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„The local level in policies on internal displacement in Colombia and Uganda: Which lessons can be drawn for tackling internal displacement in Zimbabwe?“

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List of abbreviations

AC	Advocacy Coalition
ACF	Advocacy Coalition Framework
ACORD	Agency for Cooperation and Research in Development
ANAPO	<i>Alianza Nacional Popular</i>
ANC	African National Congress
ANC	African National Congress of Southern Rhodesia
ANUC	<i>Asociación Nacional de Usuarios Campesinos</i>
ARLPI	Acholi Religious Leaders' Peace Initiative
AU	African Union
AUC	<i>Autodefensas Unidas de Colombia</i>
BACRIM	<i>Bandas Criminales</i> (Delinquent Groups)
BRICs	Brazil, Russia, India, China Group of States
CAO	Chief Administrative Officer
CAP	Consolidated Appeal Process
CARE	Cooperative for Assistance and Relief Everywhere
CEARV	<i>Comité Ejecutivo para Asistencia y Reparación para Víctimas</i> (Executive Committee for Support and Reparation to Victims)
CFU	Commercial Farmers' Union
CIA	Central Intelligence Agency
CiB	Churches in Bulawayo
CJT	<i>Comités de Justicia Transitional</i> (Committees for Transitional Justice)
CNAIPD	<i>Concejo Nacional de Atención Integrada a la Población Desplazada</i> (National Council for Integrated Assistance for Internally Displaced Persons)
CNRR	<i>Comisión Nacional de Reparación y Reconciliación</i> (Truth and Reconciliation Commission)
CNRR	Commission for Reparation and Reconciliation
CODHES	Consultoría para Derechos Humanos y el Desplazamiento
COP	Colombian Pesos
CPDIA	<i>Consulta Permanente sobre Desplazamiento Interno en las Americas</i> (Permanent Consultancy of Internal Displacement in the Americas)
CPU	Civil Protection Unit
DAC-	
OECD	Development Assistance Committee of the OECD
DDMC	District Disaster Management Committee
DFID	Department for International Development
DP	Democratic Party
DPWG-	Development Partners Working Group on Decentralization and Local
DLG	Governance
DRC	Democratic Republic Congo
EC	European Commission
ELN	<i>Ejército de Liberación Nacional</i> (National Liberation Army)
EPL	<i>Ejército Popular de Liberación</i> (Popular Liberation Army)
ERC	Emergency Relief Coordinator
FARC	<i>Frente Armado Revolucionario de Colombia</i> (Armed Revolutionary Front of Colombia)
Forum	Zimbabwe Human Rights NGO-Forum

FTLR	Fast Track Land Reform
GoZ	Government of Zimbabwe
GP	Guiding Principles on Internal Displacement
GPA	Global Political Agreement
HRPP	Human Rights Promotion and Protection Sub-Committee
HSM	Holy Spirit Movement
HURIFO	Human Rights Focus
IASC	Inter Agency Standing Committee
IASC	Inter Agency Standing Committee
IATC	Inter-Agency Technical Committee on Internal Displacement
	<i>Instituto Colombiano para Bienestar Familiar</i> (Colombian Family Welfare Institute)
ICBF	
ICC	International Criminal Court
ICRC	International Committee of the Red Cross
IDMC	Internal Displacement Monitoring Centre
IDP	Internally Displaced Person
IMF	International Monetary Fund
IMPC	Inter-Ministerial Policy Committee
IMTC	Inter-Ministerial Technical Committee
JICA	Japanese International Cooperation Agency
JOC	Joint Operations Command
KKA	Ker Kwaro Acholi
LC	Local Council
LRA	Lord's Resistance Army
M-19	Movimiento 19
MAPP-OEA	<i>Misión de Apoyo al Proceso de Paz en Colombia de la Organización de los Estados Americanos</i> (Support Mission for the Peace Process of the Organization of American States)
MDC	Movement for Democratic Change
MDGs	Millenium Development Goals
MAIV	<i>Modelo de Atención Integrada</i> (Integrated Support Model for Victims)
NCA	National Constitutional Assembly
NDP	National Democratic Party
NGOs	Non-Governmental Organizations
NRC	Norwegian Refugee Council
NRM	National Resistance Movement
OAS	Organization of American States
OCHA	Office for the Coordination of Humanitarian Affairs
ODI	Overseas Development Institute
OHCHR	Office of the High Commissioner for Human Rights
OPM	Office of the Prime Minister
OPM-DDPR	Office of the Prime Minister - Department of Disaster Preparedness and Refugees
OSCE	Organisation for Security and Cooperation in Europe
PAVIREC	<i>Programa Departamental de Atención Integral de Víctimas del Conflicto y la Reintegración Comunitaria</i> (Program for the Support of Victims of the Conflict and Community Reintegration)
PCC	<i>Partido Comunista de Colombia</i> (Colombian Communist Party)

PEAP	Ugandan Poverty Eradication Action Plan
PF	Patriotic Front
PIU	<i>Planos Integrados Unicos</i> (Integrated Unique Plans)
PRDP	Peace Recovery and Development Plan
PSR	<i>Partido Socialista Revolucionario</i> (Socialist Revolutionary Party)
RDC	Resident District Commissioner (Uganda case-study)
RDC	Rural District Councils (Zimbabwe case-study)
ROHR	Restoration of Human Rights (Zimbabwean NGO)
RLP	Refugee Law Project
RNIARV	<i>Red Nacional de Información para la Atención y Reparación de las Víctimas</i> (National Information Network for the Attention and Reparation to Victims)
RSS	<i>Red Solidaridad Social</i> (Social Solidarity Network)
SADC	Southern African Development Committee
SENA	<i>Servicio Nacional de Aprendizaje</i> (National Service for Professional Training)
SISDES	<i>Sistema de Información de Hogares Desplazados por Violencia</i> (Information System on Internally Displaced Households in Colombia)
SNAIPD	<i>Sistema Nacional de Atención Integral a la Población Desplazada por la Violencia</i> (National System of Integrated Assistance for Violence-Induced IDPs)
SNARV	<i>Sistema Nacional de Atención y Reparación para Víctimas</i> (National System for Integrated Support and Reparation for Victims)
UAO	<i>Unidad de Atención y Orientación</i> (Information and Support Office)
UHCR	Uganda Human Rights Commission
UK	United Kingdom
UN	United Nations
UNCDF	United Nations Capacity Development Fund
UNDP	United Nations Development Program
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNIR	<i>Unión Nacional de la Izquierda Revolucionaria</i> (National Union of the Revolutionary Left)
UNLF	Uganda National Liberation Front
UP	Unión Patriótica
UPC	Ugandan People's Congress
UPDA	Uganda People's Democratic Alliance
UPDF	Uganda People's Defense Forces
US, USA	United States, United States of America
USAID	United States Agency for International Development
USD	United States Dollar
UTC	<i>Unidad Técnica Conjunta</i> (Joint Technical Unit)
VAC	Victims Action Committee
WFP	World Food Program
WHO	World Health Organization
Z\$	Zimbabwe Dollar
Zanla	Zimbabwe African National Liberation Army
Zanu	Zimbabwe African National Union
Zapu	Zimbabwe African People's Union
ZCTU	Zimbabwe Congress of Trade Unions

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Map of Colombia



Source: Nations Online Project¹

¹ Nations Online Project: Political Map of Colombia, http://www.nationsonline.org/oneworld/map/colombia_map.htm, viewed 02.03.2014

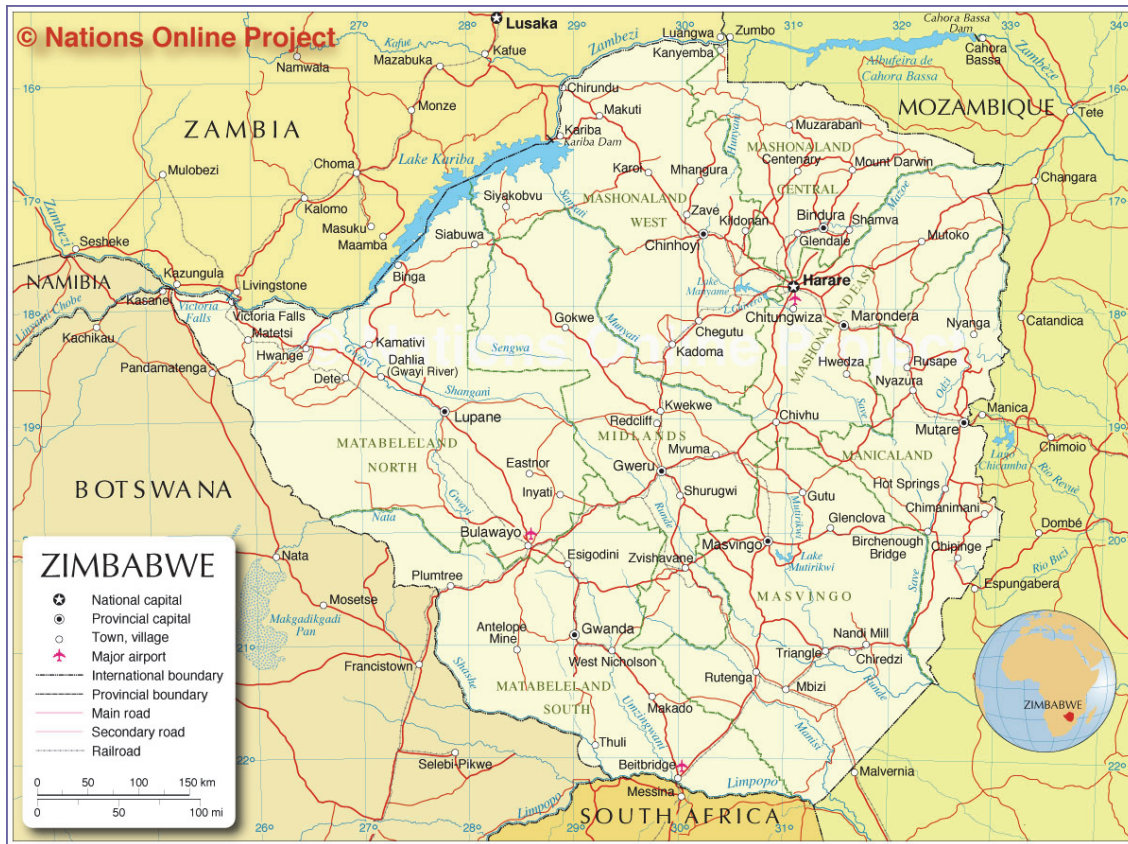
Map of Uganda



Source: Nations Online Project²

² Nations Online Project: Political Map of Uganda, <http://www.nationsonline.org/oneworld/map/uganda-map.htm>, viewed 02.03.2014

Map of Zimbabwe



(Source: Nations Online Project)³

³ Nations Online Project: Administrative Map of Zimbabwe, <http://www.nationsonline.org/oneworld/map/uganda-map.htm>, viewed 02.03.2014

1. Introduction

This doctoral thesis deals with the policy dimension of internal displacement. While internal displacement is a global problem and international bodies have been involved in finding solutions, affected countries' responses to it have differed (IDMC 2013). The involvement of sub-national levels of government is often taken for granted rather than being actively pursued in the process of developing policies on the problem of internal displacement. However, as this problem has local consequences, it also requires solutions that work locally. For addressing this topic I use a comparative approach, focusing on the local sphere of government. I hope to contribute with this doctoral thesis to stronger reflection of the role of local institutions in policies on internal displacement.

Internal displacement is often linked to the rising number of internal conflicts since the end of the Cold War. The resulting reformations sparked a great number of internal conflicts in former satellite countries of the historic Eastern and Western Blocks. (Deng 2000) One of the phenomena of this development is internal displacement, which today makes up for the majority of worldwide estimated 45.2 million displaced persons, of whom, in 2012 estimated 28.8 million internally displaced persons (IDPs) outnumbered the 15.4 million international refugees and 937,000 asylum seekers by far (UNHCR 2013:3). Apart from the recent rise of the number of IDPs in Syria (IDMC 2014)⁴, at a global scale, the Latin American country Colombia is most affected by internal displacement, with state- and non governmental statistics ranging between 4.9 and 5.5 million internally displaced. At a regional scale, the Sub-Saharan African region is most affected with 10.4 million IDPs (IDMC 2013:8-14).⁵ The case studies of this

⁴ IDMC-website: Global figures. <http://www.internal-displacement.org/global-figures>, viewed 02.03.2014.

⁵ By the end of 2011, Colombia surpassed both Iraq and Sudan as country with most IDPs worldwide (IDMC 2012:16). In 2012, Sub Saharan Africa had estimated 10.8 million IDPs, Latin American countries had 5.8 million of whom most were in Colombia; Europe, Central Asia, and the Caucasus had 2.5 million, the Middle East and North Africa had nearly 6 million, and South- and South East Asia had 4.1 million (IDMC 2013:8).

dissertation are drawn from these two regions: the Latin American country Colombia, and the Sub-Saharan African countries Uganda and Zimbabwe.

As pointed out by the Internal Displacement Monitoring Centre, the phenomenon of internal displacement has experienced a steep increase: Compared to 28.8 million at the end of 2012, 15 years ago, in 1997, the estimation of IDPs worldwide was at 17 million. (IDMC 2012:8, IDMC 2011:9) Even though there has always been refugee-taking, persecution of certain population groups or withdrawal of persons and groups from threats within regions and, since their existence, nation-states, the topic of internal displacement has become strongly addressed only from the 1990s.

Due to the rising numbers and increasing challenge the problem of displacement posed, from the early 1990s fact-finding missions and studies began to be carried out; under leadership of a Special UN Representative on the Human Rights of IDPs, legal mechanisms and policies were developed and piloted. Hereby, the approach was used to refrain from creating a new international convention, which might be controversial due to the principle of state sovereignty, and rather to restate existing legal provisions in the UN Guiding Principles on Internal Displacement of 1998, with the core element being the state's *responsibility to protect* its citizens. Since then legal norms, and policies on internal displacement based on these, have been progressively integrated into national legal frameworks of many countries and complemented by separate national and regional regulations, a process that is still on-going. (Deng/Cohen 2008:4, Kālin 2011:43, stress added) Parallel, a growing body of research has come into existence, addressing the topic of displacement in its variations and components.

The central principle of the “*responsibility to protect*” was developed and built on to counter argumentation with national sovereignty that states with internal conflicts often used to fend off external intervention. Involved in internal conflicts, governments in several cases were not willing to take on the plight of IDPs, or saw them as collateral damage in the confrontations. The first UN Special Representative on the Human Rights of IDPs, Francis Deng, stated early on that the problem of internal displacement has to be seen in connection with crises of statehood (2000:185). Despite this, the dimension of governance and its implications for policies on internal displacement have remained relatively little addressed in reactions to the issue. Research and procedures on

dealing with both topics have been progressing over the past years: internal displacement and governance in conflict-affected, fragile states or settings. Hence, it is worthwhile to take a look at this dimension. Hereby, the concept of governance and its interrelations with local governance and humanitarian assistance are relevant for guiding reflection.

Local spheres of government -and with the rise of the concept of civil society in the 1990s increasingly also of governance- have received strong attention since the 1980s. However, decentralization carried out in many countries failed to endow local government institutions with adequate skills and resources to fulfill even their regular duties. (De Wit 2000:12)

There are two ways in which local governments are relevant to the issue of internal displacement: First, the high number of forced internal migrants caused by displacement has led to challenging situations that, at the administrative level, especially local public institutions have been faced with (Kälin 2008:7). While the degree of formal responsibility of local government authorities varies from country to country, inevitably these have to deal with the local consequences of the problem of internal displacement. Second, in countries with weak state presence, local state institutions are even more endangered by state capture in the decentralized context (Agrawal and Ribot in Hartmann/Crawford 2008:14-16): they could be complicit in, or even be a cause of, displacement. Consequently, local governance as well as local government administrations, have become contested fields in conflict contexts. It should be noted here that a sometimes existing view of idyllic local solutions in many cases does not correspond to events on the ground.

While the local level of government, and by extension local governance, is strongly confronted with the problem of internal displacement and needs of internally displaced persons exerting pressure on public infrastructure, local labor market and security situation to name only a few, policies on the issue tend to be formulated in the centers, often with strong involvement of external brokers, especially international and regional organizations, and based on only limited information on local conditions.

Following dominant ideas of state-building, interventions in countries with internal

crises focus on national government institutions rather than addressing the institutional level beyond these. This has various problems, ranging from lacking consideration of social influencing factors to actual possibility and capacity for policy implementation. (Engberg-Pedersen/Andersen/ Stepputat 2008:25). This calls into question in how far policies geared to address displacement, developed based on these premises and in a way that fails to consider local conditions adequately, can offer solutions to the humanitarian and rehabilitation challenges in the affected regions.

Based on these considerations, this doctoral thesis approaches the topic through a comparative policy analysis on the involvement of local government institutions in development and implementation of policy responses to internal displacement. I do this through two case-study regions in Uganda and Colombia, and try to develop a set of lessons learnt from these experiences for addressing displacement in Zimbabwe.

This doctoral thesis contributes to the rather young, but growing and dynamic research on the phenomenon of internal displacement through the angle of comparative research on policies on internal displacement, with a focus on the local dimension of policy development and –implementation. With this, the dissertation utilizes the methods of comparison and policy analysis against the theoretic background of concepts of (local) governance, fragile settings and aspects of humanitarian governance.

The structure of the dissertation:

The first section, consisting of Chapters 2 and 3, gives the theoretical background and explains the methods utilized in this dissertation.

The next section, Chapter 4, provides an overview on the topic of internal displacement analyzing the academic discourse on the concept, its empirical operationalization, with its challenges and current debates, as well as an outlook on future prospects.

The third section, Chapter 5, consists of the case-studies, with the case of Colombia coming first, that of Uganda second and Zimbabwe last. Hereby, a discussion of the historic and political contexts of the case studies and the analysis of the respective conflicts precedes the analysis of the role of local governments in developments that led to displacement and escalated the respective displacement crises, as well as which they

took on or lost in these. After this, I describe the processes to develop policy responses to internal displacement in the cases and track the involvement of local government institutions. In the end the experiences of implementation of the policies to address displacement are examined and I analyze whether the policies have been able to address local needs.

In the conclusion I summarize the findings and which lessons can be drawn from the case-studies. Finally, I answer the research question and reflect back on the hypotheses.

2. Theoretical Foundations

This chapter discusses the theoretical foundations built on in the empirical part of the dissertation. These consist of two components, which are theoretic approaches used in comparative policy analyses and the concept of governance with a focus on humanitarian governance and local processes of “good“ local governance.

2.1 Comparative political analyses

While in the sub-discipline comparative political science there are many different orientations, consensus exists on the following: The discipline compares political systems of different sovereign states or political phenomena in different societies organized as nation-states. (Hartmann 1995:14) Comparative political science undertakes to explain similarities and differences between different societies, based on an analysis of the respective institutions, history, culture and economic potentials (Dogan/Pelassy in Hartmann 1995:15). These explanations cannot be made without consideration of history and traditions, whose value for explanations increase, if comparisons of institutions and structures fail to yield sufficient arguments for making the differences and similarities understandable. Therefore, comparative political science has strong interdisciplinary aspects and often a strong inclination towards the social and human sciences. (Hartmann 1995:15ff.)

The discipline, according to Lauth/Wagner (2002:15-16) has the main motives:

- 1.) to find out systematically about differences and commonalities in two or more cases;

2.) to find out about replication and application possibilities of experiences.

In this dissertation I draw on both motives. Yet, regarding the second, I want to point out that I recognize the necessity of prudence and very careful consideration: it is not possible to replicate everything that works in one context to another. Also, this study cannot and does not intend to produce a prescription to stakeholders involved in policy development. Rather, I intend to contribute to background thinking and exchange of knowledge.

Two methods dominate comparative political analyses (Hartmann 1995:30): The method of difference tries to measure variants with regard to same or very similar objects; it is the most common method used in comparative political analyses. An important feature of comparative studies is the explanation of political differences between different societies. On the other hand, the method of agreement is used for the study of clearly different objects with regard to manifest and hidden commonalities. For the application of the method of agreement societies with different structures are to be chosen. Here, proven causal correlation or a combination of characteristics is studied in order to find out about the possibility of generalization.

2.2 Policy analysis

To get an overview on theoretic concepts of policy analysis, in the following the major approaches of policy analysis are presented and after their discussion one theoretic concept is chosen. However, to start, first a definition of the term *policy* is necessary:

Vargas (in Jimenez et al. 2006:82) suggests a rather concrete definition that shall be used here, with policy being explained as: *“The complex of successive initiatives, decisions and actions of the political regime versus socially, potential or actual, problematic situations that try to resolve the latter or that try to bring these to manageable levels.”*⁶

According to Lauth/Wagner (2002:18) the use of the term policy is mainly result-oriented. Policy analysis asks for causes for, and factors influencing, decisions on

⁶ Quotation in the Spanish original: “El conjunto de sucesivas iniciativas, decisiones y acciones del régimen político frente a situaciones socialmente problemáticas, que buscan la resolución de las mismas o llevarlas a niveles manejables” (Vargas 2001 in Jimenez et al. 2006:82).

distribution of assets and norms, as well as for the results and effects that can be reached in certain policy-areas. Political contents and their coming into being are in the center of policy analysis. As Thomas Dye (in Faust/Vogt 2002:419) states, “Policy analysis is finding out what governments do, why they do it and what difference it makes“. Policy analysis is characterized by a variety of approaches and disciplines, integrates and contextualizes models and research also from other disciplines that have a problem- and policy orientation (Parsons 1995:XV). According to Wilawsky (in Parsons 1995:XVf.) policy analysis does not limit itself to distinct disciplinary boundaries, but it uses “whatever appears appropriate to the circumstances of the time and the nature of the problem“. For instance, increasing globalization led to stronger links between the political science sub-disciplines of International Relations and Comparative Politics (Grande/Risse in Faust/Vogt 2002:420). Policy analysis today is practiced as a comprehensive analysis of the political system rather than as a tight consideration of political contents and options (Nagle in Hartmann 1995:51). Hence, similar to the sub-discipline of comparative political sciences, also in policy analysis there is a large degree of methodological openness and readiness to take up inputs from other academic disciplines.

Policy research has produced three main approaches:

- a) Structuralist approach: This approach refers to thinking of Karl Marx and Émile Durkheim and focuses on socio-economic structures, seen as influencing the state’s workings. Interest-led actions of individuals and resulting political conflicts of interest are not seen to play out a special dynamic regarding concrete forms of political areas. Actions of the state are viewed as results of socio-economic conflict-lines and depend on the degree of modernization of a society (Faust/Vogt 2002:424).
- b) Macro-actor approach: Because of the realization that the structuralist approach could not deliver sufficient explanation for differences between cases with similar socio-economic structures, political actors were placed more into the center of policy-research. Apart from political parties different other interest groups and their impact on the design of political spaces were increasingly focused on. Due to this approach, collective social stakeholders, such as trade unions and associations, would try to instrumentalize state actions for their aims (Olson, Weede in

Faust/Vogt 2002:424). However, as it became clear, unilateral actor-centered approaches have strongly limited validity. Also, governmental actions face different forces and restrictions, which allow only limited implementation of party-political programs. Societal conflict lines, as well as limited government resources remain unconsidered in this; further restrictions to influence of social interest groups underlies also restrictions, especially if political spaces are studied in which interests of actors cannot be clearly structured. The *political system*-concept of the American political scientist David Easton was one of the major theoretical tools used under this approach. Further, one of the most utilized models in this field was the Policy Cycle model.

- c) Institution-economist approach: Since the 1980s increasingly neo-institutional approaches have become central to policy-research. To recognize the link between societal structures and political stakeholders' interests, intervening variables won significance in research. Under this approach, conditions of political institutions and processes are seen as important factors for the contents of political decisions (Schmidt in Faust/Vogt 2002:425). The institution-economic approach departs from the realization that political phenomena are shaped by interests, but also by the structural possibilities for actions within which political stakeholders move. Individuals and collective stakeholders such as unions, governments, states and international organizations use interactions strategically to optimize their profit. Contrary to model assumptions of neo-classical economy, actors encounter an environment that cannot be overseen by them; full information or immediate adaptation do not exist. To orient in such an insecure environment, actors make use of institutions -also in the form of informal norms of social behaviors and cultural traditions. Their central value consists in higher security of expectations actors have in assessing behavioral options and resulting minimization of transaction costs, as there is less need for resources for information and security measures. (Zürn, Keohane in Faust/Vogt 2002:425f.)

I follow the latter mentioned, institution-economist, orientation and draw on the work of a contemporary, American, representative of this approach, Paul A. Sabatier. His *Advocacy Coalition Framework*-model addresses contextual factors, institutions, advocating actors and interactions between those in processes of advocating for policy

solutions and therefore is a promising tool for the analysis to follow in the case-studies.

Paul A. Sabatier developed the Advocacy Coalition Framework (ACF) based on a critique of the predominant utilization of the Policy Cycle Model from the late 1950s under the technocratic tendency after World War II where the concept of a process of policy-making came up (Sabatier/Jenkins-Smith 1993:2).⁷ Instead, the Advocacy Coalition Framework looks at (Sabatier/Jenkins-Smith 1993:5):

- a) the interaction of competing advocacy coalitions within a policy sub-system,
- b) changes that are external to the sub-system, and
- c) the effects of stable system parameters, e.g. social structure and constitutional rules.

Advocacy coalitions are seen as *belief systems* organized around common belief in *core elements*; they try to learn about how the world operates and the effects of various governmental interventions to engage for reaching their goals over time. Core elements are held to be consisting in stable manner for at least a decade and the same is assumed for the coalitions. Political learning is feasible for *secondary elements* rather than for core elements, as trying to change core elements encounters significant resistance. (Sabatier/Jenkins-Smith 1993:5). Policies changes on core elements only occurs when a dominant coalition is replaced by another, which is hypothesized by Sabatier/Jenkins-Smith (1993:6) in most cases to be a result of changes external to the subsystem.

Hence, the Advocacy Coalition Framework (Sabatier 1993:16-23, Sabatier/Jenkins-Smith 1998:124) assumes

- To understand the process of policy change, a period of at least 10 years must be considered.

⁷ The policy cycle model provided an alternative to before dominant analyses of institutions and public opinion and resulted in more attention to processes between and beyond individual institutions. It enabled conceptual disaggregation of the policy process that is often complex and involves different political institutions and levels of government. The institutionalist approach mainly used before had stopped at the outputs of institutions and did not pay attention to outcome or impact of the policy. The policy-cycle model also enabled focused analyses of stages. Yet, the policy cycle model lacks specification of linkages and drivers between the stages, a clear basis for testing of hypotheses, the sequence from agenda-setting to evaluation often not applying, its legalistic and top-down focus; it describes the policy cycle as the temporal unit of analysis instead of multiple cycles often existing, and fails to integrate policy analysis and policy-learning during the policy cycle. (Sabatier/ Jenkins-Smith 1993:2-4)

- The framework has a focus on policy sub-systems, i.e. interaction of actors from different institutions that follow and try to influence governmental decisions in a policy area.
- These sub-systems must be of intergovernmental character, meaning involvement of all levels of government (at least for domestic policy).
- Public policies and programs can be conceptualized in the same way as belief systems, i.e. as a set of value priorities and causal assumptions how to realize them.
- As regards to external factors affecting policy change within sub-systems, the framework distinguishes between parameters that are relatively stable over various decades and aspects of the system which are susceptible to stronger fluctuations over a few years and that serve therefore as major stimuli to policy change. Examples for stable parameters are basic attributes of the problem area or “good“, basic distribution of natural resources, fundamental cultural values, social structure, and basic legal structure. While changing *stable parameters* is not impossible, it is very difficult and requires concerted efforts by an Advocacy Coalition over at least a decade’s time (Sabatier 1993:22).
- *Dynamic factors*, which can effect change within shorter time-frames, between a few years and a decade, are, for example, socio-economic conditions and technology, systemic governing coalitions, and policy decisions and impacts from other sub-systems (Sabatier 1993:22f.).⁸
- Forums that facilitate informed conflict between sub-systems are of advantage for policy learning. Hereby, it is a prerequisite that either one sub-system only has core elements concerned in the conflict, or both have important secondary elements in question, but not both core elements.
- Policy learning is also more probable if there are secured, quantitative data on the issue in question than as if there is only qualitative, partial information. Also, problems involving natural systems are more conducive to lead to policy learning than ones concerning the harder foreseeable social and political systems.

⁸ An example for this is that decentralized political systems with relatively autonomous local governments facilitate learning by providing arenas for policy experimentation and realistic points of comparison for evaluating different policy experiments (V. Ostrom, Tiebout, Warren, E. Ostrom in Sabatier 1993:22).

- A prestigious force that obliges participants from different coalitions to come together and enforce professional norms in the corresponding processes increases the likelihood of policy learning. (Sabatier/Jenkins-Smith 1998:124)

In a further development of the ACF in 2007 Sabatier added (Sabatier/Weible 2007:201f.):

- Additional variables influencing the stable factors for policy change can be *political opportunity structures*, consisting of the extent of approval or veto-players as well as the degree of openness of the political system.
- Apart from external pressure also *internal shocks* within a system or alternatively *negotiated agreements* can lead to policy change and learning. Hereby, Sabatier did not define in how far questions of power or policy learning play a role in each.
- There are a number of short-term forces and resources of the actors that can influence the sub-system, e.g. public opinion.
- A typology of sub-systems was created, consisting of unitary, collaborative and adversary sub-systems. (Weible/Sabatier/Pattinson 2010)

2.3 (Humanitarian) Governance in local crisis settings

As analytical concepts the approach of Governance with the under-categories of “Humanitarian Governance“ and “Local Governance“ are used in connection with the concept of “Fragile Situations“. To base this on a solid understanding of the terms and implications of their usage involved, these terms with their respective main areas of application are discussed first. Following this, elements of these are merged and criteria filtered out for later use as analytical framework for the assessment of the degree of inclusion of local governments in the processes to develop policy responses to internal displacement in the cases Uganda and Colombia.

2.3.1 Governance –between Political Program and Analytical Concept

The genesis of the term governance can be found in economics, with an article by Ronald Coase in 1937, entitled “*The Nature of the Firm*“ that argued against the idea that markets are the only relevant means to coordinate economic activity (Coase in

Audretsch 2009:23). In the early 1980s the state and ways of governing became increasingly addressed, as evidenced by the Human Development Reports between 1983 and 1988 (Theobald in Audretsch 2009:19f.). Based on Coase's propositions, Olivier Williamson (quoted in Audretsch 2009:23) in 1985 a research project on institution-economics started, which laid the basis for economists' development of the concept of governance presented in 1989 in the World Bank-report "*Sub-Sahara Africa. From Crisis to Sustainable Growth. A Long-Term Perspective Study*" that laid the foundation for the concept then strongly pursued by it (World Bank in Audretsch 2009:19). The World Bank according to its statutes has a purely economic mandate and was not supposed to infer into national political affairs. Due to this, according to Theobald (in Audretsch 2009:20), the World Bank refrained from an exact definition of the term governance and addressed the aims for change not explicitly, but indirectly, actually interfering into political concerns without addressing it. In 1992 the World Bank discussion paper "*Managing Development: The Governance Dimension*" gave another, more concrete impulse for the emerging discourse and activity on good governance, proposing reforms in the topical fields of (1) public sector management, (2) accountability, (3) information and transparency, and (4) legal framework for development (Theobald in Audretsch 2009:21).

Apart from the failure of the structural adjustment programs promoted by the World Bank in the 1980s (Fritschak in Audretsch 2009:36) that made increased efficiency in the workings of the now slimmer state apparatuses necessary and might have been a factor in the promotion of the new concept, also the end of the Cold War had the effect of less financial means being dedicated to support of (now former) satellite states of either the Eastern or Western block (Nuscheler in Audretsch 2009:34). The dissolution of the Cold War caused the breaking up of many conflicts and made crises of government and conflict potentials apparent. As in the Cold War one of the strategies deployed had been to support dissidents in states associating with the other side (Crisp in Sánchez 2009:17), after the break up of the East-West divide, hence, expectations had been raised and need for stabilization existed in several regions of the world.

In this situation, a reorientation of regimes in many countries of the world took place towards more political openness, the so-called "wind of change". Due to the failure of the socialist model in practice, capitalist thinking became the prevailing model. This

included the ideology of democracy in combination with free market economy, administered by a slim state that instead counts on participation and cost-sharing by non-state actors. As Grote (2007:51) refers, apart from the World Bank also the International Monetary Fund (IMF) had a strong role in promotion of the concept of governance, and used the, seemingly apolitical, concept to promote neoliberal and privatization strategies. In so-called developing countries often the non-state sector has been “subventioned” by foreign aid, both financially and in terms of technical assistance, or capacity-building. This can be seen concurrently with the delegitimization of many governments in Latin America and Africa in the 1980s, which had been characterized by authoritarian rule, corruption and mismanagement. Hence, an increasing role and legitimacy was conceded to civil society actors, especially in countries affected by the named problems. This had both conjunctions as well as contradictions with the “wind of change” after the Cold War, with the idea of democratization, civil rights, empowerment of the civil society and the population winning significance and taken up by pro-democracy actors: civil society activism blended with terminology originally brought into play by advocates of neoliberal thought. Potential contradictions, therefore, also came up, such as the demand of a slim state coming parallel with that for respect for human rights and civil liberties.

In the late 1990s, the paradigm pursued by the World Bank changed insofar as economic and political crises became obvious in the former Eastern Block, Western welfare states were affected by fiscal crises, states had played a big role in economic recoveries in Asian countries, and multiple humanitarian crises existed in many countries (World Bank 1997 in Engberg-Pedersen/Andersen/Stepputat 2008:17). As it became increasingly clear that the turn away from the state was not viable, hence, the World Bank modified its position on the state and turned to a concept of an efficient state fit for development tasks. Political will and capacity of states for service delivery and relations with citizens were given now more attention in donor strategies and a re-focus to the state took place in development strategies, seen to be the core element for development. (Pedersen/Andersen/ Stepputat 2008:17f., Manning/Trzeciak-Duval 2010:128f.).

This is visible also in a review of the definitions given by major actors in the field of governance, such as the European Commission, World Bank and UNDP: The usage of

the term governance by the European Commission in its Commission staff working paper “Supporting Democratic Governance through the Governance Initiative: a Review and the Way Forward“ addresses mostly state capacities and processes as well as work with partner governments to this aim and only makes little mention of civil society, media and other stakeholders that can be found in other descriptions of work on governance.⁹ Also, the definition of the World Bank (at its website, in July 2011)¹⁰ refers mostly to aspects directly related to government:

“We define governance as the traditions and institutions by which authority in a country is exercised for the common good. This includes (i) the process by which those in authority are selected, monitored and replaced, (ii) the capacity of the government to effectively manage its resources and implement sound policies, and (iii) the respect of citizens and the state for the institutions that govern economic and social interactions among them.”

The United Nations Development Program (UNDP), which is the main UN organization dealing with governance, addresses governance under the title of “democratic governance“. While this can be assumed to offer some clarification, a more detailed definition of the term and explication of the UNDP-approach to governance cannot be found at the UNDP-website. Governance is the biggest field of UNDP’s activities, whereby most of these projects and activities fall under the topics of access to human rights and justice mechanisms and after this already local governance and decentralization.¹¹ There is, however, information on the activities implemented in this field, which are structured into below listed three areas (UNDP-website: Democratic Governance, UNDP: Fast Facts. Democratic Governance, p.1f.)¹²:

⁹ European Commission - Development and Cooperation- EuropeAid. Democratic governance: Commission Staff Working Paper: Supporting Democratic Governance through the Governance Initiative: A Review and The Way Forward. Brussels, 19.1.2009. http://ec.europa.eu/europeaid/what/governance/index_en.htm, viewed 20.07.2011. Other EC-documents (that can be accessed on the mentioned website) do address non-state actors, especially under the topic of support for democracy and human rights. The separation, still, is interesting to note.

¹⁰ The definition is given on the World Bank-website, under “Governance & Anti- Corruption: The World Bank: what is our approach to governance? <http://web.worldbank.org/WBSITE/EXTERNAL/WBI/EXTWBI/GOVANTCOR/0,contentMDK:20678937~pagePK:64168445~piPK:64168309~theSitePK:1740530,00.html>, viewed 20.07.2011.

¹¹ UNDP-website: Focus on Local Governance. http://www.undp.org/governance/focus_local_governance.shtml, viewed 20.08.2011.

¹² UNDP-website: Democratic Governance http://www.beta.undp.org/content/undp/en/home/ourwork/democratic_governance/overview.html, as well

- (1) support for participation in decision-making, especially for marginalized groups;
- (2) increasing accountability of democratic institutions;
- (3) support of international principles for democratic governance.

Due to the fact that international organizations did not take the initiative to put forward one exact definition, the concept of good governance fragmented into many different definitions and, in part implicit, interpretations of the term put forth with special emphasis in the area of development assistance and -cooperation (Blundo/Le Meur 2009:7). This has led to the paradox situation of this frequently used term being poorly defined, used to address in part rather different sub-topics and in many cases used without definition, as if it would not necessitate one (Schwalb/Walk 2007:8, Blundo/Le Meur 2009:7).

Audretsch (2009:23) in an overview of governance-definitions sums up that these usually address the three categories (1) democracy, (2) rule of law, and (3) service delivery for the population. Under (1) democracy, he sees transparency, accountability, participation, fairness, inclusion, orientation to the citizens, orientation towards consensus. Under (2) rule of law, he ranges protection of minorities, respect for human rights, anti-corruption. Under (3) service delivery, the areas efficacy, efficiency, and sustainability are listed.

As argued by Grote (2007:43), governance is today predominantly discussed as political program, for either system-production or system-transformation. Characteristically, he criticizes, such programs are hardly ever produced by those who would have something to lose from this, such as national governments, but by international state- and non-state organizations (IMF, UNDP, European Union, etc.) that have profits insofar as they can improve their chances and position as brokers in the resulting arrangements.

In the social sciences, especially political sciences, the term governance has appeared since the 1970s, and gained significance within the conservative trend of the 1980s with its Economic Structural Adjustment Programs and the accompanying new order

as, UNDP-website: Fast Facts and Results. http://www.beta.undp.org/undp/en/home/ourwork/democratic_governance/fast_facts_and_results.html, viewed 20.08.2011.

characterized by more autonomy and initiative from the side of non-state bodies and population (Schwalb/Walk 2007:7f., Eckert, Davinger & Behrend in Blundo/Le Meur 2009:2). Under macro-structural transformations in this period state-dominance became less and public regulation was progressively taken over by complex cooperation arrangements between various actors. With this, the term governance won significance as it refers to forms of coordination of political and social interactions, steering and regulation through cooperative ways of collaboration, which are shaped by horizontal interaction (Benz in Schwalb/Walk 2007:9). Here, there is an assumption of an on-going process of transformation of regimes to non-hierarchic steering arrangements, expressed especially also at the local level.¹³ As Segebart (2006:24f.) points out, the openness of the governance concept to informal actors and such forms of governance has the advantage of approximating analysis more to actual processes, but also risks arbitrary selection of analyzed stakeholders and neglecting the role state-institutions have, after all. Therefore, in the research-field of governance, a big variety of actors is subsumed, who use for steering, coordination and regulation formal as well as informal authority. The slogan “*from government to governance*“, hence, also expresses the idea of the state’s loss of authority and the search for a new understanding of stateness. (Benz, Ellwein/Hesse in Schwalb/Walk 2007:8f.). On the other hand, according to Brand et. al. (in Schwalb/Walk 2007:9), the academic discussion on governance also can be seen as an attempt to regain statal steering capacity. Kooiman (in Grote 2007:53) argues that governance would be first of all a tool for description and analysis of the workings of specific social and political sub-systems and the social actors and – processes at play. In academic studies, the term governance is today predominantly used in this sense and will also be utilized in this way in this dissertation.

Hence, a distinguishment must be made between the term governance used for (often academic) analysis of statal steering capacity in relation with social actors and, on the other hand, normative conceptualizations, often with additions like “democratic“, “good“; these have stronger ideological backgrounds and are often utilized in connection with reforms, whose goals are not always made explicit. In literature, even academic one at times, this distinction is not always made clearly, which is a challenge

¹³ This is, of course, an idealization, or seen from another viewpoint a normative model depicting an ideal situation in the sense of an objective to be reached.

to some degree also relevant to this dissertation, where local governance arrangements are studied and compared against criteria that are linked to normative concepts.

2.4.2 The State and the Humanitarian Field

The Governance debate, against the background of the rising number of conflicts and humanitarian crises and efforts of restructuring of the world order in the 1990s, also reached the humanitarian field (Lautze 2003:32). As argued by Macrae, the end of the Cold War caused a withdrawal from the USA and Russia from geopolitically insignificant countries. This led to a situation where humanitarian aid and development agencies were the only Western representatives left in such countries. So, there would have been the expectation that these should fill the gap left by departing diplomacy. (Macrae in Curtis 2001:5)

Over the 1990s this area received much public attention and funding and with the big number of crises and conflicts causing upsurges of violence, a fast growth of the aid sector took place. This was aided by the fact that security threats were re-defined by the major powers: the East-West confrontation was replaced by the concept of *human security* linked with that of state stability¹⁴ (Engberg-Pedersen/Andersen/Stepputat 2008:19, stress added). Yet, the humanitarian sector was soon confronted with critique, among whom imbalanced power-relations, lacking coordination, politically biased provision of assistance and lacking fulfillment of the needs of the beneficiaries feature prominently (Lautze 2003:32-34). Despite these challenges, funding for humanitarian assistance continued to grow, as stated in the 2012 report “The State of Humanitarian System” (Amos in ALNAP/Overseas Development Institute July 2012, p.5).

Due to negative experiences of cooperation with regimes that failed to regard victims’ needs, e.g. as in the 1994-tragedy of Rwanda, and due to other conflicts between international humanitarian aid stakeholders and target governments, these turned away from the state to the benefit of international and national non-governmental organizations (Lautze 2003:33). Reproaches of corruption played a role in this, albeit

¹⁴ Under the concept of human security internal conflicts were seen to carry potential to upsurge of rebellions, in the 2000s this was also connected to transnational threats such as, especially, terrorism and proliferation of arms and drugs (Engberg-Pedersen/Andersen/Stepputat 2008:19).

alternatives to taking over of duties by international humanitarian actors, who can be affected by corruption as well, tended to be neglected. In addition, a tendency developed to portray humanitarian relief as either fully led by the affected state or implemented in a state-avoiding way. (Harvey 2009:3) According to Harvey (2009:2) a major cause for the neglect of the state in humanitarian work has been that core elements of principles of humanitarian support, development work and measures to address fragile settings are often still seen as strongly distinguished and applied in the respective areas, only.

Regarding political conditioning of aid, analysts like Duffield (in Curtis 2001:6), similar to Macrae's paraphrase above, point out that the rise of civil society and as a part of it, the aid- and development sector with its strong presence of non-state actors, did not reduce the power of hegemonic states. Instead, these adapted to the demands of the new conditions of globalization by producing new forms of governance utilizing networks of private actors. As Harvey states, based on such experiences - or in some cases such fears - and lacking coordination with state institutions, international aid agencies have often been accused to ignore, bypass or even undermine capacities of local institutions. This often led to tense relations with affected states and to duplication and unnecessary substitution of government services by international and non-state humanitarian actors. Additionally, there is critique that this allows states to evade service delivery duties and, by alleviating suffering, diminishes pressure for policy changes on the government, and can be a factor prolonging political and humanitarian crises "by masking the worst effects of misrule" (Harvey 2009:3).¹⁵ On the other hand the short term measures often adopted in humanitarian emergencies, especially if maintained in longer crises, can lead to parallel humanitarian structures that impact negatively on state institutions and their structures and may influence local democratic processes in the longer term (Oosterom 2009:19).

¹⁵ Analogy from peace-building is here the lesson learnt that building of separate parallel structures can harm the anyway weak link between the state and society in early phases of peace-building. So, state-building efforts can be negatively affected by peace-building measures, if national state institutions are bypassed in a systematic way. (Pires, Rocha-Menocal in Werther-Pietsch/Ritzer 2010:31) The challenge would be to embed interventions in fragile contexts in a democratic, transparent and inclusive process (Werther-Pietsch/Ritzer 2010:31).

As a reaction to the challenges mentioned, the idea to apply principles of governance, in the normative sense, to the humanitarian field came up, under the title *humanitarian governance*, which is defined by Lautze (2003:31) as:

“Humanitarian governance is made up of the specific legal, policy or institutional frameworks and processes that are guided by the principles of independence, neutrality, accountability, and transparency and are implemented by governments and the networks of actors in the humanitarian assistance sector so as to ensure needs-appropriate life-saving interventions in times of natural or man-made disasters.”

Hence, according to Lautze (2003:35f.) the framework of humanitarian governance is an attempt to regulate humanitarian activities in a sense of adherence of involved actors, often operating according to specific rationales, to humanitarian principles. It could be juxtaposed hereto that neutrality and independence cannot be expected of a government institution, whereas respect for the humanitarian principles can. Even apart from this, however, the term has not been taken up to strong degrees and is not alto frequently referred to and in several sources, where it is used, is not defined. Rather, the tendency seems to have shifted to including several of the concerns addressed in the definition under recent efforts to establish disaster prevention institutions and mechanisms in disaster prone countries under the *Hyoto Framework for Action* that has been taken on after the 2005 World Disaster Reduction Conference (UNISDR-website, 2013).¹⁶ While the field of disaster risk reduction recognizes that the state has a primary role in disaster preparedness and management, this is not yet strongly anchored in the approaches of humanitarian actors (Harvey 2009:3). This newer and more thematized field of activity, is seen rather in the development area than in that of humanitarian assistance, despite the obvious links to the latter. Additionally, it focuses on disaster prevention and management per se, and while there is concern about state capacity in this area, it applies to disaster prevention and management specifically and not (wider) state structures’ affectedness by crises and ensuing disasters.

A point made in the concept of humanitarian governance is elaborated further in the following, however, namely that humanitarian assistance should, also, benefit crisis management capacities of the counterparts, i.e. public institutions of the affected countries as well as the target groups of assistance, in an integrated and long-term

¹⁶ UNISDR: Hyoto Framework for Action. <http://www.unisdr.org/we/coordinate/hfa>, viewed on 23.04.2013.

perspective. Hereto, it is necessary to more strongly consider the role the state and its national and sub-national levels of government can play in prevention and management of humanitarian crises.

This is confirmed by one of few authors expressing straight-forward critique and suggestions on the topic, Paul Harvey (2009:1), who finds the way how states are affected by humanitarian crises a notable omission of research in the humanitarian field despite their key role in responding to disasters. Instead, humanitarian research mostly has treated reactions of relief agencies and development donors to disasters. Changing economic relations with the increasing importance of fast growing countries like India and Mozambique that managed in the past years to resolve humanitarian disasters without external support, however attracted new thematization of the role of affected states in humanitarian disasters (Harmer/Cotterrell in Harvey 2009:1).

In this logic, the Overseas Development Institute (ODI) undertook a research series publishing Working Papers on the role of the state in humanitarian governance over the 2000s. These treat topics such as governmental legislation regulating activities of humanitarian organizations, coordination of humanitarian assistance through states or international arrangements, efforts of donors to strengthen state capacities, assessments of the capacities of the affected states and attempts to substitute their responsibility (Lautze/Raven-Roberts/Erkinch 2009:6). Amongst others also studies targeting fragile states and situations, as e.g. by the Danish Institute for International Studies, have contributed relevant considerations (Engberg-Pederson/Andersen/Stepputat 2008).

Contrary to the neglect of the state in humanitarian assistance, legal regulations and principles such as the central humanitarian UN resolution 46/182 of 1991 acknowledge the role of states in this field. As this resolution sets out, affected states are the key institution to initiate humanitarian assistance and are expected to organize, coordinate and implement humanitarian assistance on the territory. (Harvey 2009:1) Apart from described article 4 of this UN-resolution, articles 5 states that actors of humanitarian aid parallel to following the principles of impartiality and humanitarian objectives are to continue to play a supplementing role to national activities. Article 9 refers to the interconnectedness of relief, recovery and development so that emergency aid should be provided in forms that benefit long-term development. Article 18 demands that international emergency assistance must supplement national efforts in a way that also

strengthens national capacity to deal with other emergencies in the future. (Document A/Res./46/182 of 19 December 1991) Equally, also in the Sphere guidelines, the state is recognized to play the central role and responsibility for providing relief, if the population cannot resolve resulting challenges on their own (Harvey 2009:1). This is further significant as with the international agreements of the last years, such as the *Paris Declaration for Aid Effectiveness*, the *Good Humanitarian Donorship initiative*, and the *OECD-DAC Principles for Good International Engagement in Fragile States*, many donors have meanwhile committed to principles of ownership and state-building in operations in states with fragile settings. Therefore, ways how humanitarian work could consider principles of ownership, alignment and harmonization ought to be reflected. (Harvey 2009:3)

As there is not a clear distinction between humanitarian and development work, Harvey sees a need to analyze which principles can be used to mutually reinforce each other and which are mutually exclusive. While independence and neutrality are core principles of humanitarian actors and their position towards the affected state, their significance for the operational level remains little addressed. Instead of being the basis for interaction with affected states, these principles would be used often as legitimation for non-engagement with state structures. (2009:2) One possible exit route would be accompaniment of humanitarian aid implementation by governments with monitoring and audits by international agencies (Harvey 2009:3). It should be conceded to this, though, that this will not possible on a generic base and that also the adequate level of involvement requires thorough analysis and careful, possibly scalar, procedures. As Harvey (2009:4) demands, international humanitarian actors ought to refocus on encouraging the affected states to comply with their responsibility to provide assistance and protection for their citizens in cases of natural or man-made disasters, rather than implementing most activities themselves. Here, the principle of the *responsibility to protect* comes in, which became the basis on which the UN Guiding Principles on Internal Displacement were developed over the 1990s and publicized since their launching in 1998 (Kälin 2011:43). The first UN Special Representative on the Human Rights of Internally Displaced Persons, Francis Deng (2000:83), already pointed out that the problem of internal displacement has state fragility as one of its root causes. However, this point was not integrated into responses to displacement as a central element (even if more or less addressed in analysis of root causes of specific

displacement situations). In comparison, humanitarian assistance and policies or legislation have been focused on much more strongly. (Cf. OHCHR website 2013)¹⁷

According to Harvey (2009:4) there is need to thematize this concern more in international fora of humanitarian assistance such as the OCHA Donor Support Group, the Good Humanitarian Donorship initiative as well as the Humanitarian Liaison Working Group that suffer from a lack of representation of countries that are usually on the receiving side of humanitarian assistance. Also, coordination mechanisms like the cluster approach and guidelines used in humanitarian aid, as the Sphere standards, ought to give a bigger emphasis on how humanitarian actors should relate with affected governments (Harvey 2009:4). The 2011 edition of the Sphere Project's Handbook (p.8-10) meanwhile incorporated some of these concerns, notably that it is necessary to reinforce the capacities of crisis-affected states and its institutions, with the acknowledgement of the significance of the sector and approach of disaster risk reduction.

Therefore, as pointed out by Harvey and increasingly understood, the dichotomy between humanitarian aid as avoiding the state and post conflict recovery as state-building in this sense is wrong: all of the three conventional intervention phases, relief, as well as recovery and development, ought to consider the building of state capacities, whereby the respective political contexts and capacity levels have to be taken into account. (2009:4) The European Commission's *Agenda for Change*-document of 2011 seems to take this up to some degree: it proposed for the EU's development cooperation that support in fragile states ought to be delivered in a way that strengthens recovery and resilience including, amongst others, effective coordination with humanitarian activities. (2011:10)¹⁸

¹⁷ Office of the High Commissioner for Human Rights (OHCHR): Special Rapporteur on the Human Rights of Internally Displaced Persons. <http://www.ohchr.org/EN/Issues/IDPersons/Pages/IDPersonsIndex.aspx>, viewed 25.04.2013

¹⁸ There are however, potential contradictions in the document, as national state structures and planning processes are prioritized and the option of reinforced cooperation through "civil society and local authorities" is mentioned explicitly only as option in cases of neglect of governance criteria. This indicates that civil society and local authorities – referred to twice together as if they were the same category- are seen as incidental unless needed as a security belt. Cf. European Commission: Communication from the Commission to the European Parliament, the Council, the European Social and Economic Committee and the Committee of the Regions. COM (2011) 637 final. Brussels, 13.10.2011.

2.4.2 Local Governance and its Intervention Possibilities in Fragile Situations

Already a feature of many colonial regimes, after a demise under the influence of Keynesian ideas of centrally-led steering policies as well as under several decolonization efforts, since the 1980s the local dimension of government has come up again as an issue (Hartmann/Crawford 2008:7f.) and has been strongly promoted: In the past three decades, approximately 80% of developing and transition countries embarked on decentralization (ICHRP in Hartmann/Crawford 2008:7). This is also reflected in the fact that the United Nations (UN) pursued this topic strongly: The United Nations Development Program (UNDP) is internationally the biggest support institution in this area and works with its implementing partner United Nations Capacity Development Fund (UNCDF) on strengthening the sphere of local governance. Between 1995 and 2005 the support given by UNDP for this area rose to the six-fold and was carried out in more than hundred countries. (UNDP in Grote 2007:52) UNDP, contrary to the financial institutions World Bank and IMF, focuses on “local governance for development“ and defines local governance as comprising a set of institutions, mechanisms and processes by means of which individuals and groups can articulate their interests and needs, mediate between their different interests, as well as exercise their right at the local level, through partnerships between different institutions, civil society organizations and private sector for participatory, transparent, accountable and equitable service delivery and local development (UNDP 2004 in Grote 2007:50f.). UNDP stresses that this needs capacitation of local governments including authority and resources and strengthening their skills to operate as participatory institutions responsive and accountable to citizens. This concept of local governance is concerned with supporting grassroots democracy, empowerment of citizens, communities, organizations as well as NGOs to take part in local government and local development processes at an equal level. Here, also the term “decentralized government for development“ exists and goes beyond otherwise used typical definitions of local governance, subsuming human development, human rights, holistic, and participatory dialogue and -processes, including consultation of target groups. (UNDP 2004 in Grote 2007:51)

The discourse on decentralization evolving parallel to the intense activity in the development field encompassed supporters from different angles, including both the political neoliberal right and (moderate) left. To this the context of many authoritarian regimes existing in the 1980s that were indebted and considered illegitimate was significant: The former argued in the line of Economic Structural Adjustment Policies that decentralization would decrease powers of the central state and benefit efficiency improvements and cost reduction of big public administrations (Campbell, Wunsch and Olowu in Hartmann/Crawford 2008:12). The latter expected that decentralization would open up spaces for democratic participation and formation of civic skills of the population and civil society and development in the respective territorial entity and supported it for this reason. (Devas and Delay, Thede, Vengroff, Rothchild, Smith, Stoker in Hartmann/Crawford 2008:7,12-14, Hartmann/Crawford 2008:7f.). As stated pointedly by Segebart (2006:25) during the 1990s decentralization was celebrated as something like a new panacea to achieve democratization and good governance. Some actors, supported both arguments, e.g. the World Bank, UNDP and the Development Assistance Committee of the OECD (DAC-OECD) (in Hartmann/Crawford 2008:12). Despite the intense activity in the area, especially in the social sciences, governance structures, processes, mechanisms and arrangements at the local level are still a rather new subject of academic research (Adejombi and Olukoshi in Nel 2011:486, Oosterom 2009) and focus on non-governmental actors and development efforts (Hartmann/Crawford 2008:9).

