REFLECTIONS ON THE POSSIBILITY OF A COMPREHENSIVE FRAMEWORK FOR THE PROTECTION OF IDPs IN AFRICA’S GREAT LAKES REGION

By

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DECLARATION

I declare that this thesis which I hereby submit for the Degree of Doctor of Laws (LL.D), at the University of Pretoria is my own work, and has not been previously submitted by me for a degree at this or any other tertiary institution.

Olivia Kokushubila Lwabukuna
First and foremost I thank the Lord my God, for always being faithful and standing by me throughout. Secondly I thank my family and parents for venturing out of and journeying far and wide to give us a better education. I thank you for humbling yourselves so we could have a better life, for the values that you insisted and instilled in us, for never failing to keep a piece of home for us wherever we were. I want to thank my friends from home and away and from all the places I have been for building wonderful relationships with me and enjoying my idle sense of humour. To my Supervisor Professor Van Marle, thank you for believing in that girl that walked into your office with big dreams, for letting me dream, for being there for me in more ways than one, I thank you from the humblest part in me and I know even that is not enough. To my colleagues in the Department of Jurisprudence, thank you for letting me in and making me a part of the group, Baie Dankie!! To my housemates who shared with me those crazy late nights in the final months and made my journey seem normal even though it was far from that, thanks a lot Isolde and Yvonne, you are the best. Last but not least to sweets for giving me hope again, and making me realize the world had a few good deeds left in store for me, I thank you, you can never comprehend how much peace and happiness you have brought me.
DEDICATION

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ACRONYMS

ADF - Allied Democratic Forces
ADF-Allied Democratic Forces
AMISOM - African Union Mission in Somalia,
Amuka - Government-sponsored Rhino militia in Lira and Apac Districts
ARLPI - Acholi Religious Leaders Peace Initiative
AU - African Union
CEWARN - Conflict and Early Warning Mechanism
CLAN - Children’s Legal Action Network
CRD - Community Resilience and Dialogue activity
CSOPNU - Civil Society Organisations for Peace in Northern Uganda
DOA - The rebellion of Dan Opiro in Apak
DRC - Democratic Republic of Congo
EAC - East African Community
EACJ - East African Court of Justice
EASBRIG - East African Standby Brigade
ECOMOG - Economic Community of West African States Monitoring Group
EDF - Equatorial Defence Force (Sudan)
ERC - Emergency Relief Coordinator
FEDEMU - Federal Democratic Movement of Uganda
GoU - Government of Uganda
HSM - Holy Spirit Movement of Alice Auma Lakwena
HURIPEC - Human Rights and Peace Centre, Makerere University
IASC - Inter Agency Standing Committee
ICGLR - International Conference of the Great Lakes Region
ICRC - International Committee of the Red Cross
IDD - Internal Displacement Division
IDMC - Internal Displacement Monitoring Center
IDP - Internally Displaced Person
IGAD - Inter Governmental Authority for Development
IOM - International Organization for Migration
IRC - International Rescue Committee
IRIN - United Nations Integrated Regional Information Network
KADU - Kenya African Democratic Union
KAMATUSA - Kalenjin, Maasai, Turkana, Samburu Traditional Association of the Rift Valley
KANU - Kenya African National Union
KHRC - Kenya Human Rights Commission
KNHCR - Kenya National Human Rights Commission
LC - Local Council
LRA - Lord’s Resistance Army
MoJNCCA - Ministry of Justice, National Cohesion and Constitutional Affairs
MoSSP - Ministry of State for Special Programmes
NALEAP - and National Legal Aid and Awareness Programme
NALU - National Army for the Liberation of Uganda
NGO - Non-governmental organisation
NIF - National Islamic Front (Sudan)
NRM/A - National Resistance Movement/Army
OIF-Operation Iron Fist
PEV-IDP-Post Election Violence-Internally Displaced Persons
PRA-People’s Redemption Army
PWGID-Protection Working Group on Internal Displacement
R2P- Responsibility to Protect
RCK-Refugee Consortium of Kenya
RDC-Resident District Commissioner
RLP-Refugee Law Project
SLLA-Severino Lukoya’s Lord’s Army
SPLA-Sudan People’s Liberation Movement/Army
UCDA-Uganda Christian Democratic Army
UNAMID-United Nations African Union hybrid Mission in Darfur
UNAMIS-United Nations Advance Mission in the Sudan
UNDA-Ugandan National Democratic Alliance
UNHCR-United Nations High Commission for Refugees
UNICEF-United Nations Children’s Fund
UNLA-Uganda National Liberation Army
UNLA-Uganda National Liberation Army
UNOCHA-United Nations Office for the Coordination of Humanitarian Affairs
UNRA-Uganda National Rescue Fronts I and II
UN-United Nations
UPA-Uganda People’s Army
UPA-Uganda People’s Army
UPC-Uganda People’s Congress
UPDA-Uganda People’s Democratic Army
UPDF-Uganda People’s Defence Forces
UPDM/A-Uganda People’s Democratic Movement/Army
USAID-United States Agency for International Development
WFP-World Food Programme
WNBF-West Nile Bank Front
SUMMARY: REFLECTIONS ON THE POSSIBILITY OF A COMPREHENSIVE FRAMEWORK FOR THE PROTECTION OF IDPs IN AFRICA’S GREAT LAKES REGION

The Great Lakes region covers central, eastern and some parts of southern Africa. It is situated strategically in the middle of the African continent and its stability, peace and development is imperative for the African continent. Inter and Intra-state conflicts have gone on in the region for the past couple of decades. These conflicts, which threatened to become a regional war, seem to have come to an end, but have left terrible reminders including the presence of masses of internally displaced persons.

Various attempts have been made within the Great Lakes at state and regional level to address the issue of internal displacement. This study has highlighted these attempts while outlining the major setbacks and the gaps manifesting in existing institutional and legal framework. The study further has proposed the need for a comprehensive legal framework which should among other things codify the standards of protection; provide for the means and institutions of coordinating protection and assistance in all phases of displacement; serve as a legal basis for coordinating various regional and international actors and agencies involved in providing protection and assistance for internally displaced persons in Africa; highlight the measure or level of political will to achieve this; and finally provide means of monitoring such protection and assistance and ensure compliance by states. The study has also highlighted that existing frameworks, legal and institutional within the Great Lakes region and through additional aid from international mechanisms and actors are not adequate to resolve the issue of internal displacement within the region permanently and find durable solutions to millions of people laboring from protracted displacement. The study suggests alternative reliance on African systems and their conceptual contribution to the resolution of conflict and displacement in Africa and the Great Lakes in particular.

The Final part of the study looks at national attempts to address the problem of internal displacement. Kenya and Uganda are discussed and contrasted in depth whilst highlighting their similarities and differences in addressing internal displacement. Both countries have at one point or the other experienced internal displacement, although not necessarily on the same scale, dynamics, time frame or even severity. They both seem to have taken incredible steps to address the issue of internal displacement including drafting policies, laws as well as assigning responsibilities for the displaced to specific ministries of government. Internally displaced persons in both countries seem to be in the process of returning home, even though at very different scales, and not always necessarily as a durable solution. These two countries have been used as case studies for identifying the domestic process of addressing internal displacement as well as determining the degree of comprehensiveness of the frameworks set up to address internal displacement.
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