

Domesticating and Implementing the Kampala Convention: A Dialogue for Action

Pilot workshop Uganda

12-13 November 2012

Contents

Executive Summary of the Entebbe Workshop, November 12 th - 13 th	3
The Content of the workshop	3
Conclusions and Next Steps	3
Background.....	5
The Kampala Convention – A brief introduction:.....	5
Internal Displacement as a Development Challenge	5
Building a Partnership to more Effectively Respond to Displacement, and its Impact on Development, in Africa: Collaborative Efforts between the AUC, IDMC, University of Bern, World Bank and Nordic Trust Fund	6
The Entebbe Workshop, November 12 th -13 th	7
Uganda as pilot country	7
The Participants.....	8
Opening session: Nov. 12 th , Day One of the Workshop	9
Official Opening – 4 Speakers:	9
The Kampala Convention – the obligations for governments.....	10
Development action – towards a rights-based approach to implement the Kampala Convention	11
Learning from the past: Identifying development challenges to internal displacement and corresponding recommendations - Presentations and Working Groups.....	13
Local Governance: Input by Martin Ojara Mapenduzi, District chairman of Gulu.....	13
Land: Input by Norbert Mao, President of the Democratic Party.....	14
Access to services: Input by Anthony Atube Omach, Chairperson of Amuru District	16
Livelihoods: Input by David Pulkol, Director of the African Leadership Institute	16
Looking ahead: Nov. 13 th , Day Two of the Workshop.....	18
Legal domestication of the Kampala Convention – how to do national law and policymaking? Shaping a participatory process.....	18
Development of Law and Policy in Kenya (Kenyan experience)	20
A model law to the Kampala Convention – a tool to support legal domestication	21
Working group contributions	22
Conclusion of the workshop:.....	24
Annex A: List of Attending Participants.....	25
Annex B: Compiled List of all Recommendations.....	30
Annex C: Copy of Workshop Programme.....	33
Annex D: Useful material.....	36

Executive Summary of the Entebbe Workshop, November 12th - 13th

The African Union Commission (AUC), the Norwegian Refugee Council Uganda and the Internal Displacement Monitoring Centre (IDMC) organised a pilot two-day workshop, with sponsorship from the World Bank and the Nordic Trust Fund (NTF), in Entebbe, Uganda on 12-13 November 2012. The workshop aimed to establish a dialogue between humanitarian experts, legal experts and development actors from multiple levels of the government and civil society organisations (CSOs) on ways forward for domesticating and implementing the Kampala Convention (KC) in Uganda. The workshop sought to examine existing national law and policy on internal displacement to gauge successes and outstanding gaps in meeting the assistance and protection needs of IDPs and launch a participatory process along initial steps for an action plan for enacting the KC in Uganda.

The Content of the workshop

The first day of the two-day workshop introduced participants to specific provisions of the Kampala Convention (the KC's coverage of all phases and all causes of displacement and its legal enforceability to hold all actors, state and non-state, to account) and then analysed internal displacement as a significant developmental challenge. Presenters articulated and argued for a human rights-based approach to designing development interventions to respond to existing situations of displacement and prevent new instances of displacement on the African continent. In the afternoon of the first day, speakers identified key development challenges in four different socio-economic and political sectors (local governance, land governance, access to services, and livelihoods) to addressing existing and preventing new displacement in Uganda,

The second day focused on the design and implementation of national laws and policies to address internal displacement and tailor the KC to individual country contexts. Speakers presented lessons from Kenya's experience in shaping a comprehensive participatory process empowered to shape national law and policymaking and then laid out elements of a model law being developed by the AUC that follows the structure of the KC and facilitates the Convention's domestication process.

Conclusions and Next Steps

The workshop closed by outlining the following steps of an action plan for national stakeholders:

The workshop and its participants were acknowledged as the first step of a forum process to build an inclusive participatory approach to shape the campaign to domesticate and implement the KC.

Organisers and participants were encouraged to:

1. sustain contact with one another and establish a steering committee, working group or alternate body that could direct the policy-making process going forward.
2. map stakeholders and work to involve as broad a range of stakeholders as possible, particularly government stakeholders, such as officials from the OPM, MPs, and the Parliamentary Committee for Human Rights.
3. establish a timeline for achieving major benchmarks in the process

4. launch an advocacy campaign to raise awareness of the KC's passage and the need to implement it in Uganda and build support and interest from donors and technical parties to support a domestic-led process

Consensus was reached in the workshop that the collaborative body to be formed in the workshop's aftermath would push for both:

1. the amendment of the existing IDP Policy enacted in 2004 to harmonize it with the KC's passage and increased powers and to integrate as many of the recommendations brainstormed over two days of breakout and plenary discussions on how to meet challenges in local governance, land governance, access to services and livelihoods to better assist and protect all groups of IDPs (the compiled list of these recommendations is included on the next three pages).
2. a new legal instrument to domesticate the Convention in Uganda that will be drafted in accordance with the Model Law being developed by the AUC.

Background

This report records inputs, dialogues and recommendations that came out of the *Pilot workshop on domesticating and implementing the Kampala Convention*, held in Entebbe, Uganda, on 12 and 13 November 2012. The aim of this report is to further fertilize the dialogue for action on next steps on national domestication of the Convention among relevant humanitarian, human rights and development actors in Uganda. The report has been written by the Internal Displacement Monitoring Centre with input from the other organisers and sponsors.

The Kampala Convention – A brief introduction:

Adopted at the AU Special Summit in October 2009 and entered into force on the 6th December 2012, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (otherwise known as the Kampala Convention) is a legally binding instrument to address internal displacement on the African continent. The Kampala Convention (KC) reiterates existing international and regional law, including legal standards from both human rights and international humanitarian law, and brings these norms together under one instrument designed to tackle the specificities of internal displacement in the context of African countries, while providing a clearer and stronger legal basis for the protection of internally displaced persons (IDPs). The KC, reflecting the Guiding Principles on Internal Displacement, covers all causes and phases of internal displacement and explicitly obligates both State parties and other stakeholders to act, according to their capacity, to prevent displacement and assist and protect IDPs throughout their displacement until a durable solution is found. The KC acknowledges and charges State parties with the primary responsibility for internally displaced persons. Yet, the convention also calls upon non-state armed actors to abide by the obligations set forth in the Convention in order to increase the protection of IDPs. In order to augment State response and to guard against situations when State parties are unable or unwilling to fulfill their obligations, the KC names other actors include the African Union (AU), Civil Society Organisations (CSOs), and International Organisations, and requires them to work within their power to redress internal displacement (see Annex D and E).

Internal Displacement as a Development Challenge

Internal displacement is not only a humanitarian, but equally a human rights, peace building and development challenge. Internal displacement as a development issue can be understood as a barrier to or result as a direct consequence of development. Displacement often impoverishes a population to the detriment of a community's development. Displacement can also be the product of building projects (such as large infrastructure or land use projects) that claim development as their intended aim.

The Internal Displacement Monitoring Centre (IDMC) and the University of Bern sponsored by the World Bank have launched a joint project to build a knowledge base that charts the nexus between displacement and development and articulate a human rights-based approach to development action in displacement contexts. The initial focus of the project was on Africa and the two institutions co-authored an easily accessible publication entitled *“Internal displacement in Africa: A development challenge – Exploring development initiatives to alleviate internal displacement caused by conflict, violence and*

natural disasters,” which explains and argues that enlisting development actors and efforts is crucial to redressing situations of displacement and preventing new instances of displacement across Africa.