Decentralization has three main forms, which in practical implementation are more or less accentuated: 1) *Devolution*, also referred to as “democratic decentralization“, concerns the transfer of power and resources to sub-national authorities that are democratically elected and enjoy a rather high degree of freedom from central government interference. 2) *Deconcentration*, also referred to as “administrative decentralization“, means the implementation of tasks by central government institutions at local level. 3) *Fiscal decentralization* means the disposition of, and authority over, budgets by locally acting deconcentrated institutions, appointed officials and or elected mandataries. (Manor in Hartmann/Crawford 2008:9)

Apart from the enthusiasm decentralization and the new discovery of the local level experienced since the 1980s, however, implementation efforts met significant obstacles

and challenges that can be categorized roughly into two areas: *technical issues* on the one hand, and questions of *distribution of, and access to, power* within the sphere of local governance or between it and central government or/and other intervening forces. Studies on such challenges have shown the following frequently found problems: Joop De Wit (2000:12) cautions that local government albeit being the central agency to service delivery to local populations often is the weakest state institution. Egziabher/Hlemsing point out that lack of human resources and financial capacity are obstacles to progress and Stockmayer calls the consequences of this a “decentralization of poverty“, because of the central level’s relegating responsibility for important social services to the local level (Egziabher/Hlemsing 2005, Stockmayer 1999 in Nel 2011:492).

On a general level, the process of devolution is complex (Smoke in Hartmann/Crawford 2008:14) and has many intervening factors: Legal frameworks in many cases are weak (Olowu and Wunsch in Hartmann/Crawford 2008:14) and do not spell out responsibilities clearly enough. This results in weak autonomy on the side of local governments (Agranoff in Hartmann/Crawford 2008:14), parallel to strong maintenance of control of deconcentrated ministry institutions in the territory, compounded by the involvement of many different actors in local implementation (Smoke in Hartmann/Crawford 2008:15). At the level of intergovernmental relations, national elites do not necessarily have the political will to share authority with local governments (Blair in Hartmann/Crawford 2008:16). Actors from the central government level can influence transfer of power and means to the local level through political and economic alliances, which can occur with the aim to promote their political base in the respective regions (Olivier de Sardan in Hartmann/Crawford 2008:16).

Capacities of local governments are frequently weak, but despite this there has been a trend to attribute more and more responsibilities to them without necessarily increasing parallel the financial and human resources. Therefore, many local governments are overburdened. In very poor localities, many find themselves in a strangled situation, where they cannot fulfill a significant amount of their responsibilities because of lacking resources. Recruitment and the retaining of qualified personnel in rural areas that lack infrastructure is an additional problem. (Prud’homme, Bardan in Steiner 2008:41) Further, local council members often do not possess experience with

requirements of local government legislation, so that in effect executive staffs of the local government administration dominate affairs. Weak organizational structure of civil society, lacking information and few opportunities exist for meaningful political participation of citizens and result in widespread political apathy and scepticism towards public programs. (Diamond in Hartmann/Crawford 2008:15, Crook and Manor in Steiner 2008:40f.) Despite regular local elections, accountability of the local political leadership frequently does not result as expected in decentralization schemes; local politics is often dominated by representatives of elite groups who get voted based on their socio-economic standing and clientelist patterns instead of because of their merits. (Agrawal and Ribot in Hartmann/Crawford 2008:16) At the local level, also elites can be reluctant to give up or share privileges, as foreseen in decentralization regulations and evidenced by power struggles between local government members and traditional leaders or local bosses. In part local leaders also depend on networks with hierarchies above them and neglect the electorate. (Agrawal and Ribot in Hartmann/Crawford 2008:14-16)

Negative attitudes in regions to the national government can be other stimuli for decentralization and institutionalized structures of participation (King/Stivers, UNDP/BMZ, Ackerman in Segebart 2006:28). Importantly (and relevant for the case-study on Colombia) incomplete processes of decentralization can lead to practically nearly lawless spaces, if responsibilities and coordination modalities are not clarified enough (Toni/Kaimovitz in Segebart 2006:29). If decentralization is introduced and the pertinent local institutions are created, but central government maintains its administrative structures, administrative procedures are made more complicated; roles and tasks are not clear and poor information flow results often. So, decision processes instead of becoming faster become more lengthy, and processes are inefficient and more expensive. (Segebart 2006:30) So-called “traditional“ or indigenous informal institutions in several world regions have an important role and a high degree of public legitimacy. They are often seen as “self-enforcing“ as the local population has often more commitment towards and identification with them than with modern state institutions, despite the fact that these institutions have shortcomings such as lacking sensitivity to gender issues (Dia in De Wit 2000:13). As Dia (in De Wit 2000:13) argues, an “institutional reconciliation“ between traditional and modern state

institutions would be necessary.

Therefore, a gap between normative concepts and the implementation results exists. While advocates of decentralization and researchers in this line tend to orient on the normative concepts and how obstacles can be surmounted¹⁹, others argue, often with a certain scepticism, that decentralization in practice takes many forms, is influenced by many stakeholders and interests that impact on the outcomes and that the adequate solutions require a context specific analysis. (Hartmann/Crawford 2008:4, 249, Thomi in Segebart 2006:25, member of the UN Mission in Timor Leste's Governance Unit, conversation, 06 August 2012, Dili). E.g. Segebart (2006:34) suggests strengthening of monitoring mechanisms as a solution. My own position approximates the first line of argumentation, even though I recognize the research results and experiences showing that decentralization cannot be a recipe leading to positive outcomes only. After all, it has to be acknowledged, that decentralization and local governance arrangements do not take place in isolation from their social and political contexts and can only work as good or bad as the intervening actors do, push for or allow.

This is a point that is in line with the view of many practioners, but might not be very marketable, especially in a context where the effects of the “wind of change“ or democratic wave in many countries have been slowing down quietly.²⁰ Processes such as the Paris Declaration of 2005 that prescribed more respect for ownership, harmonization and allignment with priorities and programs of target governments meant a shift back to cooperation with the state, and between states, which in practice so far mostly means national governments. The implementation of these processes have been going in a fast speed, contradicting principles of policy experimentation and the considerable investments of technical cooperation programs over the past decades. Maybe unforeseen in the magnitude in which it occurred, and sharpened by the economic crisis of 2008, economic relations have been shifting to the benefit of emerging economies and the parallel appearance of new donors and investors such as

¹⁹ A common trait of these studies is the perspective on problem-solving between local actors in the public, private business, and non-profit spheres. In this sense, the focus is on the concerned actors, their interaction, and the sphere where territorial (urban, communal, regional) action takes place. (Heinelt in Schwalb/Walk 2007:8f.)

²⁰ It can be carefully argued that the transitions under the so-called Arab spring do not contradict this so far.

China. This has created new dynamics, which opened windows for elite attempts to maintain or restore privileges rather than proceed on a road to increasing democratization and accountability.²¹ Efforts for decentralization and opening space for participation at the local level, in that sense, can also be seen as challenging elite interests. For instance, as stated by a member of a donor agency, the Austrian Development Agency, in a conversation in 2009, of the regional and sub-regional organizations in Africa, none has put decentralization high on its priority lists, which results in several donors taking it off their programs in exchange for other topics that are more highly prioritized. In a similar vein, the report to the Global Forum on Local Development in Uganda, in October 2010, quotes discussants in a panel on what development partners can do to support local governance, lamenting that “(..) in many countries the movement towards decentralization has, for now, lost momentum.” Among the reasons pressure due to the economic crisis in OECD-countries for faster results in development assistance by its members, increasing fragmentation and diversity of aid flows, and donor fatigue are mentioned. Local government officials stated that the focus of donors on achieving the Millenium Development Goals (MDGs) would have caused more centralization and interventions being more donor-driven (UNDP/UNCDF 2010:71). Further, the event had a strong thematization of the need to include local levels of governance more strongly to scale up efforts to reach the MDGs, as well as to slow down the effects of the economic crisis since 2008 (UNDP/UNCDF 2010:18ff.). A statement in the report (UNDP/UNCDF 2010:26) is:

“(..) all sectors of society have a role to play in promoting local development and the achievement of the MDGs. This requires a new focus on governance (not just government), meaning a fruitful interaction of public and private actors, financial institutions, and civil society at large, at all levels (..).”

Under the section on the summit panel on what makes decentralization work, amongst others the comment was made that politically motivated strategies play an important

²¹ So far few studies were published on this, apart from the analysis of Aili Tripp (2010), where she deducted from statistics on civil liberties and freedom by the non-profit organization Freedom House, that since 2006 there would have been setbacks in democratization and civil liberties. In 2011 Freedom House went so far as to name their annual report on developments in this sphere “Freedom in the World 2011: The Authoritarian Challenge to Democracy“. This report points out that for the fifth consecutive year the situation of global political and civil rights has worsened, with decreases in 25 countries. Gains were especially strong between 2002 and 2006, but were followed by significant reversal (Freedom in the World 2011 Survey, p.3ff., Human Development Reports, Freedom House in Tripp 2010:35). While there is no detailed break down of how the ranking results are calculated and there might be some degree of political bias in the categorization, the survey can give an approximate indication.

role in how empowered local governments are and how successful reforms can be, for instance, the sequence of rolling out different dimensions of decentralization, such as political, administrative and fiscal decentralization (UNDP/UNCDF 2010:68f.).

Interesting in this regard is that the 2010 Annual Evaluation Meeting of the Informal Development Partners Working Group on Decentralization and Local Governance (DPWG-DLG), which since 2006 has been organized by the World Bank with strong involvement of UNDP and the United National Capital Development Fund (UNCDF), featured topics like the political economy of local governance, accountability, access for all to basic services and decentralization in fragile states.²²

As addressed in the section on Governance, over the 2000s the theme of Human Security came to replace that of the threat of an East-West confrontation, with the topic of fragility of states gaining significance (Engberg-Pedersen/Andersen/Stepputat 2008:19). Due to increasing acknowledgement that fragility does not always extend to whole countries or state-structures, as well because of negative reactions of governments if labeled fragile states, there is an increasing tendency to speak about fragile situations or settings (Engberg-Pedersen/Andersen/Stepputat 2008:19, Oosterom 2009).

Hereby, the discourse and the bulk of activities addressing this aspect has focused on the national sphere of governance, even though the relevance of local democratic state institutions for maintenance of long(er)-term security and development has received broad acknowledgement (Jackson & Scott, Van de Haar et al., Risley & Sisk in Oosterom 2009:5f.). Schou and Haag (in Hartmann/Crawford 2008:23) argue that decentralization can have both conflict-increasing and diminishing effects: On the one hand, population groups can be better included in decisions and access to resources, as well as decreasing bargaining for resources between conflicting groups. On the other hand, it can provide groups illoyal to government with possibilities to build power bases from where conflicts can be sharpened, if these are not interested in conflict transformation. As argued by Mehler (in Hartmann/Crawford 2008:23) decentralization

²² The World Bank: Fifth Annual Meeting of Informal Development Partners Working Group on Decentralization and Local Governance (DPWG-DLG) <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPUBLICSECTORANDGOVERNANCE/EXTDSRE/0,,contentMDK:22727768~pagePK:210058~piPK:210062~theSitePK:390243,00.html>, viewed 13.07.2011.

can be irrelevant to conflict resolution, if local state institutions are bypassed to the advantage of other, informal, institutions and brokers. Therefore, as Sisk (in Hartmann/Crawford 2008:23) refers, different intervening variables and the set-up of decentralization with their actors play an important role in how it impacts on conflict management. From the side of many governments of developing countries often internal conflicts remain long unaddressed and the international community refused to intervene until a high degree of conflict escalation has been reached. In comparison, therefore at times international organizations and donors would tend to be more ready to address local conflicts than the affected national government. (OECD in Hartmann/Crawford 2008:21)

Arguments made for a positive role in regard to security questions are that local governance arrangements avail formal structures and procedures for a certain degree of autonomy and through this are beneficial for national unity and stability; on the other hand they endow local government with a formal role in local conflict resolution. (Oosterom 2009:6f.). A role of local governments in implementation, albeit in the context of the immediate post-conflict phase, is also demanded by Romeo (2002:6) in a discussion paper for UNCDF/UNDP: Here, he argues that centrally managed programs to target specific groups such as IDPs or demobilized persons, in many cases neglect the fact that these groups have to re-enter the local context and that therefore holistic approaches are needed, rather than isolated programs that might even create new dividedness in the targeted communities. Romeo points out that this would also have efficiency gains, as local governments usually have more information on the local context, better possibilities to interact with the population, and, at least in states with decentralized structures, an official mandate. (2002:5)

Similarly, as argued by Harvey (2009) for the humanitarian field, Oosterom states for the broader context of aid agencies and civil society activities that these affect local governance, even if their activities might not be directed towards local state building. Further, she argues that wider and complex social and political dynamics impact on local government institutions, so that capacity-building for local government institutions does not suffice, but that also power relations between central and local government, as well as between them and informal authorities must be taken into account. (Oosterom 2009:5f.)

In fragile situations, political dynamics tend to sharpen with actors competing for power at times. Secondly, the aspect of technical capacities becomes strongly affected, as recruitment and retention of personnel becomes even harder, and usually also little financial and infrastructure resources are available. (Oosterom 2009:8) In such difficult settings, there has been the inclination to wait with supporting interventions for local democracy and participation (Hickey & Mohan 2004 in Oosterom), whereas a newer line of argument is made for the benefits of such for peace-building processes (Roque/Shankland 2007, Galtung/Tisné 2009 in Oosterom 2009:8, Gómez/Sanahuja in Jiménez et al. 2006:43).²³ As stressed by Romeo (2002:8) and Kyed/Engberg-Pedersen (2008:1) support to local governance in fragile situations, however, needs an experimentation approach that does not transmit responsibilities at once, but accompanies the process step-by-step.

There is often a withdrawal of development actors in fragile situations. In many cases also humanitarian organizations cannot operate fully and local government or local state institutions are weakened. Despite this, in such situations, there is not a structural void, but social or/and organizational institutions outside the state domain continue activities, such as traditional leaders, churches for facilitation of needs, or in several cases also armed non-state actors that build hegemony in the public space, which can mean also the local governance sphere (Pearce, McGee & Wheeler, Kyed & Engberg-Pedersen in Oosterom 2009:9). These actors and their spheres of influence need to be taken into account in interventions or analyses of the local governance arrangements working in the respective locations. As Kyed/Engberg-Pedersen argue, in such cases the incorporation of these non-state actors ought to be linked up with interventions that aim at transforming their practices, as well as alliances and viewpoints held by them and which go against democratic local governance. This is seen as a prerequisite to avoid that these attempt to spoil processes or become so-called shadow authorities, especially if they have economic power. (2008:4)

²³ An example of attempts to translate this idea into practice was work targeting the local level of the Colombian Commission for Reparation and Reconciliation (CNRR) from 2006 that stressed that in the Colombian context of an on-going conflict it is not possible to wait until the conflict is over, but that peace-building must already be done parallel to the conflict still existing. (Pizarro Leóngomez 2007:179)

For the context of early post-conflict recovery, Romeo (2002), in a UNCDF discussion paper suggested the concept of *good local governance*, which he defined “as an institutional system (a set of organizational and procedural measures) for managing local public affairs“ with three components: (1) performance of local authorities in service delivery, protection of the environment and management of natural resources, and economic local development; (2) participation of citizens in the public sphere; and (3) partnership between local authorities, civil society groups, and the private sector.

Two years later, in 2004 UNDP (in Grote 2007:51) defined local governance as follows:

“Local governance comprises a set of institutions, mechanisms and processes, through which citizens and their groups can articulate their interests and needs, mediate their differences and exercise their rights and obligations at the local level. It requires partnership between local governmental institutions, civil society organizations and private sector for participatory, transparent, accountable and equitable service delivery and local development. It necessitates empowering local governments with authority and resources and building their capacity to function as participatory institutions that are responsive and accountable to the concerns and needs of all citizens. At the same time, it is concerned with strengthening of grass roots democracy and empowering citizens, communities and their organizations [...] to participate as equal partners in local governance and local development process”²⁴

Building on this, in order to understand in how far the above-mentioned theoretic concepts are put into practice in the cases studied, this UNDP-definition on decentralized governance for development and the understanding of “good local governance“ expressed in it, is broken down into criteria for analysis that applied in the empirical part of the dissertation:

Criteria of Good Local Governance (filtered out from UNDP in Grote 2007:51):

- Authorization
- Capacitation
- Resources of local government authorities
- Empowerment of citizens
- Participatory dialogue / consultation processes with citizens
- Transparent / accountable / participatory service delivery & local development

Hence, the theoretic angles of policy analysis with the Advocacy Coalition Framework model of Paul A. Sabatier (1993) and “good“ local governance are used for the analysis.

²⁴ This citation was from the UNDP-website, which was changed in the meantime; thus it was not possible to go back to the original source for quotation.

3. Methodological Approach

3.1 Methodological steps

In an initial orientation phase, I carried out a methodologically and theoretically open exploratory research, which laid the base for the definitive decision on the research topic and selection of the research question and hypothesis. In this phase I also examined the question whether the envisaged cases promised relevant insights and possessed enough variables for comparison. The theoretical tools were chosen after this phase, and during research and data-analysis their usage and appropriateness were checked on an on-going basis.

I chose the method of comparison in order to learn about the cases, identify their similarities and differences and find about special developments in involvement of local government institutions in the development and implementation of the policy responses to internal displacement. Further, the method of comparison is utilized to examine whether in the reference cases solutions were found that could be of relevance for challenges posed in the problem case, Zimbabwe. For the operationalization of the comparative policy analysis, the decision was made to use the comparison method of agreement (Mills 1969). Hereby, different cases are used to establish whether empiric phenomena can be generalized, i.e. in the different contexts of Uganda and Colombia the ways of dealing with the common phenomenon of internal displacement, focusing at the local level, are analyzed in view of what can be learnt for a third case, Zimbabwe, where displacement exists without an official, comprehensive legal or policy response to the phenomenon of conflict-related internal displacement in place so far. Thus the elaboration of lessons learnt from the cases Uganda and Colombia is deemed to have potential value for attempts to solve or minimize the problem of internal displacement in Zimbabwe.

Selection of the reference cases:

The Southern African country Zimbabwe is selected as the country for which lessons learnt are to be developed. This is because of its affectedness by internal displacement and the fact that there is not yet a legal or policy framework to address displacement.

Further factors for selection of Zimbabwe are the protractedness of the political conflict going on in this country and the forming of a coalition government (2009-2013) between the repressive former ruling party Zanu-PF under President Robert Mugabe and the opposition parties. The coalition government was characterized by regime intransigence and the general elections of July 2013 brought Zanu-PF and Mugabe back in power. However, as reflection processes and attempts for a return to socio-economic and political stability have been on-going in and on this country, the reference to this case seems to be and remain interesting and relevant: Recent legal developments in the African Union and in Zimbabwe, relating to the AU Kampala Convention on the Protection and Assistance for Internally Displaced Persons in force since December 2012 and ratified by Zimbabwe in May 2013 mean that the country is obliged to develop a policy or legal framework fulfilling the comprehensive requirements of the Kampala Convention. (IDMC-website, Parliament of Zimbabwe. Session Transcript 14 May 2013)

According to Mills (1969) reference cases for comparative research are to be selected according to similar or different features. Prevailing concepts of area studies, on the other hand, suggest that comparability is best for countries in the same world region. Therefore, at first glance taking both reference cases from the African continent might seem the best choice to fulfill the requirements of comparability. While ideological discourse and knowledge production tend to stress common features of African countries and the necessity of a joint development path, the 54 African countries, however, have specific colonial pasts, were influenced by various ideological orientations in their post-colonial history and depending on these factors, amongst others, are more or less interdependent or interwoven with each other. Therefore, not necessarily are contexts in African countries, in which internal displacement occurred and policy responses to it were developed, very similar or possess all aspects playing a role in the Zimbabwean case. Zimbabwe's past of a settler colonialism strongly based on agriculture and with low industrialization is different to the other countries that were subject to settler colonialism of a similar scale in Africa - South Africa, Kenya and Algeria. The decolonization that in the first step brought into being a minority White settler government and after struggles Black majority rule, is comparable to South Africa, but it came later and in a different socio-economic context. And internal displacement took place in South Africa in very different forms, namely in the form of

forced resettlement under a technocratic and racist aegis, respectively since the end of apartheid caused by development projects, and was not, as will be argued for the Zimbabwean case, conflict-related. Therefore it became clear in the process of searching for comparison cases that the overriding criterion for the choice of the cases could not be the comparability within the regional context. Hence, the criterion of experience with the topic of internal displacement and response mechanisms to it, was used as an additional filter, with the idea pursued to chose one African case and one outside of Africa. Regarding internal displacement responses, experience gathered on the African continent, while significant due to a bigger number of internal conflicts and natural hazards, varies strongly: Laws or policies have been put in place in Angola, Burundi, Liberia, Sierra Leone, Sudan and Uganda (Brookings-LSE Project: IDP Laws and Policies Index)²⁵. Among these, Uganda's IDP Policy is the most comprehensive normative instrument. As in Zimbabwe, but different to the other countries, Uganda in the period under consideration had a stable government that while dealing with the North Ugandan conflict was not challenged in its foundations. Also, natural resource exploitation did not figure as an important conflict factor. Especially the fact that Uganda since the mid-2000s has taken over the topical leadership on internal displacement in Africa and engages most strongly for the plight of IDPs on the continent, justifies targeting it as a reference case.

²⁵ *Burundi*, in reaction to its 1999 IDP-crisis created norms for resettlement and rehabilitation of IDPs, however displacement in 2006 re-occurred due to forcible relocation and in 2007 due to natural hazards. *Sierra Leone* enacted a Strategy for Resettlement in 2001 and a Recovery Strategy for Newly Accessible Areas in 2002 of whom the former aimed at resettlement of IDPs, ex-combatants and refugees and the latter at restoration of civil authority, repatriation, resettlement and reintegration, humanitarian assistance, delivery of basic services and socio-economic re-establishment of returnees, support for reconciliation and development in the post-conflict communities. *Angola*, in 2002, developed a law on internal displacement, which addressed resettlement processes after the conflict in a context of vast infrastructure destroyal and mine affectedness. *Liberia* addressed requirements for reintegration of IDPs and other uprooted groups in its National Community Resettlement and Reintegration Strategy of 2004, also adopting the UN Guiding Principles on Internal Displacement in the same year. *Sudan* enacted in 2009 its National Policy on Internal Displacement aiming at voluntary settlement and family reunification of IDPs, participation of IDPs in programs benefitting them, promoting reintegration and sustainable development and peace initiatives to support the self-reliance of the affected groups. *Uganda* in 2004 launched the National Policy for IDPs, a comprehensive policy, that aims at reducing internal displacement and its effects, respect for rights of IDPs, promoting integrated and coordinated responses mechanisms, support voluntary and safe return, and guide programs for reconstruction and socio-economic re-establishment of returnees. See Brookings-LSE Project: IDP Laws and Policies Index. <http://www.brookings.edu/about/projects/idpresources/laws>, viewed 19.11.2012.

Regarding the choice of the second reference case, the case of Colombia, examined due to its long and broad experience with internal displacement, turned out more and more interesting as reference for Zimbabwe, due to a number of similar or relevant factors: Both countries are in a protracted conflict, albeit of a strongly differing duration. Like Zimbabwe, Colombia was a settler colony where colonial elites established independence according to a hierarchical model of social- and production relations. While Zimbabwe managed to turn this –to some degree- around through armed rebellion leading into a majority rule regime, in Colombia the revolution was stalled and reduced to periodic and geographically limited outbursts of protest or armed rebellion. Conservative attempts to control popular dissent in both countries led to the formation of para-military elements targeting (armed or non-violent) social protest and groups nourishing such. The quest for land and wealth has been used in the younger history of both countries to keep clients loyal to the elements controlling the respective regimes and uproot, as well as push dissident social actors and population groups to the margins of social and political processes. On the other hand, both countries possess a rather well-educated population and some degree of civil society, producing intellectuals in different spheres of society that work towards respect for law and order and try to limit the erosion of public institutions and the marginalization of dissident elements in society. Of course each, Colombia and Zimbabwe, is in one or the other aspect more or less extreme and advanced. Here, it is not the aim to argue for sameness, but for the fruitfulness of comparison between cultural areas or continents as a means to stimulate thought about possibilities and options for measures.

Thirdly, regarding the idea of a selection of the second reference case outside of Africa, also potential for adding value played a defining role: As interaction between African countries occurs in different forms and fora within the African Union and regional organizations playing a dominant role on state-level, actors interested in comparative knowledge on African experiences with internal displacement generally have opportunities for learning and experience exchange at their disposition. Language barriers, high costs of travel and the idea of cultural and political difference still tend to discourage intercontinental comparative research. South-South cooperation and experience exchange in the recent years has become a growing trend as evidenced by, for instance, the forming of the BRICs group of states (composed by Brazil, Russia, India, China). In this hindsight the approach chosen to use two reference cases from

different continents relates to efforts of diminishing isolation, and stimulate mutual and joint learning, between different world regions. Hence, to break somewhat with intracontinental consideration and bring in another perspective, likely to not be as well-known as any of the other possible African cases, an additional reference case, of a country outside of Africa, with longer experience with conflict-induced internal displacement was sought. The South American country Colombia was identified, because of the existence of several relevant aspects and as it was one of the first countries worldwide to adopt a legal framework for addressing internal displacement and at this stage, Colombia is known to possess the most comprehensive system of dealing with internal displacement world-wide.²⁶

Both of the reference cases Uganda and Colombia lead processes on internal displacement, through offering comprehensive approaches and championing processes to address displacement on the African continent for the case of Uganda and for having developed the most advanced responses to this problem worldwide for the case of Colombia. The approach to use a reference case from outside the African continent therefore seems beneficial due to the fact that a case similar to Zimbabwe and with already several years of existence of a policy or legal norms on internal displacement could not be found in Africa; secondly, as well, it is recognized that experience exchange is a lot easier -and to an increasing degree already on-going- between African countries than between such and cases from another world-region, and that added value can be better achieved through having one reference case from another continent. This has become all the more valid under recent efforts to promote legally binding agreements to address internal displacement on the African continent, the Great Lakes Pact of 2006 and, especially, the African Union's Kampala Convention on Internal Displacement, in force since 06 December 2012 (*see Chapter 4*).

For the reference cases Uganda and Colombia the approach was chosen to focus on one region strongly affected by internal displacement in the consideration of local processes. For Uganda, North Uganda was selected, as this was the most affected region in the country. For Colombia, where internal displacement has taken place in all regions of the

²⁶ This approach already encountered interest, however in the opposite direction than that expected: The journal on international law of the Javeriana University in Colombia reacted positively to the submission of an article on the Ugandan IDP Policy. (Cf. Santner 2013a)

country, the approach was chosen to focus on the major reception region for displaced persons, the Caribbean coastal region (departments Magdalena and César), where the problem of displacement has become a major burden for local governments, especially, of peri-urban towns and cities.

The development and implementation of the policies and legislative norms on internal displacement of the case studies is analyzed in overview at the macro level and with more emphasis placed on the micro level. “Macro level“ in the context of this doctoral thesis refers to national policies, whereas “micro level“ refers to the sphere of local implementation of the policies up to the administrative entities of districts and in the case of Colombia up to department governments. To analyze the respective processes of policy development with the degree of involvement of local government institutions and its effects on implementation the method of policy analysis is used. Hereby, the decision was made for the actor-centered approach of the Advocacy Coalition Framework-model developed by Paul A. Sabatier (1993).

The dependent variables compared are (1) the degree of involvement of local government in policy development on internal displacement in the respective locations and (2) the effects of this degree of (non-)involvement of the local level on the implementation of the policies. The independent variables used to elaborate how these come into being are analyzed by means of theoretic concepts of “good“ local governance in relation with those of state-related aspects humanitarian governance and fragile situations, as well as the Advocacy Coalition Framework model by Sabatier (1993).

The research question is:

Which lessons can be drawn from the inclusion of local government institutions in policy development and -implementation on internal displacement in Uganda and Colombia for the case of Zimbabwe?

The hypotheses are:

- (1) Bottom-up approaches are necessary for policies addressing the respective concerns adequately and enabling adequate implementation of the policy-measures;*

(2) While local government institutions are best suited to work with the local population on policy implementation, their possibility to actually do so in controversial and conflictive crisis situations is blocked by central government.

As indicators to measure the hypotheses the following are used:

- Degree of involvement of local government institutions in the preparation and implementation of the respective policies on internal displacement in the regions targeted.
- Fulfillment of central terms of the UNDP-definition of decentralized local government for development (filtered out, as explained in more detail in chapter 2.4.2, from UNDP 2004 in Grote 2007:51):

- | |
|---|
| <ul style="list-style-type: none">▪ Authorization of local government authorities▪ Capacitation of local government authorities▪ Resources of local government authorities▪ Empowerment of citizens▪ Participatory dialogue / consultation processes with citizens▪ Transparent / accountable / participatory service delivery & local development |
|---|

This framework is used to assess the role local government institutions can take in the respective cases, as well as their challenges and potentials to deliver services and play a positive role in prevention and management of displacement situations.

The research encompassed literature studies, one shorter and three longer field visits²⁷ to the target regions for collection of data through a (limited) local literature research, qualitative, semi-structured interviews and background information conversations, as

²⁷ Uganda: April-June 2010; Zimbabwe: June-July 2010; Colombia: March 2009, September 2010-March 2011.

well as visits of institutions, settlements with high concentration of internally displaced persons, participation in meetings and events carried out within the framework of implementation of policies on internal displacement. My decision to make strong use of interviews is based on two considerations: First, I did not find sufficient information in literature on the interactions in the local government sphere in this topical field and the target regions that would have allowed to treat the topic based on literature reviews only. Second, I had the expectation that several relevant issues I wanted to touch on in my study, e.g. local government capacity and relationships between actors, might not be addressed in an encompassing and open enough way in publicly accessible literature. As a counter-measure to the downside of this strong reliance on interviews - a high degree of subjectivity - I resolved to interview a larger number of persons, including in most cases several representatives of the respectively chosen groups. The information from interviews was used in complementary way, as well as comparing with available literature, news-reports and other sources. Due to the sensitivity of some of the topics treated and to avoid negative consequences for interviewees for statements, I followed the usual procedure used in Uganda for texts in the field and listed the interviewees by their functions, place and time of the interviews, but did not give their names.

The interviews were analyzed according to the methodology of qualitative content analysis put forth by Mayring (1983,1985,2002 in Lamnek 2005:517ff.), and were carried out in each of the regions selected for the case studies. Hereby, interviewees were chosen according to theoretical sampling, i.e. coming from institutions, organizations and target groups relevant to the topic of the respective policies on internal displacement: local and national government institutions responsible for the topic of internal displacement, international organizations, international non-governmental organizations, national non-governmental organizations and community-based organizations, representatives of internally displaced persons including traditional leaders, and internally displaced persons, as well as research institutions conducting academic studies on the displacement problem and state-response to it. Depending on the specific knowledge that persons from each groups have, two different sets of questions were used in the semi-structured interviews as listed in the table below.

Table 1: Questionnaires for semi-structured interviews

Questionnaire for local government members, NGOs, researchers

- Which involvement did local government institutions have in policy development and assistance regarding IDPs?
- Which experience was made in implementation with the legal framework on displacement at the local level?
- Which experiences, good practices and lessons learnt can be deducted from the case of Colombia/Uganda? Which errors should be avoided?
- Which activities are implemented by your entity for IDPs?
- Which difficulties and good experiences do you have with the implementation of the legal framework?
- Are there factors that influence (positively or negatively) the possibilities to implement the legal framework, and which are these?
- How do you evaluate the situation and the potentials of local governments to contribute to the support of IDPs?
- Do the local government authorities receive support from the national level, from international organizations and NGOs to work on displacement? Which are the experiences made with this?
- How (well) does inter-institutional cooperation work?
- Are the capacities for the implementation of the legal framework sufficient? What could be improved, respectively which positive experiences come to your mind?

Questionnaire for IDP-representatives

- What is your experience of displacement?
- Did you receive support from state institutions, local government, NGOs?
- What was your interaction with local government in this regard? What has your experience been with it and other potential support actors and programs?
- Which experience and views do you have on the support you received, respectively the support system for IDPs in general?

(Source: Own elaboration)

3.3 Challenges in research

The situation in Uganda has been characterized by intense humanitarian assistance activities with many different UN organizations and private NGOs involved. These had, and still have, a high staff-turn over, short contracts on site etc. Because of this, the development and involvement of stakeholders of the IDP-policy could not be tracked easily. In interviews, the persons now in charge of giving information on the programs, organizations' work, in several cases were not knowledgeable on the "historic developments" of the last decade to fifteen years. Some persons, pointed this out to me already when speaking about persons I could contact, in the beginning of interviews or/and tried to link me up with persons already longer in the region (e.g. researcher Majonke Oosterom, 14 April 2010, member, EC Delegation in Kampala, 06 May 2010).

Another difficulty for Uganda was a wide-spread tendency to cling to information, as in some cases the information people gave to me seemed rather thin compared with their actual involvement. The nearing elections set for February 2011 that caused some level of polarization and excitement in the country during my research stay in spring 2010 might have played a role in this. On the other hand, staff of local and central government institutions might be under pressure to not share "unpleasant" information so that some information was difficult to get.

As regards to sources, at the time of research, three and a half years after the cessation of hostilities agreement between the Ugandan government and the rebel group Lord's Resistance Army (LRA), not yet a great deal of academic studies had been published, even though a strong presence of researchers existed for a few years. The time passing between research and their publication meant that there were little academic studies to refer to at the time of research, but recently a number of studies keep coming out.

In Zimbabwe the topic and even use of the term "displacement", "internally displaced persons" at the time of my research there, still was a sensitive one. For preparation of research it was difficult to reach resource persons and -organizations from outside the country. When I arrived, I had three meetings fixed and was prepared to leave with little substantial information on the topic. In the country organizations referred me further and so I was able to ask myself through and receive quite a lot of information. As referred to by Timngum, state censorship has been constraining media coverage of displacement (2003:33). In some areas several, initial studies exist meanwhile on

internal displacement, however, in part with methodological weaknesses e.g. rather limited sample-sizes or percentage-calculations from strongly differing sample-sizes for one topic complex (e.g. GAPWUZ 2010). It has to be acknowledged that conditions have been difficult for, especially quantitative, research on a sensitive topic like displacement in Zimbabwe over the last years. On the other hand, there is the phenomenon of politically biased “research“ that apparently tries to build up a scientific base for attempts to defend controversial policies such as the Fast Track Land Reform (e.g. Scoones et al. 2010). I deal with this situation by using and referring to several notable studies, but pointing out and commenting upon “anormal“ sample sizes, as well as other potential limitations and circumstances.

In connection with the aspect of statistics and studies a challenge was also that displacement often has not been included as a separate category in studies and assessments on topics in which framework it, however, did occur. So, while there are studies on farm-evictions, for instance, there are hardly studies on displacement within it and while there are statistics on political violence the numbers of displacements within it are mostly only vague estimations (interviews, members of Research and Advocacy Unit, Zimbabwe Human Rights NGO Forum, 08 and 19 July 2010, Harare). Numbers often are reconstructed by means of ones related to the population-groups affected by displacement or statistics on these groups before displacement occurred. (Timngum 2003:33). As there are no secured numbers on politically sensitive variables like displacement or population-size of farmworkers, at times the estimations used by different authors differ substantially. E.g. an interviewee from the Commercial Farmers’ Union (interview, Harare, 19 July 2010) explained that in their communications they use a conservative estimation of the victims of the Fast Track Land Reform, presumably to avoid getting attacked by government for exaggerating numbers. However, the same category of victims is quantified by an independent author writing from the security of neighboring South Africa much higher (Mbeki 2008:109-112).

Research in Colombia on the other hand was characterized by an abundance of documentation on internal displacement generally, even though there are information gaps in and on politically sensitive geographic regions. A difficulty in research was the strong polarization of a number of actors active in the topical field of internal displacement. Connected to this also political interests in the focus region that still has a

strong presence of paramilitaries, respectively successors to these, and politicians cooperating with them complicated access to some information as there are, in part, still security-risks for people voicing critique openly.

4. Internal Displacement – Definitions and Thematic Overview

To lay a basis for later following empiric case-studies addressing conflict-related internal displacement, this chapter will discuss definitions of the term internal displacement, evolvement of the discourse on internal displacement and operationalization of support to internally displaced and summarize the current state of the art on the topic.

Since the end of the Cold War in 1989, a great number of internal conflicts have arisen in former satellite countries of the historic Eastern and Western Blocks. One of the phenomenons of this development is internal displacement that today makes up for the majority of worldwide estimated 45.2 million displaced persons, with 28.8 million persons, outnumbering 15.4 million international refugees in 2012 by far (UNHCR Global Trends 2012, p.3). According to the Internal Displacement Monitoring Centre, 2012 has been the year with the highest number of Internally Displaced Persons (IPDs) so far, in comparison in 1997, for instance, the estimation of IDPs worldwide was at 17 million (IDMC 2012:8, 2010:9). Even though there has always been refuge-taking, persecution of certain population groups or withdrawal of persons and groups from threats within regions and, since their existence, nation-states, the topic of internal displacement has become strongly addressed only from the mid-1990s. Since then, a big quantity of research has been produced and an intense and dynamic reflection of internal displacement and its consequences is on-going. However, due to the rather recent nature of the topic's scientific study, there are still gaps in research on adequate ways of dealing with the problem of internal displacement. Although an increasing number of countries have adopted legislation or policies to prevent or address internal displacement and its effects, the topic, in many cases, still remains controversial. This is due to the fact that internal displacement -except in cases of natural disasters or forced relocation of persons due to large infrastructure projects- normally occurs in situations of armed internal conflict. In this sense the topic of internal displacement is very often linked to national crises, political power struggles and crises of governance and often

found in fragile and authoritarian-ruled states.

According to the Guiding Principles on Internal Displacement presented by the UN Secretary General's Special Representative on the Human Rights of Internally Displaced Persons in 1998, the term "internally displaced person" (IDP) is defined as persons or groups of persons having been obliged to flee or leave their homes or places of habitual residence, as a result of or in order to avoid the effects of armed conflicts, generalized violence, human rights violations, natural or human-made disasters, and who have not crossed an international border (Guiding Principles on Internal Displacement in IDMC 2008:12). Additionally, displacement because of development projects has to be mentioned (Cernea 2000). In legal terms IDPs are distinguished from refugees, who also are unvoluntarily displaced from their homes, but across international recognized state borders (Brookings Institution 2008:2).

Apart from IDPs themselves, another relevant group is that of "affected populations", which according to the UN Inter-Agency Standing Committee (IASC) (in IDMC 2008:13) is defined as comprising the following three categories:

"[...] host communities where internally displaced persons are living; host communities in areas of return of internally displaced persons; and persons of communities at risk of displacement if their protection problems are not addressed."

According to former UN Special Representative on IDPs Francis M. Deng (2000:198), in the affected countries IDPs sometimes end up seen as part of the enemy, rather than as citizens with civic and social rights. Thus IDPs are often deprived of basic food, shelter, medicine and other necessities for decent living. In practice, however, in several cases the state is perpetrator of displacement, respectively condones displacement of weak population groups by another stakeholder from the national territory. At the core lies, "a symptomatic of national identity crises", parallel to efforts of the international community to mitigate effects of displacement being diffculted by the principle of national sovereignty. (Deng 2003:5)

It should also be pointed out that there is critique of the term "displaced person" as it neglects the fact that people in this situation in all cases have experienced some form of coercion, as opposed to "being in the wrong place" as the word "displaced" suggests (student, University of Cartagena, conversation, September 2008). In this thesis the term is used, however with an awareness that the label "IDP" needs critical reflection,

especially regarding stigmatization and anxiousness attached to conflict-related IDPs with their impact on the lives of the so-denominated persons.

4.1 Evolvement of the discourse and practice on internal displacement

The existence of refugee-taking or forced displacement of persons within their own regions and, since their existence, nation-states, can be assumed to be a social and historic phenomenon. Despite this, internal displacement became a much addressed topic relatively late:

The international system, formalized after World War II with the founding of the United Nations, has addressed the topic for the first time, even though then in still rather vague form and without reference to the term displacement, with the Fourth Geneva Convention, Article 3, in 1949 that treats the issue of protection of civilians in times of war.²⁸ Over the following decades, there have been increasing numbers of non-international, or internal, conflicts due to independence wars in decolonization efforts. As a reaction to this, two Additional Protocols were added in 1977 as a supplement to Article 3 of the Geneva Conventions, of which the second addresses civilians in internal conflicts and Article 17 specifies that displacement is prohibited unless absolutely necessary for guaranteeing security for civilian population or imperative military reasons. Further, the article states that civilians must not be compelled to leave their territory for conflict-related reasons. (ICRC-website, section International Humanitarian Law, Jiménez et al. 2006:55).²⁹

Review of documentation and references on interventions in the early post-colonial phase for today's category of internally displaced shows a rather benign treatment of the topic. It seems that UN-support to "internal refugees" -then the term mostly used for IDPs- was in many cases part of the "assistance package" granted to support newly

²⁸ ICRC: The Geneva Conventions of 1949 and their Additional Protocols: Overview. 29.10.2010: <http://www.icrc.org/eng/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm>, as well as for Convention IV relative to the Protection of Civilians Persons in Time of War, 12 August 1949: <http://www.icrc.org/ihl.nsf/FULL/380?OpenDocument>, viewed on 17.11.2011.

²⁹ ICRC: International Humanitarian Law – Additional Protocol II 1977. <http://www.icrc.org/ihl.nsf/FULL/475?OpenDocument>, viewed on 17.11.2011

independent decolonized countries to start off into their post-colonial future. So, for instance, Zimbabwe's, then new, Prime Minister Robert Mugabe solicited support to displaced people within the country in 1980. Many other examples demonstrate the same; the reintegration and support of internally displaced in the process of secession of Bangladesh from Pakistan in 1971 is the first example referred to in a documentation of internal displacement-related activities of UNHCR and is followed by activities in the former Portuguese colonies Guinea-Bissau, Angola and Mozambique to name a few. Other efforts in this vein were set in already longer independent countries with internal and/or regional conflicts, e.g. South Sudan in 1972, Nicaragua in 1987, Ethiopia in 1979, Lebanon in 1982 and Cyprus in 1974. In corresponding interventions UNHCR, OCHA and the WFP participated. (Jímenez et al. 2006:55, UNHCR 1994³⁰). These activities followed a corresponding UN General Assembly-resolution and the invitation of the affected country (UNHCR 1994). According to Leonardo Franco (in UNHCR 1994, p.1), until 1994 UNHCR had already been involved in more than forty operations for support of IDPs on all continents.³¹ Such procedures foregoing the involvement of the UN and other organizations, the topic in the 1970/80s seems to not have caused much conflict in itself.

With the breakdown of the Cold War, this situation changed. As former Special Representative on the Human Rights of Internally Displaced Persons, Francis Deng (2000:185) assesses, the post-Cold war era experienced strategic withdrawal of the major powers, resulting in an extent of marginalization of developing countries, especially in Africa. As a further consequence, responsibilities that before used to be taken over by the super-powers and their major allies now fell on to these governments. Often these lacked capacity and in some cases also political will to handle the resulting problems. In this setting with more conflicts breaking up within states, the topic of

³⁰ UNHCR: 24th Meeting, EC/SCP/87, 17 August 1994: Protection Aspects of UNHCR Activities on Behalf of Internally Displaced Persons. I.1. In: UNHCR- Division of International Protection: UNHCR's Operational Experience With Internally Displaced Persons. UNHCR, 1994. (In Annex-Section, unpaginated document): <http://www.internal-displacement.org/8025708F004CFA06/%28httpPages%29/53C2712258874B4B802570BB00429938?OpenDocument>, viewed on 15.11.2011

³¹ UNHCR- Division of International Protection: UNHCR's Operational Experience With Internally Displaced Persons. UNHCR, 1994. <http://www.internal-displacement.org/8025708F004CFA06/%28httpPages%29/53C2712258874B4B802570BB00429938?OpenDocument>, viewed on 15.11.2011

displacement and mass refuge became more difficult to handle and also more controversial. Parallel after the end of the Cold War, in the course of the 1990s with the global changes effected by the wind of change, civilians in conflict were coming up as an issue and awareness was growing regarding the need to responding with a stronger protection orientation (Dolan/Hovil 2006:3f.).

Colombian legal researcher Beatriz Sánchez (2009:11-19) poses, controversially, other arguments for geo-strategic, financial and security objectives underlying the paradigm change that made internally displaced a visible category. According to Sánchez the end of the Cold War affected international relations in the sense of decreased relevance of refugees for geo-strategic goals of the great powers involved, where refugees of the adversary were more readily supported than after the end of the confrontation between the West and East. Accordingly, in the changed context also funding of support for refugees of humanitarian international agencies such as UNHCR showed significant decrease (Crisp 1991 in Sánchez 2009:17). Parallel increasing flows of refugees to Western countries were observed. Starting with a presentation of S. Agha Khan at the UN Human Rights Commission (Doc. N.U. E/CN.4/1503 in Sánchez 2009:17) arguments came up that led to the conclusion that the support systems for refugees in industrialized nations acted as a pull-factor for refugees to come to these rich countries. As Sánchez argues, these factors contributed strongly to the further evolvement of the category of internally displaced persons and the creation of the paradigm for how support systems for IDPs would have to look like. The focus on alleviating suffering of this very vulnerable group leaves out addressing root causes of displacement and acts in the interest of the international community of states that perceives migration flows as a threat to their internal security and tries to prevent these by addressing migration in the origin countries with assistance-focused approaches. (2009:17-19)

From the 1990s, the UN began to actively facilitate national responses to internal displacement through humanitarian interventions of its specialized agencies, as well as through the identification of the rules of international law governing all states' responses to displacement (Brookings Institution 2008:3). In 1992, former Sudanese Minister for Foreign Affairs Francis M. Deng, was appointed as the first representative for IDPs of the UN General Secretariat with a mandate of the UN Human Rights Council. He was succeeded, 2004 to 2010, by the Swiss Walter Kälin and since

November 2010 by the Zambian Chaluka Beyani.³² Deng was first tasked with the study of the phenomenon and advising the international community, especially the UN High Commissioner for Human Rights and the UN General Assembly, on whether and how the UN should and could get involved in this problem (Deng 2000:198). The 1951 Refugee Law did not apply to internally displaced and governments often did not, or could not, take over responsibility for these uprooted persons. Therefore, international organizations were faced with the challenge of this phenomenon and searched and demanded regulations on the topic, or an international document as a basis for action. Challenges at this stage were the sensitivities of governments that did not want to open doors to intrusion into their sovereignty, the resulting need for a broad consensus, as well as the task to convince states that sovereignty came with the responsibility to protect and support vulnerable parts of their population, which would become the basic element for the normative framework to be formulated. There was also some controversy on the way of elaboration, as the Guiding Principles were produced by technical experts and not, as usual in such cases, politicians (Deng/Cohen 2008:4). With a team of international legal experts Deng compiled relevant international standards and analyzed in how far they could be used for addressing internal displacement (Brookings Institution 2008:3, Deng/McNamara 2001:24f.). Rather than a controversial treaty taking decades to be ratified, the approach was followed to restate already existing norms of soft law, i.e. human rights law, humanitarian law and, by analogy, refugee law in newly developed *Guiding Principles on Internal Displacement*. In this way, acceptance of this new legal instrument was thought to be achieved more easily (Deng 2003:6).

4.2 Norms on Internal Displacement

In 1998 the Guiding Principles on Internal Displacement were presented to the UN Commission on Human Rights. They consist of five sections addressing principles

³² With resolution 2005/46 of the UN Commission for Human Rights in 2004 Walter Kälin, Professor of international and constitutional law of the University of Bern succeeded Deng and in late 2010 Chaloka Beyani, senior lecturer of the Department of Law of the London School of Economics, became the current Special Rapporteur for the Human Rights of IDPs (Jimenez et al. 2006:56, Kälin 2011:43, as well as LSE: Research and Expertise, <http://www2.lse.ac.uk/researchAndExpertise/Experts/c.beyani@lse.ac.uk>, viewed on 23.11.2011).

relating to (1) general principles, (2) protection from displacement, (3) protection during displacement, (4) humanitarian assistance, and (5) return, resettlement and reintegration. The Guiding Principles restate in more detail guarantees relevant for displaced implicit in the more abstract prescription of the named international law bodies (Brookings Institution 2008:3, OCHA September 2004).

The Guiding Principles explain the guarantees available to IDPs that according to legal regulations have to be provided to prevent arbitrary displacement, and to mitigate and end it in cases where it occurred. All phases of displacement are covered, including rights relevant in the post-displacement phase. Further, the Guiding Principles set standards for the delivery of humanitarian assistance. Due to the fact that the Guiding Principles are based on existing human rights and humanitarian law standards, they reflect the existing rules and clarify their application to internal displacement settings and do not create new obligations. This facilitated rapid international acceptance and application in the domestic order of many countries affected by displacement (Brookings Institution 2008:4). The Guiding Principles have been almost universally recognized as the normative departure point for dealing with displacement. At the 2005 World Summit in New York a breakthrough was reached in that heads of state and governments decided the Guiding Principles to be an important framework for the protection of IDPs, as was confirmed by the UN Secretary General on a number of occasions (World Summit Outcome document in Brookings Institution 2008:3, Kālin 2011:43). Until the end of 2012 more than 25 countries put into force laws and policies addressing internal displacement based on the Guiding Principles and other countries regulated specific problems related to displacement in consistency with their international obligation without giving reference to the Guiding Principles (IDMC 2013:12, Brookings Institution 2008:4). Meanwhile a number of regional organizations, the African Union, the Organization of American States and the Council of Europe have called on their member states to work with the Guiding Principles and incorporate them into their domestic laws and policies. In Central Africa the *2006 Pact on Security, Stability and Development in the Great Lakes Region* of Africa included a Protocol on Protection and Assistance of IDPs obliging the member states to enact the Guiding Principles into their national laws and a Protocol on Property Rights of Returning Persons committing member states to provide legal protection for possession of IDPs. (International Conference of the Great Lakes Region, Art. 12 and 13, ICGLR in

Brookings Institution 2008:3). On 06 December 2012 the African Union's *Kampala Convention for the Protection and Assistance of IDPs in Africa* entered into force, and obliges member states to put in place legal provisions, prevention and support measures or compensation, and report on these to the African Commission of Human and Peoples' Rights.³³ In 2012, efforts on this already occurred through of an AU-workshop on the Convention's domestification and implementation in Uganda (IDMC 2013:13). According to a UNHCR-member the Kampala Convention is a human rights advance on global level, sets a good model for the rest of the world and a framework for UN-agencies to go in. It would be now evolving how to go about with these new conditions. (Interview, 16 July 2010, Harare)

In May 2011, an OSCE special thematic event on IDPs and refugees took place that came up with recommendations to revitalize, bring up-to-date and reinforce commitments on these groups in OSCE structures and advance progress on this in member states. For this, it was decided that lessons learnt shall be compiled from the South-East European region, elaboration of a set of guidelines for implementing political commitments on displacement and solutions to it through policies and practice, consider the establishment of a focal point on displacement as well as setting up a working group of interested participating states, OSCE executive structures and UNHCR to support assessment and implementation of these recommendations (OSCE. Document CIO.GAL/126/11, 22 June 2011, p.2).

4.3 Operationalization of the Norms on Internal Displacement

On the level of the international community, the UN tried to improve its coordination efforts regarding humanitarian crises also regarding displacement: Since 1997 the Emergency Relief Coordinator (ERC), a function within the UN-Office for Humanitarian Affairs (OCHA) is the focal point for IDP-concerns within the UN (Deng/McNamara 2001:25). In July 2000 a Senior Inter-Agency Network on Internal Displacement was created and introduced senior focal persons on displacement in the individual agencies. After a review of experiences in a number of countries, including apart from African countries and Afghanistan also Colombia, the Network Special

³³ IDMC: Africa unites on Human Rights. <http://www.internal-displacement.org/kampala-convention>, viewed 09 December 2012.

Coordinator presented proposals to the ERC for improved displacement crisis responses, as a result in January 2002 a specialized unit within OCHA set up with core staff seconded by other Inter Agency Standing Committee (IASC) agencies. The task of this unit was to give guidance for country teams and the Senior Inter-Agency Network, support resource mobilization, training and capacity building on the Guiding Principles on Internal Displacement and the topic of internal displacement in general, as well as advocacy and public information on internal displacement (IASC, September 2002, p.1f., Deng/McNamara 2001:26). From 2006 UN coordination efforts were strengthened further with the gradual implementation of the humanitarian system consisting of the creation of a Central Emergency Relief Fund, better support for UN Resident and/or Humanitarian coordinators and the introduction of the Cluster Approach with one agency responsible for taking the lead at international, as well as country levels and for acting as provider of last resort, if no other organizations are available (Brookings Institution 2008:3). In-country the Humanitarian Coordinator is responsible for consultation and policy dialogue with national government and local authorities of the host country and the assessment of their capacities to address internal displacement and support needs. Further, s/he leads the country-team of the UN-organizations and reports to the Emergency Relief Coordinator. The ERC chairs the IASC and is the focal point of the inter-agency coordination on protection and assistance to IDPs and leads global advocacy on internal displacement, IDP protection, assistance, resource mobilization, as well as support of field initiatives in the field. (IASC, June 2006, p.6f. and December 1999, p.27f.) The clusters and designated agencies consist of nutrition (UNICEF), water and sanitation (UNICEF), health (WHO), shelter in conflict for IDPs (UNHCR), camp coordination in conflict for IDPs (UNHCR), protection in conflict for IDPs (UNHCR), logistics (WFP), telecommunications (OCHA/UNICEF/WFP), early recovery (UNDP), and education (UNICEF) (Brookings Institution 2008:3). In this context also more stress was put on knowledge and application of international standards by the participants of the respective clusters (IASC, June 2006, p.12). While this is the normally used work-sharing agreement, the concrete distribution of clusters and tasks can vary to some degree from country to country. UNDP tends to play a strong role in support to IDPs where these are absorbed into general communities, separate “targetability“ becomes hard and resettlement is on-going or promoted already. According to the IASC policy

paper on Protection of IDPs (IASC, December 1999, p.17) the conversion from the displacement phase to development and recovery is less difficult, if planning for the two phases is well-coordinated early on. This seems to be, however, still a difficult to achieve ideal (cf. e.g. IDMC 2013:14).

