measures be taken during return/relocation to prevent the separation of families;
- Systematized family tracing and reunification. Tracing and reunification mechanisms to be restructured to enable them to provide a service to any unaccompanied child and not just the formerly abducted;
- Support to reception centres to provide a safe environment for returning formerly abducted children. In particular, emphasis to be placed on following-up with children once reunified with their families;
- Support to night-commuter shelters to provide a minimum safe environment for children. While practical support to shelter infrastructure, staff training and ongoing operation will continue, emphasis will be placed on standard-setting, on the provision of security for commuters *en route* and on addressing background family factors contributing to commuting;
- Improving social and reintegration support for unaccompanied children (mainly formerly abducted children) through initiatives that also support the wider community. Unaccompanied children to be linked with community-based child protection mechanisms and community-based basic skills training, rather than supported through special programmes unavailable to the wider population;
- Working with the UPDF and LCs to establish functioning screening mechanisms within the military mobilization/recruitment process to prevent under-age recruitment.
- Establishing a monitoring and reporting mechanism on gross violations of the human rights of children affected by armed conflict, including child recruitment (as mandated under Security Council Resolution 1612).
- Identification of and advocacy for support to elderly, disabled and other vulnerable groups.

(vi) *Strengthened civilian administration of justice*

The restoration of a functioning civilian administration of justice, including through an increased deployment of professional and trained police officers and judicial personnel, is an integral part of ensuring the protection of civilians. The following elements will inform a comprehensive protection strategy:

- Security and protection through civilian law enforcement:
 - human rights training of police;
 - advocate for an increased presence of trained civilian police in camps, and commensurate central budget allocations for strengthening police presence in Northern Uganda within the justice, law and order sector;
 - advocate for the reduction of civilian policing tasks carried out by the UPDF;
 - awareness raising and human rights education for IDP camp leaders, camp population and returnees;
 - establishment of community-based human rights and protection monitoring mechanisms for return;
 - lobby the central government on the provision/augmentation of legal services and legal personnel in return areas

- Improved access to justice in IDP camp settings and in return areas:

The development of systematic channels and structures to report human rights violations and protection concerns will contribute to an improved sense of justice and create a culture of accountability:

- Establishment of complaint centers in camps and return communities to receive allegations of human rights violations and protection concerns;
- Strengthen existing legal aid services;
- Support Civil-Military Cooperation Centers in investigating human rights violations and protection concerns and in advocacy and outreach activities;
- Facilitate a robust presence of the Uganda Human Rights Commission in IDP and returnee areas;
- Training for IDPs and returnees on human rights;
- Advocate for the re-establishment of administration of justice structures (courts, prisons) and deployment of judicial personnel (judges, magistrates, lawyers, prosecutors, etc) in return areas

(vii) **Adjudicative mechanisms in place to adequately address land and property disputes:**

The absence of land title documentation in Northern Uganda constitutes a potentially explosive issue in IDP camp settings and in return areas which needs to be addressed through:

- Review existing legislation and adjudicative mechanisms addressing land rights;

- Identify and support possible alternative mechanisms to effectively address land disputes in IDP camp settings and in returnee areas.
- Support the holding of conferences and workshops focusing on the subject land matters in post-conflict areas

(viii) **Transitional justice mechanisms, including appropriate reconciliation processes, functioning at village and parish levels**

On the basis of a mapping of existing community-based reconciliation mechanisms, discussions with stakeholders at district level on the development of potential transitional justice mechanisms might lead to following activities to be undertaken:

- Create opportunities for dialogue and reconciliation, with a particular focus on identifying suitable transitional justice mechanisms to be put in place at district and village levels, starting with return areas
- Support the creation of informal reconciliation committees in the village and parish levels to foster co-existence and peace building in the return areas
- Support existing traditional justice structures in the return areas and inject into them the principles of human rights and sensitize the traditional leaders on transitional justice
- Embark on a mass sensitization campaign in the return areas on human rights, transitional justice and different ways of combating impunity
- Train paralegals, local lawyers and other judicial personnel who may be assist in sensitizing the return populations on human rights and on the different options for transitional justice available to returnees
- Assist returnee communities in understanding the role of the ICC and help victims who may wish to use its mechanisms
- Promote healing and sustainable peace through truth-telling sessions at the village and parish levels
- Support the creation of a regional truth and reconciliation commission, involving religious leaders, traditional elders, local council leaders, opinion leaders, etc
- Support radio talk shows, dramas, mock-trials and other outreach methods that give the community a chance to reflect on what they have experienced, and have the victims, former abductees and reintegrated ex-combatants talk freely and openly about their experiences
- Fund regional stakeholder conferences/workshops on transitional justice where experts and victims of gross human rights violations from other countries can share their experiences with the returnees