The publication further argues that the KC is a legal instrument with relevance to both humanitarian and development actors. The Kampala Convention is an instrument that explicitly acknowledges large-scale development projects as a cause of displacement, particularly in article 3. The Convention also empowers to advance development on the African continent through its clauses intended to prevent new bouts of displacement, by mitigating the effects of displacement, including its impoverishing effects, as well as supports the search for sustainable durable solutions through development action. The Convention not only engages both sides of the relationship between development and displacement but it also commits both state and other actors with the ability to alleviate the consequences of displacement to act; therefore, support for the Kampala Convention supports broader efforts to mobilize development interventions to respond to and resolve displacement on the African continent.

Building a Partnership to more Effectively Respond to Displacement, and its Impact on Development, in Africa: Collaborative Efforts between the AUC, IDMC, University of Bern, World Bank and Nordic Trust Fund

IDMC and the University of Bern have built a partnership with the African Union (AU), particularly the African Union Commission (AUC), to promote the Kampala Convention and to leverage the KC as a strong entry-point for engineering development responses to displacement on the African continent. The World Bank, and particularly the World Bank’s Global Program on Forced Displacement (GPDF) and the Nordic Trust Fund (NTF) have partnered with and financed this effort.

As part of the African Union Plan of Action on the implementation of the outcomes of the 2009 AU Special Summit on Refugees a meeting organised by the African Union Commission’s Humanitarian Affairs, Refugees and Displaced Persons Division (AUC-HARDP) took place in Mombasa, Kenya in June 2012. This meeting convened legal and development actors to discuss a draft model that will be used by States to domesticate the KC. The meeting also discussed the procedural steps that would be needed to domesticate and implement the Kampala Convention within the State systems of member countries. IDMC, the University of Bern and the World Bank all participated in the Mombasa meeting in order to highlight the relevance of development actors in such processes.

The Entebbe Workshop, November 12th-13th

The workshop that took place in Entebbe, Uganda on the 12th – 13th November 2012 was conceptualized as a follow-up initiative to the Mombasa event and maintained a dual emphasis on legal and development approaches to redressing displacement in Uganda. The workshop was organised by the AUC, NRC Uganda and IDMC with the purpose of establishing a dialogue between legal and humanitarian experts and development actors from multiple levels of the government and CSOs in Uganda to facilitate the future process for domesticating and implementing the Kampala Convention. The World Bank and Nordic Trust Fund sponsored the event.

The workshop was national in scope and conceived as a pilot workshop with the aim of examining law and policymaking at the national level and identify practical steps, in particular for development and legal actors, for action towards the domestication and implementation of the Kampala Convention in the Ugandan country context.

The main objectives of the workshop were:

1. To understand the obligations of the Kampala Convention and its meaning for Uganda.
2. To acknowledge the importance of development action addressing internal displacement and discuss how best to address this in the context of the Convention.
3. To learn from the past to inform the process to domesticate and implement the Kampala Convention in Uganda.
4. To learn about participatory processes to develop national laws & policies on internal displacement.
5. To identify elements of an action plan towards domesticating and implementing the Convention in Uganda.

Uganda as pilot country

Uganda was chosen as the site for the first pilot workshop because of the country's history of leadership on addressing the issue of internal displacement in Africa. Uganda was the first nation to ratify the Convention for the Protection and Assistance of Internally Displaced Persons, consequently the Convention is colloquially known as the Kampala Convention or KC. Uganda has experienced a protracted IDP crisis concentrated in the country's north for the last twenty years and has taken several actions to address the problem, in particular in 2004, Uganda was among the first countries worldwide to develop a national IDP policy. Uganda is also State party to the Great Lakes Pact that in its IDP protocol requires the legal domestication of the Guiding Principles on Internal Displacement. In many ways, KC built on this precedent, extended its jurisdictional reach across the entire African continent.

As a result of Uganda's high level of political will and leadership on meeting the needs of IDPs, large-scale return and other settlement options have been facilitated and the majority of IDP camps have been dismantled. However, fostering conditions to sustain durable solutions for all IDPs in Uganda's north is a

continuing challenge - one that is primarily developmental in nature. Uganda may face new displacement events in the future, particularly induced by both sudden and slow onset natural disasters, for which it will need to be better prepared. Uganda's political will and continuing need to tackle the issue of internal displacement made it a logical choice as the site of the first nationally-tailored workshop to plan for the domestication and implementation of the Kampala Convention.

The Participants

The workshop was attended by members of the Ugandan Government (11 participants, 6 from central government ministries and five from local governments), two IDP representatives from the country's North (Gulu) and Northeast (Karamoja), Ugandan CSOs (16 participants), the United Nations in Uganda (1 participant), and the World Bank DC (1 participant). One participant from Kenyan civil society attended the workshop to share the Kenyan experience of building a participatory process for the development of national legislation. (See Annex A – Participants' List)

Opening session: Nov. 12th, Day One of the Workshop

The first day of the two-day workshop laid out the objectives of the workshop, introduced and discussed the specific provisions of the Kampala Convention, and centered on an examination of internal displacement as a significant developmental phenomenon. Presentations analysed the relationship between development and internal displacement, articulated a human rights based approach to development, and identified key development challenges to addressing the displacement context in Uganda.

Official Opening – 4 Speakers:

Professor Tarsis Bazana Kabwegyere¹, the Minister for Special Duties in the Office of the Prime Minister, opened the workshop. In his opening remarks, Minister Kabwegyere noted the importance of the Kampala Convention in addressing internal displacement and its challenges and urged all stakeholders – including the African Union and the Ugandan Ministry of Foreign Affairs – to push other African countries to ratify the Convention. The Minister’s remarks also included comments on the development challenges of internal displacement, including the negative impact of prolonged camp life on the resilience of communities. Professor Kabwegyere encouraged all actors involved to properly analyse political interests when working on finding durable solutions for the displaced, citing his experience with the closure of IDP camps in Uganda and the resistance by some political actors and NGOs.

Speaking next, Mr. Yadhkan El Habib, the representative of the African Union Commission, highlighted the activities undertaken by the AUC to operationalize the Kampala Convention, including the Mombasa legal experts meeting and the model law prepared by the AU Commission on International Law (AUCIL). In his presentation, Mr. El Habib stressed that there is no one-fits-all approach when it comes to the domestication of the Convention and advocated for a tailored approach fitting the specific circumstances of each country.

The third member of the panel, Professor Walter Kälin, the Former Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons explained the uniqueness of the Convention and its relevance for development actors. Professor Kälin emphasized how this binding regional instrument details the obligations and responsibilities of duty-bearers (both State and non-state) to enact the provisions of the KC beyond restating the rights of IDPs. Professor Kälin noted that some countries consider the KC to be too demanding and highlighted the need for stakeholders to help countries meet their obligations under the Convention. Professor Kälin concluded by explaining that the Convention needs to be implemented at the legislative level and noted that Uganda has the opportunity to lead in this regard by promulgating legislation to implement the Convention.

Rounding out the opening panel, Mr. Charles Wabwire, from the Norwegian Refugee Council (NRC) Uganda discussed the activities of the Norwegian Refugee Council (NRC) Uganda in supporting the

¹Professor Tarsis Bazana Kabwegyere was the Minister of Relief, Disaster Preparedness and Refugees when the Kampala Convention was drafted.

implementation of the Kampala Convention. He outlined five program areas that NRC Uganda focuses on:

1. Emergency food Distribution / Food for Life,
2. Education (Teacher training, YEP, ALP, Infrastructure Development),
3. Durable Solutions – (Camp management, facilitating and monitoring the voluntary return),
4. Food Security and Livelihoods (supporting re-establishment of household agricultural productivity),
5. Information, Counseling and Legal Assistance (ICLA) –(provides training, information, training and legal support to enable IDPs and returnees make informed decisions with respect to property rights, voluntary return and local integration)).