A difficult step in interventions on displacement is its resolution, for which the prevailing approach is the striving for so-called “durable solutions“ as promoted by the IASC through the specific framework on it. These comprise the following three options (IASC/Brookings Institution 2010:5):

- *“Sustainable reintegration at the place of origin (...’return’);*
- *Sustainable local integration in areas where internally displaced persons take refuge (local integration);*
- *Sustainable integration in another part of the country (settlement elsewhere in the country).“*

According to the former Special Representative on Human Rights of IDPs, Walter Kälin, (2011:43) between 2004 and 2009 estimated 24.4 million IDPs returned to their places of origin, but this does not always mean these returnees managed to find durable solutions. Still existing gaps in addressing displacement according to Kälin (2011:44) are: (1) Approaches to IDPs that do not live in camps, but with host families and spread within other population still are not effective in assisting and protection. (2) Multiple vulnerabilities of certain groups of IDPs still fail to be adequately addressed (e.g. elderly, disabled, ethnic minorities). (3) Many states, where displacement occurs, possess weak structures that need support including resources. (4) There is still a gap between relief and development that has at times the effect that IDPs are worse off years after displacement than in the emergency phase of the displacement.³⁴ (5) Despite that displacement according to the Guiding Principles on Internal Displacement, and the international norms they refer to, is a crime against humanity respectively can be a war crime, in many countries there is still impunity on this. (6) Lacking political will difficults in many affected countries the finding of durable solutions so that IDPs suffer situations of protracted displacement. From the mid-2000s the number of displaced

³⁴ The GP 10 conference in October 2008 in Oslo suggested as an approach to diminish this gap sooner start of planning for durable solutions, namely as soon as displacement occurs to facilitate the transition from humanitarian aid to development with effective early recovery strategies now laid down in the Durable Solutions Framework (GP 10 Conference 2008:9).

persons due to natural hazards has outnumbered those caused by armed conflicts and is likely to increase further due to progressing climate change. This is a topic that will become more important in future. (OCHA/IDMC/NRC in Kālin 2011:43)³⁵

A point from this, taken up again here, is strict separation between humanitarian assistance and development cooperation, which is characteristic of many displacement situations and –conditions and implementation of interventions according to these respective logics has severe shortcomings: In prolonged conflict situations according to Gómez/Sanahuja (in Jiménez et al. 2006:43) it is not possible to wait until the conflict ends. These authors demand that a mode of development in conflict situation ought to be practiced that strengthens the capacities of the population to survive with their own means as far as possible and learn for the later rehabilitation and reconstruction phase. Otherwise, they argue, through support measures like hand-outs, dependence and potential new obstacles for later development phases are created.

Another problem area, according to Deng/McNamara (2001:26), is the mobilization of donor funds for countries where political will to working towards solutions is lacking or weak, hence, concrete solutions are not apparent and the argument is made that assistance would be futile. As will be later addressed, Zimbabwe threatens to become such a case and for Colombia a tendency in this direction seems to be developing with the re-definition from IDPs to the recently much used category of “victims of the armed conflict”.

4.4 Characteristics of internal displacement

This section presents main characteristics of internal displacement. While there are region-specific situations that cannot be treated here, the aim of the following is to provide a general overview on common features of internal displacement.

According to Michael M. Cernea (2000:12) the most significant effect of involuntary displacement is the impoverishment of big numbers of people. A characteristic of IDPs is that they are the poorest category of forcibly displaced, who in many cases cannot

³⁵ As the reference-cases are affected by conflict-related displacement, displacement caused by natural disasters is not treated in detail in this thesis.

afford to take refuge outside of their country (interview, Director, legal aid center - Fundación Tecnológica Antonio de Arévalo, Cartagena, March 2009). Displacement causes social exclusion of specific groups of people. Parallel to physical exclusion from a geographic area, economic and social exclusion from a set of (more or less) functioning social networks takes place. (Cernea 2000:12)

As pointed out by the Brookings Institution's Project on Internal Displacement (2008:1f.), often the fact of displacement works against IDPs through creating physical and administrative obstacles to the realization of their rights that do not exist for non-displaced citizens. For instance, the right to vote at their place of origin they cannot go to safely or need of shelter, which is not needed by non-displaced citizens. Not only does the act of displacement in itself often constitute a violation of human rights of the affected, also the subsequent loss of access to homes, lands, livelihoods, personal documentation, family members, and social networks make it difficult for IDPs to assert and enjoy a number of their fundamental rights. From the act of displacement IDPs become dependent on others for basic assets such as food, shelter and water. Parallel to that barriers like access to health care, education, employment, economic activities, and electoral activities arise in their areas of displacement. The length of the time of displacement plays a role in traditional family and social structures breaking down, making IDPs dependent on outside support and increasing their vulnerability to economic and sexual exploitation. The dependency often developing with the time, makes achievement of durable solutions and sustainable reintegration into society more difficult, after political and security conditions have changed making return possible (Brookings Institution 2008:2). Persons registered as IDPs in 2003 were estimated to be mostly women, children, elderly and disabled people. Despite this, IDP leaders are mostly men. (Deng 2003:5)

Cernea (2000:21) observes as most frequently observed negative results of forced displacement:

- Landlessness
- Joblessness
- Homelessness
- Marginalization
- Food insecurity

- Increased morbidity
- Loss of access to common property resources
- Community disarticulation.

Research on internal displacement -due to the high complexity of the phenomenon - has been undertaken from a wide range of disciplines and under usage of many theoretic angles. Only having come up as an issue in the 1990s, it is a relatively young topic of academic consideration. Global centers of academic research on internal displacement are the Brookings Institution whose *Internal Displacement Project* is run in cooperation with the respective academic institution housing the acting UN Special Representative on the Human Rights of IDPs, which was before the University of Bern and since late 2010 has been the London School of Economics. The other important research institution is the *Oxford Refugees Studies Centre*. At a more practice-oriented level, the Geneva-based *Internal Displacement Monitoring Centre (IDMC)*, which is linked to the NGO Norwegian Refugee Council (NRC), also cooperates with the UN, has an online database on internal displacement all over the world and publishes reports on countries and regions affected by displacement.

On another level, research centers based in countries and regions affected by displacement produce reports and research on the respective displacement situations. As a renown and internationally known institution, here, the Refugee Law Project in Kampala, Uganda, with a strong network with universities in the UK and Scandinavian countries can be named. In Colombia - the country with the most elaborate legal framework on dealing with displacement - high quality and comprehensive research is produced by academic institutions in the country's urban metropolises. But in marginal, conflict-affected areas of the country this situation is different: Here, one finds often rather weak academic institutions, as well as a poor network between the existing research institutions. In consequence and paradoxically, there are comparatively few published studies on such highly displacement-affected regions. (W. Renan-Rodriguez, R. Jimenez, conversations in October 2010 in Santa Marta, Cartagena, Regional CODHES-conference in March 2009, Barranquilla, Colombia)

For this chapter I conclude that the topic of internal displacement has become a much-addressed issue especially after the end of the Cold War, when the international system

was in a certain re-formation and many regimes underwent crises. From the 1990s international standards were assessed for their validity for the topic of internal displacement, relevant applicable aspects of these summed up in the UN Guiding Principles on Internal Displacement that were affirmed in the World Summit of 2005 by all participating countries. Africa has shown strong engagement regarding regional instruments to target the problem of displacement with the Great Lakes Pact of 2006 and the African Union Convention on Internal Displacement that entered into force on 06 December 2012. On the whole, since the 1990s significant sensitivity was built up for the topic of internal displacement and civilians in conflict. Here, the aspect of conflict-induced internal displacement has been dominant over the aspects of natural hazards and displacement due to large-scale infrastructure projects. Of recent the beginning effects of climate change are strongly addressed in international conferences on internal displacement, as droughts, tsunamis and floods are expected to cause the greatest numbers of displaced in the future.

5. The empiric case-studies on Uganda, Colombia and Zimbabwe

This section presents a regional and historical contextualization of the case-study countries and analyzes the respective conflict constellations that caused internal displacement as well as the position of local governments and their relationship to relevant actors in this field of displacement and/or efforts for resolving displacement.

The research bases itself on the following sources:

Regarding the case-study in / on Colombia, both the long and protracted conflict of Colombia as well as the topic of internal displacement have been addressed by a high quantity and topically broad treatment in academic literature, studies, research, human rights reports, work documents, news articles and many other sources. Important sources used for this thesis consist of, on the one hand, literature on the conflict history. For this, I used texts produced by German-, English- and Spanish-speaking authors, both for reasons of practical access to information and to get a rather complete overview of the complex and often partially viewed and portrayed conflict. On the other hand, regarding the topic of internal displacement, legal documents, reports and studies especially by the main advocacy NGO on the topic in Colombia CODHES (Consultoría para Derechos Humanos y el Desplazamiento), international organizations, constituted a

prime source of information and were complemented by other specific reports, addressing certain regions and sub-topics, media reports and interviews.

A literature overview regarding North Uganda shows in historic perspective a strong role of and reliance on writings of Catholic missionaries and representatives of the British Colonial administration, both with a strong Western bias. This is reflected by actions of the colonial administration between the late 19th to early 20th century, which caused deformation of local social and political structures. Heike Behrend's study on the spirit medium Alice Laquena and the Holy Spirit Movement founded and led by her in the early to mid-1980s gives some illumination on this (Behrend 1999). Discussion of the North Ugandan conflict afterwards, due to increasing war crisis, was mostly done within the context of humanitarian assistance efforts and media coverage of the internal conflict. With the end of the conflict much research since mid-2006 is being undertaken, whereby publications are only coming out in recent years, with anthropologist Sverker Finnström (2008) having produced a much referred to book. Empirical research consisted of interviews conducted in Gulu town, where most governmental, relief, and institutions of humanitarian support are located, in a number of IDP-camps, settlements stemming from IDP-camps, villages and settlements people have already returned to in the districts Amuru, Pader, Kitgum, Anaka, and Gulu over a period of 2 months. Research on national institutions and their role in policies took place in the capital of Uganda, Kampala, during the duration of one month.

The conflict analysis on Zimbabwe is based on recent academic literature on the colonial and post-colonial history of the country and the topic of displacement. Due to the intense debate on Zimbabwean politics it has been possible to make much usage of authors from the Southern African region. Displacement has been largely referred to within human rights reports, advocacy material and reports by organizations working on the issue. Generally the information basis on displacement in Zimbabwe is still weak, as the political context and power relations have not permitted country-wide, population based surveys.

5.1 Colombian local governments' dealing with internal displacement

Displacement has been a feature of the *conquista* period and the progressive

colonization of the territory forming today's Colombia (Camargo Rodriguez/Blanco Botero 2007:9). The civil wars of the 19th century caused other internal displacement. In the 20th century, the *violencia*-period of the 1950s and 1960s was the first phase of large-scale displacement and resulted in significant population-movements. The last, contemporary, period of displacement started in 1985, reached its peak in 2002 and decreased afterwards (Camargo Rodriguez/Blanco Botero 2007:9, RSS, CODHES in Soledad Suescún 2007:180). In Colombia, internal displacement has been mostly addressed with regard to the latter period, since the mid-1980s, when the internal conflict received additional fuel through the expanding drug-traffic. Due to the circumstance that Colombian IDP policies including the respective legislation, have been formulated with regard to this relatively recent displacement crisis, as follows also I treat displacement from 1985. Colombia's being a vast, very diverse and highly regionalized country has contributed to specific conflict developments. Thus the case-study cannot claim validity for all of Colombia, but only that focused on, *région Caribe* in the North of the country.

This chapter, first, examines how conflict actors positioned versus each other in the Colombian conflict, which role local government institutions have been taking in this, and the degree of involvement of local government in policy development on internal displacement.

5.1.1 Contextualization - the Colombian internal conflict

5.1.1.1 Elites achieving hegemony amidst social struggles

Colombia is frequently called a country with strong contradictions and regional imbalances (e.g. Pécaut 2008:2). Colonized by Spain in the first half of the 16th century, the geographic conditions of an, in part, hard to access area caused differing territorial penetration. Along the northern coastline the first colonial towns were created with Santa Marta (in 1526) and Cartagena (in 1533), whose harbors developed to trading posts and points of departure for expeditions into the interior. Along the rio Magdalena the colonial explorers traveled southwards and founded today's capital Santa Fe de Bogotá in 1538. As the colony's interior had a climate similar to Europe, most of the colonial population settled there. Colonial society was characterized by strong church influence, especially in the education sector and a hierarchical socio-

economic organization; members of the colonial bureaucracy and Spanish trading enterprises controlled import and export, and the Creole elite large scale land-ownership. (Dilger 1996:23-25,30) Apart from mining, the main economic activity of the colony, named Nueva Granada, soon became agriculture. Under the *encomienda*-system, in exchange for pledges to proselytize the local population for the Spanish crown and Catholic church, settlers were attributed areas with indigenous population that had to work the land and hand over harvest or pay tributes. (Dilger 1996:23-25) Wars to fend off conquerors, new diseases brought by the colonizers, and new labor conditions caused the drastic diminishing of the indigenous population (Jaramillo in Gamboa 1995:40), the introduction of indigenous reserves (*resguardos*) and the substitution of their labor power by Black slaves and cheap contract labor (Dilger 1996:25, Duncan 2009:174).

In rural regions, the economic base limited to statal transferrals, some commercial cultivation, extensive livestock farming and subsistence agriculture. Landed elites usually lived in urban settlements and regulated political affairs of the region with other large scale land-owners, while dependent workers ran the farms under a patriarchal, hierarchical system with fixed positions and procedures. So, relations of dependence between the rural poor and local elites were favored; clientelist systems inter-linked with local politics developed and reproduced over time. As for the rural poor access to an income depended on personalized exchange with members of the elites, the development of ideas of modern citizenship was inhibited. (Duncan 2009:174) While Spanish interest centered on the interior part of the country, the population in the peripheries lived in more marginal conditions and, amongst others, adopted smuggling for the acquisition of goods and generating income (Corso in Ardila 2007:6). The colonial administration did not effectively control all of the territory; local systems of rule that interacted with national authorities only to limited degrees were established with time in more marginal zones. (Conversation, historian, Universidad de Cartagena, 19 October 2010)³⁶

³⁶ Also, from early on there were efforts of social protest by marginalized groups (Hylton 2006), reaching a first highpoint with the 1781 *comuneros* revolt against rising taxes, which was calmed down with reform promises that in the end, however, remained unfulfilled (Dilger 1996:29).

In 1808, the French occupation of Spain, rising discontent with dependence on the Spanish crown and ideas of the French revolution, sparked independence struggles: In July 1810 a government *junta* proclaimed independence. Regional Creole elites declared themselves federalists or centralists (later named liberals and conservatives) and a series of regionally limited wars between these started. After the recuperation of Spain, in 1814 the Spanish Bourbon regime tried to reconquer the colonies. Led by Simón Bolívar, republican guerrillas won over the Spanish troops and in 1821 proclaimed the Republic of Colombia, which included today's Ecuador and Venezuela, but in 1830 the latter two dissolved. (Dilger 1996:34-37) The new state was disunited, had very poor communication infrastructures and a depleted economy (Deas in Hylton 2006:15). With low readiness to pay taxes in the population, central government lost its violence monopoly and left it to the regions (Kalmanovitz in Hernandez Osorio 2007:43).

Until 1886 intense struggles for the orientation of the new state along liberal or conservative ideas took place, e.g. on the relationship between church and state, extension of civil liberties to the whole population or only to elites. This ensued numerous regionally limited wars, fast changing governments and constitutions, unequal economic development, as well as a period of strong federalist orientation followed by an era of conservative restoration. (Dilger 1996:34-37, Sánchez in Gamboa 2002:79)³⁷ The constitution of 1886, in place until 1991, strengthened centralism and the powers of the President (Pearce 1990:24). Conservative rule finally became entrenched with the war of the 1,000 days, 1899 to 1902, that led to estimated 100,000 deaths and the dissolution of Panama (Bergquist in Hylton 2006:24). In exchange for the annexation of the Panama-canal area, the US government granted an indemnization of 25 million USD and credits for additional 175 million USD, which from 1910 launched a boom in manufacturing and external trade, and also was the beginning of export enclaves dominated by US enterprises on Colombian soil (König in Zelik/Azzelini 2000:50). Improvements in the transport infrastructure from the 1880s and the coffee boom facilitated the development of a national market and its

³⁷ In the late 1870s the issue of land-ownership and organization of labor became a conflict point between elite and lay-oriented Liberals and resulted in some elites changing to the side of Conservatives, to protect economic privileges and political monopoly (Hylton 2006:21f.).

diversification as well as industrial growth especially in the Medellín region (Pearce 1990:29, Hylton 2006:26f.).

In the 1920s public works programs offered employment and acted as a push factor for migration from rural to urban areas (Pearce 1990:29). Parallel, industrialization and socialist revolutions in Europe and Mexico encouraged the creation of trade unions and protest groups, such as the indigenous Quintin Lame group and a beginning women's rights movement, as well as labor protests, promoted by the Socialist Revolutionary Party (PSR). Local protests took place in smaller towns in different parts of the country, reaching a climax in the massacre of striking banana-plantation workers in Ciénaga, department Magdalena, and initiating a nation-wide wave of repression in which PSR-leaders were killed or imprisoned (Zelik/Azzelini 2000:50-52). The massacre was investigated and publicized by young lawyer Jorge Eliécer Gaitán, who became in the following the first populist liberal politician to build a nation-wide mass allegiance across classes with an anti-elitist perspective (Green, Sánchez in Hylton 2006:29,31). When the Liberal party had regained government after fifty years of conservative rule, political reform efforts remained rather tame (Stoller in Hylton 2006:33). So, in 1933, Gaitán turned away from the Liberal party and founded the National Union of the Revolutionary Left (UNIR), and with this turned into a competitor for the Communist Party of Colombia (PCC) and the Liberals. The following liberal government under Alfonso López Pumarejo announced social reforms, increased taxation, expenditures for schools and roads, and liberalized labor legislation leading to rising unionization. Further, attempts were made for a Constitutional reform to achieve separation of the Church and state, which caused the PCC to back, and caused Gaitán to re-join, the Liberal party. However corruption scandals in López's second term made him take back reforms such as the eight hours' work-day, social security and limited land reform under Law 200 of 1936. (Richani in Hylton 2006:33) The unions' reliance on government promises demobilized the workers' movement, which did not manage to maintain the gains of the 1920s. Thus, workers experienced steep decline in their already modest living standards. The late 1920s' economic downturn forced many to go back to the rural areas they came from and contributed to rising militancy in rural regions. (Pearce 1990:37-39)

When the Liberal party did not nominate Gaitán as its candidate in the Presidential

elections of 1946, he ran independently. This divided the liberal vote and the Conservatives won. They restructured public control and power relations in their favor. Re-staffed police in part reacted to revenge in the Liberal period for cruelties in the 1,000 days war and began to repress popular dissent. In 1948 Gaitán was assassinated and nation-wide liberal revolts broke out, but due to lacking coordination lasted only a few days (Sánchez in Hylton 2006:40-42). Conservatives launched a campaign of persecution against liberals, the so-called *violencia*, which until its end in 1964 caused 300,000 deaths and two million IDPs (Bergquist, Roldán in Hylton 2006:39, stress in the original). Peasants and landowners lost estimated 200,000 plots of land due to displacement, partly connected to forced sales. Directly affected were the central departments, but not the Caribbean region, the Southern and Eastern departments. From 1951 to 1964 urban centers experienced a population increase of more than 100% due to people fleeing. (Pearce 1990:53-57,66) Along with economic transformation after World War II, the migration and internal displacement in the *violencia* had the effect of pushing the so-called “natural reserve”, then 60% of very low inhabited marginal zones, further back (González Arias n.d.:68).³⁸

In 1958 a committee was set up to study the causes of the *violencia*, which also mediated between the parties in the peace negotiations (Gamboa 2002:73); in the same year the National Front (*Frente Nacional*) coalition government between the Conservative and Liberal parties was formed to resolve inter-party violence and ensure stability, which resulted in coexistence of the two parties in the government administrations. (Hernandez Osorio 2007:14-16) For guerrillas, military and other state institutions an amnesty was proclaimed, which reduced armed resistance to locally acting small groups, *bandoleros* (Sánchez, Meertens in Gamboa 2002:62). Mutual assurances and alternation of government leadership without a significant political opposition enabled appropriation and privatization of state power, reinforced clientelism and restricted possibilities for public participation (Fernandez de Mantilla/Parra Ramirez in Hernandez Osorio 2007:16). As pressing concerns were not addressed, the Frente Nacional arrangement lost credibility, repression of political

³⁸ In several places colonizing pressure of campesinos settling on land led to conflicts with local indigenous population (Jaromillo Gómez in González Arias n.d.:82).

participation encouraged more radical forms of protests including armed resistance. (Hernandez Osorio 2007:16, Restrepo in Gamboa 2000:37)

5.1.1.2 Advancing guerrillas and Unión Patriótica-party and conservative backlash

In this climate, several guerrilla groups came about: The biggest of them, the *FARC* (*Armed Revolutionary Front of Colombia / Frente Armada Revolucionaria de Colombia*) was founded in 1964 for the defense of peasant interests and a focus on agrarian reform. Largely due to repression it took the radicalized form of a mass army with the aim to topple the government, adding “Popular Army / Ejército Popular” to its name. Its activities, especially since the end of Soviet support, have been largely financed by kidnapping ransoms, protection fees and incomes from coca-cultivation and drug-trade. (Pizarro in Gamboa 2002:105, Hernandez Osorio 2007:17) From the mid-1980s, this enabled the FARC to quadruple their combatants and capacity for combat (Coronell in Semana, 27.09.2010, p.22).³⁹ The *ELN* (*National Liberation Army / Ejército de Liberación Nacional*), was founded in 1965, dominated by militarist aspects and influenced by liberation theology and Ernesto Che Guevara’s *foco*-theory to spread revolution from points of combat; over time the ELN had a stronger intellectual orientation and became known for attacks on infrastructure of enterprises. The ELN rejected taking part in drug-trafficking. (Gamboa 2002:30,90, Zelik/Azzelini 1999). Linked to the political party Alianza Nacional Popular (ANAPO), the *M-19* (*Movimiento 19*), had a strong intellectual influence and urban focus. This guerrilla became known for spectacular actions such as the occupation of the Dominican embassy in 1980 (Pizarro in Gamboa 2002:100, León Palacios 2012:241f.). *Quintín Lame* was an indigenous guerrilla with communitarist ideas and demands of the indigenous communities of the Cauca departments (Pizarro in Gamboa 2002:108). The *EPL* (*Popular Liberation Army / Ejército Popular de Liberación*) was created in 1967, dissolving from a wing of the PCC (Gamboa 2002:30f.). The guerrillas in this time, however, were comparatively weak and were fighting in marginal zones of the country.

³⁹ Its major success was the reaching of a demilitarized zone in the early 2000s during a process of (failed) peace negotiations, but followed by a massive military offensive. Further, it is reproached with drug-trading and losing its political horizon. (Pécaut 2008:6, Coronell in Semana, 27.09.2010, p.22)

After the end of the *National Front*-period in the 1970s a political opening seemed possible. An economic boom in major commodities such as coffee and cotton had improved living conditions of workers somewhat. By the end of the decade this changed: the economy struggled with falling market prices for several products and cash crops, and economic decay of related industries impacted on the labor market and regional and local elites. (Arias Ortiz/Acevedo Guerrero 2010, Thoumi in Schmidt 2008:49) From the end of the decade public protests increased and land occupations reached intense extents in several regions; the guerrillas found a favorable ground for political mobilization among peasants and workers. Especially the peasants' organization *ANUC* (*Asociación Nacional de Usuarios Campesinos*) organized public protests, particularly in the Atlantic coastal region where large-scale land ownership and landless fought social conflicts. Yet, ANUC was weakened by political sectarianism and repression. (Pearce 1990:120-130)⁴⁰ Partly intense guerrilla activity led to rising costs in business operations, ransom moneys and kidnappings affected many members of large scale land-ownership and *new rich* profiting from the rising drug business (www.verdadabierta.com, Zelik 2006:94). Colluding interests, thus, led to an alliance between latifundists and economic elites threatened by decline and drug-traffickers. When the M-19 guerrilla suggested peace negotiations in 1980 and the government started a peace process in 1982, elites in the security forces felt under pressure. In this context from 1981 some started to sponsor - first regionally separate - paramilitary groups.⁴¹ (Kurtenbach, Mayer in Schmidt 2008:56, Gamboa 2002:119, Hylton 2006:67, Zelik 2006:93) The government undertook weak and in the end unsuccessful reforms, which disregarded social questions such as the need for agrarian reform. From the 1980s it introduced progressive liberalization measures, such as opening the market for foreign imports. Multinational mega-projects and large-scale infrastructure construction offered economic opportunities for elites, but neglected the concerns of workers and

⁴⁰ As a counter-weight to protests, Community Action Committees (*Juntas de Acción Communal*) were installed in the 1960s and 1970s as mechanisms for public participation (Santana, Giraldo/Camargo in Pearce 1990:148-150).

⁴¹ Drug mafia leaders attempted to achieve tacit acceptance of this trade and social ascent into the ranks of Colombian elites through coalescing with right-wing groups in counter-insurgency and invested into purchasing large land-holdings in conflict-affected areas (Pearce 1990:194f.). Law 68 of 1965, that allowed the creation of so-called *self-defense groups* ("*auto-defensas*"), served as legal basis for this. (www.verdadabierta.com)

local communities, especially in border areas that meanwhile had become profitable investment areas. (Gamboa 2002:30-33, Ortiz, CINEP, Gros in Hylton 2006:60, Bello 2003:n.p.)

Emanating from the peace negotiations, in 1985 the FARC created a political party, the *Unión Patriótica (UP)*, as its civilian political expression. As Gómez-Suarez points out, social power based on communist ideas was established by the new party in social interaction in a widespread network of left-oriented activists and sympathizers including their relatives, friends and other contacts. The fact that its ideological leadership was largely given by the PCC and the FARC meant that the UP was identified with those and was seen as a threat both in terms of Cold War logics and suspected as a potential vehicle for expansion of guerrilla warfare. This was fueled by FARC-commander Jacobo Arenas running as the UP's candidate for the presidential elections of 1986 (Gómez-Suarez 2011:48,54)

The M-19's spectacular occupation of the Palace of Justice in November 1985, to expose lacking engagement of President Betancur in the peace negotiations, sharpened developments as it was answered by the government with the military storming the building. Civilians and key commanders of the M-19 lost their lives in the process; the M-19 would fall into insignificance after this and demobilize from the late 1980s (Gamboa 2002) In the aftermath there was a heated controversy about the adequacy of the military reaction between the UP and President Betancur. Such rhetoric contributed to weakening of the peace process and the military, along with its economic and political allies, seeing its legitimacy and influence under threat. (Gómez-Suarez 2011:54f.)⁴²

In this politically sensitive and rather polarized time, under structural adjustment policies and the goal to increase citizen participation - but in negligence of socio-political patterns of regional hierarchies and dependence networks in much of Colombia - decentralization was introduced from 1983 (Pedraza Beleño 2012:148). This was started with a rather fast introduced increase in the financial dotation of local

⁴² Betancur branded the M-19 action a threat to security, portrayed the guerrillas as mercenaries of drug-bosses, and insinuated that the FARC, through the vehicle of the UP, could do even much more harm than the small M-19 that had managed to occupy the Palace of Justice. (Gómez-Suarez 2011:54f.)

government administrations: Law 14 of 1983 and Law 12 of 1986 increased transfers from central government from 22% to 46%; in addition opportunities for higher local fiscal incomes were granted. The election of mayors by popular suffrage was defined by Legislative Act 01 of 1986. Further, Decree 77 of 1987 regulated delegation of certain functions to local government administrations. With this, local governments became attractive to armed conflict actors. (Suárez, Torres, Orjuela in Pedraza Beleño 2012:148f.)

The opening of local politics gave political parties, outside the traditionally dominant Conservatives and Liberals - that did not achieve significant presence at national level - the chance of shaping local politics in specific localities (Restrepo in Pedraza Beleño 2012:150). This showed in the elections of 1986, when the UP won 14 parliamentary seats, 21 county representatives and the majority in the marginal areas -and FARC-strongholds- of Arauca, Guavire and Caquetá. The presidential election campaign showed that the UP became a force at national level. When a FARC-dissident group started attacks on UP-officials, these were not reacted upon by government, but set forth by army members and paramilitaries. By mid-1986 184 UP members had been killed and tortured, many disappeared. (UP 1986 in Gómez-Suarez 2011:56) The UP-leadership started meeting government ministers to stop atrocities, the UP and FARC called for mass protests and strikes; the FARC withdrew progressively from the UP to protect the latter from the reproach of connections with armed conflict-actors. After assassinations and uncovering of plans for such, UP-MPs left Congress warning of increasing paramilitary activity, if government remained inactive on the problem. Yet, assassinations continued - by December 1986 350 UP-members were dead. (*El Espectador* in Gómez-Suarez 2011:57)

When the FARC restarted attacks, the peace process ended. Although the UP distanced itself from the guerrilla-violence, its strongholds became increasingly targeted by counterinsurgency, who saw high approval for the UP as equivalent to support for the FARC. (*El Espectador* in Gómez-Suarez 2011:59) Violence rose sharply: by mid-August 1987 on average one UP member was killed per day, and atrocities extended to activists in civil society and human rights groups. By mid-October 1987 over 470 UP members and social activists had been assassinated. Reacting to this, a big number of political leaders became UP-members to show their solidarity, which did not stop

attacks, though. (Vanegas in Gómez-Suarez 2011:60f.)

In this time, just before the mayor elections, starting in Magdalena Medio paramilitary groups appeared all over the country (Zelik 2006:94). Also, the intensity of violence rose: Massacres began in November 1987, in Medellín, and continued in the forefront of the March 1988 elections as well as selective assassinations of 14 UP candidates. (Atehortúa in Gómez-Suarez 2011:62) This atmosphere of violence was one cause for a lower election result for the UP. Under increased counterinsurgency, the departments Meta and Urabá were put under military rule. In the UP increasing rifts opened up in terms of the national leadership calling for parliamentary debates and the UP at local levels resisting militarization, which under the assumption of equivalence to FARC-support was taken by paramilitaries as a reason for massacres, as that in Segovia and of UP-voters in Puerto Valdivia (*El Espectador*, Correa in Gómez-Suarez 2011:63-65). At this point, more than 700 UP-supporters had been killed, including 10% of the election candidates. The UP reacted by following more moderate, near to social-democratic principles and a re-strategizing, and made attempts to strike a coalition with the government administration. In this, attacks on oil-pipelines by the ELN were condemned by the UP leadership and information on connections between military staff, paramilitaries and drug-bosses shared with government. (*El Espectador* in Gómez-Suarez 2011:68) This earned the UP public recognition by President Barco, but drug-traffickers retaliated by launching increasing attacks, abductions and massacres. In Meta, one of its strongholds, UP-leadership was dismantled by mid-1992; only the mayor of El Castillo held out until the beginning of 1995. By November 1993 over 2,000 UP members had been killed countrywide. (*El Espectador* in Gómez-Suarez 2011:68-77) Between 1994-96 alone in Urabá 350 UP-members were assassinated (*Reiniciar* in Gómez-Suarez 2011:78). By the late 1990s there were few UP-activists left, and other leftist activists and oriented persons were targeted in repression (Gómez-Suarez 2011:80)

This phase of repression against the UP had the following numbers of deaths:

Table 2: Death victims in UP-repression 1985-November 1993

Date	Persons killed in UP-repression
mid-1986	184 UP members killed (UP in Gómez-Suarez 2011:56)

December 1986	350 UP members killed (<i>El Espectador</i> in Gómez-Suarez 2011:56)
mid-October 1987	470 UP members and social activists killed (Prada in Gómez-Suarez 2011:60)
March 1988	More than 700 UP supporters killed (<i>El Espectador</i> in Gómez-Suarez 2011:68)
November 1993	More than 2,000 UP supporters killed (<i>El Espectador</i> in Gómez-Suarez 2011:68)

(Source: UP, *El Espectador*, Prada in Gómez-Suarez 2011)

For displacement in this time no statistics were produced and there are so far no comprehensive quantifications available⁴³, in the second half of the 1980s it was largely ignored by the government: President Virgilio Barco (1986-1990) neither recognized its existence, nor its extent and consequences – he attributed the internal population movements to economic reasons and urbanization processes. (CODHES/UNICEF 1999:165) According to Vidal López, national government saw the rising problem of displacement, largely as collateral damage of the confrontation with guerrillas (2007:172).

5.1.1.3 International actors influencing the agenda towards addressing displacement

By 1989 drug-traffic, government corruption scandals, public protests, paramilitary- and guerrilla activity put the government under high pressure (Pizarro in Hernandez Osorio 2007:17). Reacting to this in June 1989 support of paramilitary groups was declared illegal by Decree 1194 (Reyes in Gamboa 2002:93). Upon demands of the peace negotiations the new Colombian Constitution of 1991 came about and created the control institutions Defensoría del Pueblo (ombudsperson's office, central government

⁴³ This will change under the on-going processes under the Victims Law, 1448 of 2011, where so far not registered victims of the armed conflict can declare their displacement and a center for historic memory continues the documentation and research work started under the National Reparations and Restitution Commission (CNRR). Cf. *Semana.com*: La Ley en diez puntos. 28.05.2011 <http://www.semana.com/nacion/ley-diez-puntos/157523-3.aspx>, viewed 18.11.2012.

institution), the Procuraduría (control instance at national, regional and municipality level), the Constitutional Court, and the *tutela*, a constitutional lawsuit for rights' violations (Dilger 1996:64, 76).

Despite these efforts, the conflict and the paramilitary expansion continued. While the UP had been virtually extinguished (Gómez-Suarez 2011:80), increasingly not only political reasons were behind displacements, but accumulation of assets, such as land, and control of transit zones in the drug traffic started to play an increasing role (Bello 2003:n.p.). As the awareness grew that violence in the internal conflict became more criminal than political, displacement came to be seen as less politically sensitive and more humanitarian; there was increasing political willingness from government and NGOs to support IDPs, independent of what caused displacement. (UNESCO Document E/CN.4/1995/50/Add.1, p.6)⁴⁴ In this context and as the presence of people fleeing from the conflict in rural areas became more and more noticeable in towns and cities, intellectuals in the capital Bogotá started to be concerned and started investigations and media reporting about the topic. From this the main advocacy NGO on displacement in Colombia CODHES (Consultoría para los Derechos Humanos y el Desplazamiento) originated in 1992. (Interview CODHES staff, 05 February 2011, website *Insight on Conflict*⁴⁵, CODHES/UNICEF 1999:1). In this time also churches and NGOs took up the issue of displacement and offered some humanitarian assistance. Civil society actors in the mid-1990s proved more engaged and to have higher capacity on the problem than government institutions. In attempts for coordination of activities about displacement made in several places, with at times government institutions involved, NGOs were the driving forces. (CODHES/UNICEF 1999:39) Difficulties however remained security risks for IDPs, activists and researchers investigating the topic or providing information. (CODHES/UNICEF 1999:11). Weak capacities of local journalists, lacking interest in the topic and fear of IDPs to appear in media further contributed to displacement, on the whole, receiving little media coverage. NGOs were distrusted as sources and state

⁴⁴ UNESCO Document E/CN.4/1995/50/Add.1. Report of the Representative of the Secretary General, Mr. Francis Deng, pursuant to Commission of Human Rights Resolution 1995/93. Addendum: Profiles in displacement: Colombia. 3 October 1994. p.6.

⁴⁵ www.insightonconflict.org: Consultoria para los Derechos Humanos y el Desplazamiento (CODHES). Colombia. <http://www.insightonconflict.org/conflicts/colombia/peacebuilding-organisations/codhes/>, viewed 16.07.2013.

institutions tried to play down the problem and influence public opinion through PR-work. (Camargo Rodríguez/Blanco Botero 2007:51f., media staffs in Camargo Rodríguez/Blanco Botero 2007:69,77ff.)

Government action on the topic, only started in the presidency under Gaviria (1990-94) when state programs began to include IDPs in humanitarian aid implemented through the Red Cross and the National System of Disaster Management and Prevention⁴⁶ (Republica de Colombia in Vidal López 2007:172). In December 1991 Directive No. 5 was passed prescribing governors and mayors to guarantee access to schools and coordinate assistance with NGOs and the Presidential Advisory for Human Rights for IDPs –then called persons changing their residency voluntarily due to especially bad violence situations. This directive did not become known, though. (Deng in CODHES/UNICEF 1999:102).⁴⁷ Emerging from crises themselves, Nicaragua, El Salvador, Guatemala, and the Costa Rican Institute for Human Rights with its program *Permanent Consultancy of Internal Displacement in the Américas (CPDIA)* connected to the Inter-American System of Human Rights, provided information and experience on the topic. A CPDIA-commission visited Colombia and suggested measures on internal displacement to the government. (CODHES/UNICEF 1999:9f., Botero/De Roux in Vidal López 2007:170) Colombian human rights NGOs took up these inputs in the context of the OAS's international system for migration. Hereby, the international category of displacement was combined with provisions of International Human Rights Law and International Humanitarian and Refugee Law. (Vidal López 2007:170)⁴⁸

In an effort to quantify the displacement situation, between 1993 and 1995 the first study was undertaken by the Colombian Bishops' Conference. Based on the country-wide church-network for this a database was created - the Information System on Internal Displacement and Human Rights in Colombia (SISDES) - and the findings from this church-based sample projected to the national population. The study found

⁴⁶ “Sistema Nacional de Atención y Prevención de Desastres“ in the Spanish original.

⁴⁷ When UN Special Representative on the Human Rights of IDPs Deng in his 1994 fact-finding mission inquired on this directive, the government representatives neither demonstrated knowledge of it, nor could they refer to measures undertaken to fulfil this norm. (Deng in CODHES/UNICEF 1999:102).

⁴⁸ In 1993 Jorge Rojas, Director of the NGO CODHES, published such documents, which would become influential (Vidal López 2007:170).

that approximately 650,000 persons had been displaced since 1985. (CODHES/UNICEF 1999:9f.) CODHES put the number somewhat higher and stated that between 1985 and 1994 approximately 700,000 persons had been internally displaced (Boletín N°31 of 18.11.1999, in CODHES/UNICEF 2003:155). I conclude that overall, an amount of up to 700,000 persons can be assumed.

Characteristics of displacement in this and subsequent studies found were: IDPs resulted less from a direct confrontation between conflict actors, but were mostly civilians from marginal zones of the country. Economically active as peasants, most have a low educational background, with a high proportion of Afrocolombians (33%) and indigenous population (5%, compared to their population proportion of 3.36%). Nearly half of all IDPs were women and many minors. 95% of IDP households had abandoned their land plots without being able to sell or rent them out. (CODHES/UNICEF 1999:35,147-149, Bello 2003:n.d., PNUD 2012) IDPs flee in small groups of families or individuals, typically first to municipality capitals, and due to the conflict situation often move further to the anonymity, better safety and working possibilities of larger cities. Hereby, many joined relatives or friends in (peri-)urban settlements, often part of the poorer part of society. IDPs were reluctant to approach public authorities and aid organizations for fear. (UNESCO Document E/CN.4/1995/50/Add.1, p.6)⁴⁹ This means that IDPs largely consist of vulnerable population segments whose background prepares them poorly for the stark transformation induced by displacement.

This study report was widely circulated, taken up by the media and attracted public attention of national and international actors, including the UN, so that displacement entered the country's political agenda (Episcopal Conference of Colombia in Vidal López 2007:171, CODHES/UNICEF 1999:9f., staff of CODHES, interview, 07 February 2011, Bogotá). The Catholic Church, activists, NGOs and government entities for human rights protection, especially the Ministerio Público, advocated for public attention and state activity on displacement. These actors also insisted on the necessity

⁴⁹ UNESCO Document E/CN.4/1995/50/Add.1. Report of the Representative of the Secretary General, Mr. Francis Deng, pursuant to Commission of Human Rights Resolution 1995/93. Addendum: Profiles in displacement: Colombia. 3 October 1994. p.6.

to create a special form to deal with the phenomenon, as inclusion in the programs for victims of the conflict seemed insufficient, (Valencia, Vidal in Vidal López 2007:171)

This was followed up by the government under Ernesto Samper (1994-1998), whose lacking international recognition was a push-factor for policies promoting human rights. Re-framed from being seen as a threat to government sovereignty, displacement become viewed as an opportunity for institution-building for the state in the midst of an internal conflict. (Vidal López 2007:176)

In 1995, the Commission for Economic, Social and Cultural Rights on Latin America addressed displacement in Colombia the first time with Art. 10 pointing to the plight of IDPs and Art. 22 recommending the prioritization of IDPs, indigenous civil society, homeless and other marginal groups in government interventions in order to guarantee the basic needs to these vulnerable groups. (OCHR/UNDP 2004, p.87-89)⁵⁰ In this time, also general advocacy on displacement intensified by the United Nations, as evidenced by its treatment of mass exoduses in its 52nd session in 1996 and subsequent requests to all governments to report on the state of affairs regarding this issue. On Colombia, international and national civil society –but not the government- submitted reports so that the 1997 UNHCR report included Colombia in its list of countries where human rights were infringed upon by the issue. Special UN Representative on the Human Rights of IDPs F. Deng's report of February 1997 addressed internal displacement in Colombia and called on the government to broaden protection and assistance to IDPs and recommended the establishment of human rights monitoring and protection in displacement affected regions. (CODHES/UNICEF 1999:102, Deng in CODHES/UNICEF 1999:102) The European Parliament in a Joint Resolution of October 1996 expressed concern about assassinations and displacements in Bellacruz, department César (European Parliament in CODHES/UNICEF 1999:102).

However despite beginning international and national attention to the issue, from 1996 the numbers of newly displaced rose even starker (CODHES in IDMC 2007:100). By November 1999 the Episcopal Conference and CODHES calculated that 1.500,000 persons had been displaced since 1985 (1999:13,44). In 2002 annual displacements

⁵⁰ OCHR/UNDP: Compilacion de las Observaciones Finales del Comité de Derechos Económicos Sociales y Culturales de América Latina y el Caribe (1989-2004). OCHR/UNDP, Santiago/New York 2004. <http://www2.ohchr.org/english/bodies/cescr/>, viewed 02.01.2013.

peaked with 412,453 new IDPs, reducing by approximately one third in 2003, increasing again somewhat in 2004 and 2005. By February 2006 CODHES calculated 3,720,278 IDPs, the state institution Acción Social recognized 1,752,033 by April 2006. (CODHES, Acción Social in IDMC 2007:100)^{51,52}

The following table lists displacement between 1985 and 2005, whereby numbers climaxed in 2002 and became less afterwards:

Table 3: New IDPs 1995-September 2005

Year	New IDPs
1985-1994	Up to 700,000
1995	89,000
1996	181,000
1997	257,000
1998	308,000
1999	288,000
2000	317,375
2001	341,925
2002	412,553
2003	207,607
2004	287,581
2005	310,237

(Sources: 1: For 1995 to 1998: Conferencia Episcopal de Colombia and Consejería Presidencial para la atención a población desplazada por la violencia in CODHES boletín N°31, reprinted in CODHES/ UNICEF 2003:155. 2.: For 1985-1994, as well as 1999 to 2005: CODHES in IDMC 2007:100)

In this line, the Colombian government invited UN Special Representative on IDPs Francis Deng in February 1994. In a fact-finding mission in June 1994 he met

⁵¹ Official state figures show less IDPs than the most referred to NGO-source CODHES. This is due to state statistics being based on official declarations of IDPs, who in midst of the conflict less frequently made such. Also, declarations have to be validated by the responsible institutions. Most researchers refer, hence, to both sources. (E.g. IDMC-website: Colombia. <http://www.internal-displacement.org/countries/colombia>, viewed 14.11.2013.)

⁵² Displacement, according to CODHES in late 1994 and 1995 was found to be in reaction to threats (49%), other causes (20%), assassinations (15%), assassinations (8%), torture (4%), disappearances (3%), and air attacks (1%). The actors causing these displacements were stated to have been paramilitaries (32%), guerrillas (26%), military (16%), others (16%), national police (3%), the paramilitary group autodefensas (3%), urban militias (2%), and drug-traffic (2%). (CODHES/UNICEF 1999:24). 40% of household heads displaced in 1997 alleged to have been active in some sort of social organization, ranging from community-organizations (65%), political (10%), religious (12%), trade unions (3%), cooperatives (3%) and other organizations (7%). (CODHES/UNICEF 1999:147,149) By 2003 most were displaced by paramilitaries (45.6%), followed by guerrillas (12.3%) and military (0.6%); 19% stated to have been displaced by more than one actor. (Bello 2003:n.d)

government representatives, the national Procurator and national ombudsperson, intergovernmental specialized agencies, as well as members of national and international NGOs. Deng described the extent of displacement as substantial. Local and international NGOs then estimated IDPs at a minimum of 300,000 persons. (UNESCO Document E/CN.4/1995/50/Add.1, p.3-5)⁵³ While initially the government was hesitant to take up the concept of internal displacement in the terms exposed by Deng (Vidal López 2007:172), in September 1994, President Samper referred in a speech to internal displacement. The National Development Plan for 1995-1999 included the creation of a National System of Integral Support of the Displaced Population. This was set forth through law project-Documents 2804 of 1995, which led to three law proposals on displacement that were unified into one law, Law 387 of 1997. Parliamentary debates for this law were accompanied by ICRC, UNHCR, the Episcopal Conference of Colombia and the Senate. (Vidal López 2007:176, 184)

The law's objectives were to provide integrated support to conflict-related IDPs with the options of voluntary return or resettlement. Secondly, the law aimed to address effects of displacement through integrated sustainable local development and support respect for human rights in the affected areas. (Documents 2804, "B. Objetivos") Implementation was to start from 1996, integrated in projects of the National Planning Department. The Documents document provided 10.000 million COP⁵⁴ for the Special Administrative Unit for Human Rights for IDP Support and stipulated fundraising of 5 million USD from the international community. (Documents 2804, "IV. Fuentes y Mecanismos de Financiación") 1996's proposal for Law 15, while under debate in Senate, was commented by the NGO CODHES as too little clear on financing of measures, distribution of responsibilities, duplication of duties and information bases, and lacked inclusion of civil society, despite its leading role in support for IDPs. (CODHES/UNICEF 1999:83f.) From today's perspective, these comments already detected major problems of the law that came into being in 1997.

⁵³ UNESCO Document E/CN.4/1995/50/Add.1. Report of the Representative of the Secretary General, Mr. Francis Deng, pursuant to Commission of Human Rights Resolution 1995/93. Addendum: Profiles in displacement: Colombia. 3 October 1994. p.3-4.

⁵⁴ Colombian Pesos

From 1995 an institutionalized scheme on displacement was created, coordinated by the Ministry of Interior Affairs's Human Rights Unit and supported by the National System for Disaster Management (ACNUR 2002:38). With this, support to IDPs was oriented on principles of disaster management (Defensoría del Pueblo in ACNUR 2002:38). Thus, the international concept of internal displacement was imposed on the national mechanisms of dealing with disaster prevention and –management; the weaknesses of the system of disaster prevention and –management set themselves forth in the new system. (Vidal López 2007:182) These were low awareness and fulfillment of responsibilities by local administrations in the context of budget scarcity, low sensitivity to disasters, coordination difficulties and lack of understanding of the system's relevance among officials, amongst others (Saavedra in Vidal López 2007:182). Due to the conflict-relatedness of displacement there was little public and political support for the system and its implementation. Also, differences with natural disasters that usually can be overcome sooner could not be addressed. (Conpes 2804 in Vidal López 2007:181ff.)⁵⁵

As estimated by Dilger, due to the weakness of the Colombian civic opposition improvements could only take place upon international pressure (1996:66). Colombian legislation is formulated in the national parliament (*Congreso de la República*), and generally has omitted regional consultation with the concerned bodies. (Members of CNRR and PAVIREC-program for victims' support of department César, interviews, 11 January 2011) As evident from the process to come to a normative set-up on displacement, there was little local consultation, apart from the NGO- and church inputs, which took the initiative for a thematization of the topic. Document Conpes 2804 mandated structures at local government levels (departments and municipalities), but there is no indication of comprehensive pre-consultations and studies at this level. (Cf. Document Conpes 2804) The political pressure most efficiently working for the introduction of the category of displaced, according to Vidal López was the regional system of control to migration of OAS that used international human rights-norms, focused on liberty of movement and rights of the civilian population in conflicts to address the issue. The OAS concepts on migration control were used both by

⁵⁵ E.g. that granting of humanitarian aid for a period of three months, extendable for three more months, proved inadequate (Document Conpes 2804 in Vidal López 2007:181ff.).

international organs and local actors to define and regulate displacement and induce with this governmental recognition of the category and its introduction in the national political and legal sphere. (Vidal López 2007:175) So, *Advocacy Coalitions* in this period were shaped in the following way: Based on advocacy of national civil society groups, the government began to show some initiative on the humanitarian crisis of displacement and in turn received additional push by national civil society- and international pressure. To reach this, national civil society coalesced with international agencies and regional organizations. National government still tended to see IDPs as part of the enemy (guerrillas and protesting social groups) and until the late 1980s coalesced partially with military and paramilitary actors, who continued to persecute the UP, leftiest activists and social groups seen as having potential for dissent.

5.1.1.4 Paramilitary invasion of the (local) state and attempts to dismantle this

While these advocacy- and legislative developments took place, internally the conflict expanded, fueled by the drug-trade. As pointed out by Pedraza Beleño (2012:149) this came just in the time of the introduction of decentralization. In the expansion of paramilitary activity a high numbers of atrocities, physical and material damage, rising international migration and numbers of IDPs occurred. Much of this repression took place in marginal areas. There, lacking state presence provided little protection of local state structures and -officials exposed to attacks and intimidation by conflict actors. Hereby, local political and social leaders were particularly targeted, as the high number of abducted, killed, threatened and displaced mayors, councilors and leaders of community groups show. According to the Human Rights Observatory of the Colombian Vice-Presidency between 1988 and 2001 291 mayors, 461 councilors, and 550 state officials would be killed. In further consequence, a big number of municipalities were turned into bastions of illegal armed groups. (Sánchez/Chacón, Echandía in Pedraza Beleño 2012:150f.)

The FARC over the 1990s doubled the number of its *fronts*, adopted a plan to take over government within several years and extended its geographic presence to half of the Colombian municipalities, including strategic areas with natural resources extraction and border-regions with neighboring Venezuela and Ecuador. (Pécaut 2008:3-4) In the expanding drug-traffic Medellín and Cali became the centers for the cocaine business,

marginal zones like the Pacific- and Caribbean regions transit areas and targeted in investment strategies of actors involved in both the conflict and the drug business (Thoumi in Schmidt 2008:49, Bello 2003:n.p.).⁵⁶

In 1997 Carlos Castaño established the *Autodefensas Unidas de Colombia (AUC)*, a coalition between paramilitary groups, which expanded to most of the country's territory, allying, conquering other groups and in several regions creating new ones with local and regional elites (Zelik 2006:95-97, Observatorio del Programa Presidencial de Derechos Humanos y DIH 2006:11f.). With this, in several regions, such as the case study region *région Caribe*, subjection and/or alliance of local and regional politics to paramilitaries commenced. The trail of violence launched displacement in large numbers, whereby often land grabbing became a major factor. Drawing on Ralf Dahrendorf's conflict model Ritzer points out that this can be explained by dominant local and regional elites' desire to remain in privileged positions (in Pedraza Beleño 2012:139) and -as has to be added - also expand these with the help of the new actors appearing on the scene. Hereby, I point out that this took place in a certainly ambiguous constellation, as resistance to those carried risks, as exemplified by the high number of local politicians killed, abducted and threatened in this period.

As often pointed out, despite the decentralization anchored in the Constitution of 1991, Colombia is still a strongly centralized state. A high degree of centralization with deconcentrated structures coexists with an insufficiently accomplished devolution (Ibañez/Velásquez 2008:5, Takeuchi Rodriguez 2009:1, Duncan 2009:175, Displacement-advisor, Department-government César, interview, 11 January 2011). This paradox expresses itself in “(...) *a permanent tension between the principles of national unity and those of territorial autonomy* (...).“ (Vidal/Atehortúa/Salcedo 2013:2).⁵⁷

⁵⁶ In such areas a common strategy has been to establish public control and include the population to higher degrees in the production, circulation and protection of the drug-trade. Thereby, area-disputes between conflict actors and internal displacement of affected local population have been taking place. (Bello 2003:n.p.)

⁵⁷ Quotation's original in Spanish: “(...) una tensión permanente entre los principios de unidad nacional y el de autonomía territorial (...)“ (Vidal/Atehortúa/Salcedo 2013:2). (Own translation).