IV. Implementation and Coordination

It is recognized that not all of the above protection requirements are being addressed due to capacity, resources, and access or security constraints. UNHCR as the overall cluster lead and responsible for the sub-cluster of camp management and coordination, OHCHR

as the sub-cluster lead for human rights and rule of law issues and UNICEF as the sub-cluster lead for child protection and the cross-cutting issue of SGBV have agreed to work jointly to address the above areas in close collaboration with other UN agencies and NGOs. It is recognized that the identification and interventions to support vulnerable populations will be included in all sector activities but will be within the responsibility of the Protection Cluster to ensure adequate monitoring and support is provided. The above elements constitute a framework to implement the strategic protection priorities of the Protection Cluster and serve as points of orientation for agencies, organizations and government bodies to adjust their own work plans and programme planning for the next year accordingly.

A) Terms of Reference for Protection Cluster Lead Coordination

Draft Generic Terms of Reference have been agreed within the Inter-Agency Standing Committee. **Accordingly,**⁷

The Humanitarian Coordinator -- with the support of OCHA, retains the overall responsibility for ensuring the effectiveness of the humanitarian response and is accountable to the Emergency Relief Coordinator (ERC).

UNHCR as the cluster lead for Protection, in addition to its specific agency responsibilities, is accountable to the HC for ensuring the following:

Identification of key partners

- Identify key humanitarian and human rights partners for the cluster, respecting their respective mandates and programme priorities
- Identify other key partners, including local and national authorities

Coordination of programme implementation

- Ensure appropriate coordination with all humanitarian and human rights partners (including national and international NGOs, the Red Cross/Red Crescent Movement, IOM and other international organizations) as well as with national authorities and local structures.
- Ensure that protection concerns and a rights-based approach are integrated in all sector programmes for camp populations and returnees.
- Ensure the establishment/maintenance of appropriate protection and human rights mechanisms, including working groups at national and local level.
- Ensure timely, effective and coordinated responses to protection and human rights issues through participatory, community based approaches with due attention to age and gender mainstreaming and cross-cutting issues such as SGBV and HIV/AIDS.

⁷ Inter –Agency Standing Committee, Ad Hoc Working Group Meeting on Humanitarian Response Review Follow Up, DRAFT, Generic Terms of Reference for Cluster Leads at the Country Level, 24 January 2006, Palais des Nations, Geneva

- Secure commitments from cluster members in responding to needs and filling gaps, ensuring an applicable division of responsibilities within the overall Protection cluster including designated focal points for specific issues where necessary.
- Ensure that participants within the Protection cluster work collectively assuring complimentary responses/actions of the various stakeholders.
- Promote and mobilize emergency response actions for Protection issues with due consideration to early recovery where necessary.
- Through OCHA support, ensure effective links with other cluster leads
- Represent the interests of the Protection cluster in discussions with the HC and other sector leads on prioritization, resource mobilization and advocacy.

Planning and strategy development

- Ensure action within the cluster for the following;
 1. Needs assessment and analysis;
 2. Identify protection priorities;
 3. Identification of gaps;
 4. Developing/updating agreed response strategy and action plans for the Protection cluster and ensuring that these are adequately reflected in overall country strategy, such as the Common Humanitarian Action Plan (CHAP);
 5. Review of historical programs and responses and utilizing lessons learned for revision of strategy and action plans accordingly

Application of standards

- Ensure that cluster participants are aware of protection policy guidelines, technical guidelines and standards and indicators (and they are applied)
- Ensure that responses are in accordance with existing policy guidance and technical standards.

Monitoring and reporting

- Ensure adequate and effective monitoring mechanisms are in place to review impact of the cluster and progress against implementation
- Ensure adequate reporting, documenting and information sharing with OCHA support

Advocacy and resource mobilization

- Identify core advocacy concerns, including human rights compliance, resource requirements, and contribute to key messages to broader advocacy initiatives of the HC and other actors;
- Advocate on behalf of cluster partners to carry out priority activities within the protection mandate, while at the same those same partners mobilize resources for their activities through their usual channels.

With respect to their sub-cluster responsibilities, OHCHR and UNICEF will be accountable to UNHCR as the cluster lead for ensuring the above.

Provider of the last resort

-As agreed by the IASC Principals, UNHCR as the cluster lead for protection will be responsible for acting as the provider of last resort to meet agreed priority needs and will be supported by the HC and ERC in their resource mobilization efforts in this regard.

B) Field Driven Collaboration

Coordination of Protection related activities should be fully collaborative and field driven.

Collaboration: Protection is an area that requires improved coordination among the various UN agencies, ICRC, NGOs and other international organizations with protection mandates and activities, in order to take full advantage of every agency's capacities, mandates and expertise and to ensure appropriate monitoring and reporting and an adequate and equitable response. Collaboration is also required with local and national protection entities, including civil society. Close and early collaboration is also required to ensure adequate political responses and initiatives to enhance the protection of civilians in Uganda by addressing critical issues, at the appropriate level with the central Government and local authorities.