Mr. Wabwire then discussed the need to address land issues, which are undermining the efforts to find durable solutions for IDPs in northern Uganda and explained how NRC Uganda’s ICLA program has acted to document customary land ownership in northern Uganda in line with national policy and legislation.

The Kampala Convention – the obligations for governments

Mr. Yadhkan El Habib outlined the major provisions of the Kampala Convention to the participants. The presentation discussed the general scope of the Convention and the main obligations of the State parties of the Convention ranging from obligations to prevent displacement, responsibilities during displacement, and responsibilities to end displacement and support conditions that advance and entrench durable solutions.

When discussing the prevention of displacement, Mr. El Habib explained that causes of displacement have to be addressed and such causes, as contained in the KC, include political, social and cultural exclusion and marginalization, protection of human rights, prohibition of arbitrary displacement (as defined in article 4 para 4), ensure accountability of non-state actors as well as individual responsibility for acts of arbitrary displacement. Mr. El Habib also referred to obligations of States to protect communities with special attachment to and dependency on land due to their particular culture and spiritual values which bore continued relevance in designing assistance programs for populations even after they had been displaced and a necessary consideration when building durable solutions for IDPs. Mr. El Habib stressed as well articles 11.4 and 11.5 in the Kampala Convention which require States parties to take all necessary measures to establish appropriate mechanisms for resolving land disputes (11.4) and restoring lands to communities with special dependency or attachment to those lands (11.5).

By highlighting the particular relevance of these articles to the Ugandan context, Mr. El Habib reiterated a point he made in his opening presentation that each country needs to develop its own tailored approach to the domestication of the Convention that fits specific circumstances of its national context. He also noted that the efforts to domesticate the Convention could be achieved by enacting new laws as well as amending the existing laws dealing with IDPs.

Development action – towards a rights-based approach to implement the Kampala Convention

Professor Kälin laid out a human rights based approach (HRBA) to development in a presentation that identified key entry points for development actors to improve the lives of IDPs. He outlined five aspects of the HRBA that would benefit the ability of development actors to design and implement effective development interventions:

1. A HRBA is a *responsibility-based approach*: it specifically identifies rights holders and duty bearers.
2. A HRBA sets out a set of minimum standards for *process*: Access to information, consultation and participation as a matter of entitlement.
3. A HRBA sets out criteria for *substance and content*: Human rights consistency of development interventions, in particular non-discrimination.
4. A HRBA lays out *safeguards*: Do no harm.
5. And a HRBA calls for *accountability*: requiring the set of M&E mechanisms, complaint processes and effective remedies.

Professor Kälin discussed the displacement-development nexus and linked the need to address the development challenges of internal displacement in Africa with the World Development Report (WDR) 2011's key finding that strengthening institutions and governance that provide security, justice and jobs decrease the likelihood of renewed outbreaks of violence. Professor Kälin examined the relationship between development and displacement and spoke of the crucial need to involve development actors early in the response to displacement to bridge the early recovery gap. Professor Kälin emphasized that the lack of development or declining levels of development contributes to instability and the weakening of community resilience that may cause displacement. Displacement in turn "has significant developmental impacts that affect human and social capital, economic growth, poverty reduction and environmental sustainability" and jeopardizes the achievement of the Millennium Development Goals (MDGs). However, Professor Kälin also drew attention to ways in which displacement may actually offer development opportunities (e.g. the influx of better qualified people into communities and the opportunity to "rebuild better" in the post-displacement phase).

Professor Kälin referenced Michael Cernea's Impoverishment Risk and Reconstruction Model (IRR Model). He explained that each of the model's impoverishment risks and associated prescribed remedies has a corresponding human right, illustrating this point with four examples as follows:

- >From landlessness to access to / restitution of land; - *right to protection of property / land rights*
- >From joblessness to reemployment; - *right to work and livelihoods*
- >From homelessness to temporary shelter and permanent housing; - *right to adequate housing*
- >From increased morbidity to improved health care during and after displacement; - *right to health*

These are rights the development community can draw on to design their interventions and bolster the justifications for certain kinds of service deliveries. Professor Kälin then concluded his presentation with

examples of which specific articles in the KC bind duty-bearers to improve access to basic services (Article 9 and 11 Kampala Convention). Other articles set out obligations to re-establish livelihoods and food security (Articles 3 and 11 Kampala Convention), secure access to housing, land and property and securing corresponding rights (Articles 4, 9, 11 Kampala Convention), and strengthen governance, in particular local governance (Art. 3 Kampala Convention).

In the following question and answer session directed to all members of the panel, participants commented on best practices to ensure HRBA-consistent programming and raised concerns on what populations (camp vs. non-camp) and what kinds of development programs really needed resourcing:

- Participants commented that stakeholders should attempt to use the PANEL approach in all program planning:
 - o P = participatory
 - o A = accountability
 - o N = non-discrimination
 - o E = empowerment
 - o L = local governance

- Mr. El Habib fielded a question on what legal remedies are available to hold governments to account on IDP issues for those countries that have not yet ratified the Kampala Convention by reminding participants of legal instruments such as the African Charter of Human Rights that governments that have ratified the instrument are bound to uphold.

- Panelists also reminded stakeholders to consider the needs of IDP populations residing both inside officially-recognized camps and outside camps where the majority of Ugandan IDPs now live. They also reiterated the importance of meeting the needs of populations displaced by disasters and development projects in addition to the needs of those displaced by conflict.

- Stakeholders were reminded that to meet the development challenges of displaced populations, job creation is insufficient and skills training is often more crucially needed. Focusing on the first tackles the problem of unemployment, while focusing on the second tackles the problem of unemployability. The latter is the more accurately articulated problem afflicting many of Uganda's displaced, particularly those who are unable to reclaim former agricultural livelihoods.

Learning from the past: Identifying development challenges to internal displacement and corresponding recommendations - Presentations and Working Groups

In the afternoon of the workshop's first day, four speakers detailed the development challenges that confront IDPs and the host communities supporting IDP populations in four different socio-economic and political sectors. Speakers outlined a set of initial recommendations to meet the challenges in each respective sector. These presentations and suggested recommendations were elaborated further in break out groups on each of the four sectors.

Local Governance: Input by Martin Ojara Mapenduzi, District chairman of Gulu

Mr. Ojara's presentation discussed the following challenges that undermined the effectiveness of local governments (districts) in addressing the development challenges of internal displacement:

- Inability of the local governments to raise revenue. For instance, Gulu District is able to raise only 1.4% of its revenue from local sources. Since the local population is poor, the district is unable to raise tax revenue.
- Lack of clear budget lines dealing with IDPs complicates the local response to the needs of IDPs. For instance, each district has been required to establish a district disaster management committee (DDMC) but these committees have not been resourced with a corresponding budget line. In effect, they cannot establish the DRRM preparedness measures that would mitigate the risk of displacement and disaster casualties in the future.
- The structure of the local government does not function well in camp situations. The parallel camp institutions (camp management committees) that have been developed are making it difficult for the local government institutions to be effective.
- The need to include IDPs in the development planning process.