Armed groups, thus, were able to profit from new opportunities with the introduction of decentralization through obtaining resources and capital from territorial entities and could use those to expand their operations. As found in a quantitative study, the internal armed conflict had a worsening effect on service delivery of territorial entities (Rodríguez Takeuchi 2009). Over the 1990s the conflict had become more intense and extended its geographic reach to impacting by 2008 97% of municipalities through expulsion or influx of IDPs into their marginal settlements whereby weak, middle-sized municipalities have the least possibilities for supporting IDPs. A number of cities received within several years up to a third of their population through displacement and their infrastructure capacities have been challenged by this. (Roldán 2013:24f., Bello 2003:n.p., Ibáñez/Velasquez 2008:17)⁵⁸

Direct elections take place for the positions of mayors (for municipalities and districts), governors (for departments), municipal and department councils and, where they exist, local administration boards (*juntas de administración local*) (Estupiñán/Girón in Vidal/Atehortúa/Salcedo 2013:2). This, and the strong –also financial- autonomy of municipalities, which according to Art. 310 of the Constitution⁵⁹ are the basic political and administrative entity of the state⁶⁰, made (particularly weak) local governments vulnerable to strategies of armed groups to achieve local hegemony (Sánchez/Chancón in Pedraza Beleño 2012:150). Opportunities of illegal enrichment were used by actors of violence through alliances with local, regional and/or national elites in business and politics and vice versa. Counterinsurgency in this context provided opportunity and a pretext for accumulation of assets and social ascent. (Hylton 2006) Through entry of illegal money, clientelism was shaped in new ways with family members exercising political functions as straw-men or women. (Hylton 2006:111, [verdadabierta.com](http://www.verdadabierta.com)⁶¹) In

⁵⁸ Also the phenomenon of intra-urban displacement has come about in the last 15 years, either caused by violence actors in the conflict or non-conflict related delinquency (Vidal/Atehortúa/Salcedo 2013:1).

⁵⁹ Further norms, especially Law 60 of 1993, regulate the distribution of resources, Law 136 of 1994 responsibilities of territorial entities, Law 617 of 2000 determines budget ceilings, Law 715 of 2001 subventions between local and national levels and Law 1551 of 2012 aims at better and more efficient services by local governments.

⁶⁰ At the same hierarchy level, a number of districts exist with a special administrative set-up for the management of big communes of economic importance. (Constitution of Colombia, Art. 356).

⁶¹ Verdadabierta.com: Conflicto armado en Colombia. <http://www.verdadabierta.com>, viewed 10.09.2012

the words of G. Duncan (in Arias Ortiz/Acevedo Guerrero 2010, sec. II), rather than entering into politics themselves, paramilitaries' strategy was to:

“Decide who can aspire to the elected mandates, who can be announced and under which conditions they can rule, legislate and execute public budgets, including the final decision on the apportionment of the resources acquired by corruption.”⁶²

A sort of shadow politics has been established and operates parallel to, and at times competing with, official state and political institutions. Gonzálo Sánchez calls this process “a modern re-feudalization of the countryside by paramilitaries and narco-traffickers” (2006:xiv).

Of the six categories of municipalities in Colombia - defined depending on population size, capacities, requirements, as well as tax-income and attributed corresponding national subsidies - the vast majority (in 2013, 952 of the 1,103 municipalities) are under category 6, of less than 50,000 inhabitants, with most having very weak financial and human resources capacities. (Roldán 2013:23,33) The internal armed conflict has had especially strong effects in marginal areas where many of these smaller and weaker municipalities are.

In part in this context, throughout the 1990s, at least 70% of municipalities in Colombia were overspending heavily (Sánchez/Chacón 2005, Rubio 2002 in Rodríguez Takeuchi 2009:101) As counter-measure to this, in 1999 Law 550 to restructure to enable repayment of the debts and in 2000 Law 617 passing prescriptions and associated ceilings for budget attributions were passed (Law 550 of 1999, Exposición de Motivos for Law 617, Law 617 of 2000 in Roldán 2013:24,42). In consequence, municipalities significantly reduced staffs and public services (Roldán 2013:24f). This came at a time when the conflict became more intense and assistance and protection of rights infringements were even more important for the population. Importantly, the restructuring also affected the control institution of the ombudsperson (*personería*)⁶³,

⁶² Own translation, citation in the Spanish original: “Decidir quienes pueden aspirar a los cargos de elección popular, quienes pueden ser nombrados y bajo qué condiciones pueden gobernar, legislar y ejecutar los presupuestos públicos, lo que incluye la decisión final acerca de la repartición de los recursos apropiados por corrupción” (Duncan 2007 in Arias Ortiz/Acevedo Guerrero 2010, sec. II).

⁶³ Websites of the Procuraduría and the Defensoria del Pueblo: <http://www.procuraduria.gov.co/portal/Objetivos-y-funciones.page>, http://www.defensoria.org.co/red/index.php?_secc=01, viewed 13.07.2013.

supposed to control the local authority's respect of the legal regulations and defend citizens' rights versus the local government. The personería, however, is positioned hierarchically below the municipal administration and further has to cope with a low resource dotation. Parallel national legislation continues delegating new tasks to it without providing additional resources. (Constitution of Colombia, Art. 117, 118, Roldán 2013:42f.) For stabilizing the financial situation of very poor territorial entities the control function was delegated to the control institutions at department government level or the Procurator's Office at national level (Exposition of Motives for Law 617 in Roldán 2013:43)⁶⁴. Also, a problem is that department governments lack comprehensive enough competencies to interfere directly into internal affairs of municipal governments, but that their competence is limited to coordination, complementary and subsidiary action to those of municipalities in areas relevant for the department (cf. Republica de Colombia -Law 60 of 1993, Art.3, interview, consultant, department government Magdalena, 03 December 2010). I point out that this would have required very efficient and strong action by the control institutions to make up for the presence of a specific office in the respective local government. This gap can also be seen in combination with the scenario of state-capture that unfolded parallel to the *dirty war* of the 1980s and 1990s, where it was possibly not in the interest of political leaders and their local clients to be faced with the full range of local control institutions.

At the end of the 1990s, despite the adoption of Law 387 of 1997 a few years before, the government had difficulties to adopt an effective policy on displacement. As CODHES, in 1998, rightly criticized, the lacking progress in establishment of the structures did not match the conflict expansion and rising number of IDPs (CODHES/UNICEF 1999:167). Local governments often did not react or unwillingly to the new responsibilities with the influx of IDPs. Apart from financial difficulties to grant specific social services for IDPs, several local authorities argued that those present social tensions and that supporting them would be resettling them there (Pécaut in

⁶⁴ Own translation resp. paraphrasis. Spanish original quote: "(...) para equilibrar las finanzas territoriales es necesario limitar la necesidad de contar con contralorías y personerías en aquellos municipios en los cuales no existe capacidad financiera, (...) previa demostración de la incapacidad económica del municipio o distrito para financiar gastos de funcionamiento de esos organismos de control, cuyas funciones pueden desarrollarse a través de las contralorías departamentales y la Contraloría General de la República." (Exposición de motivos of Law 617 of 2000 in Roldán 2013:43)

reprinted bulletin N°30 of 28 October 1999 in CODHES/UNICEF 2003:141).⁶⁵ As the NGO Women's Commission for Refugee Women and Children assessed, efforts to decentralize services resulted in inactivity, as local government institutions neither had the skills nor financial possibilities to carry out the protection and assistance duties demanded by the law (1999:3,15).

To dynamize developments from 1999, the coordination of the activities was handed from the Presidential Advisory for Assistance to IDPs, the management of the National Fund for Support of IDPs⁶⁶ and the management of the National Registry of IDPs⁶⁷ to the new agency Red Solidaridad Social (RSS), which had a country-wide operational structure. (Presidencia de la República and República de Colombia in Vidal López 2007:205, ACNUR 2002:39-41) In 2000 and 2001 Constitutional Court sentences and CONPES 3115 of 2001 prescribed obligatory budgets on IDP-support in these entities (ACNUR 2002:42). The system of 19 institutions involved in IDP-support complicated coordination, lacked monitoring systems and management indicators. The strong reliance on state institutions constituted a difficulty for coordination with civil society and international agencies. (CONPES 3057 of 1999 in ACNUR 2002:39)

The government of Pastrana (1998 - 2002) included a policy on internal displacement in the National Development Plan. IDP-organizations were strengthened and NGOs contracted for certain tasks, the institutions' responsibilities received clearer definition, and the UN and organizations like the ICRC were invited to contribute their know-how.

⁶⁵ E.g. in 1996 the governor of Cundinamarca rejected shelter to IDPs from Bellacruz, César, for which she substantiated a letter of support from mayors who stated that they were unwilling to import problematic persons, as ex-guerrillas into their department. (Declaration of governor to President, 20.08.1996, in CODHES/UNICEF 1999:104) While the case became prominent and the Constitutional Court intervened with a sentence stating the right to stay, of free movement and the right to establish a residence, and Law 387 passed the year after defined local governments' co-responsibility for support of IDPs, the problem of weak action of local governments on displacement remained (CODHES Informa 12 in CODHES/UNICEF 1999:150). Possible exceptions to this have been the municipalities of Medellín and Bogotá where financial resources are much bigger than in the vast majority of municipalities in the country and where significant investments have been made for support of IDPs.

⁶⁶ Red de la administración del Fondo Nacional de Atención a la Población Desplazada (Spanish original term)

⁶⁷ Registro Nacional para la Población Desplazada (Spanish original term)

In January 1999 the National Plan for Integral Support of the Displaced Population⁶⁸ was adopted to coordinate governmental action on prevention of displacement, support for IDPs, socio-economic rehabilitation with a perspective of return or resettlement. Also, the responsible entities were defined. (República de Colombia in Vidal López 2007:204f.) Through CONPES 3057 the system was restructured and a new Action Plan was proposed; parallel to this, RSS published its strategic plan for the management of displacement. Legislation for strategic sectors, such as land, health, education, provision of identity documents and housing was launched. Decree 2569 of 2000 regulated the definition of displacement, the declaration as IDP, its verification, eligibility for support and exclusion from the registry in case of false information or non-cooperation with the support system. For registered IDPs access to support was prescribed as far as available resources allow it. (Decree 2569 of 2000 in Vidal Lopez 2007:205ff.) At the face of an insufficient budget attribution, this meant that, as e.g. commented by Deng, the law was not fulfilled and IDPs received very little or no support.⁶⁹ (Deng in CODHES/UNICEF 2003:150) The government in 1999 included the topic of displacement in Plan Colombia to request financial aid from the international community (CODHES Boletín N°30, 28.10.1999 in CODHES/UNICEF 2003:139). Also increasing pressure was exerted by other countries to include the topic in the agenda for peace negotiations with FARC and ELN in October 1999 (Pécaut in CODHES/UNICEF 2003:141).

When in 1998 the government conceded a liberated area to FARC-EP for a transition period and peace negotiations, the guerrilla tried to dominate and extend these by force. After three and a half years of negotiations the FARC-EP was not able to present credible new proposals, showed little openness for new realities of urban areas, the interests and participation of civil society. So, public opinion shifted and the FARC-EP lost much of its previous support. (Pécaut 2008:6) In this climate hardliner and populist

⁶⁸ Plano Nacional para la Atención Integral a la Población Desplazada por la Violencia, Spanish original term (Vidal López 2007:205).

⁶⁹ In 1997 only estimated 20% received support in health, nutrition and housing, only 15% of children of IDPs went to school because of the inability to pay for uniforms and books, as well as for lack of identification papers. (Deng in CODHES/UNICEF 2003:150)

Alvaro Uribe⁷⁰ contended in the Presidential election and based on his promise of the demobilization of paramilitaries and a military solution to the conflict with the guerrillas, was voted into office in 2002. His two terms were characterized by scaled-up anti-insurgency combat, backed by US-military support, and an ensuing militarization of the country. Indications of networks with paramilitaries and elites in alliance with these, as well as scandals caused by the Colombian secret service spying on his behalf on the Constitutional Court have discredited Uribe among many (Zelik 2006:89,95-97, Adriaan, 30.01.2012)⁷¹

From 2004 to 2006, 30,000 paramilitaries demobilized in exchange for amnesty (Zelik 2006:103). Due to lacking absorption in the weak job-market and demobilization and reintegration projects many demobilized have not achieved self-sufficiency, and still existing paramilitary and other criminal groups have been offering the option of joining for former paramilitaries.⁷² There is today a tendency in politics to see these as criminal groups, as indicated by the label *bandas criminales (BACRIM)*. However, some of their activities still have a political character. (Colero Chacón in Observatorio Nacional de Paz n.d.: “Situación actual de los GAI en el Magdalena“)

Central government has been involving itself over the last years more into local affairs in an effort to gain control over mismanagement, weak local government activity, and the excrescences of local manifestations of the internal armed conflict (e.g. *El Universal*, 15 May 2012).⁷³ Since 2008 a process is under way to integrate territorial entities more into public policies on internal displacement (interview, consultant gobernación César, 11 January 2011). To this Constitutional Court *autos* from 2008

⁷⁰ The U-party originated from a split-off from the Liberal party of a group around former President Alvaro Uribe. (*Colombia Politics*: Political Parties. A tale of two parties? n.d. <http://www.colombiapolitics.com/political-parties/>, viewed on 12.11.2013)

⁷¹ Alserna, Adriaan: AUC collaborated with Uribe government, spy agency: Don Berna. In: Colombia Reports, 30.01.2012, <http://colombiareports.co/auc-collaborated-with-uribe-government-spy-agency-don-berna/>, viewed 12.11.2013.

⁷² According to police reports, demobilized paramilitaries are frequent targets of such groups, to force them to join or under retaliation for past issues: Since 2005, 819 demobilized paramilitaries died. (MAPP-OEA in Observatorio Nacional de Paz n.d.:section “Homicidios“)

⁷³ *El Universal*: Catorce capturados por ‘parapolítica’ en Magdalena. 15 May 2012. http://www.eluniversal.com.co/cartagena/nacional/catorce-capturad...utm_campaign=Feed:+eluniversal/ctg+%28El+Universal+-+Cartagena%29, viewed 04.05.2013

were a first step, on a more general level pursued by Law 1551 of 2012, which equals a modification of local government legislation towards a higher priority of human rights and victims, outlining duties and working modalities of municipalities, their decision- and management bodies in detail. The recent new legislation, hence, can be understood as an attempt for more and better inclusion of local government institutions, also in the areas of protection and support of vulnerable groups such as IDPs. But, different to the *autos* of the Constitutional Court, legislation made in Congress is bound to foregoing negotiations and resulting compromises, so that as regards to Law 1551 of 2012, commentaries judge the legal reform to have resulted as mostly cosmetic and failing to present effective solutions to challenges.⁷⁴ Importantly, there is no additional budget provided for the additional tasks and also budget restrictions of Law 619 of 2000 are not loosened, which means that the actual possibilities to implement the tasks are weak. (Roldán 2013)

Therefore, regarding the topic of displacement, a problem of mutual delegation has appeared: While the national level attributed the responsibility for IDPs to municipalities, mayors and governors demanded a national policy for IDPs as they saw this issue an effect of the internal armed conflict. (Republica de Colombia. Corte Constitucional in Vidal/Atehortúa/Salcedo 2013:2). There are several aspects of the topic of displacement that cannot be managed by the local level alone, but require assistance of the national government, e.g. the intervention of the police and armed forces to prevent violence and displacement. (Ibañez/Velásquez 2008:20-22) Vice-versa the national government has difficulties to intervene into aspects of territorial autonomy and while it has been doing so through national legislation and administrative requirements on several issues, the topic of internal displacement has received little priority, as budget priorities and restriction of the possibilities of the control institutions shows.

President Juan Manuel Santos, formerly Defense Minister in the government of A. Uribe, in office since 2010, shifted away from several Uribe-policies. E.g. he took up the Victims Law project for a comprehensive process of reparation for victims of the

⁷⁴ Maldonado Copello, Alberto: La ley 1551 de Régimen Municipal: ¿otra norma irrelevante? In: razónpublica.com, 26.12.2012, <http://www.razonpublica.com/index.php/econom-y-sociedad-temas-29/3182-la-ley-1551-de-regimen-municipal-otra-norma-irrelevante.html>, viewed 25.03.2013

conflict since 1985. This law was debated already in 2009 in parliament, but did not get through due to former President Uribe's opposition to the costs involved in implementation of the restitution component. Following President Juan Manuel Santos's election in 2010 and his call for national unity, senators from the liberal party discussed the law-draft with him and promised to support him, if he would include it in his national agenda. After adjustments between Liberal and Conservative Party, the law-draft was approved by Santos and debate on it started in late September 2010 (*Semana*, 27.09.2010, p.56). The Victims Law 1448 of 2011, in implementation from end of that year, caused another restructuring of state-response to displacement according to this new law. (*Semana.com*, 12.04.2012)⁷⁵ In it the land component is most sensitive and significant, which examines changes in land possession over the last decades and –if the law can be fully implemented- would challenge illegal land acquisitions through internal displacement and atrocities related to the conflict. (*Semana*, 11.10.2010, p.32f.) Security-wise the law's implementation faces the challenge that over the past years there have been regular reports of assassinations of IDP-leaders engaging for the restitution of land. E.g. CODHES by late September 2010 recorded 39 killed IDP-leaders and 300 threats related to land restitution in 2009. (CODHES in *Semana*, 27.09.2010, p.60f.) Between 2005 and 2010 approximately 1,500 IDP-leaders had solicited special protection for their life from the Ministry of Interior Affairs and Justice (*Semana*, 27.09.2010, p.61).⁷⁶ Based on this, I interpret that there is a considerable likelihood of opposition to this law: For the instigators and beneficiaries of the agrarian “counter-reform“ big economic losses and punishment by the judicial system are at stake. Having invested resources in the illegal acquisition of land, cattle and goods and having resorting to this aim to atrocities and forced displacement, there is high probability of these forces being prepared to use such means again to get away with their deeds and illegally acquired goods.

⁷⁵ *Semana.com*: “No puede haber zonas vedadas para aplicar la ley de victimas”: Paula Gaviria. 12.04.2012. <http://www.semana.com/nacion/no-puede-haber-zonas-vedadas-para-aplicar-ley-victimas-paula-gaviria/175320-3.aspx>, viewed 22.11.2012.

⁷⁶ Of these, only 214 received a positive response, whereby the support given in many cases was restricted to an anti-bullet vest and an Avantel phone. (*Semana*, 27.09.2010, p.61)

With key figures of the FARC-EP killed over the last years in the military offensive under the *national security doctrine* since 2002⁷⁷, FARC-EP is meanwhile in a precarious situation and faced with massive desertations; its leadership in September 2010 asked the government for dialogue (*Semana*, 27.09.2010, p.44). This led to the on-going peace negotiations in Havana, mediated by the host country Cuba and Norway. (*Americas Quarterly*, 02.07.2013)⁷⁸

Recent displacements have been occurring especially in the context of counterinsurgency combat in the South of the country against the FARC-EP as well as former members of paramilitary groups after their demobilization not finding better livelihoods and economic opportunities and (re-)joining still existing groups or BACRIMs -criminal groups operating between ordinary and politically-related offences. In the first half of 2011 a daily average of 492 persons arrived in municipalities and declared displaced. (CODHES 2011:2f.) In 2012 approximately 250,000 persons were newly displaced (IDMC 2013:8). In addition, a high number of “older“ displacements have been registered in recent years, as the provision that declaration as IDP must occur within one year was revised and many IDPs who had never declared came forward (interview, UAO staff Valledupar, 15 January 2011). Since 2012, the Victims’ Law, 1448 of 2011, added a numerical impact, as victims of the armed conflict since 1985, who did not yet declare the (same) conflict-related vicimization, can register for compensation claims at the ombudsperson’s offices. (Roldán 2013) The displacement statistic by year-end 2012 climbed up to 5.5 million IDPs according to CODHES and 4.9 million according to official Colombian sources (IDMC-website - Colombia)⁷⁹.

⁷⁷ US demands for extradition of drug-traffickers since the early 2000s have proved beneficial in so far as Justice and Peace-processes in the Law of 2005 have targeted and removed a bigger number of drug-trafficking paramilitary leaders from events in Colombia, who, in part, have begun to speak from US prisons about committed crimes. (verdadabierta.com).

⁷⁸ *Americas Quarterly*: Colombia-FARC Peace Talks Resume in Havana. 02.07.2013, <http://www.americasquarterly.org/tags/colombia-peace-talks>, viewed 16.07.2013.

⁷⁹ IDMC: Colombia: Improved Government Response Yet to Have Impact on IDPs. 2013, [http://www.internal-displacement.org/8025708F004CE90B/\(httpCountries\)/CB6FF99A94F70AED802570A7004CEC41?OpenDocument](http://www.internal-displacement.org/8025708F004CE90B/(httpCountries)/CB6FF99A94F70AED802570A7004CEC41?OpenDocument), viewed on 16.11.2013.

The enormous dimension displacement has taken on, can also be seen in demographic changes over the past decades: while in 1970 50% of the population lived in the countryside, in 2007 this had reduced to - only - 30% (Hernandez Osorio 2007:26). Strong international assistance for humanitarian aid over the past years supported the government's response to displacement, but has been clearly insufficient, while the number of IDPs continues to grow. Donors' humanitarian assistance decreased from 75 to 64 million USD. (IDMC website 2013)

Summarizing the so far treated developments, it can be said that Conservative elite rule trying to maintain hegemony through anti-insurgency combat and attempts to eliminate opposition led in the 1980s to intensified repression. In the beginning of the 1990s the rising displacement problem became visible and sparked concern by church- and academic groups; From the early 1990s/1994 the topic was under observance from the regional organization OAS and the UN. Upon this, the government showed proactive initiative and accepted the development of a comprehensive legal framework on displacement, enacted in June 1997 with Law 387.

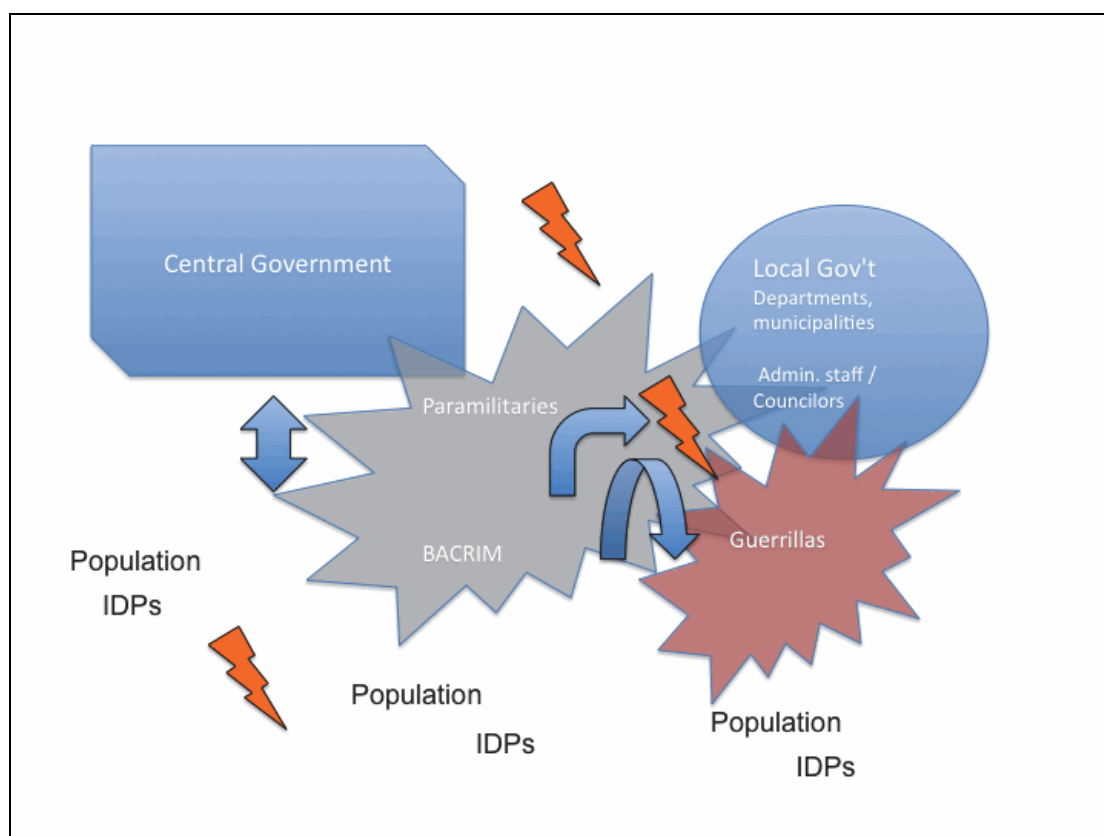
The *Advocacy Coalitions (ACs)* in this context developed in the following way: 1) Elites coalescing with drug-traffickers and paramilitary interests, according to the core aspect of "maintaining, resp. entering political and economic hegemony" grouped together versus the fragmented, poorly organized civil society, Unión Patriótica and other leftist parties and intellectuals under the guiding idea of "social justice". 2.) Conservative elite elements, allied with paramilitary and drug trafficking interests with the guiding idea "defense against guerrillas and of privileges" versus progressive elites, church, civil society, international actors with under the guiding idea of "rights for IDPs".

In this conflict constellation, local governments since the introduction of decentralization from the mid-1980s have been on the dependent side, invaded by or arranging with violent conflict actors. Strongly cut back in terms of resources and highly indebted, they could not even fulfill service delivery duties less politicized than internal displacement. They were in consequence not able - and in many cases not willing - to effectively act for prevention of displacement and/or provide the necessary support to IDPs.

Local governments were not included in the policy development on internal displacement, but were given roles. Preconditions for fulfilling these roles, such as financial means and adequate human resources, as well as authority in the command chain responsible for security enforcement were not installed, though. The case-study region, Magdalena and César in the Caribbean coastal region, has been impacted by large-scale displacement only at the time when the Law 387 of 1997 was already in the making, respectively in force. The law could not prevent displacement, but local governments were invaded by paramilitary contacts under the development of paramilitary expansion under the AUC from 1996.

The figure below depicts the positioning of local governments in the Colombian conflict. Hereby, the permeability of institutions and groups is indicated by overlapping symbols used for the actors. Lightning bolts stand for violent or threatening conflict actions. The arrows illustrate interaction and interlinkages between the groups.

Figure 1: Local government in the conflict constellation in Colombia



(Source: Own elaboration)

5.1.2 The policy on displacement in Colombia and its implementation

5.1.2.1 *Legislative norms*

This section summarizes the legal provisions on displacement in Colombia, which has the most elaborate legislation on dealing with IDPs worldwide (UN official in CODHES/UNICEF 1999:167): The basis of the legal framework is Law 387 of 1997, which has been progressively complemented with subsequent amendments, additional provisions and Constitutional Court sentences and legally binding orders to ensure fulfillment of the legal norms (“*autos*”) passed by the Constitutional Court (Maya Villazón et al. n.d.:23ff.). Other laws regulate specific aspects or have adapted the legal provisions, as in the last years most prominently the case with the Victims’ Law, 1448 of 2011.

1997’s Law 387 addresses violence-induced displacement and aims at creating measures for prevention of displacement, to ensure assistance, protection, socio-economic stabilization and rehabilitation of IDPs (Ley 387 in Maya Villazón et al. n.d.:23). For IDPs caused by natural hazards there is a separate legal provision, Decree 919 of 1989⁸⁰, restructured under Decree 4147 of 2011. IDPs of natural hazards are entitled to assistance by two transitional institutions, *Colombia Humanitaria* (2011-2012) and the *Fund for Climate Change Adaptation* (2012-2014), and by the *National Unit for Disaster Risk Management (UNGRD)*, which is permanent.⁸¹

Law 387 comprises the following sections: Title I (articles 1 to 3) defines the law’s application for conflict-related IDPs, regulates the interpretation, and states the rights of IDPs. Further, this section acknowledges the responsibility of the state to adopt legislation on the topic, recognizing and applying burden-sharing and complementarity

⁸⁰ Presidencia de la Republica: Decreto 919 de 1989 [con fuerza de ley]. Por el cual se organiza el Sistema Nacional para la Prevención y Atención de Desastres y se dictan otras disposiciones. 01 May 1989, Diario oficial No. 38.799.

⁸¹ Presidencia de la Republica: Decreto 4147 de 2011 [con fuerza de ley]. Por el cual se crea la Unidad Nacional para la Gestión del Riesgo de Desastres, se establece su objeto y estructura, 03 November 2011.

between the different levels and kinds of state institutions including decentralized entities.

Title II outlines the framework for assistance through the creation of the *National System of Integrated Assistance for Violence-Induced IDPs (SNAIPD)*⁸². As provided, this system has to be constituted by all public, private and community entities that work on integrated IDP-assistance. The aims of this system are to enable voluntary return or resettlement, as well as the reintegration of IDPs into the Colombian society. (Art. 4, Law 387 of 1997) The responsible state institution is the *Special Administrative Section for Human Rights in the Ministry of Interior Affairs* that monitors the situation of IDPs in cooperation with the control institution Ministerio Público, the church and non-governmental organizations working on areas of expulsion of IDPs (Art. 29, Law 387 of 1997). The *National Information Network on the Displaced Population* is used to facilitate the operation of SNAIPD and activities on displacement. Local representations coordinate information gathering and sharing between local governments, municipal ombudspersons, the Red Cross, churches and IDP-organizations. In order to operationalize the provisions, a National Plan for Integrated Assistance for IDPs⁸³ is provided for, requiring approval by the National Assembly (Republica de Colombia-Law 387 of 1997, Art. 10).

The *National Council for Integrated Assistance (CNAIPD)* for violence-induced IDPs, as consultative and advisory organ is tasked with the formulation of the policy and ensuring the budgetary assignment of the programs of SNAIPD.⁸⁴ At the level of

⁸² Original term “Sistema nacional de atención integral a la población desplazada por la violencia, abbreviated SNAIPD (Maya Villazón et al. n.d.:23).

⁸³ “Plan Nacional para la Atención Integral a la población desplazada por la violencia” in the original.

⁸⁴ The “Consejo Nacional para la Atención Integral a la Población Desplazada por la Violencia” is to be composed by a Presidential delegate, the Presidential advisor for IDPs, Minister for Interior Affairs, Minister of Finance and Public Credit, Minister for National Defense, Minister of Health, Minister for Agriculture and Rural Development, Minister for Economic Development, Director of the National Department for Planning, Defensor del pueblo, Presidential Advisor for Human Rights, Presidential Advisor for Social Policy, the Director of Red Solidaridad Social, and the High Commissioner for Peace. Officials can delegate participation to Vice-Ministers or General Secretaries in their ministries. If thematically adequate, other Ministers, Chief of administrative departments, directors, presidents of decentralized public entities or of IDP-organizations may be invited to the Council. The Council’s technical secretary is the Director of the General Directorate of the Special Administrative Unit for Human Rights in the Ministry of Interior Affairs. (Ley 387, artículos 4-6, in Maya Villazón et al. n.d.:24f)

departments, districts and municipalities, committees for integrated assistance for IDPs⁸⁵ were foreseen to be established and promoted by national government and tasked with supporting and collaborating with SNAIPD. The committees are presided by the governor (at department level) or the mayor (at municipality level). Other members are one officially mandated representative of the armed forces, national police, the public entity health section, the Colombian Institute for Family Welfare (*Instituto Bienestar Familiar-ICBF*), Red Cross, Civil Defense, church(es), and two IDP representatives. (Republica de Colombia - Law 387 of 1997, Art. 6 and 7)

April 2012's Decree 790 formalized the following adaptations according to the novelties of the Victims Law, Law 1448 of 2011: The SNAIPD was substituted by the *National System for Integrated Support and Reparation for Victims (SNARV)*, the CNAIPD by the *Executive Committee for Support and Reparation to Victims (CEARV)*, the territorial committees were renamed into Transitional Justice Committees (CJT) and the responsibility for coordination of all activities to support victims of conflict-related displacement was moved from Acción Social to the Special Administrative Unit for Support and Reparation to Victims. (Presidencia de la Republica - Decreto 790 of 2012) Acción Social was substituted by the *Department for Social Prosperity* in November 2011.⁸⁶

Prevention, according to Art. 8 of Law 387, has to consist of legal actions, alternative conflict solution by the committee members and preparation of assistance for victims of impending displacement. Art. 14 mandates the national government to adopt working groups for prevention, to promote peaceful social relations and intervention of the armed forces against disturbances, develop mechanisms against arbitrary actions,

⁸⁵ These committees were to consist of governor or mayor, as applicable, brigade commander or his delegate, the national police commander in the respective jurisdiction or his delegate, Director of the Sectional Health Service or of the respective health unit, regional director or coordinator of the zone section of director of the agency of Bienestar Familiar, a representative of the Colombian Red Cross, a representative of the Defensa Civil, a representative of the churches, and two IDP-representatives. The committees may invite representatives or delegates of other organizations, or persons of social relevance in the respective territory. The Minister of Interior Affairs or any national entity, as well as the National Congress may participate in sessions of this committee for advisory- and coordination purposes (Ley 387, artículo 7, in Maya Villazón et al. n.d.:26f.).

⁸⁶ El Espectador.com: Editorial: Departamento para la Prosperidad Social. 14.11.2011 <http://www.elespectador.com/opinion/editorial/articulo-311229-departamento-prosperidad-social>, viewed 13.07.2013.

discrimination and improving security, to inform the public about International Humanitarian Law and advise department and municipal authorities on the inclusion of prevention and support of IDPs in the implementation of development plans.

Art. 15 fixes the state's obligation of guaranteeing access to **humanitarian assistance** to IDPs, to provide humanitarian aid through state structures and setting up interinstitutional teams in the affected areas for the time of the emergency. The roles and involvement of the national state institutions are regulated by Art. 19, including the stipulation of preferential treatment of IDPs in support. Internally displaced persons are entitled to receive support upon the declaration and registration with an institution of the Ministerio Público (Art. 32 of Law 387, modified by Law 962 of 2005⁸⁷).

Art. 20 of Law 387 relegates the **control** of all state institutions' interventions on internal displacement to the Ministerio Público according to criteria of human rights and international humanitarian law. Law 387 also stipulates an information duty for local governments to the responsible representative of the Ministerio Público, who is in turn responsible for actions to protect the respect of rights (Law 387, Art. 26-28).

Return is covered in a brief section, consisting of only one sentence that states that IDPs willing to return are supported by the provisions on prevention and socio-economic stabilization (Art. 16, Law 387 of 1997). Socio-economic stabilization is prescribed to be guaranteed through projects for income-generation and agricultural production, agrarian reform and rural agricultural development, support for micro-enterprises, capacity-building and social organization, social support in the areas of health, education, urban and rural housing, urban and rural employment programs of Red Solidaridad Social (in 2005 substituted by Acción Social respectively in 2011 by the Department for Social Prosperity) (Art 17, Law 387 of 1997). The end of displacement in Law 387 (Art. 18) is defined as the point, where socio-economic stabilization and consolidation has been achieved, either at the original home location or the area of resettlement. For the financing of activities of prevention, humanitarian aid, socio-economic stabilization, return and the information network on displacement a

⁸⁷ Congreso de Colombia: Ley 962 de 2005. http://www.secretariasenado.gov.co/senado/basedoc/ley/2005/ley_0962_2005.html, viewed 20.11.2013.

special fund, the *National Fund for Integrated Support to Conflict-related IDPs* was foreseen (Law 387 of 1997, Art. 21-25).

In addition to Law 387 of 1997, several complementary or altering provisions were enacted:

The UN Guiding Principles on Internal Displacement were adopted into national constitutional law through Constitutional Court-sentence T-321 of 2001 (Jimenez et al. 2006:78).

A milestone in legislative developments on displacement took place in August 2004 with *Constitutional Court Sentence T0-25*. In it, the Constitutional Court declared an unconstitutional state of affairs on the situation of and lacking services for IDPs. This sentence was followed by a big number of so-called “autos“, legally binding orders to state institutions whose fulfillment must be reported on and where falling short can have disciplinary consequences. The most prominent and referred to autos are: auto 218 of 2007 on rights to participation and suffrage of IDPs, auto 200 of 2007 on the protection of the right to life of IDP-leaders, auto 092 of 2008 on protection of female IDPs, auto 004 of 2009 on protection of indigenous persons affected by displacement⁸⁸, auto 005 of 2009 on members of the afrodescendent population affected by displacement, auto 006 of 2009 on protection of disabled IDPs, and auto 007 of 2009 on lacking coordination of the policy on displacement with territorial entities. (Corte Constitucional 2013)⁸⁹

Law 1190 of 2008 introduced the obligation for territorial entities to draw up integrated plans (*Planos Integrados Unicos, PIU*) on prevention of displacement and support to

⁸⁸ In Colombia 103 indigenous communities exist that make up 3.36% of the national population. These are concentrated in remote regions of the country, especially the Southern, Northern and mountain corridors, many live in one of the 710 reserves. Indigenous peoples have been strongly affected by the armed conflict. Indigenous communities are recognized with special rights in the Constitution of 1991, in 2009 the Constitutional Court decided auto 004 of 2009 to improve the government institutions' fulfillment on indigenous rights. Indigenous representations have negotiated special political representation in the Colombian Congress, but generally been discriminated in legislation and administrative procedures. Interculturally different views on issues as education, communal versus individual land possession, and a lack of sufficient understanding of the importance of intercultural diversity impact on the possibilities of indigenous communities to ensure that their rights are respected. (Interview, cultural anthropology lecturer, University of Magdalena, 22 January 2011, PNUD: Desarrollo humano. “Pueblos indígenas. Dialogo entre Culturas“ Tercer cuaderno del informe sobre de desarrollo humano, 27.08.2012, <http://www.pnud.org.co/sitio.shtml?apc=a-b020081-&x=67076#.Uoffv2R0wt2>, viewed on 12.11.2013.)

⁸⁹ Corte Constitucional: Seguimiento al cumplimiento de la Sentencia T0-25 del 2004. <http://www.corteconstitucional.gov.co/T-025-04/Autos.php>, viewed 13.07.2013.

IDPs, which have to be coordinated with their development plans, including those budgets. The Ministry of Interior Affairs and Justice, along with the National Planning Department and Acción Social until late 2011 and since the Department for Social Prosperity are responsible for the law's enforcement. (Republica de Colombia - Ley 1190 de 2008, paragraph 2)⁹⁰

With the passing of the *Victims Law*, Law 1448 of June 2011⁹¹, support to IDPs changed significantly in that IDPs became one sub-category of victims of the internal armed conflict. (*Semana.com*, 20.12.2011). Recognition is given to victims of the conflict since 01.01.1985, independent of whether the perpetrators were illegal armed groups involved in the internal conflict or state agents (Republica de Colombia - Law 1448, Article 3). Originally, victims of delinquent groups (“bandas criminales” – abbreviated “BACRIM”) had not been covered, even though these at times have more or less direct connections with former paramilitary groupings (Roldán 2013:87). Upon intervention of the Constitutional Court in May 2013, this was changed and since victims of these groups are entitled to reparations, as well (*El Tiempo.com*, 17.05.2013)⁹². Reparation is granted also if the victim has been a recipient of humanitarian aid under other provisions (Republica de Colombia - Law 1448, Article 25.2). A new database, the “*National Information Network for the Attention and Reparation to Victims*” (*RNIARV*)⁹³ is set up for the implementation of this law. Victims who did not receive

⁹⁰ Republica de Colombia: Ley 1190 (2008): Por medio de la cual el Congreso de la República de Colombia declara el 2008 como el año de la promoción de los derechos de la población desplazada por la violencia y se dictan otras disposiciones. <https://www.dnp.gov.co/LinkClick.aspx?fileticket=yOmmgny6QVM%3D&tabid=1080>, viewed last 10.04.2013.

⁹¹ Republica de Colombia: Ley 1448 “Por la cual se dictan medidas de atención, asistencia y reparación integral a las víctimas del conflicto armado interno y se dictan otras disposiciones” (Ley 1448 of 2011, p.1). The law was signed in the presence of UN Secretary General Ban Ki-Moon, which shows the high emphasis and profile it has received. *Semana.com*: Santos firmó los decretos que reglamentan la ley de víctimas. 20.12.2011, viewed 18.11.2012.

⁹² *ElTiempo.com*: Ley de víctimas debe cobijar a los afectados por las bandas criminales. 17.05.2013, http://www.eltiempo.com/justicia/ARTICULO-WEB-NEW_NOTA_INTERIOR-12806141.html, viewed on 13.07.2013.

⁹³ Spanish title: Red Nacional de Información para la Atención y Reparación a las Víctimas.

recognition before, can register in the municipal ombudsperson's office. (*Semana.com*, 28.05.2011)⁹⁴

5.1.2.2 *Institutions*

As noted above, the legislative adaptations resulted in a number of changes in the institutional set-up, so that the main institutions are outlined in consecutive the time-sequence:

Coordination of the support structure for IDPs from 1997 until 1999 was under the Presidential Consultancy (*Consejería Presidencial*) that supervised the National System for Support to IDPs (SNAIPD), a coordination forum for 19 sectoral government institutions providing support ranging from humanitarian assistance, to income-generation to durable solutions to IDPs under a guiding idea of internal displacement as a transversal topic. (Republica de Colombia - Law 387 of 1997, ACNUR 2002:39). At national, regional and local levels, coordination committees on prevention of displacement and support to IDPs were foreseen by Law 387 between the SNAIPD and the territorial governments. But, between 1997 and 2000 the SNAIPD largely existed on paper. Local government initiative on support for IDPs in most cases was low due to the politicization, lacking resources, low capacity and little know-how on the issue (ACNUR 2002:41-44, 60-68)

In 1999, the agency *Red Solidaridad Social (RSS)* was set up and substituted the role of the *Consejería Presidencial* under an effort to make interventions on displacement more focused and efficient. Different to it, RSS had an operational structure and could present concrete results instead of admonishing the other institutions, only. With this, support to IDPs became more centralized, RSS, through its headquarters and regional offices, administered much of the support. However, the transfer to RSS meant a loss of importance, as RSS was hierarchically at the same level as the other involved state institutions and did not have the possibility to demand action by the others. The time needed for the restructuring had the cost of reduced implementation. RSS and the Ministry for Health were the only entities that worked proactively on displacement.

⁹⁴ *Semana.com*: La Ley en diez puntos. 28.05.2011. <http://www.semana.com/nacion/ley-diez-puntos/157523-3.aspx>, viewed 18.11.2012.

After the intervention of the Constitutional Court through sentences 1150 of 2000 and T-327 of 2001, pressure for obligatory budget attributions for displacement was increased. (ACNUR 2002:39-42) CONPES 3057 of 1999 (in ACNUR 2002:47) mandated RSS furthermore to support the territorial committees, especially in prevention of displacement.

Based on the invitation by the Colombian government in mid-1997 and the consent of the UN-General Secretariat, from June 1998 UNHCR started working in the country, under a mutually agreed action plan that started from January 1999. Since, UNHCR has been providing technical assistance for state- and non-governmental institutions and organizations working on displacement (Ramírez in Jiménez et al. 2006:74f.). In 1999, technical assistance from the side of the international community was institutionalized by the forming of the Joint Technical Unit (*Unidad Técnica Conjunta - UTC*) made up by UNHCR and RSS, respectively its successor agency Acción Social, meanwhile substituted in turn by the Department for Social Prosperity (ACNUR 2002:40f., ACNUR-website⁹⁵). Further, UNHCR supports technical cooperation projects for the different phases of displacement, activities to mobilize international cooperation for work on displacement in Colombia and coordinating national and international initiatives for support of IDPs (Ramírez in Jiménez et al. 2006:74f.).

In reaction to the Constitutional Court Sentence T0-25 of 2004 and its declaration of an unconstitutional state of affairs on displacement, in 2005 work on displacement was restructured again, the agency *Acción Social* was founded and put under the Presidential Office – with which it was removed from the influence of line ministries (ACNUR-website⁹⁶, interview, anthropologist, University of Magdalena, 22 January 2011). Acción Social was responsible for the coordination of support of IDPs and implementation of several other social support services until the decision of the Victims' Law 1448 of June 2011, implemented from 2012. Then, Acción Social was substituted by the *Department for Social Prosperity* with the three relevant sub-entities

⁹⁵ ACNUR: Colombia. Contrapartes de ACNUR en Colombia: Agencia Presidencial para la Acción Social y la Cooperación Internacional (Acción Social). http://www.acnur.org/index.php?id_pag=548, viewed 14.11.2013.

⁹⁶ ACNUR: Colombia. Contrapartes de ACNUR en Colombia: Agencia Presidencial para la Acción Social y la Cooperación Internacional (Acción Social). http://www.acnur.org/index.php?id_pag=548, viewed 14.11.2013.

being the *Special Administrative Unit for Attention and Reparation to Victims*, the *Administrative Unit for Grabbed Land*, the *Special Administrative Unit for Restitution Management* and the *Historic Memory Center*. (*Semana.com*, 28.05.2011)⁹⁷

The National System for Integrated Support for IDPs (SNAIPD), since, has been substituted by the *National System for Support and Integrated Reparation to Victims (SNARIV)*⁹⁸, consisting of 27 state institutions that collaborate to assist victims according to the following model of integrated assistance (*Semana.com*, 28.05.2011)⁹⁹:

- (1) prevention and protection;
- (2) integral attention (humanitarian assistance, integrated basic attention, housing, land, income-generation);
- (3) truth, justice and reparation.

At regional and local levels implementation territorial governments are responsible for many areas of implementation. The obligation to provide proof of lawful ownership of land is not on victims, but on current proprietors of land that has been claimed as having been taken away forcibly in the context of internal displacement. In September 2010 it was estimated that 2,5 million hectares of land would be affected by this. To this aim, a trust commission on land is set up, manned by five experts, including two from abroad. These are in the category of judges and are nominated by the Constitutional Court. Within two years this commission has to elaborate a comprehensive report on the agrarian counter-reform (“*contrareforma agraria*”) in the last decades. The work of the commission is foreseen for ten years. (*Semana*, 27.09.2010, p.56f.)

However, as stated by Vidal/Atehortúa/Salcedo (2013:i) the institutional structure of dealing with displacement operating since 1997 until today has many problems in its local level-application. Local government entities are by law obliged to elaborate an

⁹⁷ *Semana.com*: La Ley en diez puntos. 28.05.2011 <http://www.semana.com/nacion/ley-diez-puntos/157523-3.aspx>, viewed 18.11.2012.

⁹⁸ The SNARIV’s executive committee regulates implementation and formulates the national implementation plan. It is led by the President or his representative, and made up by the Ministers of Interior Affairs, Finance and Agriculture, Planning Department, Department for Social Prosperity and the Special Administrative Unit for the Attention and Integral Reparation for Victims. (*Semana.com*, 28.05.2011).

⁹⁹ *Semana.com*: La Ley en diez puntos. 28.05.2011 <http://www.semana.com/nacion/ley-diez-puntos/157523-3.aspx>, viewed 18.11.2012.

Integrated Plan (PIU) on action on displacement comprising characterization of the IDP-population in the respective territory, the planning of measures to manage and overcome the humanitarian crisis of displacement, implementation of the PIUs, as well as its monitoring and evaluation (UTC 2008, interview, staff Acción Social, Bogotá, 06 February 2011). At the time of my research in Colombia, Acción Social was still in place and as national government institution with deconcentrated structures provided services, e.g. humanitarian aid, support for return processes, support to IDPs, and technical advice to the territorial governments. (Website Acción Social/Department for Social Prosperity¹⁰⁰, interview, Public Policy Adviser, Acción Social, 27 February 2011)

The Ministerio Público is the statal control institution and consists of the Prosecution Office (*Procuraduría*), responsible for control and disciplinary action for state institutions, the Ombudsperson's Office (*Defensoría del Pueblo*) at national and regional levels responsible for defending citizens' rights, and at municipality level, the Municipal Ombudspersons (*Personerías*), responsible for both control of local government activity and defense of citizen rights. These institutions have to monitor the implementation of legal norms on displacement against criteria of human rights and international humanitarian law. (Art. 20 of Law 387, Constitution of Colombia, Art. 117, 118, websites Procuraduría and Defensoria del Pueblo¹⁰¹)

The Constitutional Court of Colombia was set up in the Constitution of 1991, and in comparison to most other constitutional courts has taken a proactive and practical stance in defense of several human rights questions, among which the topic of internal displacement features most prominently. In reaction to the government's insufficient action for support of IDPs, as well as prevention of displacement, from 2004 it began to intervene with court sentences and administrative orders (*autos*) demanding actions from the state institutions in SNAIPD. To follow up implementation a Monitoring Commission on the Policy on Internal Displacement (*Comisión de Seguimiento a la*

¹⁰⁰ Departamento para la Prosperidad Social: La Entidad.
<http://www.dps.gov.co/contenido/contenido.aspx?catID=3&conID=544&pagID=820>, viewed 20.11.2013.

¹⁰¹ Websites of the Procuraduría and the Defensoria del Pueblo:
<http://www.procuraduria.gov.co/porta/Objetivos-y-funciones.page>,
http://www.defensoria.org.co/red/index.php?_secc=01, viewed 13.07.2013.

Política Publica sobre Desplazamiento Forzado)¹⁰² was created and reports annually to the Constitutional Court on the fulfillment of regulations on displacement.

5.1.2.3 *Implementation in the departments Magdalena and César*

This section analyses the experiences made with implementation of the above described policy and its institutional framework in two departments of the Caribbean region, Magdalena and César, until January 2011, with a focus on -and from the perspective of- the situation in 2010 and early 2011. These departments are neighboring each other and share a common history as regards to the strong presence of paramilitaries, but followed between 2008 and 2011 different developments due to the respective outcomes of the 2007 department elections: while in Magdalena structures of elite rule remained intact and despite coming under pressure from central government elements pursuing a rights-based approach for the most part were able to maintain the previous path, César experienced alteration in that the electorate punished the ruling elite constellation by voting the candidate of the Green Party into the department government (*gobernación*) and a process of restructuring and attempting to roll back hegemony of links between officials in the territorial institutions with paramilitary interests started.

After a summary of the context and developments in the respective department, the experience with the implementation of the legal framework on internal displacement in the department government and selected municipalities is presented. The criteria for which municipalities were visited and analyzed are the respective affectedness by displacement, the possibility to reach the municipality easily and the possibility of visiting the necessary contacts in a relatively secure way. Further, one of the municipalities had to be a bigger city and one to two in a more rural setting, with less infrastructure and population. For César, staffs of UNDP Valledupar and the Defensoria del Pueblo gave me indications of municipalities in this range and linked me up with contact persons in those. For Magdalena, I used opportunities for visits with the state institution coordinating and providing the bulk of central government support to IDPs, Acción Social, and contacts I could get through the partnership with the University of Magdalena and attendance of coordination meetings and events on displacement related

¹⁰² CODHES: Comisión de seguimiento a la política publica sobre desplazamiento forzado. http://www.codhes.org/index.php?option=com_content&task=view&id=39&Itemid=52, viewed 14.11.2013.

concerns in Santa Marta, where I was based during most of my research stay in Colombia.

As analytical tools the lense of “good“ local government with its sub-categories is used: *authorization, capacities, resources, citizen empowerment, participatory dialogue, transparent and participatory service delivery and local development*. Further, the categories strengths, weaknesses and lessons learnt are employed to bring in the analysis and views of persons involved in implementation or being subjected to such as beneficiaries of assistance. In a summarizing section following this, strengths, weaknesses, and lessons learnt are analyzed. Colombian interviewees largely reacted reluctant to questions that aimed at getting an overall evaluation of the Colombian response on displacement. Apart from this, it seemed pertinent to make use of the huge quantity of information produced on displacement in Colombia over the last two decades. Therefore, the Colombia case-study, also in its empirically-focused part to follow, drew on a wider pool of secondary sources.

As analytical material a number of study reports, working material such as plans of programs and minutes of meetings within the framework of implementation work on the Colombian norms on internal displacement are used, as well as qualitative, semi-structured, guided interviews that were carried out in the region with representatives of institutions, organizations and social groups before identified as relevant for gaining knowledge on this according to the method of theoretical sampling (Glaser and Strauss in Lamnek 2005:190). These were selected to be representatives of national and local government entities, local civil society, research institutions, international organizations, international non-governmental organizations, and donors (see below table listing interviewed experts and individuals from relevant social groups).

Table 4: List of actors interviewed in Colombia

Nr.	Entity / Group description	Relevance / Role	Where	Nr.
National & local government entities				
(a)	Acción Social	Coordination of SNAIPD, implements support programs, supports local governments in work on displacement	Policy advisor, Bogotá;	3
			Satellite offices / Magdalena, Cesar departments	4

(b)	Local government administration members	Working on support to internally displaced persons and in this function formally in charge of coordination of IDP-related activity in the respective territorial entity	Departments Magdalena, Cesar; Municipality administrations Santa Marta, Cienaga, Valledupar, Agustín Codazzi, La Jagua de Ibirico	1, 4 5
(c)	Personeros/as	Ombudsperson at municipality level	Santa Marta Cienaga (assistant to personero) / Magdalena; Augustin Codazzi La Jagua de Ibirico / César	1 1 1 1
d)	Procuraduría	Statal control instance for public institutions	Department office Valledupar	1
(e)	Defensoría del Pueblo	Ombudsperson's office at department and national levels	César, Magdalena; Bogotá	2 2
(f)	Constitutional Court	Monitoring compliance of state institutions with legislation on displacement.	Bogotá	1
Colombian Civil Society				
(g)	Advocacy organizations	Engaging in advocacy for IDP-rights	CODHES, Fundación Social / Bogotá	3
(h)	Representatives of indigenous groups and Afro-Colombian population	Representing group-specific concerns	Representatives of Wiwa, Kanquama Peoples and Afro-Colombian population / César	3
(i)	IDP-leaders	Representing IDPs' concerns	Magdalena César	2 4
(j)	Individual IDPs, in marginal settlements, or in return areas	Individuals without declared official functions	Pozón / Cartagena, Bolívar María Eugenia / Santa Marta	40 10

(k)	Research institutions and individual researchers	Conducting academic studies on internal displacement	Universidad de Cartagena (Laboratorio de Paz, Center for IDPs), Universidad del Magdalena, Universidad del Norte / Barranquilla, Universidad Libre / Bogotá	3
(l)	journalist/media representative	Reporting on displacement since 1990s, at time of research PR-staff of NGO	Bogotá	1
International organizations				
(m)	UN-OCHA	Responsible for coordination of response to humanitarian crises in UN-system	Bogotá	1
(n)	UNHCR	Responsible for leading IDP-support in the area of protection of IDPs' human rights	Valledupar, department César	1
(o)	UNDP	Responsible for early recovery in IDP-interventions, implementing support program in César	Valledupar, department César	2
Donors				
(p)	AECID (Spanish Agency for Development Cooperation)	Support for programs on displacement and local governance	Bogotá	1
(q)	European Commission (former staff of Red Cross)	Support victims of displacement via humanitarian aid office	Bogotá	1

(Source: Own elaboration)

a) Implementation in the department Magdalena

The department Magdalena is laid in the north of Colombia and made up by the mountain region of Sierra Nevada de Santa Marta and the lower Magdalena valley. Both, the coastal region and the Sierra Nevada are strategic regions with natural resources, sea ports and crossed by transport routes-amongst others also for contraband and drug-traffic. (Observatorio Nacional de Paz 2010:1)¹⁰³ While the department's capital, Santa Marta, was the first colonial settlement in Colombia, established in 1514, the department has been largely characterized as hinterland throughout most of its past.