Field-driven: The development of protection priorities and strategies should follow the guidance of field-based coordination mechanisms and be based on information obtained from protection monitoring in the districts.

C) Monitoring, Reporting, Analysis and Coordination (this section is to be reviewed after planned meeting 3 July with other sector and cluster leads. Once this is reviewed)

National IDP Policy: The implementation structures of the IDP Policy, including the Inter-Agency Technical Committee (IATC), facilitated by the Office of the Prime Minister, and the National Human Rights Promotion and Protection Sub-Committee, facilitated by the Uganda Human Rights Commission (UHRC), will remain the main joint mechanisms for Government, UN and donor groups to support the OPM and other Government actors in addressing protection and human rights concerns. UNHCR together with UN and donor partners will re-examine how to best encourage and support Government activities and relevant needs of OPM, local Government actors, IDP leaders and actors responsible for security.

In order to (i) create the necessary synergies between different protection actors, (ii) allow for systematic information gathering and analysis, (iii) have a common understanding of the protection priorities, (iv) carry out protection-related activities within a well-coordinated and complementary strategy, and (v) ensure, as necessary, adequate political follow-up at the appropriate level, it is essential to have dedicated and Inter-Agency Protection Teams (IAPTs) managing the protection issues related to the north both at Kampala and district levels.

In Kampala: The Inter-Agency Protection Team (the Protection Team), chaired by UNHCR, will advise the HC on protection issues that can be addressed at the highest levels with the Ugandan authorities. The Protection Team comprising of UNHCR, UNICEF, OHCHR, OCHA and identified NGO representatives can act as a clearinghouse facility for the information coming in from the field based Return Assessment Teams, district IAPTs and District Human Rights Promotion and Protection Sub-Committees (DHRPs). ICRC⁸ is also encouraged to participate ~~if they wish~~. The Protection Team will set a joint agenda and engage in priority setting, exchanging of information and in coherent policy-making.

District level: The already constituted District Human Rights Promotion and Protection Sub-Committees under the National IDP Policy (DHRPs) would continue their work and constitute the direct engagement, support and advisory body for the district authorities on protection issues. In addition, separate Inter-Agency Protection Teams (IAPTs to include UNHCR, UNICEF, OHCHR, ICRC and NGO representatives focused on camp based activities, protection monitoring and reporting) are necessary to monitor, report, and provide analysis to the Kampala based Team. The initial primary task of the IAPTs will be to establish effective protection and human rights monitoring and reporting systems. The IAPTs will be the information source of all headquarters-based protection efforts. These field-based IAPTs should be chaired by the most senior protection officer (i.e. could come from the agency with the strongest presence in a particular area and should be identified in consultation with UNHCR and should be supported by a dedicated secretariat function).

Sub-working groups: Due to the specific expertise of some organizations, sub-cluster working groups on child protection and SGBV led by UNICEF and on human rights and the rule of law coordinated by OHCHR could be convened at both Kampala and field levels. A sub-cluster working group on camp management and coordination will also be formed in each district lead by chairpersons identified in consultation with UNHCR. Implementation will be gradually achieved as UNHCR establishes presence in the northern districts.

V. Information Management (Protection Data and Matrices) (this section is to be reviewed after planned meeting 3 July with other sector and cluster leads. Once this is reviewed)

A protection matrix describing camp and return locations will be developed on the basis of information provided by the chairs of the IAPTs. This matrix will match priorities and requirements with ongoing and potential activities of Agencies and NGOs. It will serve as a coordination tool, helping agencies to focus their protection activities around geographic and thematic) areas.

A mapping of basic humanitarian services in camp locations will also be made identifying organizations supporting the national service providers and the DDMCs.

⁸ ICRC accesses and provides services in approximately 50% of all camps in Gulu, Kitgum and Pader.

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It is envisioned that OCHA can provide technical assistance in establishing databases where necessary, updating and compiling data from the field based monitoring with their information management tools in the districts and Kampala.

Individual cases will be followed-up by mandated agencies. Specific confidentiality requirements will be observed.. *To be designed with UNICEF and OHCHR. All human rights investigations are within the competency of OHCHR and supported according to their requests and oversight.*

Information on trends and patterns from multiple sources information (i.e. security, military, political) will be compiled into a system-wide database to allow the formulation of adequate responses and means of redress. This database could be maintained separately for each of the districts by the Secretariat of each of the IAPTs. At headquarters and field levels, the information provided through the field-based monitoring could be compiled and maintained with the support of OCHA and by the relevant technical agencies in terms of human rights, child protection and SGBV trends, patterns and analysis.

*This strategy is intended to be a 'living' document and will be adjusted and revised based on increasing information available from comprehensive joint needs assessments and gap analyses in IDP camp settings and in return areas.