Contributions from the working group on local governance:

The group discussion identified the following additional challenges:

- The absence of any line department within the local government that handles displacement.
- The absence of any budget line at the national or local government level allocated to address IDP issues.
- The failure of the Local Government Act to deal with issues of displacement.
- The limited powers of DDMCs that result from their "working group" status which could be expanded if DDMCs were structured as departments within the local government with offices at all levels of the district (including sub-county and parish levels).
- Poor coordination between the NGOs working on displacement and local governments. This leads to a syndrome of dependency and the local populations relying on NGOs rather than local governments.
- The failure of NGOs to deal with development issues. Most NGOs leave after the emergency phase is over, causing an early recovery gap.

- The poor capacity of the local governments at both the political and technical level to implement new programs even when they exist and are funded.

The group discussion made the following recommendations:

- **Name a department focal point:** designate a clear structure within the local government to cooperate with NGOs on the issue of internal displacement. Link this person with relevant actors at the national Ministry of Relief, Disaster Preparedness and Refugees.
- **Strengthen the district-level reconciliation peace teams.** For instance, in Gulu, this committee was formulated and is led at the district level. Train local civil servants in mediation and counseling skills as the most frequent issues brought before local government tend to involve land issues (in Gulu, 30% of all issues brought to the chairman) or domestic violence (in Gulu, another 30% of issues brought to the chairman). More civil servants with conflict management training will help reduce the backlog of cases and help rebuild the social capital in the community.
- Develop an early warning system. Create a department that monitors disasters at the local level or give these functions to an existing department such as the Ministry for Gender or Ministry for Labour. Run DDMCs out of the department with disaster-monitoring duties and use the structures of the department to implement decisions of the DDMCs.
- Make a deliberate attempt to link emergency with development starting from the emergency phase.

Land: Input by Norbert Mao, President of the Democratic Party

Mr. Mao's presentation was based on a recent Oxfam report on land issues in Uganda. He noted the challenges associated with ownership, access to land, and transfer of land and identified the following two tensions with regard to land issues in northern Uganda:

- Individual v. collective rights – by law, the land in Uganda belongs to the community and the efforts to allocate land to individuals (like the recent move of the government to give 10,000 hectares of land to an investor) could violate the community rights.
- Women mostly working on the land v. men who tend to own the land. The gender dimension of land ownership needs to be addressed. Women who inherited the land are often denied the right to own it.

Mr. Mao's presentation also included a discussion on customary land ownership, which recognizes oral records of land ownership as proof of possession and right to the land in question. Since violent conflict in the north has ended, the price of land in the north and competition over land has increased, which is already leading to increased instances of land grabbing and could lead to renewed outbreaks of fighting and violence unless properly handled.

Mr. Mao made the following recommendations:

- In the short term, there is the need to:
 - Build the capacity of institutions dealing with land.
 - Avoid a donor-centric approach. Donors should work in partnership with local actors, rather than attempt to dictate the activities of local actors.

- Empower communities to resolve land disputes by setting up education programs on land tenure.
- In the long term, there is the need to:
 - reform the land policy to:
 - clarify the extent of land ownership.
 - limit the amount of land that could be held by individuals.
 - strengthen local land record.
 - monitor the operation of land markets.
 - address the unequal land access of women.
 - decentralize political and economic processes and promote economic activities that are not based on land (such as micro-enterprise and vocational training).
 - promote regional integration (for instance into the East African Community).

Contributions from the working group on land:

The group discussion identified the following additional challenges:

- Before displacement, inequalities already existed in terms of access to and ownership or use of land.
- During displacement these inequalities were aggravated. Furthermore,
 - The legal framework concerning land changed while IDPs were in camps. IDPs were not given the opportunity to consult on the changes to relevant land laws. Consequently, land was gazetted (publically listed and assigned an official classification, sometimes declared to no longer be residential) while people were displaced. IDPs only became aware of these changes when they began to return to their places of origin.
 - Many land titles were issued on basis of fraudulent claims and fraudulent land transactions resulted. Nevertheless, the titles were recognized as legally valid documents that had been improperly allocated.
 - Changes in gender relations and breakdown in social fabric – the customary laws have changed, aggravating issues of dispossession and deprivation.
- Post-conflict/return situation phase:
 - The inability to identify the exact boundaries of land plots.
 - The value of the land rises and land transactions become common in the context of weak legal framework.
 - In contexts where community relations have been torn apart by conflict and local government, populations have lost trust in their institutions and leaders and stopped acknowledging their authority on land matters among other community issues.

The group discussion identified the following additional recommendations:

- Develop comprehensive legal framework on land matters and designate those to decide on them.
- Strengthen alternative dispute resolution processes empowered to resolve land issues and provide information and counseling services.
- Support communities to use the land productively; i.e., degazette the land that was gazetted and protect land access for vulnerable members of society.

Access to services: Input by Anthony Atube Omach, Chairperson of Amuru District

Mr. Omach's presentation focused on the challenges that limit accessibility to essential services. He identified the following:

- scarcity/availability of service points, affordability (scarcity enables the few service points that do exist to inflate their prices), and poor quality (for instance, many teachers have faked their certificates because local authorities lack capacity to carry out verifications).
- Ineffective decentralization. In the case of Uganda, decentralization has been more theoretical.
- Lack of local revenue sources. Mr. Omach raised the fact that the Office of the Prime Minister (OPM) controls the funds allocated for the areas affected by internal displacement as opposed to giving these allocation powers to district offices.
- Poor relationship between central and local governments.
- Political interference – it is not in the interest of the OPM to delegate too much power to districts.

Contributions from the working group on access to services:

The group discussion focused on the following services – health, water, education – and identified the following additional cross-cutting challenges:

- Poor planning.
- Incompetent service providers – for example teachers are not trained properly.
- Corruption.
- Inadequate staffing/human resources to meet the needs of local populations.

The group discussion made the following recommendations:

- Increase budget allocations for the three service areas indicated above.
- Use of human rights based approach during planning and programming processes.
- Map resources to determine equitable distribution.
- Strengthen coordination between government, NGOs and service providers at all levels:
 - The central role of the government should not be outsourced. Government should play its part.
- Monitor and evaluate the delivery of all services to ensure quality.
- Ensure that laws on service provision are in line with the Kampala Convention.

Livelihoods: Input by David Pulkol, Director of the African Leadership Institute

Mr. Pulkol's presentation also focused on the challenges affecting livelihoods restoration and identified three interconnected elements that a development program needs to address to effectively improve the livelihoods of populations: (1) The capabilities of the people, (2) The assets or resources people have access to, and (3) The activities in which they can engage. Mr. Pulkol emphasized the importance of designing and implementing sustainable livelihoods program and identified the following six principles:

- Programs need to be people-centered.

- Partnerships need to be built that link micro level activities to macro level processes. Mr. Pulkol gave the example of enabling IDPs to sell food to the WPP in a reversal of the usual state of affairs where they are passive recipients of food aid.
- Programs must address or at least understand the levels of social, human, financial, and physical capital into which the program is being injected.

The main challenge, according to Mr. Pulkol, is at the top level. He identified weak leadership and an inadequate policy environment as major constraints on livelihoods restoration. He noted that the existing policy focuses on addressing one or two displacement situations and is not a nation-wide IDP policy.

Mr. Pulkol made the following recommendations:

- Peace and national reconciliation
- A different fiscal arrangement along the lines described below:
 - 60% of the funds should be directly given to the beneficiaries.
 - 30% of the funds should be given to local government.
 - 10% of the funds should be kept at the Office of the Prime Minister.
- Develop a policy for disaster preparedness.