¹⁰³ Observatorio Nacional de Paz: Dinamicas recientes del conflicto armado en el departamento del Magdalena. No date. http://www.observapaz.org/index.php?option=com_docman&Itemid=49&limitstart=10, viewed 20.04.2013.

From the 19th century sugar cane, cocoa and tobacco plantations, smaller scale agriculture, increasingly livestock farming, as well as transport were main economic activities (Sievers in Mertins 1969:86). Families with large scale land-ownership have dominated political and economic life of the department. Since the 1950s this was reinforced with the influx of foreign capital, including illegal contraband of cash-crops and drugs. (Acevedo Guerrero n.d.:33) In this line, the emerging banana-trade and the setting up of the Colombia headquarters of the United Fruit Company in Santa Marta led to economic growth in the North of the department. The establishment of a train connection to Bogotá in 1961 gave an enormous push to trading and transport. This led to a population increase. The banana boom, however, was short; cultivation shifted to Urabá where climate conditions were better and unemployment rose in the late 1960s. (Sievers, Schultze in Mertins 1969:86,109f., Mertins 1969:110)

Over the 1970s, Santa Marta became the center of marihuana trade to the USA, with an up-coming drug bourgeoisie employing big parts of the population. This interacted with the expansion of the guerrilla presence in marginal zones of the department, who imported arms in exchange for drugs, increasingly cocaine. (Krauthausen, Guerrero in Schmidt 2008:48, Pearce 1990:110) Since the 1980s Magdalena had a presence of the guerrillas FARC and ELN and paramilitary groups, especially those of *Hernán Giraldo*, *Chepe Barrera* and *Botero*. These had come up in connection with the drug trade and to defend assets against the guerrillas and criminal groups (Observatorio del Programa Presidencial de Derechos Humanos y DIH 2006:5-12). In the context of the booming drug-business, massive investment of illegal incomes led to large-scale land purchasing in 14 municipalities affected by this (Reyes in ILSA 2012:15). The economic power bases attained through illegal trading and contraband of other goods was used to consolidate political power when opportunities for it opened with the introduction of local elections from 1986. (Acevedo Guerrero n.d.:33)

Due to meanwhile increasing insecurity in Urabá large-scale banana cultivation in Magdalena was re-established in the late 1980s. Through this, the stronger use of violence and paramilitaries to suppress labor protests in Antiochia came to the coast; owners and leadership of the banana businesses used it to deal with pressure from organized labor, extortion and kidnappings by guerrillas. (*El Tiempo* 1991b, 1992 in Grajales 2011:780-782)

While until the late 1990s, insecurity increased in the department, paramilitary groupings were rather localized and in comparison to the later phase involved less in political affairs of the region. Paramilitaries, and from the 2000s also increasingly the armed forces, fought the guerrillas and over time achieved dominance over the lowlands, while the guerrillas withdrew to the mountain areas of the Sierra de Nevada de Santa Marta. (FLIP 2012:1f., Acevedo Guerrero n.d.:33-37, Observatorio del Programa Presidencial de Derechos Humanos y DIH 2006:5-12).

With the project of nation-wide expansion of the paramilitaries Carlos Castaño and Salvatore Mancuso, who tried to become a political force, the context sharpened from 1997. Rodrigo Tovar Pupo, more widely known under the *nom de guerre* “Jorge 40”, from neighboring César, was recruited by them, became the leader of their regional group, the Northern Block and either coopted or subjugated already existing, more localized, groupings.¹⁰⁴ His entry into the department was in 1999/2000 with two massacres, in Playón de Orozco in Piñon municipality in 1999 and Ciénaga Grande, Santa Marta, in 2000. In this period also several local political leaders were assassinated, including the Chief Administrative Officer (*secretario de gobierno*) of the department government of Magdalena, the mayors of Tenerife and Cerro de San Antonio, the ombudsperson of Cerro de San Antonio, as well as a number of councilors of the municipalities El Retén, Zona Bananera, Ariguaní, and Plato. (Acevedo Guerrero n.d.:34f.) Between 1997 and 2001 the conflict-related death-rate was above the national average in most municipalities of the department (Cerac in Arias Ortiz n.d.:26).

In the 2000 Pacts of Chivolo and Pivijay, Magdalena, 700 aspiring candidates and acting politicians were cited by *Jorge 40* for a preparatory meeting on the nearing local and department elections. In this meeting 13 mayor candidates and 395 aspirants for election to the local government councils and the national assembly signed a pact that guaranteed them his support. (*El Universal*, 15.05.2012)¹⁰⁵ In the department elections of 2003 the governor candidate supported by the paramilitaries, Trino Luna Correa, in

¹⁰⁴ Jorge 40 had been once finance secretary in the department government of neighboring César (Hylton 2006:111, Observatorio del Programa Presidencial de Derechos Humanos y DIH 2006:11).

¹⁰⁵ *El Universal*: Catorce capturados por ‘parapolítica’ en Magdalena. 15 May 2012. http://www.eluniversal.com.co/cartagena/nacional/catorce-capturad...utm_campaign=Feed:+eluniversal/ctg+%28El+Universal+-+Cartagena%29, viewed 04.05.2013

the end won unopposed. All other candidates had been intimidated into resigning; the majority of votes were cast blank. Also, three candidates of the AUC for the Congress and two for the Senate managed to get voted in this way. (Hylton 2006:111)

When *Jorge 40*, in 2002, subjugated the formerly regionally important paramilitary leader Hernán Giraldo, economic profiteering and terror become even stronger and systematic: As former councilor of the department government of César, *Jorge 40* understood ways to extract resources from the public sector, as well as private economic activity. Political posts made sure contracts and commissions from such benefited paramilitary leaders or their clients. On the other hand, transport-taxes, payments from peasants to street vendors, shops and enterprises, control of gambling, prostitution, intelligence, smuggling, money-laundering and drug-trafficking created incomes for the financing of paramilitary operations. (Hylton 2006:111, Verdadabierta.com¹⁰⁶)

Calculations based on the data-base SIPOD indicate that 184,208 persons were displaced from the department's municipalities¹⁰⁷ between 1997 and October 2008 (Renán-Rodríguez 2009:22). Related to this, the historic characteristic of the department as dominated by cattle husbandry under large-scale land ownership experienced a strong expansion in the conflict: Between 2004 and 2009 the land under this usage increased by 500,000 hectares. (Abdala Yamile in ILSA 2012:14) In 2012, medium and large-scale land ownership occupied 65.02% of the department (ILSA 2012:14). Of a total of 2,318,800 hectares making up the department, 1,672,648 are in the *frontera agropecuaria*. Agricultural production only is 2.9% of the national total on an area of 186.196 hectares. But cattle husbandry is the eight largest in the country and occupies 1,351,551 hectares. (DANE, Acción Social in ILSA 2012:17) The department contributes only 1.35% to the national GDP; the provisional value for 2009 of the per capita GDP only amounts to 53.6% of the national average. The main economic sectors are extended and semi-extended cattle husbandry, and (increasingly substituting the latter) cash crops such as oil palm, sugar cane, banana, coffee, cacao and caucho cultivation. (Banco de la Republica, DANE in PNUD 2012, p.24f., FAO in ILSA

¹⁰⁶ Verdadabierta.com: Las batallas de Hernán Giraldo y cómo terminó sometido a 'Jorge 40'. N.d. <http://www.verdadabierta.com/la-historia/244-la-historia/auc/2803-las-batallas-de-hernan-giraldo-y-como-termino-sometido-a-jorge-40>, viewed, 20.01.2014.

¹⁰⁷ Colombian statistics distinguish between expulsion and influx of IDPs.

2012:19). Not surprisingly, the poverty rate in Magdalena is high with 58.08% compared with the national average of 37.10% according to 2010 data; extreme poverty lies at 23.52%¹⁰⁸. 92.5% of the department's population live in urban areas, of these 37.5% in the capital Santa Marta. (MESEP, DANE in PNUD 2012:25,35)

After the demobilization of the paramilitaries in 2006, new illegal armed groups appeared of whom some are seen as a new form of paramilitaries and others narcotraffickers disputing the transport routes between the mountain range of the Sierra Nevada and illegal ports at the Caribbean coastline. Continuities with paramilitaries are visible in the rising crime rate in the department capital Santa Marta, as between 2011 and 2012 the homicide rate rose by 12% and the rate of street robberies and vehicle robbing by 26%. In 2012 alone 14 journalists received death threats in Santa Marta. (FLIP 2012:1-6)

Also, a certain durability of the networks between “traditional” large-scale land ownership and *new rich* emerging from the business around drugs and the conflict - the so-called *parapolítica*- can be assumed: The current governor, Luis Miguel Cotes, voted into office in 2011, was supported by his two predecessors. Of those, Trino Luna Correa was condemned for *parapolítica* and the other, Ómar Díazgranados, suspended due to corruption in January 2011. Further, close family members of the governor are under investigation for irregular campaign financing, activities and connections with persons tried for involvement in *parapolítica*.¹⁰⁹ (FLIP 2012:1) This means that the department is highly urbanized, poor, and characterized by a high degree of inequality and conflict-related violence.

¹⁰⁸ Extreme poverty, after remaining at the same rates between 2003 and 2005, between then and 2008 doubled. Since the rate decreased, but is still twice the national average value. (MESEP, DANE in PNUD 2012, p.35f.)

¹⁰⁹ These are his father Álvaro Cotes and his uncles Luis Miguel Cotes Vives and Francisco Zuñiga, who is the former mayor of Santa Marta. On the other hand, under an improved climate for elections under the Santos-administration, the local elections of 2011 in the department's capital Santa Marta were won by Carlos Caicedo, a former, demobilized ELN guerrillero, previously rector of the Universidad del Magdalena. (FLIP 2012:1f.) In how far Caicedo's administration distinguishes from that of Zuñiga, is not treated in this thesis as the research took place before the local elections of October 2011.

Central government pressure dynamizing implementation of the department

As this contextualization suggests, the preconditions were challenging for implementation of regulations for support and protection of IDPs in the department Magdalena: a weak resource base, a history of strong paramilitary presence with connections into the political life of the department and an economic background of unequitable resource and land distribution. The research on the department government (*gobernación*), situated in the capital Santa Marta, therefore showed an ambiguous picture: Both due to high debts and under efforts by the Constitutional Court to improve local government performance on support to IDPs and in preparation for the implementation of the Victims' Law, since 2010 the department government, as well as municipalities had come under close supervision of the Ministry of Interior Affairs. The department government adopted a collaborative posture and stated to see this positively, in terms of having the chance of a stronger relationship with the ministry. (Interview, staff, department government Magdalena, 03 December 2010). Due to this, activities on displacement by the department had been re-structured in August 2010, a few months before the research stay. Then, several staffs had been exchanged. Before the staffs working on IDP-support had been consultants and little integrated into the work-routines of the *gobernación*. As the Public Policy Advisor of Acción Social stated, since then there had been a positive change, as personnel was much better qualified. Yet, there was still a high lack of consciousness. (Interview, Santa Marta, 21 February 2011)

While the department staff in reunions and events was giving a very strong effort and smaller coordination events were held in a good atmosphere, the governor was rarely present in such. This was a repeatedly uttered complaint of IDP-leaders and Acción Social staff. In one big and high profile event, the inauguration of the Truth and Reconciliation Commission in Magdalena, an IDP leader demanded his presence over the microphone. The event later ended in a chaos of protesting voices, when the guest of honor, Minister of Interior Affairs, Germán Vargas Lleras, denied IDP-leaders the possibility of discussion and raising their concerns to him. (Own observation, Santa Marta, 19 November 2010).

(Inter-)institutional coordination seemed difficult: For instance, in the second committee of the department Magdalena on displacement the problem of lacking oversight of who is doing what was raised as a concern. (Observation, Department Committee meeting,

30 November 2010). The staff acting informally as coordinator of IDP-issues in the gobernación referred to duplication of work taking place because of this. As he stated, a difficulty was that in many cases the Integrated Plans on IDP-support (PIUs) were outdated, if they existed. In December 2010 in the department only 30 percent had a PIU. (Interview, 03 December 2010, Santa Marta).

In terms of capacity-building, professionalization of services and a thorough and systematic approach was only in its beginnings. A process to establish an office for coordination of interventions on displacement had begun with support of the Japanese Development Cooperation (JICA). Two technical advisors of JICA had an on-site presence with an office integrated in the department government administration. So far, displacement had been one of many sub-issues in the gobernación's *secretariat of interior affairs*, which did not have the authority to oversee the work done on, or relevant to, displacement in other secretariats. There was not an officially formalized position "Coordinator for Displacement Affairs" within the gobernación so far. Legislation did not authorize the department to demand efforts from municipalities, it had only the mandate of coordination. Also, resources were lacking for appropriate supervision of the displacement-related work done in the municipalities. In consequence, the gobernación had limited possibilities to work in this regard with the municipal governments. (Interview, staff, department government, 03 December 2010).

Beginning efforts in the district Santa Marta

Santa Marta is the capital of the department and -due to its historic heritage and nearby beaches and nature reserve, *Parque Tayrona*- one of the major touristic hubs of Colombia. At the same time it is also one of the country's most displacement-affected cities with approximately one third of its population of 454,860 consisting of IDPs. (DANE in PNUD 2012:25)

Between 1997 and 2001 Santa Marta was disputed between guerrillas and paramilitaries, which caused a high death toll. The paramilitary groups have had the upper hand in the conflict there. (Cerac in Arias Ortiz n.d.:25) In Santa Marta the topic of displacement began to be felt from 2000, when the hardened armed confrontation between military, paramilitaries and guerrilla displaced a big number of families from rural areas of Magdalena and the neighboring departments Bolívar, César, La Guajira and North Santander. (Republica de Colombia. Presidencia. SIPOD in Camargo

Rodriguez/Blanco Botero 2007:43,48)¹¹⁰ Effects of displacement are, amongst others, informal settlements on the hills at the outskirts of Santa Marta, in areas that are often prone to erosion and land-slides and disproportionately affected by natural hazards. Also, social divisions increased with displacement as the poverty rose. The urban infrastructure did not exist to receive so many people in the conditions in which they were arriving and public authorities did not act in time. At the face of inactivity of statal institutions, marginality, criminality and a wide presence of beggars increased. (Media staff in Camargo Rodriguez/Blanco Botero 2007:70, interview, IDP-leader, 30 November 2010).

In late February 2011 the district had still no updated PIU, but operated still with that of 2007/8, despite the deadline in March 2011 coming up, as lamented in Santa Marta's committee on displacement. In comparison to the previous year there were more finances assigned to support of IDPs. It was planned to improve the infrastructure and possibly extend the area of the Orientation and Support Office for IDPs and Conflict Victims (UAO). (Observation, district committee meeting on displacement, 22 February 2011, Santa Marta). However, resources were still little, with IDPs competing with other vulnerable groups for support by the local government. As stated by the Advisor on Public Policy Issues of Acción Social, although there had been an improvement of the municipality's work on the issue of displacement, there was still not the corresponding budget execution. In most committees on displacement the department heads (*secretarios de despacho*) did not attend, only staff of lower ranks that cannot take decisions. The mayor would need to spearhead municipal action on displacement, but did not yet attend it. Acción Social usually had to call the committee meetings, as they would not take place otherwise. Acción Social's role was only that of advising the

¹¹⁰ While in 1999 there had been 54 displaced families, or 265 persons, registered as IDPs, by the end of 2001 the officially registered displaced population in Santa Marta had risen to 3,421 families or 18,233 persons. In 2002, at the peak of the violent confrontation, nearly seven thousand displaced families, or more than 33,000 persons, registered as IDPs, which meant that the IDP-population doubled within only one year to more than 10 thousand families or 50,000 persons (Republica de Colombia. Presidencia. SIPOD in Camargo Rodriguez/Blanco Botero 2007:43,48). It has to be commented that official numbers in the registry of IDPs, especially where paramilitary and guerrilla activity are still high, do not represent the total number of IDPs of the time. Fear, lacking knowledge, and traumatization impeded registration a long time, as well as a formerly existing legal provision that registering is only possible until one year after the deed. At the time of research, many persons registered displacement and other victimization at the responsible institutions even as far back as for these years. (Interview, coordinator UAO Acción Social Valledupar, January 2011)

municipality in their work on displacement, they did not have a mechanism to force local governments to do anything. (Interview, 21 February 2011, Santa Marta)

The legal basis for interventions on internal displacement, Law 387 of 1997, prescribes that in case of apparent risk of displacement a committee has to be formed at local government level and decide on action. However, as stated by an early warning official of the Defensoria del Pueblo, there was no policy in place on prevention; the legal provision was not appropriate for implementation, as a culture of prevention would not exist. Secondly, security is the responsibility of the armed forces that operate under central government authority. As he pointed out, the army worked in a reacting form and not in one that prevents risks of outbreak of conflict and displacement. (Interview, 22 February 2011, Santa Marta)¹¹¹

There is an Information and Support Office (*Unidad de Atención y Orientación –UAO*) in Santa Marta, which was in a process of professionalizing services and becoming more client-friendly, to which I accompanied an IDP-leader, who introduced me to staffs working there. I interviewed the Acción Social coordinator of the UAO and the municipality staff in charge of logistical support there. As explained by both, a process of improving services to IDPs was under way there, including procedures to reduce waiting times, treat especially vulnerable clients in a way sensitive to their special needs, diminishing abuse of lacking information of IDPs and conflict victims by intermediaries-who had been living at the UAO area until a months ago- and advocating for a better resource dotation and infrastructure. (Interviews, Acción Social coordinator, municipality coordinator, UAO, 06 December 2010)

In this line the Acción Social coordinator pointed out that protection and psycho-social support ought to be upgraded, as many IDPs come with traumatization and special needs, e.g. children traumatized by violence. From next year the UAO would receive interns from the psychology department of the University of Magdalena and was in

¹¹¹ As pointed out by a study by Ibañez/Velásquez (2008:20-22) the mayor is the local head of police, but has no authority over the army that is responsible in such cases, so s/he can only ask for security enforcement measures from central government in case of risk of displacement.

negotiations on support with the Police Unit working on child protection. As the interviewee admitted, at the face of scarce resources, the services offered to IDPs were limited. Therefore, the UAO works on establishing a committee for mobilizing resources and wished to enter into partnerships that can give support. Also, the UAO tried to get support from the gobernación, but it was legally not responsible and had also very scarce resources as it is bankrupt. However, a big number of IDPs came from other districts than Santa Marta. (Acción Social staff, UAO Santa Marta, interview, 06 December 2010). Regarding participation in public policy formulation at the local level, the UAO contributed to the elaboration of the PIU by contributions on their experiences and needs (Acción Social staff, UAO Santa Marta, interview, 06 December 2010).

Coordination meetings between the represented institutions were held every two months, a frequency of once per month was planned for next year. Once a year a planning session was done between the institutions in the UAO. Also, mobile advice visits (*jornadas*) to neighborhoods (*barrios*) with many IDPs had been introduced and were planned to implemented more often. In the last months six jornadas in poor barrios had been carried out and reached each on average 600 to 700 persons. The intention for 2011 was to do three to four jornadas per month. Hereto, the Acción Social-staff stated that relevant local government offices and service providers should participate also to bring information closer to affected persons and reduce their costs of transport to town for obtaining such information. The Acción Social UAO-coordinator was working there only since mid-2010, indicating that similar to the department the restructuring of IDP-support had taken place also at this institution. (Interview, 06 December 2010)¹¹²

Corruption and irregularities were among the often named problems from IDPs'-perspectives: Contracted local NGOs and the persons organizing logistics like food purchases and operators of food distribution were said to deliver reduced quantities of food for the preparation of the lunch-units. (Interview, ICBF-madres de hogares, barrio María Eugenia, 30 November 2010). As further indicated by interviewed IDPs in one of Santa Marta's marginal settlements, effective access to assistance was complicated by formal requirements insensitive to their situation. E.g. IDPs and victims in the *Justicia y Paz* -processes for indemnization had to present a number of documents to start

¹¹² Also, one can see posters on the walls of Acción Social offices that say that services are not to be paid for (cf. observation in Acción Social office in Cartagena, October 2010).

procedures. Costs for drawing photocopies, confirming identity, obtaining documents and transportation hereby were significant obstacles for IDPs without income possibilities. (Interviews, 23 November 2010, barrio María Eugenia). In cases of further referral to another institution the respective person received a letter instructing them to contact the other institution (e.g. letter of Fiscalía Justicia y Paz in Santa Marta nr. 61546 in response to assistance request of 10 September 2010, photographed from an IDP, barrio María Eugenia, Santa Marta).

(Non-)implementation in Ciénaga

The municipality of Ciénaga has an area of 122,160 ha, with the town of Ciénaga occupying only 3% and the majority (93%) of the municipal area consisting of mountainous zones, where there has been a strong guerrilla presence. Before 1999 the municipality also comprised the *zona bananera*, now a separate municipality. Due to having a port for the sea-transport of carbon exploited by the multinational Drummond in the neighboring department La Guajira, Ciénaga also receives adjustment payments (*regalías*), which increased its income by 8.5 between 1990 and 2003. (Meisel Roca 2004:25f.) Between 1997 and 2007, Ciénaga was a disputed area, with the guerrilla having the upper hand in the conflict and with a high number of deaths between 1997 and 2001 (Cerac in Arias Ortiz n.d.:24f.). Also, the rates of internal displacement and kidnappings were high in these periods (Cerac in Arias Ortiz n.d.:28-32). In this economically important and conflict-infested municipality 35km from Santa Marta¹¹³, the situation regarding IDPs support does not correspond to the economic possibilities: Carbon transport from the multinationals *Drummond*, *Prodeco*, *CNR*, among the biggest mining enterprises worldwide, leads through the municipality; a new mega-port is under construction in the area of the municipality as Santa Marta's harbour has become too small. (Defensoria del Pueblo 2008)

In November, December 2010 and January 2011 I visited the municipality on three occasions, one time accompanying a staff of Acción Social for the observation of a

¹¹³ Alcaldía Ciénaga: http://www.cienaga-magdalena.gov.co/informacion_general.shtml, viewed 10.11.2013.

committee meeting on prevention of displacement, the second time to meet an IDP-leader and the third time to conduct interviews with municipality staff and the ombudsperson. According to the Public Policy Advisor of Acción Social (interview, 21 February 2011) it was very difficult to work with the municipality of Ciénaga on displacement. There was a complete lack of credibility of the municipal administration among the population. As the municipality had financial autonomy, it did not depend financially on the department government. Furthermore, the mayor did not participate in committee meetings on displacement. While municipality department heads (*secretarios de despacho*) would attend these sometimes, they would not comply with the agreements made. By February 2011, the municipality of Ciénaga had not implemented projects to the benefit of the IDP-population. Without the backing of the mayor there would not be much to be done. (Public Policy Advisor, Acción Social, Santa Marta, interview 21 February 2011)

While the municipality staff working on displacement had not appeared to the scheduled meeting and was not reachable, another staff assisting an Acción Social staff in Ciénaga was ready to conduct an interview. As she stated, there was high corruption in all municipality institutions there. While, due to increasing controls it had become less, corruption would be still a problem. Despite that the municipality can use its municipal surplus funds, there was little investment on support to IDPs. In the local government administration everyone would tow in his/her direction; there would not be interest in the topic. There would not be a program offering immediate support in the municipality. The need of IDPs for information was not addressed, the professional training institution SENA could do this, but there was no coordination and organizing for this. Most intervention on IDP-support would occur under the *Red Juntos program*¹¹⁴ (assistant to Red Juntos coordinator, Ciénaga, 21 January 2011). The assistant to the ombudsperson of Ciénaga assessed that the officials in both local government and Acción Social would need more capacitation. Often there would be errors in filling out

¹¹⁴ It has to be mentioned hereto that the Red Juntos-program is an Acción Social program under financing from central government institutions, so it is actually separate from local government. It tries to offer wholistic services that center at the family unit and try to accompany the process of rehabilitation of needy persons (not only IDPs).

the declaration forms, which then lead to delays, as the central level-decisions to finalize the administrative process cannot be undertaken. Also, staff would not be trained in how to receive and counsel persons. Acción Social would have improved since 2010. The ombudsperson's office complained about not having access to the database of Acción Social, which causes administrative double procedures and work, as they had to contact Acción Social for information. There was often also unclarity on the side of IDPs on what the ombudsperson office's responsibility is and they demanded services from them that are under Acción Social. There was insufficient coordination between the municipality and other agencies, the interviewee e.g. stated to not know about the contents of the committee meetings on internal displacement, as they were not invited. (Assistant to ombudsperson Ciénaga, interview, 21 January 2011). Also, an IDP-leader interviewed (in December 2010) explained that IDP-organizations were not invited to these meetings. According to the Assistant to the ombudsperson there would be need for a better coordinated response and to provide better support to IDPs. The response of the municipality, according to the ombudsperson's assistant was very scarce; the employee responsible in the municipality could not do much. The resources destined for support to IDPs would be insufficient by far. The mayor was judged by him to not be sensitive enough to the issue of displacement. There would be also the security problem: The ombudsperson had been menaced and had to move around with a bodyguard. A woman, who had made a complaint about Acción Social, had been threatened, as well. (Assistant to ombudsperson Ciénaga, interview, 21 January 2011).

The security issue also came out strongly in the context of a committee meeting on prevention of internal displacement: The committee meeting was attended by the responsible local and national government institutions, with me accompanying a staff of Acción Social, Colombian staffs of the NGO Norwegian Refugee Council (NRC), as well as two international observers of the Organization of American States's Support Mission for the Peace Process (MAPP-OEA). Amongst others, it was decided that a *barrio* would have to be visited to verify whether the security situation was already adequate for return of IDPs who had fled from there and were already five months in Santa Marta. After the meeting, most institutional representatives including the MAPP-OEA observers left; the staff of the Defensoria del Pueblo and Acción Social were told to wait. It took nearly one hour until we could go to the *barrio*, where we were met by

approximately twenty heavily armed security personnel securing the area for our safety. Already the first community leader the Acción Social staff asked about security invited us into his house, broke into tears and explained that his son had been killed by delinquent youth in this neighborhood a few days ago. The staffs of Acción Social and the Defensoria del Pueblo listened empathically. A community police-representative explained that they were far too few. The situation, therefore, contrasted strongly to the discussion of the security context in the committee meeting. (Observation, committee meeting and verification visit, Ciénaga, 16 November 2010).

Summary of results on Magdalena

Thus, in how far were the sub-categories of good local government drawn from UNDP 2004 (in Grote 2007:51) -*authorization, capacities, resources, citizen empowerment, participatory dialogue, transparent and participatory service delivery and local development* - fulfilled in the local governments examined in the Magdalena case-study?

For the department government, as well as the local governments of Santa Marta and Ciénaga, I assess that authorization, and related to it resources, empowerment and participation of citizens, as well as transparency and accountability to those have been lacking for long periods of time. Either low efforts or inactivity on displacement were the case rather than decided action. Capacities, if existing, could not be put (sufficiently) to use in such a context. To seriously address the categories of citizen empowerment, participatory dialogue, service delivery, transparency and accountability versus the population has been near to impossible in such a context.

All of the named categories seemed to receive an (official) push at the time of my research. However, this was a young development and occurred upon initiative of the Constitutional Court and central government agencies with local implementation encountering obstacles and unfavorable conditions. Such ranged from lacking political will, to lacking authority to act on the issue at the territorial level, with the department level not having the possibility of giving orders to the municipalities. Further, in most cases networks between politicians and actors of violence still existed, especially paramilitaries and delinquent groups partially following those. Last but not least,

lacking financial means constituted another hurdle. Security challenges require cooperation and coordination with national government, which so far was a poorly addressed aspect pointing to lacking political will in the related institutions of the security sector to effectively challenge paramilitaries in regions that had guerrilla presence.

b) Implementation in César

The department César was created in 1967, from the South Eastern part of Magdalena under efforts to diminish power concentration after the National Front period and dynamize development with new regional entities (Acevedo Guerrero 2010, sec. II). The economy then was based on agriculture and cattle-breeding. Cotton cultivation experienced a short-lived boom in the 1970s and attracted laborers from different parts of the country trying to benefit from the labor opportunities. Parallel, a strong tradition of workers' struggle and unionization developed. (Pearce 1990:136) The high mobilization of workers made the region a susceptible ground for the guerrillas ELN and FARC, which operated in César from the 1970s and expanded their presence¹¹⁵ in most of the department in the 1980s, also attracted by the strategic geographic location for provision with arms and drug-trafficking from the near border with Venezuela and Caribbean sea (Arias Ortiz / Acevedo Guerrero 2010, sec. I).

Structures in César were dominated by a number of families in possession of large extensions of land. Prominent names were, hereby, the Araújo, Castro, Pupo amongst others. These families were highly affected by the economic crisis of the 1980s caused by falling cotton prices, as well as the expanding guerrilla presence that started to become noticeable in the department with a high number of kidnappings and extortion of elites, especially by the ELN. In this context so-called *new rich*, especially the family Gnecco - involved in smuggling and benefiting from emerging drug-traffic by charging traffickers for passing - entered the region and coalesced with indebted regional elites

¹¹⁵ The ELN entered the department from the South and progressed up to the municipalities in the central part, where carbon mining became an economic factor from the mid-1990s. The FARC started operations in César from Magdalena in the North and endeavoured to dominate the border region and transport routes leading to the sea. (Arias Ortiz / Acevedo Guerrero 2010, sec. I, Análisis del conflicto armado en César)

threatened by decline. (*Semana.com*, 25.11.2006¹¹⁶, Arias Ortiz/Acevedo Guerrero 2010)

From 1988 paramilitary groups were created in the Southern municipalities of César - which were predominantly animal breeding and oil palm cultivation zones - and extended Northwards. When agents of the national army suggested the creation of “self-defense groups” to young men of regional elite families in 1996, they met approval. In the following Rodrigo Tovar Pupo, more widely known under his *nom de guerre* “Jorge 40“, a local entrepreneur already involved in arms-trade at the time, emerged as regional leader of the Northern Block-paramilitary group and established hegemony of the counterinsurgency in the department. (*Semana.com*, 25.11.2006, Arias Ortiz/Acevedo Guerrero 2010)

As a consequence of a strong presence of guerrillas in this strategically positioned department neighboring Venezuela, between 1998 and 2001 intense territorial disputes took place. The paramilitary groups tried to reach territorial gains; between 80 and 90% of the population were affected by the disputes. With this, the phenomenon of internal displacement broadened, increasing between 1997 and 2002, when it peaked at 30,963 displacements. Parallel to the demobilization process of paramilitary groups from 2003 the rate of displacements decreased. However in 2007 in the department still more than 10,000 displacements were registered. (Cerac in Arias Ortiz/Acevedo Guerrero 2010, sec. I, 1.3. Afectación a civiles). Apart from fighting the guerrilla and in part argumentatively linked to it, paramilitaries exploited a number of mechanisms of economic profiteering ranging from protection moneys, land acquisition through internal displacement to political representation benefiting their aims and providing them with additional resources such as commissions on contracts by local governments and deviation of funds from local government budgets. State capture at the level of municipalities, departments and also institutions of the national government took place. (Arias Ortiz/Acevedo Guerrero 2010, sec. II, *Semana.com*, 25.11.2006)¹¹⁷

¹¹⁶ *Semana.com*: Un genio del mal. 25.11.2006, <http://www.semana.com/nacion/articulo/un-genio-del-mal/82272-3>, viewed on 30.03.2013.

¹¹⁷ *Semana.com*: Un genio del mal. 25.11.2006, <http://www.semana.com/nacion/articulo/un-genio-del-mal/82272-3>, viewed on 30.03.2013.

This went as far as planning political representation with so-called electoral pacts and enforcing the voting results needed for this through intimidation and coercion: in two of the three sub-regions in 2002's senate and congress elections¹¹⁸, paramilitaries favored and enforced candidacies of members of elite families near to them. The department elections of 2003 were only contested by the paramilitaries' candidate, as his competitors, Cristian Moreno and Abraham Romero, canceled their candidacies on the ground of intimidation. (*Semana.com*, 25.11.2006¹¹⁹, Hylton 2006:111) In 2007's departmental elections a radical change occurred, which makes the department pertinent for this study: Cristian Moreno, Afrocolombian candidate running for the *Green Party-Opción Centro*, came out as the surprise winner and in his term launched a broad initiative to get the department administration into order and introduce policies in support of victims of the conflict. For the financing of this program adjustment moneys for mining operations in the department were used. (Interview, advisor, department government César, 15 January 2011, Valledupar)

At the time of research in César, in early 2011, a number of relevant department programs or ones co-initiated by it, showed some success parallel to a focus on institutionalizing efforts for rehabilitation and victim-sensitive governance at the department- and local level. The general picture, though, is that after a decrease of paramilitary activity between 2001 and 2005, from 2006 activity of illegal armed groups more or less directly linked to former paramilitary groupings increased again. (Arias Ortiz/Acevedo Guerrero 2010, sec. I)

¹¹⁸ After the election of the mandates in Congress and Senate two of these representatives, Mauricio Pimiento and Álvaro Araujo Castro, joined Uribe time-near to the appointment of allies or close relatives into high positions, Minister of Culture and as ambassador respectively (Arias Ortiz/Acevedo Guerrero 2010, sec. II).

¹¹⁹ *Semana.com*: Un genio del mal. 25.11.2006, <http://www.semana.com/nacion/articulo/un-genio-del-mal/82272-3>, viewed on 30.03.2013. Media reports and civil society reports on the fraudulent vote results of 2002, as well as testimonies of demobilized paramilitaries, amongst others led to deposition and investigation of a number of politicians profiting from these arrangements, with some meanwhile sentenced to prison and indemnization (Arias Ortiz/Acevedo Guerrero 2010, sec. II)

Implementation by a victim-oriented department government

Under the leadership of the gobernación of C. Moreno in César a dynamic to try to show an example came about. Hereby, the gobernación was a driving factor, providing an institutional framework, enabling environment, as well as finances:

The gobernación introduced a comprehensive program to support victims and address the consequences of the armed conflict in the department, the *Program for the Support of Victims of the Conflict and Community Reintegration (PAVIREC)*. This comprises the areas of social cohesion, social empowerment and institutional strengthening, integrated assistance to victims, and integrated development (PAVIREC-Website 2013).¹²⁰ The first cooperation phase started in 2008 supported by the United Nations and the *Development and Peace Program (Programa Desarrollo y Paz)*. In Valledupar, with support of the program an *Integrated Support Model for Victims (Modelo de Atención Integrada - MIAV)* was established, where the main institutions providing support for IDPs and other categories of victims offered advice in one building, facilitating inter-institutional coordination on the one hand and ways to take IDPs and victims from one institution to the next, on the other. The institutions in the MIAV, housed in a building provided by the gobernación, were the public prosecution's office (*fiscalia*), the Truth and Reconciliation Commission (CNRR), Ombudsperson (Defensoria del Pueblo), Acción Social, and as MIAV coordinator UNDP. (Member, Defensoria del Pueblo, Valledupar, interview, 17 January 2011) A comprehensive study into the situation and needs of IDPs and victims of the conflict and the establishment of a data-base was done in the the early program phase and followed by delivery of humanitarian aid, income generation projects, dialogue events, capacity building for and support for forming of victims' organizations. In 2011 the program had extended to 20 of the 25 municipalities of the department. (Member, Development and Peace Program, interview, 14 January 2011, Valledupar). In 2013 all of the department was covered by the program with the full portfolio of projects. (PAVIREC-website 2013)

Views on the PAVIREC-program were: A member of CNRR argued that it was the best example in Colombia so far of how to address the context of the armed conflict, displacement and victims. The political will was there; the program structure did not

¹²⁰ PAVIREC-website: <http://www.pavirec.com/portada.php>, viewed 12.11.2013.

only exist on paper. On the negative side, the program would not put trust in the people from the region. It had a too strong reliance on external contractors and implementers, which would lose out on the aspect of strengthening capacities and existing initiatives in the department. The great number of projects would have resulted in a fragmentation, the focus of the program would have been blurred through this. (Interview, 15 January 2011) The PAVIREC was seen as somewhat bureaucratic with a lot of pre-study and slow implementation by the *Chief Administrative Officer* of Agustín Codazzi municipality. An IDP leader in Agustín Codazzi, though, recognized that the intention behind the program was good. (Interviews, 18 January 2011)

An obstacle to fully visible implementation was the time needed to install the new department government and prepare programs that often had to start at a very low level of work, in a context characterized by social distrust. (PAVIREC staff, interview, 11 January 2011) Fragmentation of implementation was also visible as the MIAV-structure for integrated support of victims (including IDPs), was not closely known to an interviewed staff of the ombudsperson's office in Valledupar, who rightly stated that their office should have a representation there, too. (Interview, 20 January 2011) To this one could say that the Defensoria del Pueblo is represented, which has a similar task - apart from the control of observance of legal procedures by the municipality - at the department level.

The strong effort made by the gobernación, generally, was not equaled by most municipalities: Political will for work on victims' and IDPs' concerns, according to a CNRR member, existed in 3 of the 25 municipalities (interview, 15 January 2011). As a member of the control institution Defensoria del Pueblo in Valledupar stated, efforts of municipalities remained in many cases restricted to logistical support, like allowing events to be held in local schools. There had not been much structural support, e.g. in the form of inclusion of budgets for support of IDPs. Main issues for this were lacking political will and other priorities. (Interviews, members of CNRR, Defensoria del Pueblo, Valledupar, 14 and 17 January 2011) Referring to lacking sensitivity to the fate of IDPs, the PAVIREC-consultant for income-generation pointed out that attempts by the department government to link trained IDPs to commercial agricultural enterprises, amongst others through the promotion of a social enterprise certification, encountered little readiness for cooperation by entrepreneurs (interview,

15 January 2011).

Although the department-PIU was formulated and the *gobernación* had worked with IDP-leaders on income generation projects, according to representatives of the department IDP organizations'-committee other entities did not coordinate well with them. For instance, control institutions such as the Procuraduría and Defensoría del Pueblo often did not come to meetings, which was interpreted by the interviewees as lacking interest on how money was spent. (Interview, 13 January 2011).

As stated by the interviewed IDP-organizations' representatives, in most municipalities IDPs were not taken into account in the formulation of the PIUs; there was no right to take part in the elaboration process. The majority of municipalities would not know how to implement a municipality-PIU. In most cases, the municipality committees on internal displacement would not be carried out as frequently and regular as foreseen, even though the *gobernación* worked on supporting the municipalities' capacities for this through the department committee on IDPs. Many mayors would not want to know anything about IDPs and would not attend meetings on IDPs personally, but send staffs, like the chief administrative officer, and if this staff was suspended, the knowledge acquired by this person was lost. Many officials would not have skills in support of IDPs. In contracting with municipalities, IDP-representatives frequently experienced conflicts, thus they did not feel free to voice their views. (Interview, departmental IDP-organizations' representatives, 13 January 2011, Valledupar)

Concerns on financial and logistical support for IDP-organization representatives were that their groups would be usually contracted for six months for projects, afterwards the project ended and they would be left without resources to mobilize further on. Capacity-building events at local governments usually take between two and five days, with only the costs of transport, hotel accommodation and food paid, which for many IDPs was problematic as most have families and cannot use this time for work. Projects aimed at income-generation or agricultural production are less frequently offered than capacity-building workshops and there are no projects that would really make displaced families self-sufficient. Related to this, there was also scepticism regarding return initiatives among the IDP-leaders interviewed (interview, 13 January 2011, Valledupar). People would return out of their own wish and initiative, not because support would enable them to do it for the most part, as such is either lacking or proves inadequate compared

to the needs (IDP-leaders, interview, 13 January 2011, Valledupar). Representatives of indigenous groups, over-proportionally affected by displacement, corroborated this, with the addition that for them the humanitarian aid and support for (re-)establishment is even more inadequate, as it was insensitive to their cultural, eating- and living habits (representatives, Wiwa and Kanquamo indigenous peoples, interviews, 13 and 14 January 2011, Valledupar).

In 2011, the department government was in quite a challenging situation regarding local elites such as oil palm cultivators who defended their interests as opposed to opening up to a process of making César a more equitable department. During the time of research there it was striking that most of the officials working on undoing the harm of the period of paramilitary and *parapolítica* dominance were from outside the region. Elections were due in October 2011 and as governors' terms are limited to three years with acting governors not allowed to run for the next period, officials in most initiatives visited uttered concern about a return of rule of personalities linked to former paramilitaries and the *parapolítica* established so strongly in this department. In the department elections of October 2011 Luis Alberto Monsalvo Gnecco was elected governor. He comes from one of the families linked to smuggling that entered regional politics in the economic crisis of the 1980s and expanded their power with the help of paramilitaries until getting into conflict with *Jorge 40*. Amongst others, his uncle Lucas Gnecco, governor of César 1992-1995 and 1998-2001, had been condemned three times by the Supreme Court of Justice for contracting irregularities, corruption, voter coercion and charged with 24 years prison for deviation of education funds. (La Silla Vacía 03.08.2011, *Semana.com*, 25.11.2006)¹²¹

Implementation by a victim-oriented department government

Under the leadership of the gobernación of C. Moreno in César a dynamic to try to show an example came about. Hereby, the gobernación was a driving factor, providing an institutional framework, enabling environment, as well as finances:

¹²¹ Medina Uribe, Pablo: El "Acuerdo Político del César": ¿pacto político o guerra sucia? In: La Silla Vacía. 03.08.2011, <http://www.lasillavacia.com/historia/el-acuerdo-politico-del-cesar-pacto-politico-o-guerra-sucia-26337>, and *Semana.com*: Un genio del mal. 25.11.2006, <http://www.semana.com/nacion/articulo/un-genio-del-mal/82272-3>, both viewed on 30.03.2013.

The gobernación introduced a comprehensive program to support victims and address the consequences of the armed conflict in the department, the *Program for the Support of Victims of the Conflict and Community Reintegration (PAVIREC)*. This comprises the areas of social cohesion, social empowerment and institutional strengthening, integrated assistance to victims, and integrated development (PAVIREC-Website 2013).¹²² The first cooperation phase started in 2008 supported by the United Nations and the *Development and Peace Program (Programa Desarrollo y Paz)*. In Valledupar, with support of the program an *Integrated Support Model for Victims (Modelo de Atención Integrada - MIAV)* was established, where the main institutions providing support for IDPs and other categories of victims offered advice in one building, facilitating inter-institutional coordination on the one hand and ways to take IDPs and victims from one institution to the next, on the other. The institutions in the MIAV, housed in a building provided by the gobernación, were the public prosecution's office (*fiscalia*), the Truth and Reconciliation Commission (CNRR), Ombudsperson (Defensoria del Pueblo), Acción Social, and as MIAV coordinator UNDP. (Member, Defensoria del Pueblo, Valledupar, interview, 17 January 2011) A comprehensive study into the situation and needs of IDPs and victims of the conflict and the establishment of a data-base was done in the early program phase and followed by delivery of humanitarian aid, income generation projects, dialogue events, capacity building for and support for forming of victims' organizations. In 2011 the program had extended to 20 of the 25 municipalities of the department. (Member, Development and Peace Program, interview, 14 January 2011, Valledupar). In 2013 all of the department was covered by the program with the full portfolio of projects. (PAVIREC-website 2013)

Views on the PAVIREC-program were: A member of CNRR argued that it was the best example in Colombia so far of how to address the context of the armed conflict, displacement and victims. The political will was there; the program structure did not only exist on paper. On the negative side, the program would not put trust in the people from the region. It had a too strong reliance on external contractors and implementers, which would lose out on the aspect of strengthening capacities and existing initiatives in the department. The great number of projects would have

¹²² PAVIREC-website: <http://www.pavirec.com/portada.php>, viewed 12.11.2013.

resulted in a fragmentation, the focus of the program would have been blurred through this. (Interview, 15 January 2011) The PAVIREC was seen as somewhat bureaucratic with a lot of pre-study and slow in implementation by the *Chief Administrative Officer* of Agustín Codazzi municipality. An IDP leader in Agustín Codazzi, however, recognized that the intention behind the program was good. (Interviews, 18 January 2011)

An obstacle to fully visible implementation was the time needed to install the new department government and prepare programs that often had to start at a very low level of work, in a context characterized by social distrust. (PAVIREC staff, interview, 11 January 2011) Fragmentation of implementation was also visible as the MIAV-structure for integrated support of victims (including IDPs), was not closely known to an interviewed staff of the ombudsperson's office in Valledupar, who rightly stated that their office should have a representation there, too. (Interview, 20 January 2011) To this one could say that the Defensoria del Pueblo is represented, which has a similar task - apart from the control of observance of legal procedures by the municipality - at the department level.

The strong effort made by the *gobernación*, generally, was not equaled by most municipalities: Political will for work on victims' and IDPs' concerns, according to a CNRR member, existed in 3 of the 25 municipalities (interview, 15 January 2011). As a member of the control institution Defensoria del Pueblo in Valledupar stated, efforts of municipalities remained in many cases restricted to logistical support, like allowing events to be held in local schools. There had not been much structural support, e.g. in the form of inclusion of budgets for support of IDPs. Main issues for this were lacking political will and other priorities. (Interviews, members of CNRR, Defensoria del Pueblo, Valledupar, 14 and 17 January 2011) Referring to lacking sensitivity to the fate of IDPs, the PAVIREC-consultant for income-generation pointed out that attempts by the department government to link trained IDPs to commercial agricultural enterprises, amongst others through the promotion of a social enterprise certification, encountered little readiness for cooperation by entrepreneurs (interview, 15 January 2011).

Although the department-PIU was formulated and the *gobernación* had worked with IDP-leaders on income generation projects, according to representatives of the

department IDP organizations'-committee other entities did not coordinate well with them. For instance, control institutions such as the Procuraduría and Defensoría del Pueblo often did not come to meetings, which was interpreted by the interviewees as lacking interest on how money was spent. (Interview, 13 January 2011).

As stated by the interviewed IDP-organizations' representatives, in most municipalities IDPs were not taken into account in the formulation of the PIUs; there was no right to take part in the elaboration process. The majority of municipalities would not know how to implement a municipality-PIU. In most cases, the municipality committees on internal displacement would not be carried out as frequently and regular as foreseen, even though the gobernación worked on supporting the municipalities' capacities for this through the department committee on IDPs. Many mayors would not want to know anything about IDPs and would not attend meetings on IDPs personally, but send staffs, like the chief administrative officer, and if this staff was suspended, the knowledge acquired by this person was lost. Many officials would not have skills in support of IDPs. In contracting with municipalities, IDP-representatives frequently experienced conflicts, thus they did not feel free to voice their views. (Interview, departmental IDP-organizations' representatives, 13 January 2011, Valledupar)

Concerns on financial and logistical support for IDP-organization representatives were that their groups would be usually contracted for six months for projects, afterwards the project ended and they would be left without resources to mobilize further on. Capacity-building events at local governments usually take between two and five days, with only the costs of transport, hotel accomodation and food paid, which for many IDPs was problematic as most have families and cannot use this time for work. Projects aimed at income-generation or agricultural production are less frequently offered than capacity-building workshops and there are no projects that would really make displaced families self-sufficient. Related to this, there was also scepticism regarding return initiatives among the IDP-leaders interviewed (interview, 13 January 2011, Valledupar). People would return out of their own wish and initiative, not because support would enable them to do it for the most part, as such is either lacking or proves inadequate compared to the needs (IDP-leaders, interview, 13 January 2011, Valledupar). Representatives of indigenous groups, over-proportionally affected by displacement, corroborated this, with the addition that for them the humanitarian aid and support for (re-)establishment

is even more inadequate, as it was insensitive to their cultural, eating- and living habits (representatives, Wiwa and Kanquamo indigenous peoples, interviews, 13 and 14 January 2011, Valledupar).

In 2011, the department government was in quite a challenging situation regarding local elites such as oil palm cultivators who defended their interests as opposed to opening up to a process of making César a more equitable department. During the time of research there it was striking that most of the officials working on undoing the harm of the period of paramilitary and *parapolítica* dominance were from outside the region. Elections were due in October 2011 and as governors' terms are limited to three years with acting governors not allowed to run for the next period, officials in most initiatives visited uttered concern about a return of rule of personalities linked to former paramilitaries and the *parapolítica* established so strongly in this department. In the department elections of October 2011 Luis Alberto Monsalvo Gnecco was elected governor. He comes from one of the families linked to smuggling that entered regional politics in the economic crisis of the 1980s and expanded their power with the help of paramilitaries until getting into conflict with *Jorge 40*. Amongst others, his uncle Lucas Gnecco, governor of César 1992-1995 and 1998-2001, had been condemned three times by the Supreme Court of Justice for contracting irregularities, corruption, voter coercion and charged with 24 years prison for deviation of education funds. (La Silla Vacía 03.08.2011, *Semana.com*, 25.11.2006)¹²³

Mixed picture of implementation in Agustín Codazzi

The municipality Agustín Codazzi, abbreviated Codazzi, lies in 60 km's distance from the department capital Valledupar. In the politico-electoral monography elaborated by civil society groups for the time period 1997 to 2007 the municipality is characterized as "disputed" and as having had one of the highest rates of displacement in César (Arias Ortiz/Acevedo Guerrero, sec. I), resulting in 40% of the population of 30,000 being IDPs (interview UAO staff Valledupar, 14 January 2011).¹²⁴ Between 1997 and 2007

¹²³ Medina Uribe, Pablo: El "Acuerdo Político del César": ¿pacto político o guerra sucia? In: La Silla Vacía. 03.08.2011, <http://www.lasillavacia.com/historia/el-acuerdo-politico-del-cesar-pacto-politico-o-guerra-sucia-26337>, and *Semana.com*: Un genio del mal. 25.11.2006, <http://www.semana.com/nacion/articulo/un-genio-del-mal/82272-3>, both viewed on 30.03.2013.

¹²⁴ These would get support of 15,000 USD per year, which makes 30 USD cents per family. (Staff UAO/Acción Social Valledupar, interview, 14 January 2011).

Codazzi was highly affected by displacement, from 2008 the situation calmed down. Another characteristic of the municipality is that on its territory there are two indigenous reserves of the Yukpa people, which both are too small for the population. Since 2010 land-conflicts between Yukpas and other population nearby had occurred and at times led to displacement, which however does not fit into the categories used for addressing displacement by the armed conflict under Law 387 of 1997. (Ombudsperson, interview, 18 January 2011)

The mayor was not available for an interview or conversation. Instead the chief administrative officer, *secretario de gobierno*, a jurist who said to have formerly worked at the Constitutional Court in Bogotá, was ready to answer questions and accompanied me during most of the meetings in the municipality, which comprised interviews with staff of the municipal orientation and support office for IDPs (UAO), the local government administration and the ombudsperson's office.

In Codazzi, since 2007 the local government administration had an office for support of IDPs, which treated the issue of displacement together with other municipal social programs. IDP-issues are handled by the *secretario de gobierno* on behalf of the mayor and acts as a focal point on IDP-concerns within the local government administration. From 2009 a committee of IDP-organizations and other IDP-representatives existed. (UAO coordinator, interview, 18 January 2011)

According to the *secretario de gobierno* capacity-building was done for the IDP representatives in this committee. He, further, stated that the creation of the IDP-representatives committee was a big advance in that it made sure that IDPs can participate in decisions taken regarding their support. Before, in Codazzi programs for support of IDPs had been designed without inquiring with IDPs on their interests. (Interview, 18 January 2011) The IDPs' committee lobbied the mayor successfully for a separate office to address displacement. After an agreement between the municipality and Acción Social had been made, the attention to displaced changed to the Support and Information Office (*Unidad de Atención y Orientación- UAO*) established in October 2010, where broader services would be offered. Three times per year the municipality would present reports on its support to IDPs to the Supreme Court, every three months committee meetings on displacement would be held with the other entities of the National System to Address and Support IDPs, amongst others with the municipal

secretaries for Health, Education, UAO-staff, a representative of the Armed Forces, and representatives of the IDP-associations' committee. In addition, there would be periodic meetings of the IDP-associations' committee. The Integrated Plan for IDP support (PIU) was not yet elaborated.¹²⁵ Next week there would be an IDP-committee meeting and the plans for 2011 would be shared in this session. The municipal development plan, in the section on public health, would already have some actions specifically addressing IDPs, other officials would still have to be trained about the legal norms on displacement. (Interview, secretario de gobierno, 18 January 2011)

Capacity-building would have been done already, with that for greater sensitization still be outstanding and be planned to be done by the UAO-staff for all local government officials. (UAO coordinator, interview, 18 January 2011) The question whether the legal norms are known and understood sufficiently in this local government, was answered positively by the *Secretario de Gobierno* (interview, 18 January 2011), who also mentioned to have worked in the Constitutional Court in the capital Bogotá before. He himself would have carried out capacity building in the form of a course on the requirements of the norms on displacement.

The UAO was staffed with a coordinator, an assistant and a social-psychologist, as well as a facilitator of the Program *Red Juntos*.¹²⁶ The UAO had a daily frequentation of 50-70 clients. As in other places visited, like Santa Marta and also explained by the UAO coordinator in Valledupar, the UAO was in a process to make their services more client-friendly, in terms of reducing waiting time, introducing mobile counseling sessions (*jornadas*) to poor, informal settlements with IDPs. Given the improved security situation, the main issues treated in the UAO were bureaucratic procedures, like linking IDPs to support offers for humanitarian aid, housing improvement or –provision, free school services, registration of separation of households, of new children in households, de-registration of deceased persons, as well as mental health services. Challenges were stated to be delays, due to errors in filling out of forms, and lacking documentation such as photocopies of identification cards. (Acción Social staff in UAO Codazzi, interview,

¹²⁵ According to the Secretario de Gobierno the last PIU was formulated in 2008 (interview, 18 January 2011).