Contributions from the working group on livelihoods:

The group discussion identified the following key challenges to livelihoods restoration:

- Undeveloped human capital – inadequate access to education, food, health has impact on human capital.
- Inadequate financial capital – lack of access to credit.
- Damaged social capital – a consequence of the traumatic effects of conflict and displacement.

The group discussion made the following additional recommendations:

- To improve human capital – government should provide apprenticeship programs for IDPs. Furthermore, various different actors should make efforts to support increased and expanded educational opportunities (including adult literacy programs), improve access to health programs, and establish programs to attract human skills.
- To improve financial capital – IDPs should be encouraged in their attempts to form cooperatives so that they can access better credit. The possibility of cash transfer should be explored.
- To improve natural capital – the access to productive resources (e.g. land) needs to be managed more efficiently.
- To improve physical capital – new infrastructure must be built and existing infrastructure fixed (including housing as well as health and education centers).
- To improve social capital – concerted efforts must be made at all levels of government to forge national cohesion and reconciliation.

Looking ahead: Nov. 13th, Day Two of the Workshop

Whereas the first day primarily focused on articulating the relationship between development and internal displacement, a human rights based approach to development, and key development challenges to addressing displacement in Uganda; the second day centered on the design and implementation of national laws and policies to address internal displacement and tailor the Kampala Convention to individual country contexts.

The second day opened with a brief introduction of The Nordic Trust Fund and the knowledge and learning program it conducts for World Bank staff on human rights and development. The day then proceeded to presentations on Kenya's experience in shaping a comprehensive participatory process capable of plugging into national law and policy making.

Legal domestication of the Kampala Convention – how to do national law and policymaking? Shaping a participatory process

Nina Schrepfer, an advisor at the Internal Displacement Monitoring Centre (IDMC), shared insights from accumulated experiences advising the national law and policymaking efforts of various national governments on internal displacement. She laid out a rationale for not only adopting but adapting and domesticating the KC. First, she pointed out the obligations in the Convention that require States to designate a focal point with the responsibility to oversee all IDP matters. This obligation helps to systematize domestic responses to displacement situations and structure coordination between national and international responders. It also helps authorize sufficient funding for the protection and assistance of IDPs, and facilitates domestic policy processes on internal displacement.

Ms. Schrepfer then identified and analysed the inputs to and steps of a process needed to build viable national instruments on internal displacement. Focusing on the knowledge need, she explained the importance of gathering information and data critical to building an IDP profile of the specific situation, including information on the magnitude, location, causes and patterns, protection and humanitarian needs, and perspectives for durable solutions of afflicted populations. She argued that IDP profiles ground law or policy in socio-economic and political realities which not only make the content of an IDP instrument relevant but ensure national ownership and broad buy-in from relevant stakeholders in a law or policy on internal displacement.

Ms. Schrepfer then laid out the following **seven-stage process** for developing a national instrument:

1. Initiation of the process.
2. Preparation of the process.
3. Organisation and institutionalization of the process.
4. Consultation and drafting of the instrument.
5. Validation of the instrument.
6. Adoption of the instrument.
7. Implementation of the instrument.



Figure 1: Suggested stakeholders for ensuring an inclusive process

She emphasized the importance of making the process accountable, inclusive and transparent. The process should maximize accountability by positioning IDPs and their rights and needs at the heart of the process, making the steps of the process transparent and inclusive. Information should be sought from a wide array of sources; a series of consultations should take place with as inclusive a set of stakeholders as possible at both central and local levels; and a wide-range of stakeholders should be empowered to participate in the actual drafting of the national instrument. Lastly, every stakeholder should be given an opportunity to validate a comprehensive draft of the instrument. By following these steps, resulting instruments will be both more relevant and more viable pieces of legislation.

Ms. Schrepfer concluded her presentation with the following suggestions for how to depoliticize a political process:

An inclusive process is relevant in order to avoid counter-reactions or resistance at the political and practical levels and makes an IDP instrument viable.

→The process should include practitioners from various sectors, including those who experienced internal displacement, who can give legitimacy to an IDP instrument.

→The process should access the relevant political actors at the appropriate levels at the right time, while remaining at the technical level of practitioners.

Development of Law and Policy in Kenya (Kenyan experience)

Mr. Rufus Karanja, the Advocacy Program Officer of the Refugee Consortium of Kenya (RCK) illustrated the steps presented by Nina Schrepfer by sharing insights from Kenya's experience developing an IDP policy and act.

Mr. Karanja's presentation focused on the formation of the Protection Working Group on Internal Displacement (PWGID) in Kenya; RCK's experience as part of the PWGID; and the lessons learned on challenges the PWGID has encountered in its efforts to advance law and policy on internal displacement.

Mr. Karanja noted that the Kenyan process faced the following challenges:

- Kenya's fast evolving political environment – the tumult after the 2008 elections and the glut of post-election violence (PEV), renegotiations over the constitution, debate over the International Criminal Court (ICC)- and the consequent uncertainty of the policy making process that it produced.
 - The inability to have a definite timetable for adoption of the policy, which made it difficult to plan for execution of the Advocacy and Dissemination Plan.
- It was a challenge to harmonize the two processes of simultaneously pursuing a policy and bill to implement the policy on IDPs, yet there were also advantages of a dual process.

Mr. Karanja's presentation highlighted the following lessons learnt during the process:

- The need to have an open, consultative and participatory process from inception to conclusion, including the UN, CSOs, INGOs, and IDPs, in addition to government agencies.
 - The need to bring various constituent groups (including IDPs) to the process from the outset.
 - A collaborative approach is essential to achieving a holistic draft of the policy or bill with a broad consensus.
- The need to move away from ad hoc processes to processes where roles and responsibilities are clearly allocated, where actors are committed to clear outputs and timelines.
- The advantage of pursuing a dual process simultaneously (pursue both IDP policy and IDP bill) allowed for cross-fertilization and using different political dynamics in Parliament and Cabinet.
- Developing an implementation plan to accompany the policy – with clear time frames, identified milestones and responsibilities.
 - An advocacy strategy must be adapted to an evolving political environment and emerging concerns. e.g. prioritizing sensitization of emerging key actors.
 - The benefit of maintaining formal and informal contact with relevant government agencies for follow-up and lobbying.
- The need to understand the root causes, manifestations and cross cutting concerns of the displacement problems so as to formulate the right solutions.
- The important benefits of involving external expertise in the development of the policy and bill for the following reasons:
 - entrenches human rights frameworks and best practices;

- brings in a technical angle to the drafting process by someone external without prior involvement and therefore independent,
- and can create strong counterweights to the lack of political will and hang-ups in political processes (if the external experts are sufficiently powerful and revered authorities, such as UN agencies)

Mr. Karanja's presentation provided a detailed and contextualized example of successfully developing and realizing a national instrument on internal displacement. At the same time, the lessons learned were sufficiently general to provide useful guidelines for other countries to use for the *process* of building national instruments. Following the morning sessions that focused on process guidelines, Mr. El Habib suggested guidelines on legal content or, at least some general ways to frame legal content specific to efforts to domesticate the Kampala Convention.

A model law to the Kampala Convention – a tool to support legal domestication

Mr. Yadhkan El Habib of the AUC made a brief presentation on the draft model law. Mr. El Habib explained that incorporation into domestic law can be done through new legislation when and where necessary, but it can also be done through amending or adjusting the implementation of existing laws. In other words, domestication is first an exercise of assessment of existing legal system in order to amend, adjust or enrich it. He then described the various parts of the model law which was organised to follow the structure of the Kampala Convention, thus addressing the three phases related to displacement: prevention, protection and assistance when displacement occurs and finally durable solutions.

Mr. El Habib stressed that the question of National authority or competent authority is of particular importance. He added that Chapter 12 of the draft model law this question. Under article 50 of the draft model law, it is stated that the Government shall establish or designate a National Coordinating and Implementation Mechanism to coordinate government's effort regarding prevention, mitigation and response to internal displacement. The Government shall make available appropriate funds for the effective implementation of the powers and responsibilities of the Mechanism.

On the structure, Membership and prerogatives and responsibilities of the National mechanism, the draft model law gives some indications but the issues remain to be defined at the domestic level.

Examples of these indications are contained in article 51 and include nomination of the by highest executive decision making organ; membership should include Relevant ministries, Representatives of Provincial/Regional States, National Disaster Early Warning, Preparedness and Management Mechanism, National human rights institution, National Red Cross and Red Crescent Society, Representatives of civil society organisations, and Representatives of internally displaced persons.

On prerogatives and responsibilities, some elements are contained in article 52 and include serving as focal point for the implementation of the Kampala Convention; Coordinate the development of plans, policies and strategies including prevention, early warning, mitigation, and response on internal displacement; Assess or facilitate the assessment of the needs and vulnerabilities of internally displaced

persons and of host communities; facilitate the provision of training and capacity building programs; Facilitate the participation of internally displaced persons and other vulnerable groups in the planning, execution and monitoring of implementation of policies, strategies and programs on internal displacement; facilitate humanitarian access to internally displaced persons for relief and assistance and others.

Following the presentation, Professor Tarsis Bazana Kabwegyere, the Minister for Special Duties in the Office of the Prime Minister, expressed his appreciation of the efforts to develop a model law that could accommodate the various displacement situations. He urged the AUC to conduct an inventory of competent authorities that should be taking these drafting efforts forward in each State signatory to the Convention.

Professor Walter Kälin remarked on the value of a model law to countries that lack knowledge and capacity for initiating the development of new laws or policies on internal displacement. He also noted that countries with the capacity, such as Uganda and Kenya, could go beyond the minimum scaffolding of the model law and create more comprehensive and tailor-made instruments. Professor Kälin identified four areas that could not be addressed by any model law because they deal with sovereignty. These are:

- **Clear allocation of responsibilities at the domestic level** – address overlap of responsibilities at the ministerial level. In a decentralized system, the set of actors for a specific national context must designate the responsibilities of different stakeholders for each level from the local to the national level.
- **Coordination body** – a generic model law cannot clearly define the structure for coordinating between different groups of actors nor specify the responsibilities each member of the coordination should assume.
- **Gap between responsibilities and resources.** This is a challenge that particularly effects the delegation of powers between the central and local levels. One of the most common manifestations is the lack of clear budget lines for certain programmes.
- **Coordination between IDP specific law and other sectoral laws** – Where the tendency is for more broadly sectoral laws to prevail over IDP specific laws. This could hamper the implementation of the IDP law.

Working group contributions

Following Mr. El Habib's presentation and the questions that followed, the participants broke out into their working groups again and revisited each respective issue in light of the workshop's formal sessions and informal discussions resulting in the following set of contributions:

2nd day contributions from the working group on local governance:

- New legislation should set out a clear structure, naming departments and corresponding functions of those departments

- The Local Government Act should be amended to include internal displacement and specify conflict-sensitive programming and psycho-social assistance.
- Line budgets need to be incorporated into the new structure to empower local government.

2nd day contributions from the working group on access to services:

- The 2004 IDP policy provided a coherent framework but left several gaps which now need to be filled, for instance by extending services to IDPs residing outside camps, incorporating minimum quality standards, and specifying remedies where possible.
- There is a need to officially assign clear responsibilities for implementing, monitoring and reporting on service delivery to specified service providers.

2nd day contributions from the working group on land:

- There is a need for citizens advocacy:
 - Info sharing on IDPs' rights and the violations of those rights, so they are known by broader constituencies.
- There is a need for an adequate legal procedure and therefore for a review of the existing IDP policy.
- There is a need for data collection – the data center created in the north of Uganda has yet to generate any data on IDPs.

2nd day contributions from the working group on livelihoods:

- The following provisions need to be explicitly incorporated into the existing policy or any future legislation:
 - Freedom of movement, access to health care and psycho-social support, access to information for IDPs.
 - A recognized right and clear process for addressing past violations, including specifications on available remedies, reconciliation efforts (e.g. truth commissions), and alternative dispute mechanisms.
 - Establishment of a specific humanitarian fund.

Conclusion of the workshop:

Professor Kälin closed the workshop by outlining the way ahead. He spoke of the need to analyse current legislation and identify gaps. This process had begun during day two and indicated that the need for:

5. A new legal instrument to domesticate the Convention in Uganda,
6. The amendment of the existing IDP Policy enacted in 2004 in light of the Kampala Convention.

Professor Kälin emphasized the importance of mapping stakeholders. He acknowledged the workshop and its participants as the first step of a forum process to build an inclusive participatory approach to shape the campaign to domesticate and implement the Kampala Convention. Professor Kälin spoke of the importance of bringing stakeholders on board, particularly government stakeholders, such as the OPM, MPs, and the Parliamentary Committee for Human Rights. He also encouraged participants to establish a steering committee, working group or alternate body that could direct the policy-making process. Professor Kälin urged participants to agree on a timeline for achieving major benchmarks in the process. Finally, he encouraged participants to launch an advocacy campaign to raise awareness of the Kampala Convention's passage, the need to implement it in Uganda, and explained the interest from donors and technical parties to support a domestic-led process.

The workshop in Entebbe was conceived as a pilot project and if funds permit, the AUC will organise a similar workshop with other AU Member States that have ratified the Convention. Overall, despite some challenges in form and substance, the workshop was a success and generated a productive dialogue for action in Uganda.

Annex A: List of Attending Participants

NAME	DESIGNATION	CONTACT INFORMATION
Hon. Tarsis Bazana Kabwegyere,	Minister of Special Duties Office of the Prime Minister	kabwegyere@parliament.go.ug +256 414230294
Hon. Norbert Mao	President of the Democratic Party Former Member of Parliament & Former Chairman LC5 Gulu District	nmao@parliament.go.ug +256 702011011
Yadhkan El Habib	Representative of the AU, Political and Legal Officer - Geneva Office	Elhabiby@africa_union.org +41788802057
Prof. Walter Kaelin	Former Special Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons	walter.kaelin@oefre.unibe.ch
Charles Wabwire	Senior Grants and Reporting Manager Norwegian Refugee Council (NRC) – Uganda	tomcwabwire@yahoo.co.uk charles.wabwire@nrc.no +256 772711815
Francis Mutungi	Foreign Service Officer, Ministry of Foreign Affairs	Fmutungi.mutungi@gmail.com
Mpungu Moses	Third Secretary, Ministry of Foreign Affairs	m.mpungu@yahoo.com
Kangume Sheila	Personal Assistant of the Hon. Simon Mulongo Defense and Internal Affairs Committee	Kangumesheila@gmail.com +256 772845725 +256 782719811