¹²⁶ trying to support households holistically in poverty reduction

18 January 2011) The UAO coordinator assessed that, generally, communication between all stakeholders of IDP-support in the municipality would be good, the local government administration would demonstrate engagement to fulfill the rights of IDPs. A higher budget would be good, though. (UAO Codazzi coordinator, interview 18 January 2011)

As the Ombudsperson explained, while the time of large scale displacement had ended since 2008 there were still many clients coming for support to her office, an average of 80 to 100 persons, but always a minimum of 30 per day, Monday through Friday. She had asked the mayor to provide her with one additional staff to record declarations of displacement, which they do on Wednesdays. There would be problems in coordinating with the mayor. (Ombudsperson, interview 18 January 2011)

For the taking of declarations there would be need for a psycho-social staff to support the victims in the painful situation of narrating the details of their displacement and/or other victimization. A declaration at times would take between one and three hours. There would be little budget for the ombudsperson's office, e.g. in 2010 the budget only sufficed until October. While the municipal committees were held, some representatives of institutions would not attend them, so their functioning would only be half-way through, they would not yield the hoped results. Assistance to IDPs would not be integrated enough, support from the national level would be lacking. Return processes would not be carried out in accordance with the legal framework and would not lead to socio-economic stabilization. A problem would be that in programs to support return, there would be much imposition on IDPs. The procedures and contents ought to be coordinated with the victim. (Ombudsperson, interview, 18 January 2011)

Low resources for implementation in the mining municipality La Jágua de Ibirico

La Jágua de Ibirico, abbreviated "La Jágua", is lain in the central part of the department, has an area of 728.92 km² and a population estimated over 30,000 inhabitants. The municipality is rich in carbon, which is exploited through surface mining. Due to corruption, compensation payments for national incomes from the mining business were not available to the municipality; there were only few services for vulnerable population groups in La Jágua (Defensoría del Pubelo 2008, interview, ombudsperson, 19 January 2011). Before the carbon-boom from 1990, La Jágua was a center of cotton-cultivation, after the fall of its price substituted by large-scale rice cultivation. Approximately 43%

of the municipality area are utilized for cattle-husbandry. (Website municipality La Jágua 2013)¹²⁷ According to the electoral monography of César, also La Jágua de Ibirico was a disputed municipality. Especially the ELN guerrilla had targeted the municipality because of its mining business. (Arias Ortiz/Acevedo Guerrero, 2010, sec. I) The mayor was not available for an interview or a conversation. A municipality staff accompanied me and introduced me to relevant members of the local government administration, the ombudsperson, a staff of the Acción Social food aid program *Familias en Acción*, and a representative of an IDP-association, but did not attend the interviews.

According to a municipality staff, in the last three years the illegal armed groups would have been eliminated in the municipality, the security situation improved significantly and the territory would be peaceful again. There would be approximately 2,000 IDPs in the municipality. The IDP population had augmented overproportionally here, with IDPs also coming from the neighboring departments Magdalena and Atlantico. (Interview, 19 January 2011) Interventions in la Jágua on the whole were directed at short-term solutions rather than in longer time-frame perspective. Programs for IDPs were rather ad hoc and spontaneous, for instance, when there was need for shelters, the schools were used to accomodate incoming IDPs. There was no social policy of the municipality that would guarantee support to IDPs. A program for facilitating their socio-economic re-establishment was seen as very necessary by the interviewee. While there were several support actions including, apart from the school nutrition program open for all needy, through the *Familias en Acción*-program, housing for 72 households, humanitarian aid supplementing that given by Acción Social, and tool-kits to 200 families, amongst others. Hereby, planning and implementation was done through the municipality structures, in part based on pre-studies and with involvement of local Community Action Boards that e.g. chose beneficiaries according to highest vulnerability.¹²⁸ (Municipality staff, secretary, *Familias en Acción*, interviews, 19 January 2011, La Jágua)

¹²⁷ Alcaldía de La Jagua de Ibirico – Cesar: Nuestro Municipio. Información General. http://www.lajaguadeibirico-cesar.gov.co/informacion_general.shtml, viewed on 12.08.2013.

¹²⁸ It should be considered, though, that the selection of beneficiaries by the Community Action Boards (*Juntas Comunales*) carries the risk of biased selection according to logics of *parapolítica*.

Until March of 2011 the PIU was planned to be formulated¹²⁹, on the basis of Law 1190 and *auto* 007 as well as Law 387 of 1997, and implemented in the following. The municipal development plan would include a percentage share of the budget attribution for support to IDPs. The municipality would progress in its assistance to IDPs and the will to support IDPs would be there, even if there would be very little money available for fulfilling their rights and wishes. Due to the fact of the municipality's own resources being so low, it could extend only very limited support. Compensatory payments to local governments where resource extraction takes place (*regalías*), before had benefited its budget, as the municipality was rich in carbon. Meanwhile there was no access to these resources, because of bad management of previous administrations. (Municipality staff, interview 19 January 2011, La Jágua) According to an IDP-representative (interview, 19 January 2011) the mayor was under criminal investigation. The financial impasse was also referred to by another staff of the municipality, who stated that the municipality had to present projects to ministries to get resources, as it had come under the conditionalities of the Constitutional Court. Hereby, the requirement of contributing by co-financing would be a challenge as this pre-requisite for applications and attribution of project funds would encounter resistance in the local government. The municipality staff, also referred to the regulation on *regalías*, where 75% of these resources have to be spent by municipalities for basic sanitation, drinking water and health, so that only 15% remain for other sectors like road construction or income generating projects. (Planning Officer, interview 19 January 2011).

The responsible office in the municipality is that of the *secretaria del gobierno*. The municipal committee on internal displacement is organized by her and meets every two to three months, with the mayor or as his representative the *secretaria de gobierno*, notary, and representatives of the SNAIPD entities. At times they would invite also the ombudsperson and one IDP-representative. As there are protected land plots in the municipality, for this there are also meetings when the necessity arises. There is a committee of IDP organizations in the municipality, conformed by one IDP association and two associations of Afrocolombian IDPs. (Municipality Chief Administrative

¹²⁹ March 2011 was the deadline given by the Constitutional Court for presentation of PIUs, in the absence of those, consequences in the qualification of local governments and related to this financial disadvantages would have followed. So, there was some activity on this in all municipalities that did not yet possess them.

Officer, interview 18 January 2011, La Jágua) For capacity-building, at the level of the Caribbean region there had been working groups and trainings on land protection by UNHCR, housing, income generation, as well as the PIU. (Municipality staff, interview 19 January 2011, La Jágua)

The ombudsperson's office was near the municipal administration. The ombudsperson explained to feel impotence and a sense of failing when only 1 to 3 % of applications for housing support would be returned positively. At least the municipality would build 1,500 housing units, but as there was no access to *regalías*; the municipality would see itself frozen. Over the years of existence of the support system, among some in the general population a tendency developed to try to benefit from IDP-support as well; so in his experience, three out of ten who declared to be IDPs, were not. This would be amongst others also because of lacking sensitivity to the fate of IDPs among the general population. The procedure that the declaration file is evaluated with data-crossing and the respective decision taken by Acción Social in Bogotá, would not be ideal; there should be on-site verification, also of services granted. In his view, it would be better to contract someone locally to do this. Since 2008 he asked the ministry for additional monitoring. There would be lacking personnel and a high work-load. He also asked the municipality to provide better services to IDPs. For return, there must be better support, roads, education, electricity would be lacking or little provided. Even though there would be more or less good will on the side of the municipality, funds would be lacking. A project that the mayor had submitted for roads construction was not approved. He estimated that the municipality had enough technical capacity to carry out the tasks, but not the funds. (Interview, 19 January 2011)

A problem would also be the consideration of minority groups, a legal requirement of Constitutional Court *auto 005*. Afrocolombians would be a bigger part of the population here, and they would also make up a big proportion of IDPs. The government would have made IDPs beggars, because it gave them little things necessary, but that would not solve the issues. (Ombudsperson, interview, 19 January 2011)

An IDP leader pointed out the paradox that even though the municipality was very rich in natural resources, in the economic crisis of the municipality there was hardly any support to IDPs. The mayor would be under investigation for corruption. Instead of welfare, the carbon business brought phenomenons such as prostitution rising to

extreme extents with the customers being truck-drivers transporting carbon loads. Support would not reach IDPs. (IDP leader, Asociación de Desplazados de la Jagua de Ibérico, interview, 19 January 2011)

Limited implementation in the department capital Valledupar

The municipality of Valledupar, despite being the capital of the department, is also a poor municipality (UAO staff, interview, 14 January 2011). In the political-electoral monography by civil society groups, the municipality is characterized as disputed in the 1990s and early 2000s (Arias Ortiz/Acevedo Guerrero 2010, sec. I). In early 2011 Valledupar had an IDP population of approximately 71,000 and an expenditure of 700 million COP on the area of IDP-support (Municipality Consultant, interview, 22 January 2011).¹³⁰ The municipality worked through a consultant on the policies on internal displacement. As the consultant said, the problem of displacement overtopped the economic possibilities of all the institutions working on it. Mayors had little knowledge on the obligation of the territorial entities that have to support IDPs and are slow in reacting through policies and on the issue. The current mayor would be new, which would difficult this as well. (Municipality consultant, interview 22 January 2011).

Implementation was primarily through the UAO, where staff of relevant institutions advise IDPs and victims of the conflict on support and administer requests for such. A modernization of the UAO would be planned. There was one hotel that is contracted for accomodation of emergency cases and supporting the persons there for a prudent time until these can arrange their things. There would be many social problems aggravated by displacement, like delinquency and reduced security. (Consultant, municipality Valledupar, 22 January 2011, Valledupar)

Valledupar was still in the elaboration of the PIU. IDP-associations received training on legislation on internal displacement to support their advocacy for their rights. The PAVIREC-program would not support the municipality of Valledupar as much as

¹³⁰ The exchange rate Colombian Peso (COP) to the Euro at the time was approximately 2500 COP to 1 Euro. This would mean an investment of less than 4 € per IDP. Similarly, a UAO staff (interview, 14 January 2011, Valledupar) stated that there would be much more money spent by municipalities (except for a few like Bogotá and Medellín) for festivities than support of the IDP-population.

others in the department, there would be little support from the department government. (Consultant, municipality Valledupar, 22 January 2011, Valledupar).

The UAO in Valledupar did not have the necessary capacity to attend the big number of persons: Financed by an annual budget of 25 million COP, corresponding to 10,000 euros, there was staff scarcity. Each of the six staffs could only attend 50 persons a day, but instead of 300 clients 700 were coming daily. Many IDPs were not used to the procedures and came at 3 a.m. to stand in the queues to get attended, and were at times also impatient. (UAO staff, 14 January 2011) Coordination between the entities working on displacement did not work well, as exemplified by the practice of several institutions asking persons coming for help to present their IDP-card, which is however confidential, and apart from this, requires IDPs to go back to the UAO and queue for a confirmation document. (UAO staff, interview, 14 January 2011) The ombudsperson's office in Valledupar confirmed this and stated that lacking coordination was an issue as the municipal entities and several SNAIPD entities did not have access to Accion Social's database of IDPs. Further, they would have to support many IDPs with the *tutela*-instrument that can request a response by the responsible entity within 14 working days. Apart from this and taking declarations of displacement, the ombudsperson's office worked on protection of property of IDPs. Their office, that was staffed by 3 to 4 persons and planned to recruit additionally a psycho-social staff, was positioned on a large, deserted former industrial plot, requiring a five minutes walk from the road. As the staff interviewed referred, it was an open, free area and less crowded than the UAO. (Ombudsperson office staff, Valledupar, 21 January 2011)

Summary on César

Regarding the degree to that the sub-categories of good local government drawn from UNDP 2004 (in Grote 2007:51) -*authorization, capacities, resources, citizen empowerment, participatory dialogue, transparent and participatory service delivery and local development* - were accomplished in the local governments examined in the César case-study I assess the following:

Until 2008 conditions for support of IDPs were very difficult in César. The paramilitary hegemony achieved complicated assistance, especially because of lacking political will and profiteering prioritized over support of victims of the conflict. The entry of

progressive Afrocolombian leader Cristian Moreno into the department government opened opportunities taken up by international actors, such as the UN and donors. While the re-orienting of structures and staff proved difficult and tough, as well as time-intensive and experience had to be gained with the possibilities, a wide range of initiatives to support victims could be started. In the department government financial resources allowed building, respectively contracting of human resources. Strong efforts were made for ensuring the empowerment of citizens, participatory dialogue, transparent and accountable service delivery and local development.

Yet, the department government did not have the possibilities to change factors such as political will in municipalities. It only was able to provide assistance through financial support and capacity-building in the PAVIREC-program. In a big number of municipalities, the response was somewhat limited as this new initiative did not correspond to the political interests of the local political leadership in the municipality. In this sense, critical remarks on implementation of the PAVIREC - while technically possibly partly justified - can also be interpreted as attempts to belittle the efforts made. At the time of research the sustainability of the efforts was in doubt, in case of a political change in the local elections of October 2011.

Despite this, in municipalities with political leadership linked to paramilitary and *parapolítica* interests, the PAVIREC seemed to have created some openness, in comparison to the interviews and meetings in Magdalena. Capacities of staffs working on displacement seemed rather good in municipalities, however the question of authorization to use such skills remained in question as indicated by remarks on mayors that were under investigation for corruption and *parapolítica*. Further, even in municipalities with high economic activity, there were only few financial means made available for support of IDPs. Efforts for ensuring the participation of citizens, transparent and accountable service delivery and local development to IDPs, hence, without consideration of PAVIREC initiatives, were undertaken to low degrees.

Despite the election of a candidate linked to *parapolítica*-interests in the department elections of 2011, the fact of the Victims' Law being in implementation, increasing efforts of central government institutions for support to IDPs and local government fulfilling its role in local development, as well as the PAVIREC continuing, however,

are (modestly) encouraging signs.

5.1.3 Successes, limitations and lessons learnt of the policy on displacement

Due to the very comprehensive legal framework addressing internal displacement - that under leadership of the Constitutional Court, is in constant further elaboration and at the same time has many gaps - queries on the **strengths** of the policy for dealing with internal displacement were mostly met with surprise in the interviews. A common positive denominator was the comprehensiveness and large effort undertaken to address needs arising out of internal displacement. As referred to by a former member of the Red Cross, the comprehensive institutional and financial effort undertaken in Colombia is worldwide unmet. In terms of implementation, he pointed out that the policy on displacement worked well in areas where the responsible institutions did not require separate resources and capacities, but could include IDPs among their beneficiaries. (Interview, former Red Cross member, 06 February 2011, Bogotá)

The other frequently mentioned strength of the Colombian policy of dealing with internal displacement is the active stance of the Constitutional Court regarding the rights of IDPs with the emission of *autos* -legally binding orders to the state institutions- which managed to enforce their compliance and reporting systems on the respective concern (e.g. staffs of Constitutional Court, CODHES, UNDP, department governments of Magdalena and César, interviews, December, January and February 2010/11).

In my view, a further strength is that the topic of internal displacement received much attention, both within Colombia and by international observers. Regional, international organizations and international development- and humanitarian aid donors followed and accompanied the topic since the early 1990s. With the adoption of the Victims' Law 1448 of 2011 with IDPs now being subsumed as one category of victims of the armed conflict, the implementation of reparations, support and documentation measures launched under this new law, is likely to remain prominent over the years to follow. However, the re-labeling of IDPs to victims and announcement of reparation payments to all victims, might constitute a risk of veiling the remaining problematic for the group

of IDPs¹³¹, even taking into account that those are the numerically biggest sub-group of victims.

As **weaknesses** of the Colombian policy on internal displacement due to violence, the following main issues were identified: The big number of displaced persons, ranging between more than 3 and 5.2 million according to government- respectively the NGO CODHES-figures, is a challenge for the institutional apparatus established. (Member of Defensoria del Pueblo, Valledupar, interview, 17 January 2011)¹³² Weak institutional capacities, lacking political will and sensitivity to the topic exist among many decision-makers as well as in the general population. Due to the grave lack of attention the issue of displacement long received, this group was given special attention by Constitutional Court decisions including the setting up of monitoring bodies (see section on legislation), this however led to the perception of them being “privileged” in relation to other groups of victims of the armed conflict (as pointed out e.g. by member, Defensoria del Pueblo, Valledupar, 17 January 2011). The fact that support is mainly by financial support attracted corruption and the risk of false registration for financial purposes, which led to heavy and centralist bureaucracy. Parallel there is the problem that there are budget ceilings for the support services; once these have been reached there is a backlog of cases. (Members, Defensoria del Pueblo Valledupar, former member UTEC, Bogotá, interviews on 17 January, 06 February 2011)

The time needed for repeated restructuring of regulations and especially institutions had a negative impact on implementation of support at times in periods with IDP-numbers growing. This was compounded by financing much carried by external sources, parallel to little government-investment, and lack of permanent sources. Policy time horizons limited to current governments worked against sustainability. Also, during periods of time, policies on displacement were linked by governments to progress in peace

¹³¹ The reparations under the Victims’ Law 1148 (2011) do not substitute support measures to IDPs and other groups with the right to get such. Broad public statements that all victims get reparations might, however, give the impression that all victims already receive support and might delegitimize other support and rehabilitation measures in the public opinion. It ought to be taken into account that the amount of reparation is not enough to facilitate rehabilitation and that land restitution- or resettlement processes are likely to take much time and be contested.

¹³² For the *Justicia y Paz*-processes, trying to effect redress for victims of offenses committed in the conflict, according to a member of the Defensoria del Pueblo Valledupar (interview, 17 January 2011) more than 2,000 cases have to be worked on per lawyer.

processes and war-strategies, which was seen as a conditioning limitation by NGOs such as CODHES. Moreover, there was lacking effective coordination of the policy on IDPs with structural components of other policies undermining possibilities for implementation, e.g. the agrarian policy that, at the time, was not precise with regard to human rights and paramilitarism. Thus, in practice the policy on displacement continued as assistance without the capacity to influence structural causes and consequences of displacement. (CODHES in CODHES/UNICEF 2003:272f.)

As admitted even in official reports, insufficient resources made it hard to cater effectively for the population of IDPs and institutions supposed to implement the policy, to large degrees, do not possess adequate preconditions for tackling the displacement crisis (Acción Social 2009:2).

While at the municipality level the ombudspersons had been very supportive in the development of *jornadas* and fulfilled their task of backing up victims, there was the shortcoming of them being mostly young recent law graduates. This has the implication of often lacking experience. As municipal ombudspersons (*personeros*) are the first link in the chain of articulation of IDPs and other victims, there are actually high demands on the persons working in this function. Further, a juridical bias has the implication that services are mostly provided by staff educated in law, which has shortcomings with regard to need of victims to receive psycho-social support (member of Defensoria del Pueblo, Valledupar, interview, 17 January 2011). Likewise, ombudspersons as first contact-persons for victims at municipality levels are negatively impacted by this, as they are not trained in psycho-social support (ombudsperson, A. Codazzi, interview, 18 January 2011).

On a bureaucratic level, forms for soliciting support services are diverse and make the processes more complicated than necessary (member, Defensoria del Pueblo, Valledupar, interview, 17 January 2011). From the perspective of IDPs costs for fulfillment of procedural requirements, as well as difficulties to understand legalistic responses to requests for support are difficulties. While the Victims' Law, 1448 of 2011, introduced the positive step that research and expenditures for proceedings regarding land are taken over by the responsible state institutions, it is important to point out that in other areas this is not yet the case and that such barriers still exist. (Law 1448, Cap.III, Art.72) Where submissions are responded to, information about the

respective procedures and administrative decision is given in complicated legal language, at times including also internet links as a reference for further information. Comparing this with the often simple educational backgrounds of IDPs and the poor infrastructure of the distant and marginal urban settlements most of them are residing in, there is a certain lack of sociocultural sensitivity attached to the communication. Trying to get the full picture of what the correspondence means in practice requires going to an internet café in a more central part of town and checking the web-links there, which requires skills and time, but especially also money.

As argued by a CNRR member, a short-coming of the Colombian policy on displacement is that there is no statistic on how many IDPs have overcome the hardships of displacement and managed to re-establish themselves. Although huge sums have been invested over the years, the impact of this is not known. As she reasoned, the ever growing number of IDPs on data-bases might be in the political interest of certain elites, as the big apparatus of humanitarian support could be used for clientelist strategies, corruption and vote buying. (Interview, 15 January 2011)

As a member of Pastoral Social stressed, opportunities for resettlement ought to be given to higher extents and must be facilitated. Return options must be more adequate to real needs of IDPs. Also, (local) state capture by violence actors should be considered in terms of creating control systems. (Interview, 14 January 2013, cf. on *parapolítica* also LaSillaVacía.com, 03.08.2011¹³³)

Security enforcement was poorly coordinated with the local level, so that prevention as well as ensuring security for returning IDPs in effect did not work. (Staff, Defensoría del Pueblo, interview, 22 February 2011, Santa Marta) Thus, in practice many return- and resettlement processes are not accompanied, as foregoing analysis shows that not all preconditions for successful return are fulfilled. Therefore, many aspiring returnees continue these initiatives without the theoretically foreseen comprehensive official and public support of the guidelines for return processes. Threats or violent attacks occur in many cases and force aspiring returnees to abandon the return process and go back to their, often, marginal life in urban or peri-urban areas. (Interview, former UTEC staff,

¹³³ LaSillaVacía.com: El “Acuerdo Político del César”: ¿pacto político o guerra sucia? 03.08.2011 <http://www.lasillavacia.com/print/historia/el-acuerdo-politico-del-cesar-pacto-politico-o-guerra-sucia-26337>, viewed 30.03.2013.

06 February 2011, Bogotá)¹³⁴ Another aspect related to security was the high number of land mines existing and constituting a risk-factor in the consideration of whether to return or not (Howell/HALO in Campaña Colombiana Contra Minas 2010:23, interview, IDP, Pozón, Cartagena, November 2010).

So, inputs and resources for investment for re-starting in the area of return or resettlement are often lacking. Where return processes have been carried out, returnees often complain about lacking, or inadequate, inputs and for resettlement there is much critique of the land attributed not being as fertile and well placed as the original plots. People would return out of their own wish and initiative, not because support would enable them to do it for the most part, as such is either lacking or proves inadequate compared to the needs. (IDP-leaders, interview, 13 January 2011, Valledupar) Representatives of indigenous groups, over-proportionally affected by displacement, corroborated this, with the addition that for them the humanitarian aid and support for (re-)establishment that might be given, is even more inadequate, as their socio-cultural living patterns fail to be considered and repairing the harm done to IDPs from their groups is complicated by aid insensitive to their cultural, eating-, and living habits (representatives, Wiwa and Kanquamo indigenous peoples, interviews, 13 and 14 January 2011, Valledupar). Income-generation support would mostly be implemented through contractors, whose administrative expenses would be deducted first and IDPs then only supported with 1.5 million COP¹³⁵, further complicated by contractors often prescribing to the IDPs what to purchase with this sum. At the face of the rather low

¹³⁴ Due to lengthy bureaucratic procedures, at times IDPs embark on initiatives to organize access to land on their own, with significant financial challenges and at times fragile agreements underlying such initiatives, as the experience of an IDP-association in Pozón, Cartagena, shows: Here, a group of demobilized persons offered them to lease, and possibly sell, the land those had received for income generation in the still conflict-affected Montes de María region. The association contacted a number of institutions for support. Given the operation of illegal armed groups in the region, to the big frustration of the association Acción Social judged the security situation to be too volatile to accompany the process, which the IDP-association however continued. Soon, initial agricultural activities of members of the IDP-association were disturbed by masked men uttering threats. For the time of the harvest, the IDP-association tried to mobilize police to guarantee security. (Observation of IDP-association's meeting, conversations with association members, November and December 2010).

¹³⁵ This sum at the time of research with an average exchange rate of approximately 2,500 COP for 1 Euro, corresponded to approximately 600 Euros. Several other IDP representatives explained that the average income generating project support reaching the IDP would be 1,2 million COP, which at the time was about 540 Euros (interviews, IDPs in Pozón in Cartagena, María Eugenia in Santa Marta, November 2010).

sum, which often does not take into account the need to pay for possibly related expenditures (electricity, water, rent, etc.), many IDPs would end up with debts. This occurs often in connection with unofficial money-lenders, believed to be linked with the drug-traffic and other illegal activities, and enforcing re-payment in last consequence also with violent reprisals. (Interview, IDP-leaders in Valledupar, 13 January 2011). This means that persons accepting such assistance and trying to make it work, may be worse off than before.

As outlined in the section on the legal framework on internal displacement in Colombia, the legal norms foresee burden-sharing between national and local responsibilities, which does not work satisfactorily in practice.

According to legal provisions a percentage of projects benefiting IDPs has to be co-financed by local government institutions, either in cash or in the form of provision of services and disposition of staff working-time. For such projects there are regular calls for proposals by the ministries and institutions leading the corresponding processes. However, the difficult economic situation in many municipal governments and departments makes it very hard to contribute these resources (discussions in the second committee on displacement in the department Magdalena in 2010, 02 December 2010, Santa Marta). Even though the question of political will might play a role, the aspect of financial resources seems to be important here.

As **lessons learnt** the following points came out in the research: From today's consideration the premises taken on prevention in Law 387 of 1997 were based on too positive assumptions about local cooperation and opportunities of local representatives to take charge of the situation. The municipal-, district- and department committees foreseen for supporting the national system of integral assistance for violence-induced IDPs obviously were not able to perform to sufficient degree. Orienting communities for legal action in prevention to displacement seemed to not have taken place, as well. Even though not stated explicitly in the law, a possible action under this article, 8.1, could have been registering all land in areas threatened by displacement, if possible backed up by an electronic archive to avoid possibilities of destroying evidence. This might have prevented processes of registration of land illegally taken in possession through displacement under middle-men and –women, as has been the case over the last years (as described e.g. at the online portal verdadabierta.com, cf. also conversation

with legal researcher, Universidad del Magdalena, 02 October 2010).

As pointed out by a Pastoral Social member, experience has shown that a humanitarian reception center is needed to support IDPs from early on. A good thing was the registration of IDPs by the Ministerio Público. However, this must be possible on all week-days. In Valledupar, for instance, IDPs could register on Wednesdays and Thursdays only, but Wednesday was a motorbike-free day, which made transport expensive. (Pastoral Social member, interview, 14 January 2011, Valledupar) Experiments such as the MIAV model piloted amongst others in Valledupar, as well as the UAOs established in many highly displacement affected towns and cities provide related services, although limited to only advice and counseling.

Another lesson learnt, was that the multiplicity of institutions involved in assistance to IDPs follows an integrated approach, but in practice makes coordination complicated. The idea to simplify the framework was hardly mentioned in interviews, conversations and events I participated in or observed, though. Only once, a female IDP-representative recommended this, and seemed to not be taken seriously by the auditorium (Observation, inauguration event of the CNRR in Magdalena, 19 November 2010, Santa Marta).

The legal focus of the complex displacement policy that is in a process of further regulation through legal amendments, new guidelines and Constitutional Court-decisions, has resulted in many staffs working in the area being lawyers. As noted by the ombudsperson of Agustín Codazzi there is need for staff from psychological and social work professions even in legal advice sessions, as many IDPs suffer from trauma. As some sessions require revealing of facts of traumatizing events, these require much time and are difficult to deal with for both the IDP and the staff of the support institution. Diversification of human resources and interdisciplinary work, hence is very important in the field of support for IDPs. (Interview, 18 January 2011)

Another lesson learnt of the Colombian policy to IDPs is that a reliance of state actors disregarding civil society, not only results in distrust of affected population groups, but increases also the opportunities to invasion of institutions and support processes by criminal actors: With regard to protection and redistribution of land, manipulation by criminal elements occurred to especially strong degree and de-legitimized especially the

responsible state entity *Colombian Institute for Rural Development (INCODER)*¹³⁶. Numerous reports prove falsification of documents and attribution of land to actors of violence or strawmen and –women operating on their behalf instead of protecting IDPs’ forcibly abandoned land from illegal appropriation (cf. e.g. *Semana.com*, 30.05.2004 and 17.12.2011).¹³⁷ Meanwhile investigation and reform within INCODER and other relevant state institutions are on-going, albeit amidst resistance (*Semana.com*, 03.11.2012¹³⁸). While the Victims’ Law 1448 with its articles on land grabbing since its enactment in June 2011 restructured state response in this field, its implementation is only ongoing since 2012. The provisions on land questions should be expected to be the Victims’ Law-component most difficult to implement. Not surprisingly, recurrent threats and assassinations of IDP-leaders engaging for land restitution have been reported. (Cf. e.g. *Semana.com*, 07.12.2012¹³⁹)

Difficulties of the inclusion of local authorities in support to IDPs, even where political will is there, relate to lacking financial resources, as a number of regional and local governments are broke or have very limited means, and security threats. From national side the strategy is pursued to accompany and support local processes (interview P. Gaviria in *Semana.com*, 12.04.2012).¹⁴⁰

A lesson learnt on return was that this field - albeit being the prioritized solution to displacement - requires careful consideration, especially if security preconditions do not (yet) exist and cannot be guaranteed (interview, former staff UTEC, 06 February 2011, Bogotá). A re-thinking towards accepting social realities and supporting the option of

¹³⁶ INCODER, Colombian Institute for Rural Development, replaced in 2003 INCORA, the Colombian Institute for Agrarian Reform.

¹³⁷ E.g. *Semana.com*: Los señores de la tierra. 30.05.2004. <http://www.semana.com/portada/articulo/los-senores-tierras/65846-3>, viewed 29.03.2013; *Semana.com*: Tierras: tarea titánica. 17.12.2011. <http://www.semana.com/nacion/articulo/tierras-tarea-titanica/250956-3>, viewed 29.03.2013.

¹³⁸ *Semana.com*: El Incoder: con camisa de fuerza. 03.11.2012, <http://www.semana.com/nacion/articulo/el-incoder-camisa-fuerza/267344-3>, viewed 29.03.2013.

¹³⁹ *Semana.com*: Fiscalía debe dar prioridad a casos de lideres agrarios asesinados. 07.12.2012. viewed 29.03.2013, <http://www.semana.com/nacion/articulo/fiscalia-debe-dar-prioridad-casos-lideres-agrarios-asesinados/125607-3>

¹⁴⁰ *Semana.com*: “No puede haber zonas vedadas para aplicar la ley de victimas”: Paula Gaviria. 12.04.2012. <http://www.semana.com/nacion/no-puede-haber-zonas-vedadas-para-aplicar-ley-victimas-paula-gaviria/175320-3.aspx>, viewed 22.11.2012.

local integration or resettlement at the given point of time, hence, would be important to shorten periods of hardship.

5.2 The Ugandan local governments' dealing with displacement

While internal displacement occurred in several parts of Uganda due to armed conflict and environmental disasters, so far displacement has been addressed as such mainly in regard to the North Ugandan conflict, especially in the region of Acholiland. Because of this, the following treats the Northern Ugandan region.

5.2.1 Contextualization of the (North-)Ugandan internal conflict

Uganda is a country characterized by strong socio-cultural and economic disparities between regions. Today it consists of a conglomerate of approximately 50 traditional societies, with kingdoms - mainly in Western Uganda - and less highly stratified chiefdoms and loose clan structures combined with a chieftainship-system. Ethnically, as well as in socio-economic occupation patterns, the North differs strongly from that of the Southern and Western part of the country. (Kanyehamba 2008:1, member, Department of Sociology, Makerere University, interview, 05 May 2010, Kampala) British colonialism started with the arrival of missionaries and representatives of the Imperial British East African Company in the 1860s from Lake Victoria. They established contacts and contracts with, first, especially the highly stratified Western Ugandan kingdoms and, in exchange, conceded a relatively privileged status for these, especially Buganda kingdom, including investments into education and economic infrastructure. (Pakenham, Perham, Lugard in Kanyehamba 2008:1ff.) In this process, the Buganda region became much more developed and advanced than other regions, which reinforced unequal relations (Kanyehamba 2008:4,45).

In Northern Uganda, British colonial rule was established only in 1903. Due to the less hierarchical chieftainship structure of local political organization¹⁴¹, colonialists did not

¹⁴¹ Acholiland consisted of loosely connected clans presided by chiefs, who were removed in case of unsatisfactory performance. The chief (*rwot*) had the duty to promote unity in his clan and promote the welfare of its members and traditionally ruled supported by the council of elders based on consensual decision-making. The council of elders had the role to guide communities and solve disputes. (Acholi elders in Liu Institute et al. 2005:20) There was a division within ritual duties of traditional priests and the *rwot*. Chiefdom spirits (*jok*, plural *jogi*) were believed to watch over moral order. The *rwot* had his

find interfaces for negotiations as easy as in the Southern region (interview, member, Department of Sociology, Makerere University, Kampala, 05 May 2010). Hence, missionaries had a big role in colonization there, and promoted education and Christianization. Despite this late penetration, the colonial administration achieved modifications in the social system: traditional regulating institutions, such as spirit mediums, were pushed underground through persecution and exchanging of chiefs not conforming to colonial concepts. (Bere in Finnström 2008:41, Behrend 1999). In 1934, initiated by British colonial authority, but also taken up by North Ugandan intellectuals, traditional leaders organized in an Acholi council (Säfhholm in Finnström 2008:45).

Darker skin color and often tall stature of people also might have accounted for cultural misunderstandings. According to ethnocentric interpretations of the physiognomy of many Northerners making them fit for unskilled physical work and service in the colonial army, for a long time, Northerners found wage-labor mostly in un-skilled fields, primarily in the army. Also, after World War II numerous soldiers of the Western Ugandan elite became active in the independence movement, hence the British colonial administration resorted to even stronger recruitment in other regions, especially North- and East Uganda. (Kayunga in Tripp 2010:133). The socio-cultural patterns (re-)produced through this have largely been maintained since decolonization and set the socio-economic background for the conflict: long-standing economic marginalization of the Northern part of the country. (Interview, member, Department of Sociology, Makerere University, Kampala, 05 May 2010, Kanyeihamba 2008:1)

At independence, in 1962, a dual system was installed with kingdoms receiving federal status with the Buganda kingdom getting special privileges, and ten districts being subsumed under central government. First President of Uganda was the *kabaka* (king) of Buganda, whereas the first Prime Minister was Milton Obote, a commoner from Lango-region in Northern Uganda. (Kanyeihamba 2008:47ff.) Conflicts between the main political parties – the *Ugandan People's Congress (UPC)*, to which Obote belonged, and the *Democratic Party (DP)*, as well as the President accused of confusing his roles as *kabaka* and President- created soon resentment. From the mid-1960s Obote argued for a one-party state and the dissolving of the constitution with its privileged

compound in the center of the settlement and was also responsible for peace or war, whereby marital alliances played a role. (Girling, MacGaffey in Behrend 1999:15f.).

status of the Buganda kingdom and regionalisms, in exchange for a nationalist and socialist program. The Buganda kingdom and other traditionalists felt their interests and privileges threatened and conspired to remove him from office in February 1966. Obote reacted by dissolving the constitution and made himself president. (Kanyeiamba 2008:68ff.) In response, protests started in Buganda. To avoid a potential insurgency he sent army leader Idi Amin to storm the Baganda palace. In 1967 Obote presented a new constitution and, in 1969, “The Common Man’s Charter“, a nationalist, antiimperialist, anticapitalist, antifeudal, antitribalist manifesto, also called “Move to the Left“ (Aasland, Gingyera-Pinyewa, Glenthworth and Hancock in Finnström 2008:66). Baganda authorities saw this as another threat to their demands. Furley, Mamdani, Jørgenson (in Finnström 2008:67) argue that this intended move to the left contributed to Obote’s later overthrow. On 21 January 1971, Idi Amin took power through a coup d’état¹⁴², before much of the manifesto could be put into practice (Mutibwa in Finnström 2008:66f., Kanyeiamba 2008:103f.). Amin established a military regime and after a short period of positive beginnings, his rule turned very authoritarian and violent with officially sanctioned killings, the assassination of key personalities of public institutions¹⁴³ and thousands of people disappearing (Kanyeiamba 2008:132f.). Assisted by the Tanzanian government, the *Uganda National Liberation Front (UNLF)*, a coalition of exile-groups, seized government in 1979. After tactical manoeuvres by Tanzanian President Nyerere, including rigged elections in December 1980, Milton Obote regained power, until 1985, characterized by large-scale violence against citizens, oppression and corruption similar to Amin, with the military playing a strong role (Kanyeiamba 2008:172). In February 1981 Yoweri Museveni with 27 other dissidents founded the *National Resistance Movement (NRM)*, which quickly won members with its participative agenda for liberation and good governance. In July 1985, a group of military officers from the North Ugandan Acholi region undertook a coup d’état and

¹⁴² British and Israeli interest groups are reported to have been concerned about the impending move to the left and had supported Amin’s coup d’état. American CIA, British, Soviet and Libyan security and communication firms all supported Amin with military technology and equipment even after his regime had been denounced internationally. (Furley, Mamdani in Finnström 2008:67) But Kanyeiamba (2008:109) refers to statements by Idi Amin and Kiwanuka and argues that foreign powers were not behind the coup d’état.

¹⁴³ Among them were the Vice-Chancellor of Makerere University, Ministers of Government, the Chief Justice of Uganda, as well as the Arch-Bishop of Uganda (Kanyeiamba 2008:132f.).

instaled a short-lived government until January 1986, when the South-West Ugandan based NRM seized power (Kanyehimba 2008:182ff.).

5.2.2.1 Marginalization of the North Ugandan region leading to the internal conflict

The fact that the deposed government was Northern-led, contributed to ethnic coloring of war-rhetoric (Okuku in Finnström 2008:75): Soon after taking power by the NRM in January 1986,¹⁴⁴ killings of Northerners in the army took place. Afraid of retribution, many surrendered or deserted, fleeing to neighboring Sudan or returning to their homes and hiding their weapons. (Rodríguez Soto 2009:26) In mid-1986, within search for arms of former soldiers some units of the new army committed atrocities against villagers in the North. Additional hardship was brought to the population in the form of cattle looting, first by fleeing ex-soldiers who formed rebel groups, by members of the new army within the atrocities, and especially also by cattle raids of neighboring Karimojong abusing the chaotic situation. This decreased the cattle possession of Acholi sharply. (Finnström 2008:70ff., Rodríguez Soto 2009:26ff.)¹⁴⁵ In sum, this time meant rather sudden disempowerment of the already marginalized Acholi region.

As argued by Behrend (1999:56ff.), in their situation as “internal strangers“, many of the former soldiers, in the North or during refuge in Sudan, were easily mobilized to group in one of the resistance movements emerging in the North. The Northern Ugandan conflict, hence, started in June 1986 with the appearance of several rebel

¹⁴⁴ Uganda’s “no-party-system“ based on the NRM-council system -going from village to national levels- was received with some interest by national and international observers and, despite interpreted by several authors as a masked one-party system, accepted throughout its duration. However, from 1996 elections-related violence increased in Uganda; only in 2005 the political system adopted the multi-party principle. There is increasing criticism of the NRM-regime based on restrictive measures in legal norms, since 2005 an progressively repressive political culture, with media, courts and human rights groups experiencing increasing limitations and corruption becoming a more and more pervasive problem. (Mufumba, Parliamentary Committee on Election Violence-report, Ellet in Tripp 2010:94, interview sociologist, Makerere University, Kampala, 05 May 2010)

¹⁴⁵ While the rebels promised to pay back losses after victory, the army countered requests for compensation with allegations that cattle was taken from rebel supporters. Statistics say that in Amuru and Gulu districts in 1983 123,375 cattle existed, but in 2001 only some 3,000 or according to another source 11,000 (Weeks, Rwabwoogo in Finnström 2008:73). This is a reduction of between 97,6% and 90%, whereby also changed conditions through displacement into the camps in the same time-span should be mentioned as a factor. E.g. in interviews, returnees explained that they could leave to other areas, as they had sold animals (interviews, Adac, Gulu, 29 May 2010).

groups, of whom some incorporated spiritist elements. Of major rebel groups, the first active was the secular-oriented *Uganda People's Democratic Alliance (UPDA)*, from late 1986 to the end of 1987 there was Alice Lakwena's *Holy Spirit Movement (HSM)*, which took over parts of the UPDA and fought the NRA with strongly ritualized combat methods. (Rodríguez Soto 2009:28) After the defeat of the HSM, the remainders fled to the North and in 1988 re-grouped under Alice Lakwena's father, Severino Lukoya, and under Joseph Kony's group, later known as *Lord's Resistance Army (LRA)*, that existed since early 1987 and, until 1991, took over the others. (Rodríguez Soto 2009:28f., Behrend 1999:85 and 179ff., Tripp 2010:159) At this time, the rebellion was supported by a good part of the Northern population. According to persistent rumors, some traditional leaders, seem to have given a war blessing to Kony when he formed his rebel movement. (Rodríguez Soto 2009:26, Finnström 2008:70, 211ff., Liu Institute et al. 2005:27)

From the early 1990s the government of Sudan provided support to the LRA through arms, territory and supplies, strengthening the before weak rebels (Rodríguez Soto 2009:3, Tripp 2010:164).¹⁴⁶ As the internal conflict evolved, the situation became more violent and insecure. In rural areas people resorted to go to the bush in the night to sleep there in relative security from attacks by the LRA, as the rebels would attack late at night. (Rodríguez Soto 2009:28f., Community Development Officer, sub-county local government, interview, Pader, May 2010)

In the same time-period, from 1992, decentralization was introduced in Uganda, further regulated by the *Constitution* of 1995 and *Local Government Act* of 1997 (Kisembo 2006:31). At the time it constituted the most radical decentralization exercise world-wide. (Steiner 2008) The local government system is modeled on the NRM-structure and organized in a hierarchic system of local councils, starting at village level with Local Council 1, parish-level with Local Council 2, sub-county level with Local Council 3, municipality level with Local Council 4, and district level Local Council 5 (abbreviated respectively *LC 1* to *LC 5*).¹⁴⁷ Elected in democratic elections every four

¹⁴⁶ The LRA had their base-camp in the combat area between the Sudanese army and South Sudanese rebels in South Sudan, through this acted as a buffer zone and also fought on the Sudanese military's side (former LRA-members in Finnström 2008:84f.).

¹⁴⁷ Constitution Amendment N° 2, Act, 2005 provides for the creation of regional governments, with pre-structuring according to historically cohesive neighboring districts. Although a subject of discussion in

years, local councils are the highest political organs in the respective jurisdiction, have legislative and executive powers (Constitution, Chapter 11, 176, Clause 3, 180, Clauses 1-2, 181, Clause 49).¹⁴⁸ The core unit of the local government system is the district, which is the link between local planning and implementation and central government policies (Constitution, Chapter 11, 176, Clause 1). Planning is to be done according to bottom-up principles, in that the plans of local councils have to be compiled and included in district planning, which is then submitted to the National Planning Authority (Constitution, Chapter 11, 190, Local Government Act in Kisembo 2006:26f.). As laid down in the Constitution (Chapter 11, 171, Clause 2), the local government system aims at decentralization of all levels of government and at ensuring the population's "participation and democratic control in decision making" (Local Government Act in Kisembo 2006:26f.). Local governments have the duty to monitor the provision of government services, as well as the implementation of projects in their area, including supervising work performance of other persons employed by the government to provide services in their area (Constitution of Uganda, Chapter 11, 171, Clause 2). This responsibility is shared with the Resident District Commissioner (RDC), who is a senior civil servant pertaining to central government, tasked with the coordination of government interventions in the district, advise the district chair-person on issues of national concern relevant for the district and the relations between the district and central government (Constitution, Art. 203).

In North Uganda, from the early 1990s the young local governments were forced to create local defense groups made up by the population. The LRA felt betrayed and responded with brutal attacks on the civilian population. (*People's Voice for Peace* in Finnström 2008:91, Tripp 2010:139) With this, support for the LRA in the population decreased sharply (Dolan in Tripp 2010:160).

the last years, so far they have not been formed (interview, staff, Austrian Development Cooperation, Kampala, 25 April 2010).

¹⁴⁸ An exception to this are the levels LC 2 and 4, which are not elected and have only an administrative role to facilitate planning and implementation (Local Government Act 1997 in Kisembo 2006:9, 17). As they are, in practice, not functional, their abolition is under discussion (Local Government Ministry-staff, interview, Kampala, 28 June 2010, Senabulya, Isaak: Uganda Government News: LC 2 and LC 4 under Threat of Termination. In: Uganda Pulse, 23.04.2011, <http://www.ugpulse.com/articles/daily/news.asp?about=LC+2+and+LC4+under+threat+of+termination+&ID=19139>, viewed on 04.06.2011.

In the districts of Gulu (including today's Amuru) and Kitgum¹⁴⁹ until the mid-1990s a pattern of sporadic attacks prevailed, first by different rebel groups, then from 1991 only by the LRA that had incorporated the other groups. Until 1996, displacement was spontaneous and periodic, or for certain times of the day, and not looked at as "conventional displacement" due to its minor scale. From government- and civil society side no actions were taken on such periodic displacement. On-going programs for service delivery continued; no separate program was created to react to the displacements. (Former staff, Kitgum local government, interview, 04 June 2010)

5.2.2.2 Military creating IDP-Camps for "protective displacement"

In 1995 the LRA changed their tactic to more frequent and more brutal attacks at the civilian population. Especially targeted groups such as local council members, seen as representatives of central government, fled to towns. (HURIFO 2002:2) On 20 April 1995 a massacre took place in a school in Atiak, south of Gulu town, with more than 200 pupils killed. In reaction to these atrocities on civilians by the LRA, the national government cabinet decided to move the population of affected areas to so-called "protection camps" to isolate them from the LRA. (Interviews, RDC Gulu, staff, Office of the Prime Minister-OPM Gulu, Coordinator Civilian-Military Relations, 11 May, 01 June, 27 May 2010, Gulu) In mid-1996 in Gulu people were requested to leave their villages for humanitarian- and security protection in protection camps, officialized with President Museveni's announcement of 27 September 1996 to the Parliamentary Committee on Presidential and Foreign Affairs (Weeks in IDMC 2009:3, HURIFO 2002:2). When the LRA killed in December 1996 in one week more than 400 people in Kitgum, this caused the first wave of displacement there (interviews, local government staff Gulu, former local government staff Kitgum, 18 May and 04 June 2010). This was done also to cut the LRA off from food supplies, information and other support by the population and to prevent abductions. At this point of time, in late 1996, there had been two different sets of displacement, one caused by LRA-atrocities in Kitgum, and one for strategic reasons caused by the government in Gulu, in today's area of Amuru. The displacement in this time took place in areas affected by rebel activities. In Gulu there

¹⁴⁹ Due to afterwards changed district delineation and –creation, the demarcations that consisted over most of the considered time-period, Gulu (comprising today's Amuru district), Pader and Kitgum, are used in the following.

were at that time up to eight IDP-camps, split into smaller camps, in Kitgum there were seven camps. (Former staff of Kitgum local government, interview, 04 June 2010, Gulu)

As a civil engineer stated, everyone who had the possibility, moved out of the camps to partially adjacent towns. Thus, many better situated families did not end up in camps. (Conversation, Gulu, 23 May 2010) As UNDP's Programme Analyst in Gulu explained, this might have been a further reason for local government having played a minor role in camps, especially in the poorly coordinated first phase of their hasty establishment (interview, 18 May 2010).

Internal displacement at the time was a new concept in Uganda, as Gulu's RDC and a staff of the OPM-Gulu (interviews, 11 May, 01 June 2010) stressed.¹⁵⁰ When people were brought together in camps, those were first being more spread out. The military however decided that the area of the camps must get smaller to make defense easier, so that people had to move in the spaces left between huts. Finally, conditions had become very crowded, with up to ten people staying in one hut. Camps were usually set up in a hurry, without exact planning foregoing their construction. IDP-camps, therefore, were located in many cases around local trading centers. This process often involved military telling the people to go there or be shot. As explained by IDPs and returnees, the first time in camps was terrible: food and all infrastructure were lacking, going back to the homestead was forbidden.¹⁵¹ (Former IDPs, interview, 06 June 2010, Gulu, Finnström 2008:11) Until aid reached the newly set up camps it often took three months (former Kitgum local government staff, interview, 04 June 2010). Camps had sizes of between several thousand and up to 64,000 people, as in the biggest camp Pabbo, in Amuru. The situation was bad, as evidenced by a rate of 70% of severe malnutrition in IDP-camps in Gulu district by the end of 1996, until humanitarian aid with food aid and seeds arrived (OCHA in Bradbury 1999:6, Gulu District Sub Working Group On SGBV in Niavarani

¹⁵⁰ As displacement for protection reasons is one possible option according to International Humanitarian Law, the decision to some degree was in conformity with international norms -albeit this is only an option, if displacement occurs as only means of protection and for the shortest time possible. (Art. 17, Protocol II, Geneva Conventions in HURIFO 2002:11)

¹⁵¹ However, as an elderly returnee, Norah Lamunu, told me in an interview (Juba, Adac, Gulu, 29 May 2010), for thatching the huts in the camps women had to go back to the villages to get grass. As she refers, it was risky because they could encounter the LRA, but despite that it was forbidden by the military, most people did it.

2006:20), and drought in the following year made the situation even worse. According to Mawson (in Bradbury 1999:6), in mid-1998 it was estimated that as many as 80% of the population of Gulu and 50% of Kitgum and Gulu, taken together, were displaced.

For administrative tasks such as registration of the camp population, food distribution lists, general camp management issues -such as housing and sanitation and ensuring participation of IDPs- in the IDP-camps a parallel governing structure of so-called “camp leaders“ was created. This structure did not belong to government nor the humanitarian aid structures, but district officials and humanitarian aid agencies asked the population to select IDP-leaders; in part the District Disaster Management Committee (DDMC) and sub-county-leadership re-organized them according to specific tasks and committees. They were also focal point persons for the military in dissemination of all rules and regulations. (Oosterom 2009:16, former Community Development Officer, Kitgum Local Government, Civil Military Relations Coordinator, interviews, 04 June, 28 May 2010, Gulu).¹⁵²

The selection of camp leaders instead of working through local government structures was, according to a senior staff of the Ministry of Local Government, necessary. The camp population had come from different districts, and therefore there would have been a “new constituency“ that had to select anew. (Interview, 15 May 2010)¹⁵³ Local government in this time largely continued to exist at higher levels, responsible for liaison with central government ministries, to get provision to camps, then the camp leaders administered further. In some cases, lower local government representatives¹⁵⁴, became camp leaders, as they had leadership skills and knowledge of administrative issues. (Former staff, Kitgum local government, interview, 04 June 2010, Gulu) The setting up of coordination structures in the camps, separate to those of local government, is attributed by a UNHCR-staff to the forceful nature of displacement and partially the belief that the population gave information and provision to the LRA.

¹⁵² In several cases the owners of land upon which the camp was built became camp leaders (Norah Lamunu, elderly returnee, interview, 24 May 2010, Adac, Gulu).

¹⁵³ According to the Civil Military Relations Coordinator (interview, 28 May 2010, Gulu) at the time all structures of administration were disorganized, people were running to where they thought they were safe, not necessarily where they came from.

¹⁵⁴ Chairs of village assembly (LC 1) and of the parish (LC 2).

(Interview, 17 May 2010, conversation, former IDP, 06 June 2010, Gulu) Conflicts about roles and respective empowerment existed between local government and camp leaders as indicated in a 2001 study by the NGO HURIFO on IDP-camps in Gulu (2002:29).

The military was distributed according to camp sizes and had the role to ensure security and law and order in the camps. To some extent they took over responsibilities of the police, as not in every camp there were police forces (former WFP/NRC food distribution supervisor, Civil Military Cooperation Coordinator, interviews, 27 and 28 May 2010). Social order according to the logic of “survival of the fittest“, accounted for the fact that the camp commander and military had its quarter in the center, around that were more wealthy IDPs; weaker groups like widows and orphans only managed to settle in the surroundings. Schools were positioned on the outsides of camps, making them easy targets for attacks and abduction by the LRA. In the late 1990s and early 2000s incidents of rape and abuse of locals by soldiers at market-places and in discos were reported with increasing frequency, however remained largely unpunished. (Dolan in El-Bushra/Sahl 2005:19, HURIFO 2002:3, Human Rights Watch in Finnström 2008:90) As no definition of IDP-camps and regulating guidelines existed then, management of the camps depended to large degree on the character of soldiers. Furthermore, there were restricted areas and unrecognized camps. If the LRA attacked, often too few soldiers were deployed. (Staff, NGO-Forum Gulu, interview, 13 April 2010) Military forces, hence, were overwhelmed and could not deal adequately with the challenges of camp protection.

The other local political institution, the indigenous chiefdom system based on clans and traditional leaders, was formally declared abolished in camps. Their roles had largely been taken over by camp leaders and LCs. (El-Bushra/Sahl 2005:20ff., Acholi elders in Liu Institute et al. 2005:21f.) While, still, a number of rituals were carried out also in camp life, traditional leaders' functions were reduced due to camp-rules, limited resources, people not composed according to their original settlements and also elders spread out and hard to gather together (Liu Institute et al. 2005:26, former WFP/NRC food distribution supervisor, interview, 27 May 2010, group interview, traditional leaders, Pader district, May 2010).

Some formalized role of local government regarding displacement came into being after

in 1995, due to the Atiak-massacre and an earthquake in the district Kasese in Western Uganda, these two areas were named disaster areas. A letter from the Office of the Prime Minister requested the affected district local government administrations to set up District Disaster Management Committees (DDMC) to coordinate the response to the problematic situation. For long, this letter was the only document in existence to empower the district local government to act on the IDP-topic. (Staff local government Gulu, interview, 18 May 2010) The DDMCs were reconstituted in the affected districts, Gulu and Kitgum, on 13 January 1997, but had only the broad guidelines of disaster management, so most actions were on ad hoc-basis. (Former staff, Kitgum local government, interview, 04 June 2010)

5.2.2.3 International and national actors- from “laissez faire” to advocacy

International actors and global agencies largely did not question the actions of the NRM-government and the army in Northern Uganda. International agencies such as the World Food Program, as criticized by Dolan/Hovil (2006:4ff.), even indirectly supported the government in its war-efforts through the support of the IDP-camps. Only few NGOs saw the protection camps as a military strategy and, under the argumentation that their support would violate their impartiality, denied aid-deliveries (R. Gersony in HURIFO 2002:21).

While war was going on in the North, efforts for development of the country went on in other parts of Uganda without a very big issue being made of the internal conflict going on only several hundred kilometers away (Development professional living in Uganda at the time, conversation, 2006, Vienna). Instead, the image of the LRA-rebellion as a pseudo-religious war-cult remained for most of the conflict largely unquestioned (Finnström 2008:100ff.). From the mid-1990s, a group of journalists from the North Ugandan sub-center Gulu reported on the crisis in Northern Uganda, supported by their editorial media-houses (interview, New Vision journalist, Kampala, 28 April 2010). However, such, rather extensive, reports on ambushes and incidents caused by the LRA in the Ugandan press, were taken up little in the international media (Rodríguez Soto 2009:33). Overall, the war was depicted rather as a humanitarian than a political issue (Finnström 2008:115ff.).

In the late 1990s, it became increasingly clear that the internal conflict could not be brought to an end by military means. Conflict intensity and atrocities between 1997 and

the end of 1999 decreased and violent conflict was interrupted by calm periods, as the Ugandan government's priorities were in this time on the 1997 DRC incursion and subsequent clashes with Rwanda in 1999. However, despite this, the crisis was not solved. Efforts for a negotiated conflict settlement with the LRA were repeatedly rejected or out-manouvered by President Yoweri Museveni. (Rodríguez Soto 2009) When the peace negotiations between Uganda and Sudan in December 1999 excluded the LRA - due to an agreement that both countries would stop supporting rebels in the other country - the LRA reacted with new attacks with much higher intensity. Subsequently, the government's counter-insurgency offensive, *Operation Iron Fist*, where government forces followed the LRA into Sudan in 2000, did not achieve the capture of the LRA, and again caused massive retribution. Like in this phase, repeatedly, war was interrupted by calm periods, near to peace, that suddenly ended again. (Tripp 2010:166f., Rodríguez Soto 2009, Finnström 2008)

While the impasse continued, IDP-camps were insufficiently protected and became easy targets for rebel attacks (Lomo/Naggaga/Hovil 2001:6)¹⁵⁵. The “protective“ displacement of very big numbers of persons in the Northern Ugandan IDP camps, in a hasty manner and in combination with the establishment of new coordination structures and insufficient infrastructures set an enormous humanitarian crisis in motion: over time increasing implications arose, especially material impoverishment, socio-cultural dislocation, breakdown of social relationships and erosion of traditional social regulating institutions, especially the clan system with its related values and practices (El-Bushra/Sahl 2005:19, Finnström 2008). The displacement in the crowded IDP-camps made the before practiced way of subsistence based on agriculture, cattle-rearing, and other larger-scale economic activities impossible. Instead of substituting for this, the IDP-camps failed to provide sufficient food, shelter, water and social services. (USCR 1999 in Lomo/Naggaga/Hovil 2001:6) This resulted in increasing levels of hunger, malnutrition and dependence on relief supplies, casual employment, and resource acquisition through other means like searching partners for economic support and more security, or in the case of boys at times also joining gangs. Typical occupations were working in shops and bars, self-employment in petty trade and

¹⁵⁵ This critique is voiced not only for the IDP-camps in North Uganda, but for a number of refugee-settlements within Uganda also (Lomo/Naggaga/Hovil 2001:7).

services, e.g. bicycle taxiing, but also rising numbers of women and girls resorted to commercial sex work. (COPE-project data in El-Bushra/Sahl 2005:19) At times, girls and boys joined fighting forces to have access to goods and services such as food, money and medical care. The indigenous socio-political structure experienced erosion: old persons did not possess economic and social power to the same degree. Young persons including women could adapt better to informal, small scale economic opportunities. They became more important for economic survival and acquired more economic and social power. This continued with loss of social and economic capital, changed economic patterns, and the proportion of young people rising.¹⁵⁶ Many men felt disempowered and, amongst others resorted increasingly to gender-based violence. (St. Jean/Suarez in Liu Institute et al. 2005:25, El-Bushra/Sahl 2005:19ff.)

The throwing together of people in unfamiliar over-crowding also brought about increased risks of disease, accidental fire, lack of privacy, idleness due to lacking economic opportunities, high levels of alcoholism and suicide (USCR 1999 in Lomo/Naggaga/Hovil 2001:6).¹⁵⁷ People were exposed to a variety of abuses including intimidation, torture, harassment, killings also from military that actually should have protected them, inhumane living conditions, and high rates of gender-based violence (WHO et al. 2005 in Finnström 2008:12). In 2005 the mortality rate in IDP-camps reached unprecedented levels with estimated one thousand people dying per week, in the majority of cases of curable diseases and malnutrition (WHO et al. 2005 in Finnström 2008:12). Many old persons could not deal with this radical change and an over-proportionally high number of this age-group died (Kitgum local government staff, interview, 05 June 2010). A study by the London School of Hygiene and Tropical Medicine and the Gulu University showed that Northern Uganda's IDPs had the highest level of post-traumatic stress so far recorded among displaced populations, with especially women at high risk of mental distress (Oxfam International 2008:10).

This massive deterioration in IDP-camps of Northern Uganda, as well as the DRC-incursion of Uganda, led to doubts about the war strategy of President Museveni. Over

¹⁵⁶ According to the Gulu Planning Unit, Population Office (in Liu Institute et al. 2005:25) in Gulu by 2005 the ratio of young persons under 25 had risen to 68%.

¹⁵⁷ Traditional socialization institutions like fireside instruction of children and youth and children's games nearly disappeared in the IDP-camps (El-Bushra/Sahl 2005:20ff.).

time, it became clear that he preferred a military solution and was not fully supportive of efforts for peace negotiations. The war in North Uganda continued despite high military budgets and repeated statements of President Museveni that the war would be shortly won against the LRA and his repeated withdrawal from peace negotiations. The situation in North Uganda got increasingly out of hand the longer the conflict took. (Rodríguez Soto 2009)

Against this background a number of different initiatives and trends developed to address aspects of the conflict and its problematic effect of long-term internal displacement: While some humanitarian assistance had been carried out in Northern Uganda, until the late 1990s only three UN-agencies were active there: The World Food Program (WFP) provided food rations to the camps, implemented by the Norwegian Refugee Council (NRC), UNICEF focused its support mainly on returned child-soldiers, and UNHCR only acted as refugees' support agency (Paul in Dolan/Hovil 2006:12). Most international actors worked in relief work, services to the IDPs in camps, in a few cases development-oriented support, income-generation and capacity-building such as for micro-savings groups; in particular humanitarian topics such as reintegration of LRA-abductees and deserted LRA-rebels, psycho-social support and counseling, received support. (HURIFO 2002, Dolan/Hovil 2006:6, Coordinator, NGO-Forum Gulu, interview, 13 April 2010, Gulu)

Local civil society initiatives, particularly media and NGOs such as Human Rights Focus (HURIFO), tried to raise awareness to the difficult situation in IDP-camps from the mid-1990s through researching and publishing on the situation in the camps (interview, HURIFO-Director, Gulu, 18 May 2010).¹⁵⁸ When internet became of common usage, this acted as a motor, as it was much easier to get information out of the country. After international stakeholders showed interest in the Northern crisis, this was followed by parliament questioning high budget expenditures. (Interviews, New Vision journalist, 28 April 2010, Kampala, Director, HURIFO, Gulu, 14 May 2010, HURIFO 2002¹⁵⁹, Dolan/Hovil 2006:4ff.)

¹⁵⁸ This research documented that more people had been killed in camps than before encampment in the LRA-attacks on villages (interview with HURIFO-Director, Gulu, 18 May 2010).

¹⁵⁹ HURIFO.org: Publications. <http://www.hurifo.org/publications.html>, viewed 26.08.2011.

Among local initiatives, the involvement of traditional and religious leaders was instrumental; especially the Acholi Religious Leaders' Peace Initiative engaged in repeated attempts for peace talks and lobbied the Sudanese government to support the North Ugandan peace process to solve the conflict and displacement. (*New Vision* journalist, interview, 28 April 2010, Achana in Kakaire 2009:4) Activities were set to revive traditional leadership institutions from the mid-1990s. The organization of traditional Acholi leaders, Ker Kwaro Acholi (KKA) was created in 1999 supported by the NGO ACORD and funded by the Belgian government. (Liu Institute et al. 2005:31, Dolan/Hovil 2006:6) While these leaders strongly engaged in efforts for peace negotiations, this encountered opposition by national government. Non-Ugandan church leaders in part were threatened with deportation, some religious and traditional leaders were called LRA-sympathizers, illegally charged and imprisoned for time-periods. (Rodríguez Soto 2009, *New Vision* journalist, interview, 28 April 2010)

In addition, international non-state actors such as amnesty international, Human Rights Watch, World Vision, ACORD, CARE and others made efforts to advocate against the bad human rights situation in Northern Uganda. This, initially, reached only limited international attention and did not increase the presence of international agencies and their assistance. International organizations and NGOs operating in the North already, for fear of ejection in this period largely chose to not expose atrocities and government responsibility to the international community. (Dolan/Hovil 2006:6) Humanitarian NGOs and UN-agencies therefore failed to advocate against abuses. (Paul in Dolan/Hovil 2006:12) Tendential rhetoric and discourse around the LRA (Finnström 2008) and parallel international discourse celebrating Uganda as an African success story can be assumed to also have had a silencing effect: Efforts from national but also international NGOs and -agencies to hold government accountable for human rights abuses and needs of the population, according to Dolan/Hovil (2006:11) and the human rights NGO HURIFO (2002:1), were long not taken up by donors for funding.¹⁶⁰

There seemed some improvement over the years, with approximately 35 international organizations, international and local NGOs active in humanitarian support of the

¹⁶⁰ This was the case also after the end of the armed conflict: E.g. UNHCR in the appeal for 2007 received only 2% of the funds it had budgeted for this, the IRC had to search three years for funds for a project addressing this aspect (Dolan/Hovil 2006:11).

population in 1999; however, humanitarian- and advocacy aims were often mixed up and actors had insufficient understanding of the need to raise awareness of the conflict internationally. (Bradbury 1999:9) In this sense, there was some co-responsibility of agencies like the World Food Program (WFP) for the long-existence of the camps, which would have been impossible to finance for the Ugandan government without the food provisions. Only after a decade the WFP reconsidered its support of the government-created camps. (Paul in Dolan/Hovil 2006:12) Parallel to this, from the late 1990s international organizations had developed terminology and approaches to deal with internal displacement and had discovered this topic as an area of activity, including the creation of the function of the UN Special Representative for the Human Rights of IDPs and the formulation of the UN Guiding Principles on Internal Displacement in 1998 (Brookings Institution 2008:3ff.).

Based on these developments, international actors started to engage in a stronger way on the topic of IDPs. In North Uganda, training events on disaster management and -response were started by international NGOs like Action Aid and Oxfam. The Norwegian Refugee Council (NRC) facilitated a process of using the Guiding Principles and popularizing these in workshops for local government and the national government institution responsible, the Office of the Prime Minister (OPM), to see how they could be used to address the problematic camp-situation. Resulting from this, a letter from the OPM referring to the Guiding Principles was taken up by district administrative staffs as guidance and authorization to use these for their coordination work and advocacy versus the OPM for a home-grown policy to help them guide interventions. (Assistant Chief Administrative Officer, Gulu district, interview, 18 May 2010)

OCHA, other international agencies and NGOs became strongly involved trying to further define the new phenomenon of internal displacement and what to do with it. From 1999 UNHCR came in and focused increasingly on the development of a wholistic framework to addressing displacement. The Uganda Human Rights Commission (UHRC)¹⁶¹ opened a regional office in Gulu in 1999 and started monitoring the human rights situation in the camps. In addition, in 1999 and 2000 an increasing

¹⁶¹ The UHRC, among other duties, also submits annual reports to parliament, which, however, for ten years have not been discussed (“Parliamentarians Ignore Debates on Human Rights Abuses“ 2007 in Tripp 2010:95).

number of visitors came from international civil society organizations and foreign embassies, especially of Nordic countries. (Interviews, members of NRC, Gulu district local government, UHRC Gulu, 14, 18 and 27 May 2010) NGOs and research institutions, e.g. the Refugee Law Project, became also active on this issue. With this, the Ugandan IDP-question took on an international dimension: The scope it had taken, with the large IDP-camps and dramatic humanitarian crisis, attracted international attention. (Staffs of USAID, NRC, interviews, 04 June, 17 May 2010) Thus, the Ugandan experience fed into international discourse and understanding of internal displacement and methods of dealing with IDPs. As a USAID staff, in charge of coordination of IDP-support in Kitgum Local Government then, stated on this period, “(...) we saw new inputs“. (Interview, 04 June 2010)

It was then that documentation work done for years by local civil society initiatives, was taken up, amplified by donors, especially Scandinavian embassies, as well as international media and became known abroad. From 2002 a consortium called Civil Society Organisations for Peace in Northern Uganda had built up to do advocacy for war-victims (Coordinator, NGO Forum Gulu, interview, 12 April 2010). While, according to Dolan/Hovil (2006:11), their reflection of their own critical role had been mainly thin, an advocacy coalition between local and international actors developed and started to lobby national government. (Staffs, NRC, District Local Government Gulu, interviews, 17 and 18 May 2010)

In the meantime there had been progress in knowledge and authorization within the international system on internal displacement, increased international media coverage and specific interventions, such as lobbying by (North Ugandan) Olara Otunno, at the time UN Special Envoy for Children in Armed Conflicts (USAID staff, youth politician, interviews, 04 June and 28 May 2010, Gulu). According to the OPM's Assistant Commissioner for Disaster Preparedness and Management (in IRIN, 05.06.2002), a draft document for an IDP Policy based on the UN Guiding Principles was developed by OCHA and the Office of the Prime Minister and shared with stakeholders for comments in April 2002, and in June 2002 consultation for the IDP Policy took place.¹⁶²

¹⁶² IRIN: Uganda: IDP Policy in “last stages“ of formulation. <http://www.irinnews.org/Report/322888/UGANDA-IDP-policy-in-last-stages-of-formulation>, viewed 09.12.2012.

From 2002 the international community started to intervene more actively regarding the North Ugandan displacement crisis. OCHA opened an office in Gulu and an official delegation from Netherlands visited North Uganda in 2002. The NRC some time after this established its country office in Gulu, this built up to the visit of Jan Egeland, UN Under-Secretary for Humanitarian Affairs in 2003. (Coordinator, NGO-Forum Gulu, interview, 13 April 2010).

The Ugandan national government, however, still pursued a military solution to the crisis in North Uganda: After the 9/11 terror attacks on the United States, Uganda joined in its war on terror and tried to use the discourse on terrorism with regard to the conflict. While the USA added the LRA to its list of terror groups and granted military assistance to Uganda, by then there was already an understanding that the conflict was not only ethnic. (Youth politician, interview, 28 May 2010, Gulu, Finnström 2008:9) After Uganda came to an agreement with Sudan allowing the Uganda People's Defense Forces (UPDF), incursions to Sudan to rescue abducted children and capture or kill LRA-commanders (Tripp 2010:165), Operation Iron Fist I was launched in 2002, with troops attacking the LRA in Sudan. This operation did not succeed in liquidating the LRA, but again, sparked LRA retribution: The LRA in August 2002 extended its attacks from Acholiland to neighboring North East Uganda, the Lango- and Teso-areas, which from 2003 brought the war to the national stage (Dolan/Hovil 2006:4). Again, government reacted, through order of 02 October 2002, with "protective" encampment of the population in all affected areas. People were asked to leave their homesteads within 48 hours. There was not enough time to assemble all goods and cattle had to be left behind. People, who did not want to go, in many occasions were beaten up and some even killed. Parallel the integration of smaller camps with big ones was ordered, worsening over-crowding. (HRW 2003:61ff., staff, USAID Gulu, youth-politician, former IDPs, interviews, 04 June, 17 and 24 May 2010)

The 2003 visit of UN Under-Secretary for Humanitarian Affairs Jan Egeland to North Uganda and his verdict on the conflict as the worst humanitarian situation in the world resulted in strong international attention. This statement footed on years of documentation work by activists, but changed the situation rapidly as it caused international organizations to act and dynamized processes for tackling displacement. (IRIN in Dolan/Hovil 2006:4, member, UHRC Gulu, interview, 27 May 2010) From

2004 the UN increased its presence strongly, e.g. UNICEF tripled their Protection Officers between 2004 and 2006. OHCHR opened offices in Gulu in 2004, working with and building capacity of the Uganda Human Rights Commission (UHRC). UNHCR from 2005 chose Northern Uganda as a pilot area for protection of IDPs in camps. ICRC started activities in Uganda from 2004 and built up a field-presence of 29 staff. While, first, it tried to engage the government behind closed doors, after repeated unsuccessful attempts ICRC started to exert public pressure on the government. With increased humanitarian presence, the amount of media coverage, policy- and academic studies rose dramatically. (Dolan/Hovil 2006:7) This had, however, the negative side-effect that especially the regional sub-center Gulu became “flooded“ by a huge number of international actors. This was in stark contrast to the foregoing neglect of the crisis-region. The fact that international actors delivered poorly coordinated assistance alienated local population to some degree. (Interviews with New Vision journalist, youth politician, 28 April and 27 May 2010)

The Ugandan government, on the other hand, in January 2004, invited the International Criminal Court (ICC) to intervene, resulting in the -at local level controversially viewed- indictment of LRA-leaders including Joseph Kony (Dolan/Hovil 2006:7). Although some actors state that the ICC’s mobilization played an important role in increasing numbers of deserting LRA-rebels from 2002 (New Vision journalist, interview, 28 April 2010, Dolan/Hovil 2006:7), I point out that it can be interpreted also as an attempt to organize international reinforcement for the government’s strategy to win the war by military means. Shortly afterwards, in March 2004, in another attempt to gain military victory over the LRA, the Ugandan government launched Operation Iron Fist II, which equally did not achieve its goal. LRA-attacks on camps continued despite the military offensive. In the IDP-camps the situation worsened until 2005. Up to the ceasefire of August 2006 less than one third of the camps were thought to be accessible without military escort, so that many were not covered by humanitarian protection programs. (Dolan/Hovil 2006:10)¹⁶³ By the end of 2005 a total of 1,8 million persons were living in approximately 180 IDP-camps (Weeks in IDMC 2009:3).

¹⁶³ It was also a debated issue whether declarations of secure and insecure areas were used to control movements of NGOs (Dolan/Hovil 2006:10).

At this stage, a number of donors reacted to this -amongst others Netherlands, United Kingdom, Ireland, Denmark and Sweden - and announced in late 2005 plans of significant aid cuts in response to the on-going North Ugandan crisis (Rodríguez Soto 2009:254). The Ugandan Poverty Eradication Action Plan (PEAP)¹⁶⁴ of 2004/5 and 2007/8 recognized the relationship between poverty and conflict in Uganda and put a focus on repairing the war-damages done to the North and East (MFPED/PEAP in GNPF Strategic Plan 2010-2014, p.5). This resulted in the introduction of an additional pillar on security and conflict resolution, which prioritized ending the rebel insurgency by peaceful means, if possible, and coping with internal displacement and abduction. This was accompanied by the development of a new defense and security approach, continuous implementation of the Amnesty Act of 2000 and involvement of traditional, local and opinion leaders in efforts to conduct peace talks and creating an infrastructure for transitional justice. (GNPF Strategic Plan 2010-2014, p.5)

The fact that the prestigious Commonwealth Heads of Governments Meeting was set for November 2007 in the capital Kampala added up to this, as this meant several thousand conference delegates and journalists coming to Uganda and reporting from there. Thus the threat of internationally strong exposure of the situation in North Uganda impeded above President Museveni. (Rodríguez Soto 2009:254) The government in this situation saw itself confronted with rising pressure and was forced to accept peace-negotiations with the LRA and to undertake steps for the dissolution of the IDP-camps. (Staff, UNHCR, interview, 10 June 2010, Kampala, Tripp 2010:171)

By 2002 the situation of IDPs in the “protection camps“ had become very difficult to deal with. In this context it became obvious that a policy was needed and seen as inevitable also by the state. (Members, OPM Gulu, UHRC Gulu, interviews, 01 June and 27 May 2010) The passage of time had helped to rethink the issue of protective displacement, so that government started to look at how best the topic of IDPs could be managed (staff, USAID, 04 June 2010). The Civil Military Relations Coordinator and

¹⁶⁴ PEAP is the the Ugandan Poverty Reduction Strategy Paper (PRSP), in the Highly Indebted Poor Countries-initiative a precondition for debt-remission. The World Bank: Economic Policy and Debt: (HIPC) The Enhanced Heavily Indebted Poor Countries Initiative. <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTDEBTDEPT/0,,contentMDK:20260411~menuPK:64166739~pagePK:64166689~piPK:64166646~theSitePK:469043,00.html>, viewed on 05.08.2011.

UPDF-IDP-camps' monitor (interview, 28 May 2010, Gulu) said in this line, "(...) faced with all these challenges, it was not out of the blue that government requested the assistance of the United Nations". As a former food-distribution supervisor of WFP/NRC opined, among the reasons for the development of a policy was also concern that government might later be taken to court over different non-constitutional actions taken, e.g. expropriation of land for the purpose of creation of IDP-camps. (Interview, Gulu, 27 May 2010)

The process of developing the policy was characterized by a number of different actors and standpoints over a duration of altogether three years, from 2001 to August 2004, when it was published and officially in force from February 2005 (National IDP-Policy, staffs, Gulu district local government, USAID, interviews, 18 May and 04 June 2010). According to a UNHCR-member, within efforts of advocating for a policy on internal displacement a draft was developed by UNHCR -at the time without support of the government – which after lacking response by it, was already considering to make it public. When the OPM became aware of this, they came on board and, in the end, the policy was published by them. (Interview, 10 June 2010, Kampala) After the decision for the policy was made, efforts were set to develop it in a comprehensive and consultative way. The Cabinet and especially OPM became active for the development of the policy and led the process. (Staffs, OPM Gulu, Gulu District Local Government, interviews, 01 June and 18 May 2010)

From the side of international actors, OCHA was the key facilitator, with all other UN-agencies in the country involved. At national level there were monthly cluster meetings for the coordination of activities. National actors participating were the UPDF, the different line ministries, local government, police, the Amnesty Commission, Uganda Human Rights Commission and others, with a focus of the preparation work having been at the local level. (Staff, OPM Gulu, Gulu Resident District Commissioner, interviews, 11 May and 01 June 2010)

Procedurally, the District Disaster Management Committees (DDMCs) did an assessment with developmental partners, through this government could work on the policy (Gulu RDC, interview, 11 May 2010). At district level, after NGOs like NRC and Action Aid had prepared stakeholders on the topics of disaster management and -response and the UN Guiding Principles on Internal Displacement, consultations were

done in the camps. Then meetings followed at the level of all districts affected by the LRA-insurgency, including also IDP-representatives. (Gulu local government staff, former staff, Kitgum local government, interviews, 18 May and 04 June 2010).

These local meetings were followed by regional meetings. After this, the three regions were brought together in national conferences (Gulu RDC, interview, 11 May 2010). Two female and male IDP-representatives per district, i.e. those that represented IDPs in the DDMC, were taken twice to national conferences in Kampala in preparation of the policy. The political leadership was also included. Two civil society representatives per district were directly invited. (Gulu local government staff, former staff, Kitgum local government, interviews, 18 May and 04 June 2010). The UPDF had a strong position in the development of the IDP-policy, so that military concerns were more considered in the policy in relation to other concerns (youth politician, interview, 27 May 2010).

The UN Guiding Principles on Internal Displacement were taken over into the policy with adaptations to the local context and conditions and played an important role in the process of designing the national policy for the protection of IDPs (staffs, Gulu local government, OCHA, interviews, 18 May 2010 and 14 April 2010). The UHRC gave recommendations on the importance of an official mandate for protection and human rights monitoring (member, UHRC Gulu, interview, 27 May 2010). After its finalization, the policy was published in English and major local languages (Staff, Gulu local government, interview, 18 May 2010). Civil society also collaborated in its dissemination, for instance, the NGO HURIFO offered radio airtime to local government to explain the IDP-policy page by page (member, NGO Forum Gulu, interview, 13 April 2010).

Summarizing developments and the position of local government within it, local government was created in Uganda only when the conflict was already on-going and then were soon integrated into defense against the LRA, which made them a target of the rebel attacks. Military dominated establishment of protection camps bypassed local government authorities, also separate institutions were established through the camp leaders structure, who reported to the military heading the camps though and not local government. Local government at lower level, thus, basically disappeared. Local

government officials at sub-county and district levels continued to play a certain role, especially the district in coordination of assistance and political advocacy, which however remained little effective until 1999, respectively 2003. In this earlier phase of the conflict and during much of the existence of the IDP-camps, local governments were rather powerless. They experienced, on the one hand, erosion of their role, substitution by separate structures established by the military in the IDP-camps, so-called “camp leaders“. As much of the population was in the camps, most of their citizens were not in their immediate sphere of influence and the military was much more mighty than local government. The Advocacy Coalition (AC) developing in this phase had the guiding idea of “counterinsurgency combat“ and was between central government with the military and external actors like donors and relief organizations, which were largely accepting the government’s war strategies. The population, civil society initiatives and local government were on the weak side and in a joint AC according to the guiding idea of “marginalization“.

When in the later phase of the conflict doubts had appeared on President Museveni’s long war against the LRA - that did not bring peace to the region and caused prolonged suffering and costs of relief items and work - attention to the plight of IDPs started to grow. Important international stakeholders such as Scandinavian donors, the UN and humanitarian organizations started to build an advocacy coalition with local actors, such as civil society and human rights initiatives and local government, with the guiding idea of “freedom for IDPs“. Due to increasing pressure on the government by this AC, the national government gave in and – even though more motivated by secondary aspects and thus with certain ambiguities - took up initiatives for a policy on internal displacement.

Under these circumstances, local governments won back many of their duties and authorization, however national government made sure that control organs from the central levels had and have co-determination. Hereby, I point out that those are on the stronger side due to better connections and financial dotations. E.g. local governments are to monitor the provision of government services, as well as the implementation of projects in their area, including supervising work performance of other persons employed by the government to provide services in their area (Constitution of Uganda, Chapter 11, 171, Clause 2). But this responsibility is shared with the Resident District

Commissioner (RDC), who is a senior civil servant pertaining to central government, tasked with the coordination of government interventions in the district, advice for the district chair-person on issues of national concern relevant for the district and the relations between the district and central government (Constitution, Article 203).

Comparing the regulations of the local government system - that at the time of its creation constituted the most radical decentralization exercise world-wide - with its practical implementation, research has shown serious limitations. These have ranged from unwillingness of central government ministries to hand over responsibilities, to capacity-constraints, to lacking information provision to the population, to financial autonomy strongly reduced through the abolishment of Graduated Tax in 2005. (Steiner 2008)

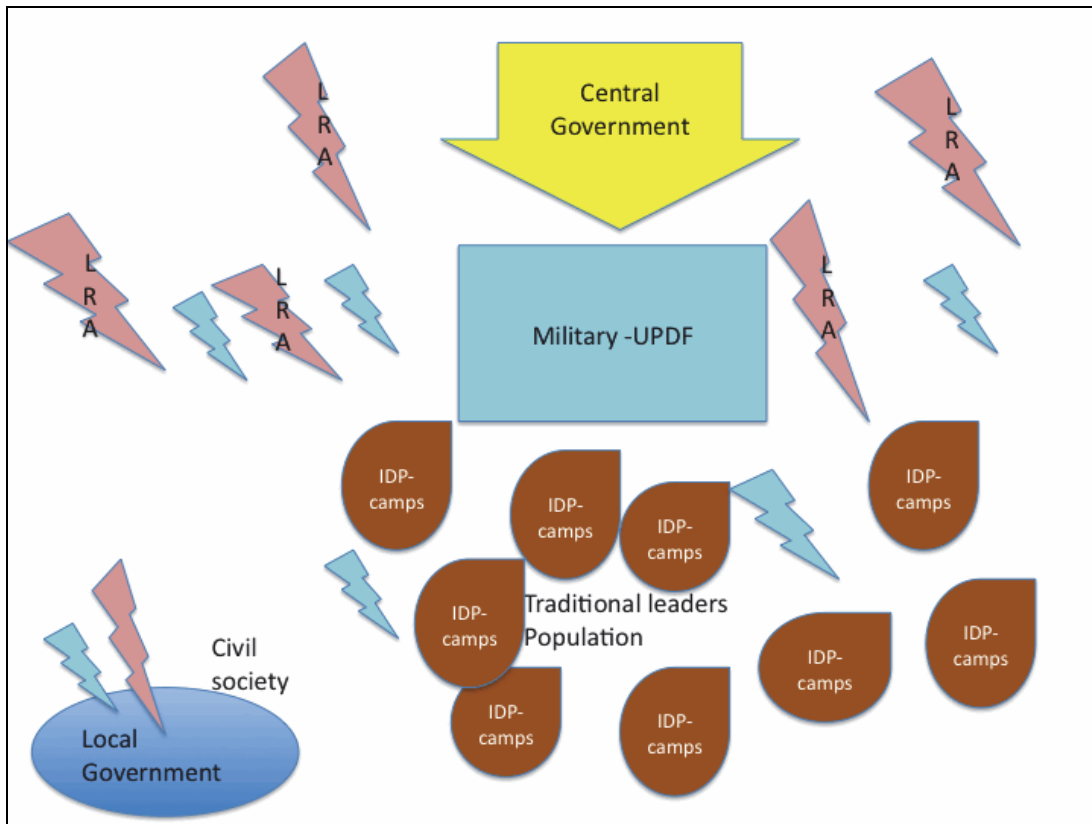
From 2007, meanwhile in a context of international interest in the situation in North Uganda, many donor interventions for the recovery of the region, vast areas of land and resources potentially open for acquisition, exploitation or use existing, North Uganda has reached new significance for the government and other national actors. Yet, local government seemed to not have profited from this much, but rather retrogression continued. In this hindsight, there was significant debate on the topic of traditional leadership, which despite losing much significance in the time in camps, through the NGO of Acholi leaders Ker Kwaro Acholi, now received donor support and funds from the Peace, Recovery and Development Program (PRDP) for reconstruction, while local governments had severe financial and capacity challenges to do the coordination work of the reconstruction process without separate financial means for this.¹⁶⁵ As illustrated

¹⁶⁵ Under Article 246 of 1995 Constitution it is a legal Cultural Institution. KKA states to be the “modern“, legally organized structure of traditional leaders in the Acholi region, headed by paramount-chief Rwot David Onen Acana II, supported by a secretariat, who try to organize and give formal leadership to the 54 chiefs with their clans, and act as custodian of Acholi cultural practices and values (interview, KKA-program coordinator, 20 May 2010, KKA Strategic Plan 2009-2014, p.1f.). Traditional leaders/chiefdoms according to the constitution cannot levy taxes and other fees by the population (Constitution of 1995, Article 246), I presume that this is why the forming of a NGO was pursued. As outlined in its Strategic Plan, KKA has become an implementing organization of reconstruction and developmental projects with the strategic objectives (1) consolidation of traditional cultural institutions, (2) peace-building and reconciliation, (3) promote community empowerment, and (4) promote inclusive governance. In terms of funding, KKA received project-support from actors such as USAID, UNIFEM, OPM under the PRDP. To get better adapted to modern realities KKA was in a restructurement process into a “working institution“ and has been establishing structures and policy organs such as the Council of Chiefs, Executives of the Council of Chiefs, Cabinet ministers, Secretariat, building of traditional palaces and worked at including women in cultural activities. (KKA Strategic Plan 2009-2014, p.2ff., interview, Program Coordinator KKA, 20 May 2010)

in the figure below, the role of local governments thus has been rather marginal – within which their staff tried to work as good as possible – and in the reconstruction process with many interests involved is getting even more so, again. The ACs at the time of research seemed to develop into one with the guiding idea of “(re-) establishment of authority in North Uganda“ including national government, traditional leaders, development donors and organizations versus one with the guiding idea of “feeling marginalized“, consisting of returning population, local critical civil society and local government.

The figure below depicts the conflict constellation and position of local governments in the North Ugandan conflict during the long phase of the IDP-camps and war still existing. Hereby, the lightning bolts indicate conflict actions such as attacks or human rights violation or forced displacement to IDP-camps, with those in red stemming from the LRA and those in blue caused by the armed forces. Today’s situation has a strongly reduced presence of the LRA-rebel group and instead a higher activity of development actors and firms working in opening up the region for development and investment.

Figure 2: Local government in the conflict constellation in Uganda



(Source: Own elaboration)

5.2.3 The Ugandan IDP-Policy and its Implementation

5.2.3.1 *The IDP Policy and additional provisions*

This chapter in part draws on contents that I developed earlier, when the opportunity arose to present comparative experiences on norms on internal displacement in the Colombian journal *“International Law”* (cf. Santner 2013a).¹⁶⁶ For reasons of

¹⁶⁶ In this publication, I described and analyzed the Ugandan norms on internal displacement, major successes and problems in implementation and made comparative indications to the Colombian normative framework of dealing with displacement (cf. Santner 2013a).

transparency and to facilitate easy and exact traceability of the sources, I maintain here the original citations. Where same sources are drawn upon, I avoid identic formulations.

Uganda has a rather comprehensive legal framework to protect the rights of IDPs. The constitution, the primary basis for the Ugandan legal system, includes a bill of rights that encompasses all the universal human rights standards agreed in international instruments (Okello and Ng in Dolan/Hovil 2006:9). Under numerous provisions the rights and welfare of all Uganda citizens are stressed, especially under “XIV. General Social and Economic Objectives“, and “Chapter Four. Protection and Promotion of Fundamental and Other Human Rights and Freedoms“ (Constitution of the Republic of Uganda p.25, resp. p.39ff.). In August 2004 the government published, and in February 2005 officially launched, the “National Policy for Internally Displaced Persons“, one of the first such policies worldwide. The IDP-policy states that IDPs have the right to equal protection and non-discrimination by government and that they have the right to request protection and humanitarian assistance from national and district authorities. The policy is consistent with international humanitarian and human rights law, as well as with the UN Guiding Principles on Internal Displacement.

The objective of the “National Policy for Internally Displaced Persons“ is to “alleviate the effects of internal displacement by designating responsibilities and setting up of a multi-sectoral, multi-disciplinary intervention structure that will ensure timely protection and provision of assistance to displaced persons“ (Republic of Uganda - Office of the Prime Minister 2004:3). Hereby, the Department of Disaster Preparedness and Refugees of the Office of the Prime Minister (OPM-DDPR) is the responsible lead agency for IDP-protection and support, i.e. supervision and coordination of interventions by ministries, humanitarian and development organizations and effective and timely protection and assistance for IDPs (Republic of Uganda - Office of the Prime Minister 2004:3-4). The Commissioner for Disaster Management and Refugees is responsible for coordination and supervision of activities for the protection and welfare of IDPs. Officers designated to him/her can demand actions for IDP-support of relevant government officials and institutions, if such fall under their mandate (Republic of Uganda - Office of the Prime Minister 2004:4).

On national, district and sub-county-levels a number of committees are to coordinate planning mechanisms and to effectively address protection of IDPs and provision of

humanitarian assistance. The committees are expected to come up with an integrated approach to management and mitigation of the effects of internal displacement, including adequate and well-defined reporting systems to enable evaluation of interventions in the field of internal displacement as well as to improve early warning systems to enable prevention: The hierarchically highest committee is the *Inter-Ministerial Policy Committee (IMPC)*, has the responsibilities of policy formulation and overseeing of IDP-concerns and is chaired by the Minister in charge of Disaster Preparedness and Refugees (currently the Prime Minister). The IMPC includes the Ministries of Internal Affairs, Finance, Planning and Economic Development, Agriculture, Animal Industry and Fisheries, Health, Lands, Water and Environment, Defense, Education, Local Government, Gender, Labour and Social Development, Justice and Constitutional Affairs, Works, Housing and Communications, as well as that of Information. Donors, the UN Resident Coordinator, representatives of relevant humanitarian or development agencies may be invited to participate in its deliberations. An *Inter-Agency Technical Committee on Internal Displacement (IATC)* was set up by the Permanent Secretary of the Office of the Prime Minister and is in charge of planning and coordinating activities of the sectoral Ministries, governmental departments, private sector, the United Nations, other international organizations and NGOs. This includes also preparation of plans, mobilization of resources and the establishment of all necessary committees and sub-committees. The IATC's members consist of senior officials from relevant ministries, the Uganda Human Rights Commission, the Amnesty Commission, the UN and other international organizations working directly with affected communities, the donor technical groups, and the head of the UN Office for the Coordination of Humanitarian Affairs (OCHA). The IATC was tasked with a broad range of activities including legislative proposals, monitoring and reacting to human rights situation, protection of IDPs, prepare a national rehabilitation and reconstruction plan and a national relief plan to meet the requirements of IDPs and to enable IDPs to return, resettle and reintegrate, including human resources qualification needs and overseeing of funds allocation, establish disaster preparedness and management committees responsible locally and dissemination of the National IDP Policy, also in local languages. Among the tasks are work with donor technical groups to mobilize resources, reporting and issuing of recommendations to relevant stakeholders. (Republic of Uganda - Office of the Prime Minister 2004:6-10)

The *Human Rights Promotion and Protection Sub-Committee (HRPP)* cooperates with the Uganda Human Rights Commission (UHRC) and is tasked with monitoring and ensuring that all processes respect national and international human rights standards. It is composed of actors from government ministries, local authorities, humanitarian and development agencies and is also the focal point at community level for feedback and claims, for legal aid and reporting independently on the human rights situation on the ground. This committee also exists in the districts, constituted by a representative of religious institutions, of NGOs, of humanitarian and development agencies, of the UHRC, the District Police Commander, of the Amnesty Commission, and the DDMC. (Republic of Uganda - Office of the Prime Minister 2004:10f.,15f.)

The *District Disaster Management Committee (DDMC)* is the lead agency at district level regarding the IDP-topic. It is constituted by the relevant government departments in the local authority, humanitarian and development agencies as well as the private sector resident in the district. The Chief Administrative Officer (CAO) heads the DDMC and is responsible for mobilizing local resources for the welfare of IDPs, the Resident District Commissioner (RDC) is responsible for the security of IDPs, one male and female IDP respectively represent the interests of IDPs. The DDMC has the freedom to employ staff, use outside assistance, delegate duties and conduct consultations. The CAO has the duty to ensure implementation of the IDP-policy and also is tasked to deliberately guarantee consultation of displaced women and youth. This committee also exists on sub-county level and is the respective lead agency in the sub-county. It is headed by the Sub-County Chief and constituted by him/her in consultation with the Chairperson of Local Council III and all relevant heads of departments, humanitarian and development agencies and the private sector resident in the sub-county. (Republic of Uganda - Office of the Prime Minister 2004:11-15)

Under the section “General provisions, 3.1 Security“ the IDP-policy amongst others spells out that the DDPR, UHRC, humanitarian and development agencies are wished to sensitize the police and other armed forces on this policy, the UN Guiding Principles on Internal Displacement, Child Rights, regional and international human rights law and International Humanitarian Law. Also a provision says that special measures to prevent sexual violence, early marriage and other forms of exploitation of the most vulnerable IDPs shall be implemented by government with support of humanitarian and

development agencies. (Republic of Uganda - Office of the Prime Minister 2004:19ff.) Furthermore, freedom of movement, voluntary return and resettlement, property rights, family unification, governmental efforts to ensure food security, shelter, clothing, education, health, water and sanitation, resettlement kits, rehabilitation of infrastructure are guaranteed in the policy (Republic of Uganda - Office of the Prime Minister 2004:21ff.).

The UN, international aid agencies and NGOs are expected to channel their support as much as possible through the relevant line ministry, or where there is no clear line ministry, as e.g. in non-food items, through the OPM/DDPR or the “Local Government/communities in need“. Channeling of assistance through local humanitarian and development agencies and the private sector is encouraged to support local capacities. (Republic of Uganda - Office of the Prime Minister 2004:36f.)

The policy recognizes the important role of media and communication, states that free broadcasting of IDP-assistance shall be made sure, commits the OPM/DDPR to encourage cooperation among governmental institutions and other role players to support information availability, and requests support with radios from donors (Republic of Uganda - Office of the Prime Minister 2004:38f.).

5.2.3.2 *The Peace Recovery and Development Plan*

As mandated by the IDP-policy a reconstruction and post-conflict rehabilitation program was designed, the *Peace Recovery and Development Plan (PRDP)*. For this, an Inter-Ministerial Technical Committee (IMTC) was created and undertook a two-year long consultation phase “with all stakeholders at the district and national level“. According to the PRDP, this program is a government commitment to stabilize and recover the Northern Ugandan region in three years through coherent programs within a framework binding all stakeholders in implementation. Not only the regions explicitly targeted and most-affected by the LRA-insurgency are included in the PRDP, but all of Northern Uganda. Moreover, the PRDP is stated to be aim to “disaggregate the North from national sector plans“. It is to establish targets sensitive to the specific needs of the included sub-regions to raise their socio-economic indicators to the national average. As stressed in the PRDP-document, the program was based on lessons from previous support programs for the North of Uganda. (Republic of Uganda 2007:viii)

The overall goal of the program is to effect consolidation of peace and security, as well as building the basis for peace and development. The PRDP's four strategic objectives are, (1) re-establishment of state authority, (2) rehabilitation and empowerment of communities, (3) economic development, and (4) reconciliation and peace-building. For this, 14 specific programs were defined, according to the framework document selected by the districts based on their significance for stabilizing North Uganda (Republic of Uganda 2007:viii):

Table 5: PRDP programs

- a) Peace agreement initiatives
- b) Enhancement of police presence
- c) Enhancement of prisons in the region
- d) Rationalization of auxiliary forces
- e) Enhancement of the judicial sector
- f) Strengthening local government
- g) Humanitarian assistance in emergencies
- h) Return and resettlement of returning IDPs
- i) Recovery of returnees and community empowerment
- j) Production and marketing
- k) Rehabilitation of infrastructure
- l) Management of environmental and natural resources
- m) Public information
- n) Education, communication, sensitization and counseling
- o) Demobilization, amnesty, and reintegration.

(Source: Republic of Uganda 2007:viii)

The PRDP is inter-coordinated with the Ugandan Poverty Eradication Action Plan (PEAP) and its evaluation and comparison of the respective results and criteria was planned after the three years' duration. According to the PRDP, the program strives to enhance an enabling environment and to comprehensively address the vulnerabilities that arose in the conflict. (Republic of Uganda 2007:20,26)

According to the PRDP-document the preparation process of the framework included a desk-study, to learn from experiences from the past (Republic of Uganda 2007:19f.). Shortcoming of such were e.g. lacking coherence among interventions of the many stakeholders active in Northern Uganda due to the lack of an agreed framework, joint strategy and objectives for coordination interventions. Further, separate structures in the past did not generate a common understanding of problems, gaps and agreement on

targets, and complicated monitoring and evaluation of inputs and outcomes (Republic of Uganda 2007:103ff.). Then the consultation process with Ministries, local government and political leaders on strategic policy, technical and program issues took place, resulting in a consensus on the strategy towards Northern Uganda. Within this strategy, districts were asked to review their needs, proposed their priority programs and submitted their corresponding plans. Consultative workshops were held with the MPs of Northern Uganda. A draft policy document was shared and discussed in a national workshop with national and international stakeholders to ensure their input into the final document. The final document was presented to cabinet and parliament for approval (Republic of Uganda 2007:19f.).

The Minister of State for Northern Uganda is responsible for the political supervision of the PRDP at national level, implementation however is coordinated under the OPM, by its Permanent Secretary. Programs and projects that are already in implementation in Northern Uganda have to be realigned with the PRDP. At national level a policy committee and a unit for the coordination and monitoring of the PRDP were created, serving as the sector level ministries' and local government's supervising organ of implementation and coordination. Hereby, the approach to work through existing structures, at ministry and local government levels, was chosen. As it was foreseen, for the districts' preparation of the implementation plan, sub-regional meetings could be held. The estimated budget of the PRDP was 606,519,297 USD with 31%, 30% and 39% to be spent in the three years. (Republic of Uganda 2007:viii-ix)

The Northern Uganda Rehabilitation Policy Committee is chaired by and its budget overseen by the mentioned Minister of State. This committee meets twice per year, is responsible for advocacy and resource mobilization, the ensuring that the programs under the PRDP are coherent and consistent with national policies. Further, it reviews on-going interventions and provides advice on major government policy changes relevant for North Uganda. Another mechanism is the forum of development partners and stakeholders, which meets quarterly for discussion of reports on the progress of the PRDP-implementation. For harmonization of actions with the PRDP and liaison with line ministries, district- and lower local governments, development actors and NGOs an operational unit was formed. (Republic of Uganda 2007:103f.)

Management and coordination of the PRDP, including implementation plans and

monitoring, at local government level are the task of the Chief Administrative Officer (CAO) together with the political leadership of the district. In order to follow up on implementation of the PRDP, a Liaison Officer was foreseen to be hired by the CAO. Composed of sector specialists, the Technical Planning Team of the district has to take charge of development and implementation strategies, identifying key activities and partners. It has to oversee progress of procured works, coordinate activities between the different sectors, observe and account for the respective budgets and investments. The sector specialists also are tasked with leading their technical sub-committees which also include international and national NGOs, and other development stakeholders and coordinate the activities in the sector in the district. (Republic of Uganda 2007:108) It is stressed in the PRDP that emphasis is put on compliance of the programs with the decentralization policy (Republic of Uganda 2007:111).

Table 6: PRDP budget attribution by objectives

(1)	Consolidation of state authority (23.8% or 144,351,593 USD),
(2)	Rebuilding and empowering communities (47.40% or 287,489,620 USD)
(3)	Revitalization of the economy (23.18% or 140,618,275 USD)
(4)	Peace-building and reconciliation (2.70% or 16,404,995 USD)

(Source: Republic of Uganda 2007:113ff.)

According to an OPM-staff (interview, 01 June 2010), after the PRDP a follow-up program was foreseen, as the recovery will take longer than the three years' PRDP-duration.¹⁶⁷ This successor-program is not treated in this dissertation, as it was not yet in place at the time of research.

5.2.3.3 Institutions

Overall implementation of the IDP-policy is led by the *Office of the Prime Minister, Department for Disaster Management*, which opens chapters where there is displacement of a larger scale. These have the task to support local government, which is the main responsible institution in implementation, and to guarantee consistency of activities in the district with national provisions. The regional offices are maintained until the end of the displacement situations. The OPM provides staff to the DDMC,

¹⁶⁷ Giving as an example water coverage, he explains that currently in Gulu district the water coverage is at 35% and that for 85% to be reached it will take five years (member, OPM-Gulu, interview, 01 June 2010).

taking over the role of secretary of the DDMC and, in cooperation with OCHA, ensuring fulfillment of standards in all of the included sub-counties. (Interview, Disaster Management Officer, OPM-Gulu, 01 June 2010)

Yet, the main implementing institution of the PRDP is *local government*: After the National Resistance Movement took over power in 1986, a system of government relying on a far-reaching decentralization was created. Hereby, so-called Local Councils (LC), consisting of representatives of different constituencies in the community, debate and deliberate on local concerns. These start at village level (LC 1), and exist on the following other levels, parish (LC 2), sub-county (LC 3) up to the so far highest decentral political entities, districts (LC 5). (Local Governments Act 1997)¹⁶⁸ The creation of a provincial level is in discussion (interview, Governance Program Officer, Austrian Development Cooperation, Kampala, 25 April 2010), but has not been introduced so far. The lowest local government entity with formally established and authorized structures is the LC 3, or sub-county. The lower levels of local government are considered as administrative support structures to the LC 3-level, doing consultation and disseminating information for it. As these levels were not elected for a long time (only again in 2011), legitimacy problems, long-term problematic side-effects of functions, as well as capacity-gaps existed at the time of research. E.g. these levels had mostly been left out in the different capacity-building efforts that mostly concentrated on districts and to lesser extents still the sub-county/LC 3-level (interviews, coordinator of EC-program NUREP¹⁶⁹, members, Ministry of Local Government, ACORD, 14 April, 15 and 20 May 2010, Gulu). From July 2010 also LC 1 and 2 (village and parish levels) received salaries, with this commitment and time-availability might be strengthened (*Daily Monitor*, 03.06.2010, p.1f.).¹⁷⁰

¹⁶⁸ The originally also existing local government entity at county-level (LC 4) meanwhile only exists on paper, as the basic entities for planning and implementation, LC 3 and LC 5 have taken over the competences first conceived to be under LC 4 (interview, member, Local Government Ministry, Gulu, 15 May 2010).

¹⁶⁹ The Northern Uganda Rehabilitation Program (NUREP) is implemented with the Office of the Prime Minister and districts (NUREP-coordinator, interview, 14 April 2010).

¹⁷⁰ As Burkley (in Tripp 2010:115) found, after initial popular support in the NRM-government, by 1991 LC1 and 2 meetings had low turn-out. Burkley attributed this to be caused by onerous duties of LCs not matched by respective authority, power and autonomy in decision-making. Golloba-Mutebi (in Tripp 2010:115) found in 2004 that by the late 1990s the participative element of the LCs had nearly

As in many other regions of Uganda, also in the North local government capacity is weak. Even though at sub-county level frequently eight positions are planned, between one and three are recruited. (Interview, former civil servant, USAID, 04 June 2010) Hence, adequately skilled staffs, equipment and funds are lacking. Repeated proliferation of districts also weakens capacities, as with the splitting up into new districts the “old” district loses staff and knowledge. Positions get filled by persons not qualified enough, which compromises capacities. Lacking supervision and commitment result in poor work-time attendance amongst others. (Former civil servant, USAID, interview, 04 June 2010)

As visible above, thus, in the Ugandan IDP-policy there is a strong reliance on donor-support and a multi-stakeholder approach with a somewhat blurred coordination structures with tasks between OPM and local government not clearly separated.

5.2.4 Successes, limitations and lessons learnt of the IDP-policy

This section analyses the experiences made with implementation of the above described policy and its institutional framework in the Acholi region, for which first a general analysis of implementation is given. The following sub-section sums up assessments of interviewed actors, with successes, limitations, and lessons learnt utilized as structuring elements. As analytical material study reports, working material such as operational plans of programs and minutes of meetings within the framework of implementation work on the IDP Policy are used, as well as qualitative, semi-structured interviews that were carried out in the Acholi region with representatives of institutions, organizations and social groups before identified as relevant for gaining knowledge on this according to the method of theoretical sampling (Glaser and Strauss in Lamnek 2005:190). These were selected to be representatives of national and local government entities, local civil society, research institutions, international organizations, international non-governmental organizations, and donors (see below table listing interviewed experts and individuals from relevant social groups).

disappeared in Rakai and Mukono districts, with similar findings in studies of other parts of Uganda (e.g. Uganda Participatory Poverty Assessment Project 2001 in Tripp 2010:115). As in North Uganda LC-structures to large degree went dormant in the time of displacement, functioning of structures is there an even bigger challenge.

Table 7: List of actors interviewed in Uganda

Nr.	Entity/Group description	Relevance / Role	Where (district, region)	Nr.
	National & local government entities			
(a)	Office of the Prime Minister	Overall responsibility for IDP-policy & its implementation	Commissioner/OPM Kampala; OPM Gulu / Gulu district	2
(b)	Local government administration members	Currently and/or formerly, working on support to internally displaced persons and in this function formally in charge of coordination of IDP-related activity in the respective district	Gulu, Pader, Kitgum districts (for Kitgum former responsible staff interviewed in Gulu);	3 (of 3 in total responsible during displacement emergency)
			Community Development Officers Gulu, of one Sub-county of Pader; Sub-county chiefs (3);	3
(c)	Resident District Commissioners	The liaison person between central and local government in districts, representative of the President in districts	Gulu district	1
(d)	Civil Military Relations Coordinator	Military official in charge of civilian protection and in this function also the overall authority on the setting up and supervision of the IDP-camps created in the region	Acholi sub-region, interviewed in Gulu	1 (of 1)
(e)	Uganda Human Rights Commission	Responsible from side of state for monitoring and protection of human rights (since its start of engagement in North Uganda in 1999)	Acholi sub-region, interviewed in Gulu	1 (of 1)
	Local civil society			
(f)	NGO Forum Gulu, NGO Forum Pader, human rights organization HURIFO, ACORD	Engaging in advocacy for IDP-rights and interests of the local population	Gulu district, Pader district	2 (of 3)
			HURIFO: Gulu Town (working on Acholi sub-region)	1
			ACORD, Gulu	1
(g)	Traditional leaders / NGO of Traditional Leaders (Ker Kwaro Acholi)	Traditionally head of local political systems, ritual and judicial duties for local social order, since displacement somewhat transformed / weaker role, status, role and its fulfillment in flux.	Sub-county of Pader	5
			Ker Kwaro Acholi (staff of KKA)	1

(h)	IDP-representatives	So-called opinion leaders, community leaders (elders, sub-county members, councilors, CBO-representatives), Traditional leaders;	historic Gulu district: Amuru camp	5
			Atiak, historic Gulu district	10
			Ongom, Pader, sub-county (traditional leaders, see above)	5
(i)	Individual IDPs, in camps, as well as already in return phase	Individuals without declared official functions	Pader, sub-county (community meeting)	20 present
			Juba locality, Adac, Gulu district	2
(j)	Research institutions and individual researchers,	Conducting academic studies on IDP-issues	Refugee Law Project Kampala, Gulu	3
			Makerere University, Dept. of Sociology, Kampala	1
(k)	Journalist/media representative	Reporting on / from North Uganda for daily The New Vision since mid-1990s	Kampala	1
	International organizations			
(l)	OCHA	Responsible for coordination of response to humanitarian crises in UN-system	Gulu	1
(m)	UNHCR	Responsible for leading IDP-support in the area of protection of IDPs' human rights	Gulu, Kampala	2
(n)	IOM	Undertaking comprehensive reintegration project at the time of research in Acholi-region	Gulu	1
	Donors			
(o)	USAID	One of main donors of rehabilitation support for North Uganda	Gulu	2
(p)	European Commission	Support big rehabilitation program with focus on local government	Kampala, Gulu	2
(q)	Austrian Development Cooperation	Smaller donor	Kampala	1

(Source: Own elaboration)

According to most individuals involved in implementing the IDP-policy interviewed, the IDP-policy¹⁷¹, generally spoken, is strong. **Strengths** of the policy were attributed especially in two thematic fields, providing structure to the processes of coordination with the humanitarian crisis, and secondly creating a framework and regulation body that can be referred to by all sides and makes respect of the rules set mandatory, as detailed in the following:

The main structural aspects that were improved by the IDP Policy were: The policy gave definitions on displacement, roles and responsibilities of the different institutions, as well as also IDPs, whose legal status was formally defined. This had the effect that the idea of IDPs having needs was broadened and empowered IDPs. (RDC Gulu, staff, OPM, former staff of Kitgum District Local Government, interviews, 11 May, 01 and 04 June 2010) So, the policy became a document to refer to when dealing with the military and other stakeholders on IDP concerns. Here, it has been positive that the policy roots itself to many UN-documents, African charters, is sensitive to rights of women, children, vulnerable individuals. (DDMC-Chair Gulu, interview, 18 May 2010) The DDMCs were strengthened. Furthermore the policy provided guidance for local and national institutions on the work with humanitarian agencies in managing assistance in a planned way. The policy, as well as in further process the introduction of the cluster approach, strengthened coordination, made a re-organization of resources possible, as it helped define what was actually seen as important and through attribution of areas of work to different actors according to their expertise. (DDMC-Chair in Gulu, RDC Gulu, staff, OPM-Gulu, former staff Kitgum District Local Government, interviews, 18 and 11 May, 01 and 04 June 2010)

In this line, a member of the UHRC stated that a strength and an important thing brought about by the policy was the *Human Rights Protection and Promotion Committee*. It exists on district and sub-county levels, and was created because of the involvement of human rights organizations and the UHRC in the preparation of the policy. These committees, chaired by the UHRC, bring together all initiatives on protection and human rights and ensure coordination and information sharing on these topics. At the height of the conflict these structures have been extremely important to

¹⁷¹ This is the Chair of the DDMC Gulu (including until 2006 Amuru), staff OPM-Gulu, RDCGulu, Asst. Chair DDMC Pader, staff, UHRC Gulu.

attend to protection needs. As the UHRC-representative interviewed stated, most of the problems in the field of protection, like gender-based violence, child-protection require a forum to discuss it. The committee at district level monitored and reported every month. (Interview, 27 May 2010)

The policy-document is written in a clear and accessible way, was easy to work with and in the booklet form in that it has been published also “handy“ (RDC Gulu, interview, 11 May 2010). The latter seems to be a point not to be under-estimated. As e.g. former development worker in the Ministry of Gender, Youth and Social Affairs in Kampala (conversation, 20 March 2010), explains, manuals and guidelines tend to be much produced, but little read and followed more approximately according to what many civil servants and other staff working around the respective topic think will be in this material, rather than studying it actually before taking action. Statements in several interviews and the observation that at times people knew more approximately what was the content of the IDP-policy seem to confirm this. The policy came in a well-chosen format, the booklet with about 40 pages seems to be readable and workable.