Patricia Cingtho	Justice Law and Order Sector Ministry of Justice Directorate of Public Prosecutions	pcingtho09@yahoo.com +256 788565122
Hon. Ojara Martin Mapenduzi	Chairperson of Gulu District	ojaramapenduzi@gmail.com +256 777763640
Hon. Luka Nyeko	Chairperson of Kitgum District	Luke.neyko@yahoo.com +256 0775600540
Hon. Wellborn Ottober Odai	Vice Chairperson of Pader District	ordyawellborn@gmail.com +256 775084488
Hon. John Lorot	Chairperson Nakapiripirit District also Chairperson Karamoja Region	nakapit@yahoo.com +256 753333872 +256 772404855
Hon. Atube Omach Anthony	Chairperson of Amuru District	Aomach1955@yahoo.com +256 772425946 +256 752425946
Loduk Hudson	Community Representative Karamoja region	nakapit@yahoo.com +256 753333872 +256 772404855
Gloria Namuleme	Uganda Human Rights Commission (UHRC)	gloria.namuleme@uhrc.ug +256 414348006 +256 772637835
David Pulkol	Director African Leadership Institute	mzeedpb@gmail.com +256 7552938445 +256 703868309
Olanya Gomeri Amen	Former Camp Commandant	+256 772902094 +256 774801530

Deborah Mulumba	Department Women and Gender Studies Kyambogo University	Ugarose@infocom.co.ug +256 782422883
Stephen Oola	Head of Research and Advocacy Department Refugee Law Project (RLP)	s.oola@refugeelawproject.org research@refugeelawproject.org +256 772398275
Awici Charles Churchill	Institute of Peace and Strategic Studies Gulu University	awici@yahoo.co.uk +256 778374694
Nelson Wajja-Musukwe	Country Director Action Africa Help International	w.musukwe@gmail.com +256 414287780
James Ronald Ojok	Lead Gender Researcher Refugee Law Project	j.ojok@refugeelawproject.org +256 772889885
Patrick Amihere	Head Sub-Office Gulu UN OHCHR	amiherep@gmail.com +256 772775790
Maria Akio	Legal Officer Amnesty Commission	Marik41@yahoo.co.uk +256 414257118 +256 782203863
Faisal Thembo	Program Officer African Initiative for Relief and Development (AIRD) / UNHCR Program	tikfaizo@yahoo.com +256 992 554
Munyamaliza Zikiama	Executive Director African Refugee Education for Development (ARED)	zikamy2001@yahoo.com +256 755302844

Bishop Ochola II M.B.	Core Team Member Acholi Religious Leaders Peace Initiative (ARLPI)	bishopochola@gmail.com +256 777912225
Olive Ederu	Justice and Reconciliation Project	loederu@justiceandreconciliationproject.com +256 782645054
Odong-Yoo Francis	Executive Director Human Rights Focus (HURIFO)	ed@hurifo.org +256 772649642 +256 794432266
Alex Gumisiriza	Assistant Programme Officer Northern Uganda Agricultural Livelihoods Recovery Programme (ALREP)	a.gumisiriza@opm.nulep.org gumisirizaalex06@yahoo.com +256 782663808
Victor Ochen	Executive Director African Youth Initiative Network	victorochen@yahoo.com +256 772539879
David Obol	Under Secretary Uganda Law Reform Commission	dobol@ulrc.co.ug +256 772515010
Rufus Karanja	Advocacy Programme Officer Refugee Consortium of Kenya	rufus@rckkenya.org +254 724279772
WORKSHOP ORGANISERS		
Komakech Lyandro	AUC Consultant	lyandro@gmail.com +256 414232552 +256 772559961

Sandra Oryema	Workshop Organiser, Advocate (ICLA Program) Norwegian Refugee Council (NRC) - Uganda	sandra_oryema@yahoo.com +256 772711819
Sarah Apio	Workshop Organiser, Administrative officer Norwegian Refugee Council (NRC) – Uganda	sarahapio@yahoo.com
Nina M Birkeland	Deputy head of IDMC and the Head of the Policy and Research Department Internal Displacement Monitoring Centre (IDMC)	nina.birkeland@nrc.no
Nina Schrepfer	Advisor Internal Displacement Monitoring Centre (IDMC)	nina.schrepfer81@gmail.com
Allison Fajans-Turner	Workshop Organiser Internal Displacement Monitoring Centre (IDMC)	afajans@gmail.com
Martina Caterina	Workshop Organiser and Country Analyst for East Africa Internal Displacement Monitoring Centre (IDMC)	martina.caterina@nrc.ch
Sara Gustafsson	Senior Program Officer, Knowledge & Learning Nordic Trust Fund, World Bank	sgustafsson@worldbank.org
Yonatan Araya	Global Program on Forced Displacement World Bank	yaraya@worldbank.org

Annex B: Compiled List of all Recommendations

From Chairman Mao's Presentation on Land:

- In the short term, there is the need to:
 - Build the capacity of institutions dealing with land.
 - Avoid a donor-centric approach. Donors should work in partnership with local actors, rather than attempt to dictate the activities of local actors.
 - Empower communities to resolve land disputes by setting up education programs on land tenure.
- In the long term, there is the need to:
 - reform the land policy to:
 - clarify the extent of land ownership.
 - limit the amount of land that could be held by individuals.
 - strengthen local land record.
 - monitor the operation of land markets.
 - address the unequal land access of women.
 - decentralize political and economic processes and promote economic activities that are not based on land (such as micro-enterprise and vocational training).
 - promote regional integration (for instance into the East African Community).

From the Discussion Group on Land:

- Develop comprehensive legal framework on land matters and designate those to decide on them.
- Strengthen alternative dispute resolution processes empowered to resolve land issues and provide information and counseling services.
- Support communities to use the land productively; i.e., degazette the land that was gazetted and protect land access for vulnerable members of society.

2nd day contributions from the working group on land:

- There is a need for citizens advocacy:
 - Info sharing on IDPs' rights and the violations of those rights, so they are known by broader constituencies.
- There is a need for an adequate legal procedure and therefore for a review of the existing IDP policy.
- There is a need for data collection – the data center created in the north of Uganda has yet to generate any data on IDPs.

From Mr. Pulkol's Presentation on Livelihoods:

- Peace and national reconciliation
- A different fiscal arrangement along the lines described below:
 - 60% of the funds should be directly given to the beneficiaries.
 - 30% of the funds should be given to local government.
 - 10% of the funds should be kept at the Office of the Prime Minister.
- Develop a policy for disaster preparedness.

From the Discussion Group on Livelihoods:

- To improve human capital – government should provide apprenticeship programs for IDPs. Furthermore, various different actors should make efforts to support increased and expanded educational opportunities (including adult literacy programs), improve access to health programs, and establish programs to attract human skills.
- To improve financial capital – IDPs should be encouraged in their attempts to form cooperatives so that they can access better credit. The possibility of cash transfer should be explored.
- To improve natural capital – the access to productive resources (e.g. land) needs to be managed more efficiently.
- To improve physical capital – new infrastructure must be built and existing infrastructure fixed (including housing as well as health and education centers).
- To improve social capital – concerted efforts must be made at all levels of government to forge national cohesion and reconciliation.

2nd day contributions from the working group on livelihoods:

- The following provisions need to be explicitly incorporated into the existing policy or any future legislation:
 - Freedom of movement, access to health care and psycho-social support, access to information for IDPs.
 - A recognized right and clear process for addressing past violations, including specifications on available remedies, reconciliation efforts (e.g. truth commissions), and alternative dispute mechanisms.
 - Establishment of a specific humanitarian fund.

From the Discussion Group on Local Governance:

- **Name a department focal point:** designate a clear structure within the local government to cooperate with NGOs on the issue of internal displacement. Link this person with relevant actors at the national Ministry of Relief, Disaster Preparedness and Refugees.
- **Strengthen the district-level reconciliation peace teams.** For instance, in Gulu, this committee was formulated and is led at the district level. Train local civil servants in mediation and counseling skills as the most frequent issues brought before local government tend to involve land issues (in Gulu, 30% of all issues brought to the chairman) or domestic violence (in Gulu, another 30% of issues brought to the chairman). More civil servants with conflict management training will help reduce the backlog of cases and help rebuild the social capital in the community.
- Develop an early warning system. Create a department that monitors disasters at the local level or give these functions to an existing department such as the Ministry for Gender or Ministry for Labour. Run DDMCs out of the department with disaster-monitoring duties and use the structures of the department to implement decisions of the DDMCs.
- Make a deliberate attempt to link emergency with development starting from the emergency phase.

2nd day contributions from the working group on local governance:

- New legislation should set out a clear structure, naming departments and corresponding functions of those departments
- The Local Government Act should be amended to include internal displacement and specify conflict-sensitive programming and psycho-social assistance.
- Line budgets need to be incorporated into the new structure to empower local government.

From the Discussion Group on Access to Services:

- Increase budget allocations for the three service areas indicated above.
- Use of human rights based approach during planning and programming processes.
- Map resources to determine equitable distribution.
- Strengthen coordination between government, NGOs and service providers at all levels:
 - The central role of the government should not be outsourced. Government should play its part.
- Monitor and evaluate the delivery of all services to ensure quality.
- Ensure that laws on service provision are in line with the Kampala Convention.

2nd day contributions from the working group on access to services:

- The 2004 IDP policy provided a coherent framework but left several gaps which now need to be filled, for instance by extending services to IDPs residing outside camps, incorporating minimum quality standards, and specifying remedies where possible.
- There is a need to officially assign clear responsibilities for implementing, monitoring and reporting on service delivery to specified service providers.

Annex C: Copy of Workshop Programme

Domesticating and Implementing the Kampala Convention: A Dialogue for Action

Pilot workshop Uganda, Programme 12-13 November 2012

12 November 2012

8:30 – 9:30 Official Opening

- Official Opening by member of the Ugandan government: Professor Tarsis Bazana Kabwegyere - Minister of Special Duties in the Office of the Prime Minister
- Address by African Union Commission: Yadhkan El Habib – Representative of the AU, Political and Legal Officer (5')
- Address by NRC – Uganda: Charles Wabwire - Senior Grants and Reporting (5')
- Objectives for workshop by AUC consultant: Lyandro Komakech (5')
- Q&A chaired by the African Union Commission

9:30 – 11:00 Setting the stage

- 9:00 – 9:45 The Kampala Convention – what obligations will arise? (Including Q &A)
Presentation by Professor Tarsis Bazana Kabwegyere, Minister of Special Duties in the Office of the Prime Minister
- 9:45 – 10:30 Development action – towards a rights-based approach to implement the Kampala Convention (including Q & A)
Presentation by Prof. Walter Kälin, former RSG on IDPs

10:30 – 11.00 Coffee & Tea

11.00 – 13.00 Learning from the past I

- 11.00-12.15: Identifying development challenges to internal displacement
Local Governance: Input by Martin Ojara Mapenduzi - District chairman of Gulu (10')
Land: Input by Norbert Mao – President of the Democratic Party (10')
Access to services: Input by Anthony Atube Omach – District chairman of Amuru (10')
Livelihoods: Input by David Pulkol - the Director of the African Leadership Institute (10')
- 12.15-13.00 Working groups on land, access to services, local governance and livelihoods based on short inputs by Ugandan practitioners, facilitators by input speakers

13.00 – 14:30 Lunch break

14:30 – 16:30 Learning from the past II

- 14:30 – 16:30 Reporting back from the working group to plenary

16:30 – 17:00 Conclusion of day 1

13 November 2012

8:00 – 8:20 Re-cap of Day 1

- Facilitators

8:20- 8.30 Introduction to the Nordic Trust Fund activities and support

- *Presentation by Sara Gustafsson, Nordic Trust Fund - Senior Program Officer, Knowledge & Learning*

8:30 – 11:00 Legal domestication of the Kampala Convention

- 8:30 – 9:45 Legal domestication of the Kampala Convention – how to do national law and policymaking? Shaping a participatory process (including plenary discussion)
Presentation by Nina Schrepfer, IDMC - Advisor and Rufus Karanja, Refugee Consortium of Kenya – Advocacy Programme Officer.

09:45 – 10:15 Coffee & Tea

- 10:15 – 11:00 A model law to the Kampala Convention – a tool to support legal domestication (including plenary discussion)
Presentation of the model law by Yadhkan El Habib - Africa Union Commission

11:00 – 12:00 Addressing development challenges I

- Addressing development challenges in a national instrument on internal displacement in light of the Kampala Convention
Plenary discussion led by Prof. Walter Kälin

12:00 – 13:00 Lunch break

13:00 – 14:30 Addressing development challenges II

- Addressing development challenges in a national instrument on internal displacement in light of the Kampala Convention (including reporting to plenary)
Working groups on four development challenges: Local governance, land, access to services and livelihoods

14:30 – 15:00 Coffee & Tea

15:00 – 15:45 Moving ahead – elements of an action plan

- Summary and Identification of key elements of an action plan for the Convention's implementation including resource mobilisation
Facilitators & Prof. Walter Kälin

15:45 – 16:00 Closing of workshop

- Closing remarks IDMC & AUC
- Closing remarks by Government of Uganda

Annex D: Useful material

- AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa
[http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/0541BB5F1E5A133BC12576B900547976/\\$file/Convention\(En\).pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/0541BB5F1E5A133BC12576B900547976/$file/Convention(En).pdf)
- Making the Kampala Convention Work for IDPs | Guide for Civil Society on supporting the ratification and implementation of the Convention for the Protection and Assistance of Internally Displaced Persons in Africa
[http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/E611153E537FCD4BC12577C300550D98/\\$file/AU_guide_EN.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/E611153E537FCD4BC12577C300550D98/$file/AU_guide_EN.pdf)
- Explanatory Note on AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa
[http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/5A1FC4CC9028079DC12577450048DE13/\\$file/Kampala%20Convention%20-%20Explanatory%20Note.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/5A1FC4CC9028079DC12577450048DE13/$file/Kampala%20Convention%20-%20Explanatory%20Note.pdf)
- Kampala Declaration on Refugees, Returnees and Internally Displaced Persons in Africa
[http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/5A9B09165DBBAD09C12577450048A964/\\$file/Kampala%20Declaration.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/5A9B09165DBBAD09C12577450048A964/$file/Kampala%20Declaration.pdf)
- List of Signatories and Countries that have ratified
[http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/8DC69364C509E71CC1257AD10038E8A9/\\$file/list-of-signatories-and-countries-that-have-ratified.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/8DC69364C509E71CC1257AD10038E8A9/$file/list-of-signatories-and-countries-that-have-ratified.pdf)
- Recommendations: Addis Ababa, Ethiopia 5-7 November 2008
[http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/794F2AFA73296DC3C12577450048C93A/\\$file/Recommendations%20-%20Nov%202008.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/794F2AFA73296DC3C12577450048C93A/$file/Recommendations%20-%20Nov%202008.pdf)
- An international model emerges today in Africa to address the plight of millions of internally displaced persons
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12868&LangID=E>