Among the aspects of creating regulations that effectively enforce accountability, the following concerns were mentioned: As the policy prohibits displacement without a reason, “it protects them now from displacement by the government“. The policy protects land-owners from arbitrary displacement without compensation, the government must then follow legal procedures backed by the constitution. Also, the policy empowered local government to lead interventions on IDPs. In the return-phase, political leaders wanted forceful return, but administrative staff of local governments and humanitarian agencies such as UNHCR used the policy to stop this. Different to the before practised approach, the UPDF was mandated by the policy to protect IDP-camps from the periphery, which was important especially at night. (Chair DDMC Gulu, staff, UNHCR Gulu, interviews, 18 and 17 May 2010)

The **weaknesses** the interviewees identified were:

The Program Manager of the Norwegian Refugee Council in Gulu saw the fact of the policy being “only“ a policy, not a law as a weakening circumstance, which diffculted enforcing implementation (interview in Santner 2013a:108). Due to the AU Kampala Convention’s entering into force, however this has meanwhile changed. According to the IDMC (2013:13) preparation for the development of additional provisions to fulfill

the comprehensive requirements of the Convention have started in 2012 with an AU workshop in Uganda.

Several issues were formulated in soft way (*New Vision* journalist, interview, 28 April 2010). Also the OPM, as the institution leading and coordinating implementation at national level, could not sanction stakeholders for not carrying out their tasks (Interview, NRC-Program manager in Santner 2013a:108).

The policy was developed in an emergency way, with regard to a situation already existing (member, OPM-Gulu and secretary to the DDMC, interview, 01 June 2010). As it was designed to fit the context of North Uganda, other regions that had or have IDPs may not be able to use the directions in it in the same way. Also, the IDP-policy does not cover urban IDPs, estimated to be between 300,000 and 600,000, living in towns and trading centers in Northern Uganda and towns outside the region. (*New Vision Journalist*, interview, 28 April 2010, Refugee Law Project in Santner 2013a:111, Protection Cluster of 16 July 2009 in IDMC 2009:3)

A key weakness of the policy was that it premised existence of the capacity to implement it. In the North Ugandan situation, however, there was lack of human and technical capacities and financial resources. Challenges lay in operationalizing work aspects related mostly to the effectiveness of local governments, e.g. the Human Rights Protection and Promotion Committees, which were in some districts strong, in others not, depending on the varying appreciation and knowledge of human rights concerns in the respective district local governments. (Interview former staff, Kitgum local government in Santner 2013a:104f., member, UHRC, interview, 27 May 2010)

Further, there was little consultation done in preparation of the IDP-policy, so the approach was too little bottom-up (*New Vision* journalist, Gulu, interview, 28 April 2010, interview IDPs in Santner 2013a:106). This led to a number of concerns not being included. For instance, according to a former WFP/NRC food aid supervisor (interview, 27 May 2010) a financial burden for many returnees was that people were asked to return to their original home-sites without being able to take the material of their huts with them. Consequently, people had to build the houses anew and buy some of the material, which is a considerable difficulty for many. It might have been feasible to organize transport of material of homes to the return areas. The empty houses were demolished by local government and humanitarian agencies, which is a loss of capital,

before mostly built up by the IDPs.¹⁷²

Moreover, demining-issues had been projected different to the actual situation, as the pervasiveness had been strongly underestimated so that the process took longer and was more cost-intensive than thought (RDC Gulu, interview, 11 May 2010). Another aspect not considered in the IDP-policy were traditional beliefs of the local population. So, cultural ideas led to unwillingness of the population to work pieces of land where massacres had taken place without cleansing rituals to pacify angry spirits of the dead having been performed. (Interview, RDC Gulu, 11 May 2010).

There was high fluidity in the situation of displacement with many things changing fast, e.g. a time when it seemed that IDPs moved faster than the policy, so that the policy became rigid. This resulted in IDPs not being supported adequately to move further with re-establishment in the return areas (staff, USAID, interview, 04 June 2010), as seemingly the case at the time of research. Also, the IDP-policy did not address the situation after return clearly. (Members, UHRC, Gulu NGO Forum, interviews, 12 April and 27 May 2010) In the reconstruction and rehabilitation phase, some would not see the District Human Rights Protection and Promotion Committees as still relevant. The UHRC-representative interviewed stressed that these structures ought to be maintained, as the effects of displacement continue to play a role in the recovery process. He also pointed out that tracking issues of protection, civil-political and socio-economic rights, and progress of the PRDP was important in the phase of returnees' quest for durable solutions. (Interview, 27 May 2010)

According to Dole/Hovil a weakness was that due to growing attention by the UN Security Council the government created a Joint Monitoring Committee to oversee the IDP-situation and to work with the Ministry of Finance on a poverty eradication and development plan, which virtually nullified the policy's potential as protection tool. (2006:9)

As the coordinator of the Gulu NGO Forum criticized, in the rather bulky implementation structure the policy depicted government as problem solver and citizens

¹⁷² As an elderly returnee (interview, 29 May 2010) stated, upon displacement to IDP-camps, lacking assistance, people from her settlement had gone secretly back to their homesteads and brought building material from their "old" huts to build those in the IDP-camp.

as beneficiaries, but not failed to acknowledge that the government is an institution and citizens are supposed to be its owners. This logic was repeated in the PRDP that also presented government and civil society as main-stakeholders and problem-solvers with interventions to restore infrastructure, support people going home amongst others, but does not include returnees well. Government could come up with and monitor standards, rather than thinking of reacting to problems. As he suggested, government reacted from a financial point of view, as donors do, but unlike them, government is under legal obligation. (Gulu NGO Forum coordinator, interview, 12 April 2010)

A point not anticipated to the necessary degree by the IDP-policy and causing the majority of the conflicts in the return areas are land questions (member, UHRC, interview, 27 May 2010, Santner 2013a:113). People had been living for many years in camps: some have been born there, some died, some forgot the original demarcation. Thus, disputes on land became another impediment to return and durable solutions for former IDPs. A number of IDPs who tried to go to their “original homes“ could not enter, have been threatened or chased away and consequently returned to IDP-camps again. (Land Officer Kitgum District Local Government, 07 June 2010, opinion leader, community monitor in Amuru Camp, 06 June 2010) The Land Act has been amended in 2009 and ought to be implemented. Currently customary tenure and land titles given by modern state institutions are in part contradictory. (GNPF Strategic Plan 2010-2014, p.12) They can be played out against each other and bribes and power in practice play a big role in who gets access to land, as opposed to attribution of land according to who lived there before.¹⁷³

The RDC of Gulu (interview, 11 May 2010) mentioned that the policy had a psychological weakness, as IDPs did not believe that they can go back safely in long-term perspective.

A UHRC-member observed that at the peak of the IDP-crisis civil-political rights were most pressing and they continued to work on these, however, at the expense of socio-economic rights. Since, the UHRC expanded its work to also monitor the right to health and access to health services in the return areas. A problem was that human rights

¹⁷³ The interviewed Land Officer of Kitgum District (on 07 June 2010) suggested leasing as a solution, with lease-fees for Acholi residents to be taken over by government and commercial lease from individuals and firms from other regions to be paid by these themselves.

violations are dealt with only at individual level. Collective claims might be an issue for reconsideration. (Interview, 27 May 2010)

As identified by the Gulu-DDMC chair, the policy stated that displacement must stop if the circumstances no longer require it, however the end to displacement is so far still a difficult to define point (DDMC chair, Gulu, interview, 18 May 2010).¹⁷⁴

While it is positive that the policy provides for the establishment of a disaster fund, that had not been created. Only in 2010 there initiatives for this (such as the Local Government Association Disaster Fund and the Disaster Management Policy in elaboration by the OPM).¹⁷⁵ The respective provision in the IDP-policy is very short and vague and does not instruct on how such a fund can be created. Hence, the coordination for it and putting it into practice has been a challenge. (Interview, 18 May 2010)

A possibly related point was made by the Program Manager of the Norwegian Refugee Council (interview, 17 May 2010), stressing that a weakness of the IDP-policy is that the department administering it does not have a budget and that on the lower levels of government no staff is tasked separately and exclusively with IDP-matters. The Chief Administrative Officer (CAO), who is the chairman of the District Disaster Management Committee, has many other duties to fulfill and in a situation of displacement, hence, can be acutely over-burdened. The Assistant-CAO of Gulu (interview, 18 May 2010), corroborated the latter: no resources were attributed to local government which, however, was supposed to guide implementation. The OPM-staff seconded to support the DDMC in Gulu (interview, 01 June 2010) stated that due to inadequate resources, partners came in and bridged the gap adequately. I point out that this might be said diplomatically: Although support should be acknowledged, it is better to have flexibility for action without having to wait for external actors to extend the requested assistance.

¹⁷⁴ As a central staff of Gulu district local government (interview, 18 May 2010) explains, the UN is here also still in a reflection process and invited him to take part in the elaboration of criteria to define the end of displacement.

¹⁷⁵ Thrusted by the land-slides in May 2010 the Uganda Local Governments Association have taken a joint step to set up a disaster management support pool, into which every district is supposed to pay 500,000 Ushs and every sub-county 100,000 Ushs (Daily Monitor, 17 May 2010, p.7).

In the humanitarian crisis, ad hoc-work was the daily practice more than coordinated, strategic procedures. There was much duplication by initiatives, implementing activities often without coordination with other actors and local government. If coordination took place, then rather with camp leaders than with local government. (Member, Refugee Law Centre, interview, 10 June 2010, Kampala). Lacking coherence, weak efforts for common baselines, agreement on targets and approaches also complicated evaluation of emergency and reconstruction efforts (Greater North Parliamentary Forum Strategic Plan 2010-2014, p.8).

A former staff of Kitgum District Local Government, then in charge of the DDMC (interview, 04 June 2010), pointed to lacking capacity and resources on the side of local government. In the emergency situation, in practice, local government staffs working with the camps were reduced to one to two persons. So, in DDMC-meetings local government staff sometimes just listened to reports by NGOs and international agencies; with this the coordinating function of local government remained weak. With very little it could effectively do, local government remained dependent on NGOs. “Sometimes, because of this, you never gave direction and this, at times, would have consequences“. At times it was difficult to make sure the most urgent needs would be fulfilled as opposed to needs international agencies perceived through the lense of their specific mandates. (Former staff, Kitgum Local Government, interview, 04 June 2010). Other difficulties were that some organizations did not want to disclose their budgets and other information and ended up doing different things (member, OPM Gulu, interview, 01 June 2010). Without effective coordination of actors, an already difficult situation can be further complicated. In this context, in camps it occurred that IDPs saw themselves as “Oxfam-IDPs“, “World Vision-IDPs“, etc. and oriented themselves to organizations supporting them, rather than general administration rules. Further, local coping mechanisms of the population were partially harmed by over-prescribing interventions, with the effect of making communities more dependant on outside assistance than it would have been necessary. Local government in such cases has to make sure agencies would not instal systems that, after they go, leave big gaps. The, at the time of research much mentioned, category of “Extremely Vulnerable Individuals“ in the view of the interviewee might partially still be left in camps because of

humanitarian agencies defining that these could still receive assistance.¹⁷⁶ (Former staff, Kitgum local government, interview, 04 June 2010)

Meanwhile in a phase of early recovery, local government seemed to come into a better position for coordination of interventions. Letters of introduction and accompanying respective personal meetings had been made the usual procedure. Yet, remarks in interviews with local government civil servants and politicians on the topic of coordination were rather discrete, which might be related to lately declining aid. As pointed out by a former WFP/NRC food aid distribution supervisor, financial needs were getting bigger now, as opposed to “only“ emergency aid, reconstruction and development ought to take place. (Interview, 27 May 2010)

The creation of an encompassing framework, such as the PRDP, to create an overview and enable harmonization of interventions to support development and post-conflict rehabilitation of North Uganda, accomodating a multi-stakeholder and multi-issue approach, was estimated as positive by most actors, ranging from government to donors and civil society (NUREP-Program Coordinator for Acholi region, interview, 14 April 2010). The disadvantage, of this is that the PRDP’s “all-comprehensive“ formulation, apparently also caused it to be seen as not of essential relevance for some actors, such as line ministries, whose representatives had been absent for months in the periodic evaluation meetings. (Interview, Northern Uganda Operations Manager, EC Delegation Kampala, 06 May 2010)

Commonly shared critique points by civil society initiatives were that the coverage of the PRDP comprises a much larger region than that affected by the LRA-insurgency, namely the Greater North, so that funds are less concentrated than originally expected. Moreover, a very big part of its budget, two thirds of the total sum of more than 623 million USD, were brought up by international donors. (Member, Refugee Law Project, interview, April 2010 in Gulu) The second most mentioned critique was a perception of imbalanced priorities of the PRDP: As the Northern region is now pacified and in the process of recovery and reconstruction, the PRDP should reflect this changed condition. Yet, most expenditures were for infrastructure, after this economic livelihood and, far

¹⁷⁶ Anaka’s LC 3 (interview, 20 May 2010, Gulu), stated on this, that contrary to cultural values and expectations the difficult situation in this early time after return makes it hard to support e.g. an elderly aunt.

below this, only 2% of funds to reconciliation so that the budget considered conflict causes and their social effects little. These were also superficially addressed in the PRDP document and the IDP-policy. Also, there are claims of insufficient legal backing of the PRDP. (Greater North Parliamentarian Forum Strategic Plan 2010-2014, p.ii,4, interviews, members, RLP, UWOPA, 12 and 26 April 2010)¹⁷⁷

A frequently voiced critique is also that due to lacking consultation and superficial information on its contents, the PRDP lacks popular legitimacy.¹⁷⁸ Its contents are either not or only superficially known among the population, especially returnees trying to establish themselves in rural areas (GNPF Strategic Plan 2010-2014, p.4, *New Vision* journalist, member, UHRC Gulu, interviews, 28 April, 27 May 2010, Achana in Kakaire 2009:5). Hence, paramount chief Rwot David Achana II due to the PRDP's start from above, without community consultations at the formation stage and communities now raising a lot of questions about it, requested the OPM to do sensitization of the population (Achana in Kakaire 2009:5). While in the preparation of the PRDP there was consultation, especially at the district level, as an OPM-staff said, this may have been "a bit technical" (member, OPM-Gulu, 01 June 2010). Also, local government politicians at lower levels asked the OPM for a simplified guidance, i.e. information material, to inform the population. The second year of PRDP implementation will include more consultation than the first, for which "there was a bit of dictating with the fixed four priorities (...)". Consultations would be planned now with community-members. Yet, as the development plan for the next years was in its approval phase already and as the work-plans must be harmonized with district development plans, much of the work on the PRDP-workplan for year 2 had been done.

¹⁷⁷ The EC NUREP-program manager argues that the sum is not that little, as such so-called "software"-projects have lower budgets than infrastructure projects. Also, donors like the EC would, additionally, finance such projects, so that there is more support than foreseen in the PRDP. (Interview, 17 April 2010, Gulu) While there is some truth to this, I would like to warn that erosion of social structures should not be underestimated.

¹⁷⁸ A reporter of the daily *New Vision*, said (interview, 28 April 2010), "In 2008 I made a radio-feature on what people in Gulu thought about the PRDP. I went to satellite camps (...) in Gulu and Amuru. First of all, the people do not even know what PRDP means. No translation was made (...). One woman said, it would bring money in her hands for the children's school fees. She thought it would be meant as direct hand-out. Other women said in real sense people do not know what it means, they have never seen it. One man said we expect it to cater for roads, which is at least under the plan. ...The PRDP has some weaknesses. It was delayed. It is very big... I think that there is too much people sitting in Kampala and thinking how to help people in the North, other than asking them what they want. "

(Member, OPM-Gulu, interview, 01 June 2010) This means, the consultation, pronounced as a strong feature, was likely to take place within parameters already fixed to large extent.

As evidenced by statements in group interviews with community members (e.g. in Atiak, Amuru district, on 15 May 2010, Ongom, Pader on 26 May 2010) most persons at the grassroots level did not know what the PRDP is. An elderly female in a group-meeting in Ongom, Pader, for instance said provocatively, “we don’t know what the PRDP is, is it a dog?!“, another male participant in the same meeting said “the PRDP is something that benefits only the rich, it does not get to the poor like us!“. The mentioned strong and emotional reactions indicate that many people at the grassroots-level felt left out from the on-going reconstruction process. Significantly, the first year of implementation focused on infrastructure-construction, like schools, local government buildings, police posts, health posts, often without services offered afterwards. This occurred parallel to many returnees struggling very hard to establish themselves in return areas and difficulties to satisfy even very basic needs existing.

Hereto connected, a problematic side-effect of life in the camps, the IDPs’ survival on hand-outs, to some degree was extended in the PRDP, with government portraying itself as service deliverer; there was little done to activate and empower people and see the population not just as recipients, but also as a resource. (Interviews, members of the NGO-Forum Gulu and UHRC, 12 April and 27 May 2010) Leadership weaknesses and administrative issues aggravated this, as - contrary to the portrayed service delivery role - in practice there is lacking understanding of the state’s obligation to provide services to the population and the understanding that service delivery, accountability to the population and development are not a privilege, but an entitlement. (Member, UHRC Gulu, interview, 27 May 2010)

As no funds for the coordination of the PRDP were foreseen, after its adoption, the interim solution improvised was that UNDP funds an OPM-staff acting as secretary of the DDMC for the period of one year (Assistant CAO Gulu, interview, 18 May 2010). This means that local government chairs the DDMC and is supposed to take the lead in coordination of all interventions under the IDP-policy, but the secretary of the DDMC is an OPM-staff and answerable to the Office of the Prime Minister at central level, but not to local government. Local government does not have separate capacities and

finances for the work involved with the DDMC, but this is supposed to be one of many other duties of the Chief Administrative Officer. In practice, this can curtail the authority and ability to carry out activities on local government-side, that however, is tasked with leading the process.¹⁷⁹ Also, the district has different needs, e.g. of reporting, than the OPM. There might be need for this staff to also be responsible to local government. (Interviews, former Community Development Officer of Kitgum District Local Government, staff, Gulu District Local Government, 04 June and 18 May 2010). As the Assistant CAO of Gulu district pointedly remarked, the current solution, “if anything, (...) disempowers local government staff” (interview, 18 May 2010).

Regarding general **lessons learnt**, it was identified that one should avoid by any means displacement of persons (Civil Military Relations Coordinator, interview, 24 May 2010). Another major lesson learnt was that it is better with creating procedures to not wait until the situation gets out of hand (member, UHRC Gulu, interview, 27 May 2010). Similarly, for the Assistant CAO of Gulu district (interview, 18 May 2010), a lesson learnt was that it is not possible to coordinate IDP-matters without a strong legal instrument and that partners prefer to work in a defined situation. A member of OPM Gulu (interview, 01 June 2010) said that a lesson learnt arising out of shortcomings in the implementation experience is that government should be in the lead for the purpose of sustainability. A former civil servant in Kitgum District Local Government now working for USAID (interview, 04 June 2010), also stated that government must remain the key player, as within the jurisdiction it is the primary provider of security, all that comes in later should be supplementary. He stressed in this hindsight that mandate and capacities, as well as abilities to exert the attributed tasks ought to match. Also reports on the different sectors should be done by the technical offices of the districts and not by humanitarian agencies. As, according to the constitution of Uganda local government is authorized to coopt other agencies for tasks, what happened, however, was in conformity with the law. (Interview, 04 June 2010)

¹⁷⁹ A civil engineer (interview, 27 May 2010), stated that in his observation local government staff was quite stressed by the amount of projects to be implemented within a short time, e.g. the engineering staff of Gulu district had 99 projects to be implemented.

A staff of OPM Gulu (interview, 01 June 2010) saw the introduction of the cluster approach as coordination mechanism as a best practice, as it brought partners together. OCHA's co-chairing the DDMC proved helpful to mobilize resources within a short time. It was stressed that good sharing of information and communication diminishes the plight of IDPs. Without effective coordination, the humanitarian crisis can deteriorate further and confusion be created. (Staffs, OPM, formerly Kitgum local government, interviews, 01 and 04 June 2010)

Both staffs of Gulu district local government and the OPM referred to another current displacement situation in the country, landslides in the East and West of Uganda. The OPM-staff, in a comparative analysis observed that despite the already existing IDP-policy was positively used as guidance there, still there the capacity of the DDMCs had not been there. In that line, he stated that building this capacity before a situation of displacement even occurs saves in the event a lot of resources and time. (Interviews, 17 May, 01 June 2010) Equally, according to Oxfam, international agencies had focused too little on capacity-development of local implementing government institutions. Regarding the post war-situation Oxfam recommended that roles between international agencies and local institutions, in the changing roles and situation of humanitarian aid to reconstruction and post-conflict rehabilitation, have to be better clarified. (Oxfam International 2008:2ff.) On district level, this mostly depended on the openness in the respective district for human rights issues and protection concern.¹⁸⁰ On the lower levels, at the sub-counties, implementation was hampered by capacity-shortcomings. (Member, UHRC Gulu, interview on 27 May 2010) As indicated by staffs of OCHA and UNHCR Gulu (interviews, 14 April, resp. 17 May 2010), international agencies took over in practice much of the national institutions' coordination work in the management of the IDP-issue.

According to a Gulu district local government staff the involvement of the affected groups, IDPs, and the local government working with them and local human rights and civil society groups was a good practice and resulted in all relevant issues having been

¹⁸⁰ This is currently still a factor as the UHRC tries to institutionalize the DDHRPPs for monitoring of human rights aspects, now also including socio-economic rights, and sometimes encounter the position that their work would not be needed anymore as the conflict is over (member, UHRC Gulu, interview, 27 May 2010).

considered in the policy. He sees bottom-up processes as having been absolutely applied in the policy development. (Interview, 18 May 2010)

A success and good practice that the Uganda Women Parliamentarian Association (UWOPA) stated to have contributed to was that the peace agreements are regarded as very gender-sensitive. Further, UWOPA lobbied for space for women in the PRDP-monitoring committee, now one female and one male member of parliament were sitting in the committees. Regarding the PRDP, UWOPA saw the lesson learnt emerging that it focused too little on so-called “software”, specific social services, but that the reconstruction mostly focused on infrastructure. (UWOPA coordinator, interview, 09 April 2010)¹⁸¹

According to the Refugee Law Project, Uganda has many lessons to offer through the existence of policy instruments such as the National IDP Policy and the Peace Recovery and Development Plan (PRDP), which placed the country ahead of many African states in terms of protection and assistance of IDPs. However, problems remaining are that IDPs still tend to be isolated and to stay in insecure and inaccessible areas. Thus, the RLP recommended to end assistance to IDP camps so that investment into rebuilding the livelihood outside of camps would be the way forward for the IDPs. Compensation, satisfaction and guarantees of non-repetition for acts of human rights violations were admonished by RLP as well as that durable solutions require taking stock of the causes and redressing the violence of displacement. (Press Release of 18 October 2009¹⁸²)

Ugandan actors that have told to have visited other countries for learning or have been visited by other actors trying to learn from them are the Commissioner for Disaster Management in the OPM (conversation, May 2010), who has been to South Africa and Kenya for such efforts, a Gulu local government staff (interview, 18 May 2010), who

¹⁸¹ Agenda 1-4 was gender-sensitive, esp. 4. The monitoring committee of the national framework meets quarterly, women participate. Women MPs monitor in the districts the programs carried out, i.e. also the topic of access to land, the situation of child-headed households, access to healthcare and other social concerns. Together with the Refugee Law Project they also championed the law of national reconciliation in the Greater North Parliamentary Forum. UWOPA decided to follow implementation of the IDP-policy through the PRDP. ISIS-WICCE is working with them in this process of engendering the PRDP and ensuring that it addresses the needs of women. So far, work centered on advocacy, as in the beginning no gender analysis had been done. They tried to mainstream the plan, and lobbied for resources to address gender-work. (UWOPA coordinator, interview, 09 April 2010).

¹⁸² Refugee Law Project: AU Summit Press Release.
http://www.refugeelawproject.org/press_releases/AU_Summit_Press_release.pdf, viewed 20.10.2009

was also in South Africa and Mozambique, the RDC of Gulu district (interview, 11 May 2010), who was visited by almost all surrounding countries of Central Africa grappling with IDP-problems and stated, “without a policy, they will be running up and down“, and stressed the important role of a policy as preparation for the case occurring.

Hence, before practised negligence of the conflict in Northern Uganda in the late 1990s came to some degree into question. The DRC-incursion of 1997 parallel to not ending internal conflict and humanitarian crisis of internal displacement in North Uganda raised doubts regarding the pronounced war strategy of President Museveni to besiege the LRA militarily that, however, again and again did not yield the announced results, but on the contrary was answered by brutal revenge on the civilian population by the LRA-rebels. Increased military efforts to crush the LRA did not yield their goal, but instead led to an escalation of the conflict and humanitarian crisis, that in this phase extended to neighboring North East Uganda. International actors, of the UN-system as well as international media and NGOs, had formed to an advocacy coalition putting increasing and highly visible pressure on the Ugandan government under President Museveni, who was used to praise from these for development successes since his taking over.

When the topic of displacement became a topic addressed per se by the international community, the humanitarian crisis in North Uganda managed to receive increasing attention. From 1999 concrete and concerted action on international level started with the launch of the UN Guiding Principles on Internal Displacement. The North Ugandan IDP-camps with their humanitarian crisis became a striking test-case and in this hindsight received stronger interest. In this context before largely ignored advocacy work by local and international human rights organizations that pointed out the disastrous consequences of internal displacement, denying freedom of movement and putting IDPs at multiple risks, was taken up by a larger group of actors. Thus, an Advocacy Coalition for ending the conflict and the displacement-crisis had developed over the late 1990s into the early 2000s with the guiding idea “freedom for IDPs“.

This led the government to give in and, as a measure of damage control, undertake the policy learning step of accepting the necessity of a policy to address internal displacement. Hereby, secondary, rather than primary value aspects were adapted to external pressure, as apparent from the fact that military offensives against the LRA

were the privileged conflict resolution strategy of the government that launched Operation Iron Fist II shortly before publishing the IDP-policy. Paradoxically, this led to the peak of the humanitarian IDP-crisis, in 2005, just after the IDP-policy had become official.

International actors came in strongly in the later phase of advocacy for this and have maintained their presence for some years after the ceasefire with the LRA in 2006. While on Ugandan territory the conflict practically stopped after the 2006 ceasefire, formally the conflict is not yet over, as the LRA did not accept the terms of the peace agreement and continues to operate in the neighboring countries DRC, Central African Republic and (South) Sudan. While the first years since then have been characterized by insecurity among the population on whether the absence of attacks would last, parallel a process of return to original settlements had been taking place in a phased way: This comprised the establishment of transit camps nearer to home-areas in late 2006 and early 2007, then the re-establishment of “former IDPs“ in their previous places of living. Until 2007 estimated 400,000 IDPs had returned. (CRS Report, updated 04 April 2008, p.4f.) In September 2007 the reconstruction program for the crisis region, as foreseen in the IDP-policy, was designed and started with one year’s delay in autumn 2008. It has the form of a framework and a budget of more than 623 million USD over a period of three years. (Republic of Uganda 2007)

In Acholiland, massive return started in early 2008 (staff, OPM Gulu, interview, 01 June 2010). In May 2008 *Camp Phase Out Guidelines* and in June 2008 *Guidelines for the Demolition of Abandoned Structures* were issued by the government (OPM May 2008, Camp Coordination and Management Cluster in IDMC 2009:4). As of May 2009 some 378,000 IDPs were still in camps, corresponding to one fifth of the peak IDP population of 1,8 million. Additional 244,000 had gone from IDP camps to transitional sites closer to their land. The rest had returned. Regional variances existed, with Amuru district being behind the other regions due to pervasive land questions, with only 23% of the original camp population returned to their home villages, Gulu and Pader districts with 68 and 70% (IASC in IDMC 2009:4). By July 2009, support was progressively withdrawn in many camps; over 15,000 abandoned huts had already been demolished. (OCHA 21 July 2009 in IDMC 2009:4)

The remaining camp population consisted mostly of so-called “extremely vulnerable

individuals“, old and disabled persons, estimated to be a small number. While some organizations, e.g. NRC tried to support them to go back, due to the difficulty involved in this, this process was slow.¹⁸³ As a USAID staff (interview, 04 June 2010), rightly stated, traditional coping mechanisms may have been weakened by the categorization of aid, which should have rather looked at how traditional ways of self-support can be strengthened than their dependence prolonged. Other people with special needs in part stayed, of whom many are people who cannot go back to their areas of origin due to land-disputes, young persons left behind by their families in order to access services in camps (mainly education and health care) and people who have economic interests in and near the camps. E.g. people acquired land in their camp areas and want to invest there. Letting stay people where they are, has been an under-attended area of policy. (OCHA in IDMC 2009:4, Coordinator, Gulu NGO forum, interview, 13 April 2010)¹⁸⁴

With low economic activity in the region and still weak and little functional infrastructure, not only old and disabled persons face problems in the return phase. In general, opportunities for livelihood are mostly restricted to small-scale agriculture. In 2010 returning IDPs in Acholiland still had problems with the production of their food and livelihood, also because of unfavorable rainfall. Stealing of crops like cassava in the night from people's gardens and homesteads was said to be frequent, pointing to scarcity of food. (*The New Vision*, p.18, 12 May 2010, interviews, returnees in Adac, Gulu, Ongom, Pader, May 2010)

Another, completely unattended group, were estimated 300,000 to 600,000 urban IDPs in towns and trading centers in Northern Uganda and towns outside the region, e.g. Masindi, Jinja and Kampala. (Protection Cluster of 16 July 2009 in IDMC 2009:3).

International actors have been playing a big role in the implementation of the IDP-policy and its reconstruction program, the PRDP. But on the side of these, there was

¹⁸³ As e.g. a sub-county chief and peace-committee member from Pader district, said the returnee population was fighting very hard to get through and most people could be glad if they managed to support themselves and their immediate family, which left little that can be given to e.g. an elderly aunt (interview, Gulu, 20 May 2010). This meant that people still left in camps tended to be left there until there was no support for them anymore (USAID staff, interview, 04 June 2010).

¹⁸⁴ The DDMC meeting of 01 June 2010 for Gulu district put the number still in camps at 1,898. Minutes of Extraordinary DDMC-meeting in Gulu district on 01 June 2010. <http://www.ugandacusters.ug/gulu-amuru.htm>, viewed on 08.08.2011.

little clarity and poor coordination on financing of the recovery process at donors' level and on that of implementation difficulties in coordination among the many actors, operating rather according to their logics than following local direction. UN agencies had difficulty articulating their strategy for the transition to reconstruction and how its agencies plan to support government structures, so strengthening of government capacity was not prioritized enough, but they rather continued to deliver services as over the last decades. Donor hesitancy to support recovery work was a result and hindrance, as well as strained relations among partners. Reliance on international actors, hence, caused delays and had the negative side-effect of little capacity-development occurring for (North) Ugandan institutions. Lacking back-up and engagement of central government for local institutions trying to manage the displacement crisis seems to have contributed to this. (Oxfam International 2008:2ff.)

Local government nationwide, and even more in North Uganda, experienced a backset in the increasingly repressive political climate in Uganda, most clearly exemplified by the abolishment of Graduated Tax which in many districts amounted to two thirds of local tax-income. In effect, now, local governments are financially dependent on central government, which in 2010 was especially problematic in North Uganda as the population was not yet able to support itself fully without external assistance and there is not yet a tax-base that could create considerable revenues for local government.¹⁸⁵ Due to the conflict in North Uganda, lower local government levels had not been elected for 10 years until the elections of 2011, meaning that legitimacy problems, long-term problematic side-effects of functions, as well as capacity-gaps exist, including widespread allegations of corruption and asking for bribes to work on issues. These levels had, so far, also mostly been left out in capacity-building efforts that concentrated on districts and to lesser extents still the sub-county/LC 3-level (members, EU-program

¹⁸⁵ In the 1997 LG Act a formal structure for revenue collection was created where the LC3 collected revenue and gave 35% to the district, the rest of 65% redistributed to LC1 and LC2 levels. The revenues consisted of graduated personal taxes, market dues, property taxes, parking fees and permits (Green in Tripp 2010:118). The tax was widely criticized as difficult to collect, way of enforcement and unfair assessment ("Local Gov'ts Revenues Fall After Tax Confusion in Tripp 2010:118). In the 2001 Presidential elections campaign this tax was cut to US\$ 3,000 (in June 2010 corresponding to 1€). In 2005, prior to the 2006 Presidential elections, graduated tax was eliminated, along with other local taxes such as on boda-bodas and market dues. This seriously affected local governments, which in 2005 and 2006 had expected to collect US\$ 80 billion (corresponding to US\$ 46 million), but central government promised only US\$ 35 billion as compensation (US\$ 20 million), and finally delivered only US\$ 25 billion (US\$ 14.4 million) (Agaga in Tripp 2010:118).

NUREP, Local Government Ministry, NRC, interviews, 14, 27 April and 17 May 2010). The policy of creating new districts had aggravating effects, as capacity was drawn from existing districts to new ones and under-staffing even starker than before¹⁸⁶ and positions in the newly created districts ad interim, until the next elections' outcomes, were filled by the center. Positions to be filled can be given to followership of the ruling party NRM, which could be used in order to gain more influence in the opposition stronghold North Uganda. (Former staff, Kitgum Local Government, interview, 04 June 2010)

Interesting to note is that no resources were attributed to local government for guiding implementation and coordination of activities under the PRDP and when this was deplored, an interim solution of funding a staff of the central government institution Office of the Prime Minister was developed. (Staffs, Gulu local government, USAID, interviews, 18 May, 04 June 2010) This - and high discontent of the population with the first year implementation of the PRDP that focused on infrastructure construction and left returnees mostly to their own fate- indicates that central government might have other priorities than local government. (Community meeting, Ongom, Pader, May 2010, *New Vision* journalist, UHRC-member, interviews, 28 April and 24 May 2010) This weakens the implementation and intervention possibilities of local governments.

Traditional leaders, on the other hand, experienced an improvement of their status and authority versus the state, which is somewhat ambiguous if compared with the limitations faced by local government institutions: Traditional leaders became implementing partners of government and international donors and got their palaces built and funded in the process of the PRDP-implementation. This was criticized as it might distance them from their communities, they should actually serve and be accountable to, and raises them above their level. (Former IDP, interview, 05 June 2010) Problems with corrupt chiefs demanding money for decisions or trying to get unduely to good pieces of land were several times mentioned in interviews and conversations (e.g. conversations with former IDP, member of Gulu university, 06 and 05 June 2010). Here, formerly on the whole successfully practiced, reliance on memory of leaders, might leave space for manouvres. Anonymization during the time in camps

¹⁸⁶ At sub-county level, only one to three of eight foreseen positions are filled (former Kitgum Local Government staff, interview, 04 June 2010).

and spread of the original population, might have weakened formerly strong and effective checks and balances through common life in an area. Their engagement with state institutions as implementing partners, brings up ambiguities in terms of who the traditional leadership is accountable to, conflict of interest if they get certain kinds of support, how this might transform their roles and the relationship with communities, and in how far they can actually claim legitimacy. (Interview, former IDP, 07 June 2010)¹⁸⁷ In this sphere struggles for (re-)establishment of social power and resources, potentially susceptible to political cooptation and manipulation, seemed to be going on and ought to be reflected critically.

Land disputes are very frequent, especially in Amuru, and this issue is estimated by many to become a major source of social conflict in the future.¹⁸⁸ High land pressure in the rest of Uganda, also means that investors from other parts of the country are interested in land in the North. This issue, hence, has high potential for social conflict. (Kitgum Local Government Land Officer, interview, 07 June 2010, member Gulu university, conversation, June 2010) Persons in positions of authority tried to profit from the situation of a lacking united position and disregard different opinions on investment (Coordinator, NGO-forum Gulu, interview, 12 April 2010).

5.3 Local governments dealing with displacement in Zimbabwe

The South-East African country Zimbabwe has been affected by displacement in the course of the 34 year post-independence period. International organizations often

¹⁸⁷ According to studies in the mid-2000s a low percentage of the population recognized traditional justice institutions and practices and young people frequently criticized so-called “veranda-elders“, lamenting the situation and that the young let it come so far, without critically reflecting their own role (ICTJ in Liu Institute et al. 2005:6, Liu Institute 2005:22f., Finnström 2008).

¹⁸⁸ According to the Coordinator of the NGO-forum Gulu (interview, 13 April 2010, Gulu), in spring 2010 land use was only up to 25-30% and the sparse population under current conditions would only attain a real need of approximately 50% of the area available. In future, he estimated that people should be able to feed themselves on the land available. According to the Kitgum Local Government Land Officer, land possession did not have meaning and value comparable to today’s economic reality (interview, 07 June 2010). Some people would live with relatives and it did not play a big role whether they would later have the right to own the land. Today, such persons do not have a place they are entitled to return to (interview, group of IDP-leaders, Amuru camp, 06 June 2010). High land pressure in the rest of Uganda, also means that investors from other parts of the country are interested in land in the North. This issue, hence, has high potential for social conflict (interview, 07 June 2010, member Gulu university).

address displacement in Zimbabwe as having been policy-induced (GoZ/United Nations 2009:4). The government until summer 2009 denied the existence of displaced persons and especially that its policies have caused the IDP-crisis. Thus, there are no official statistics on the numbers of IDPs. (IDMC 2008:4,10, IDMC 2013¹⁸⁹) While of significant scope, displacement is to a high degree hidden; there are no camps for IDPs, but these are assumed to be scattered throughout the country, in many diverse types of accomodation and communities. (GoZ/United Nations 2009:4f.)

Efforts of President Robert Mugabe and the ruling party Zanu-PF to achieve respectively maintain hegemony have included a mixture of political opening and limitation, as well as increasing repression of freedoms of the actors and institutions arising in a rather beneficial context established in the early independence years. Hereby, the local sphere of government on the one hand has been built up as a mechanism of coordination and implementation of development and on the other hand has fallen victim to significant control and side-lining, as well as the attribution of several tasks to other actors, such as traditional leaders and local representations of central government institutions. To examine the role of local government institutions in relation to their influence possibilities in the unfolding of the Zimbabwean crisis - consisting of repeated interrelated crises- the constellation of conflict actors that local governments have found themselves in is presented in the following. After this, the involvement of local government in initiatives and programs to mitigate the consequences of internal displacement is analyzed.

5.3.1 Contextualization of the Zimbabwean low level conflict

5.3.1.1 A historic background of White settler colonialists monopolizing resources

Zimbabwe is populated by the ethnic groups Shona in the central and eastern parts (82%), Ndebele (14%) and a number other small minorities, including less than 1% White Zimbabweans (CIA World Fact Book¹⁹⁰). Although there had been limited

¹⁸⁹ IDMC-website: Summary. Zimbabwe: Internal Displacement in Brief. <http://www.internal-displacement.org/sub-saharan-africa/zimbabwe/summary/> 31.12.2013, viewed 01.03.2014

¹⁹⁰ CIA World Fact Book: Zimbabwe. 25.10.2013. <https://www.cia.gov/library/publications/the-world-factbook/geos/zi.html>, viewed 18.11.2013.

contacts and presence of missionaries since the 16th century and gold-seekers since the 1860s, settler colonialism began only at the time of the Berlin conference in 1884-85. Then, Cecil Rhodes pushed African leaders for concessions to secure British colonial claims to the territory. Colonization became effective when in 1893 a pioneer column moved into the area and started attacks on the Ndebele, resulting in the Anglo-Ndebele war, and the siege over the Ndebele-Shona uprisings of 1896 to 1897. This was followed by brute rule of the colonial police. (Mazirire in Ndlovu-Gatsheni 2009:47, Ndlovu-Gatsheni, Cobbing, Ranger in Ndlovu-Gatsheni 2009:48,50) From 1894 reserves with land under communal tenure, without the option of title deeds, were created for the Black population to make space for appropriation of farming land by White settlers. Near the communal areas, *Native Purchase Areas*, usually with lower fertility, were established for Blacks who could afford to buy land. (Phimister, Ranger, Moyo in Ndlovu-Gatsheni 2009:66f.) As the exaggeration of expectations of a “gold reef” became clear, by the end of the 19th century the bulk of European settlers re-oriented to large-scale farming and a White farming bourgeoisie developed, looking for an interior market (Arrighi in Moyo/Yeros 2005:167).

Over time, the growing settler-class came into conflict with British mining interests. This led, in 1923, to “self-government” of the White settler population, under a racist system of White supremacy orders and -legislation. (Phimister in Moyo/Yeros 2005:167) Hereby, communal areas were under the regulation of traditional leaders, ruled by *Native Councils*, and the rest of the territory was directly under the colonial administration. On land under private European possession the owners had direct authority, which benefited relations of personal dependence between the owner and (in most cases Black) workers. (Schmidt, Palmer in Moyo/Yeros 2005:168f.) Until the independence of 1980, an in modern terms formalized system of local governance, as well as local government administrations, therefore only existed in (European-ruled) urban areas.

World War II led to a restructuring of the economy towards manufacturing, cultivation changed from food production to cash-crops like tobacco. The increasing industrialization acted as a push for trade unionism, whereby Black trade unionists became inspired by the independence struggles starting in other countries. (Phimister, Arrighi in Moyo/Yeros 2005:169f.). The war also empowered Rhodesian African

soldiers to question racial superiority policies (Itote in Mlambo 2009:79, Mlambo 2009:79f.). A Black middle-class, coming up in the last decades, engaged and lobbied the Rhodesian system under a multiracial approach, demanding especially in urban townships improvements of labour conditions and political participation. In 1956 in the capital, the Salisbury City Youth League was formed, which shifted in approach to rejecting cooperation with the colonial power and demanding sovereignty and African unity. (West, Raftopoulos/Yoshikuni in Mlambo 2009:104, Scarnecchia in Tendi 2010:146f.)

From 1957 the *Southern Rhodesian African National Congress (ANC)* was formed, which promoted abolition of discriminatory laws, reform of land allocation, extension of the vote, and economic progress. Led by Joshua Nkomo, a railway official, the ANC established a mass movement in urban and rural areas. (Mlambo, Bhebe in Mlambo 2009:105) The Rhodesian government banned the ANC in early 1959; more than 500 supporters were arrested and 300 detained. In January 1960, the party was re-founded under the name *National Democratic Party (NDP)*, but now had a more radical outlook and demanded majority rule (Mothibe in Mlambo 2009:107). In this time, teacher and intellectual Robert Gabriel Mugabe¹⁹¹ returned from Ghana, and in May 1960 entered the party. He became the NDP's publicity secretary, while Nkomo remained the NDP-leader. (Meredith 2002:23-27). After the prohibition of the NDP in December 1961, it was re-founded under the name *Zimbabwe African People's Union (Zapu)*, led by Nkomo (Mlambo 2009:109). In 1963 a group of dissidents including Mugabe split away from Zapu and founded the *Zimbabwe African National Union (Zanu)*. With this a pattern of ethnic and regional bases of support was laid: Nkomo/Zapu backed by the Ndebele in the South-West and Mugabe/Zanu by the Shona in the Center and East. Street violence followed between the two groups, which was taken as an excuse for the regime to ban both parties and arrest several of their leaders in 1964. (Mlambo, Mothibe in Mlambo 2009:105,109, Mlambo 2009:112)

¹⁹¹ R. Mugabe was born in 1924 at Kutama Mission, Zvimba, was educated there as a teacher until he went to South Africa's Fort Hare University College, studying there 1949 to 1958. Before entering the liberation movement, from 1958 to 1960 he worked at a teacher training college in Ghana. (Meredith 2002:19-27)

Parallel to this, the independence of an increasing number of African countries sparked efforts by Rhodesian reactionaries to avoid a scenario of Black majority rule (Gale in Mlambo 2009:110). When Britain demanded more political participation of the African population before independence could be considered, in protest in November 1965 Rhodesia made its *Unilateral Declaration of Independence*. Reacting to this, the nationalist movement launched the armed liberation war in rural parts of the country. (Tendi 2010:148) The UN reacted to the Rhodesian Unilateral Independence Declaration with international sanctions. These however allowed borrowing from Western banks. As the interventionist state was able to bundle all capital in the country for investment in industrial development, a growth rate of 9% per year resulted. (Clarke in Moyo/Yeros 2005:170, Mbeki 2009:101f., Steele in Good 2002:7f.) Up to the mid-1970s growth continued, until droughts, global economic contraction, high oil price and the liberation war affected trade; in 1975 also Mozambique's independence meant the loss of an important regional ally of the regime (Tendi 2010:192, Moyo/Yeros 2005:170).

By the mid-1970s the independence struggle escalated in rural regions and exerted increasing pressure on the Rhodesian government (Godwin/Hancock, Martin/Johnson in Mtisi/Nyakudya/Barnes 2009:142). Zapu's military wing Zipra fought in the Western part of the country, winning the support of the population through military victories. Different to this, Zanu's armed wing Zanla pursued a strongly cultural strategy that combined traditional Shona rites with political education and propaganda in nightly "*pungwes*". (Gatsheni-Ndlovu 2008:3) Within both Zapu and Zanu there were internal power struggles (Martin/Johnson, Sadomba, White in Mtisi/Nyakudya/Barnes 2009:145,152f.).¹⁹² In contested regions guerrillas, in part, also used violent coercion against the population. Traditional leaders were either enticed or, if not acting in their interest, in some cases even murdered. (Alexander, Ranger in Mtisi/Nyakudya/Barnes 2009:156f.)

¹⁹² E.g. the de-position of Zanu leader N. Sithole in favor of R. Mugabe, the Nhamo rebellion against the leadership in 1974 that resulted in the execution of leaders and sentencing allied members in absentia to death. Also, several dissident Zanu-members were held in dungeons from the mid 1970s until independence (Martin and Johnson, Sadomba, White in Mtisi/Nyakudya/Barnes 2009:145,152f.).

As the Mozambican and Angolan independence put increasing pressure on apartheid-South Africa, from 1974 it improved relationships with Black-ruled states in Southern Africa. In this vein, South Africa, Zambia, as well as from 1975 also Botswana, Tanzania, Mozambique, and the USA worked towards a negotiated crisis settlement with the nationalist and White Rhodesian leaders. (Sibanda, De Roche in Mtisi/Nyakudya/Barnes 2009:145f.) Parallel, the liberation war climaxed with bombings and massacres of refugee camps in Mozambique and Zambia and increasingly violent guerrilla-war in the country (Chung, Bhebe in Mtisi/Nyakudya/Barnes 2009:149).

In this context, as a result of the guerrilla-warfare mainly in the countryside, where attacks took place on communities and on farms, there was “ (...) an unknown number of 'internal' refugees in the urban centres in Rhodesia“ (Zimbabwe Project, Meeting on Zimbabwean Refugees, Thursday 20th November 1979, London, 5.2.1, 5.2.2 and 5.2.3, interview member, Jesuit Communications, 05 July 2010, Harare).¹⁹³ In urban areas it was calm by comparison, apart from a few isolated incidents such as attacks on oil provisions. The situation became worse towards the end of the liberation war, especially in 1978 and '79, and many people were fleeing to towns. For instance, near the bus terminal of Harare's high density sub-urb Mbare, as a result of great numbers of refugees arriving, a sort of refugee camp was created. Many people arriving were traumatized, had seen terrible things like their husbands being shot, rape etc. (Member, Jesuit Communications, interview, 05 July 2010, Harare)

Apart from these “internal refugees“ to safer regions there existed also the category of people displaced into so-called “protected villages“, created in the Eastern and Northern parts of the country to cut inhabitants off from supporting the guerillas coming in from bases in Mozambique and Zambia for supplies (Bratton, Schmidt in Mtisi/Nyakudya/Barnes 2009:139). At the time of independence it was said that “Between 500.000 and 1.000.000 people are still confined to 'Protected Villages“ and

¹⁹³ The norm were attacks in the countryside, on communities and on farms. The Rhodesian army was to two thirds Black, as careers in the army were well remunerated. As the guerrilla movement did not always receive the support of the local population freely, a tactic resorted to was also to force the population to their cooperation (member Jesuit Communications, interview, 05 July 2010, Harare, Kriger, Chitiyo in Raftopoulos/Mlambo 2009:xxvi).

the inhabitants' "villages and other rural homes have largely been destroyed" (Meeting on Zimbabwean Refugees, Thursday 20th November 1979, London).¹⁹⁴ In these forcible removals property loss occurred and apart from burning of homesteads, also beatings, wanton arrests, torture (Schmidt in Mtisi/Nyakudya/Barnes 2009:150) and sexual harassment of local women by guards of the protection villages took place (Kesby in Mtisi/Nyakudya/Barnes 2009:161).

In 1979 the Rhodesian security forces had lost control over wide areas of the country and were under increasing pressure. At the Commonwealth Heads of Government Meeting of that year Nigeria put an ultimatum to Britain to take up conflict mediation for the Rhodesian conflict or be barred from investments. (Ellert, Bhebe in Mtisi/Nyakudya/Barnes 2009:165f.) This led to the 1979 Lancaster Conference to negotiate peace and the transition to majority rule. Mugabe and several hardliners preferred victory by armed struggle. However, British diplomat Lord Carrington and Frontline State leaders, especially Mozambique's President Samora Machel exerted pressure on the nationalist leaders to terminate the armed conflict, as they were no longer ready to shoulder the costs and consequences. (Kangai interview, Kagoro in Tendi 2010:76) The land question nearly led to an impasse in the conference, only averted by Lord Carrington's guarantee that the UK would assist land reform with a high sum of money, whereby no exact amount was mentioned and the promise not corroborated by a written statement. Upon US (vague) commitments of financial support an agreement was reached. (Davidow in Tendi 2010:76-78) Also, the Commercial Farmers' Union intervened by arguing with donors for financial support for a technocratic land reform program (Selby in Tendi 2010:76f.). After independence had been reached through a negotiated settlement -including the Lancaster House constitution with its compromises regarding land and ownership¹⁹⁵- Zanu won the

¹⁹⁴ As part of burnt earth policy in the former villages also the houses and crops were torched or poisoned and the cattle sold. Inhabitants breaking the curfews were often killed. Food provisions were less than 7 kg per family in order to limit food supply to guerillas, furthermore it was prohibited to carry food to the fields (Bratton, Schmidt in Mtisi/Nyakudya/Barnes 2009:139f.).

¹⁹⁵ The Lancaster House constitution included a guarantee of 20 of 100 parliament seats until 1987, the adoption of 200million\$ state-debt, pension payments to all Rhodesian civil servants, integration of liberation forces into the army, and land of White Rhodesians not being expropriated (Sibanda, Moyo in Mtisi/Nyakudya/Barnes 2009:165).

elections and Robert Mugabe became Prime Minister in April 1980 (Sibanda in Mtisi/Nyakudya/Barnes 2009:166).

5.3.1.2 Liberation icon Mugabe governing against opposition and economic hurdles

The first years of independence were characterized by strong external support. First, Prime-Minister, then Executive President, R. Mugabe attracted a lot of positive international attention and support, amongst others because of his pronouncements for reconciliation between Black and White Zimbabweans, even if some insecurity remained regarding pronouncements he made with regard to plans of establishing a socialist one-party state. (E.g. Nyarota 2006, Holland 2008) As stated by Russel (2010:262), in the 1980s Mugabe was a vital player in the “regional game of geopolitic chess aimed at brokering a peaceful end to apartheid“.

Structures of the colonial regime were in many hindsights overtaken: So, also Zimbabwe’s local governance framework was reformed from the former colonial regime rather than developed anew. It therefore inherited several gaps e.g. the distinct regulation of, formerly White dominated, urban and rural areas for the Black population (G. Moyo 2008:15). Traditional leaders, who had been the political authorities in rural areas, lost all but cultural functions - tax collection, judicial functions and land distribution- to local government respectively community courts (Zimbabwe Institute 2005:13).¹⁹⁶ Native Councils and the District Commissioner, as President of the Council, were substituted by Rural District Councils and the District Administrator, who conducted advisory services to the council, was program implementer, monitor and link to central government. This caused deactivation of Rural District Councils. At community level, village committees were introduced that footed on the Zanla-village structures that had served to support the liberation struggle. (Zimbabwe Institute 2005:9f.)

¹⁹⁶ Such a stance was common especially in socialist oriented liberation movements as e.g. also the attitude in the early years of the FRELIMO-government in neighboring Mozambique shows. FRELIMO’s rejection of traditional leaders, along with a policy of resettlement of parts of the rural population, created popular discontent that fueled public support in concerned regions for the guerilla movement RENAMO (Pereira 2006:61ff.).

Concurrence between the factions of the independence struggle, continued and was quelled soon: J. Nkomo and his Zapu - caused by isolated action of several dissidents who did not accept Zanu's electoral victory - between 1982 and 1987 became the target of a campaign of repression, *Operation Gukurahundi*, carried out Matabeleland and Midlands, by an estimated 2,500 to 3,500 men strong special army unit responsible to Mugabe, established with support of North Korea (CCJP 1997/2007:73f-75). Estimated 20,000 persons were killed in massacres. The Operation ended with the absorption of the remainder of Zapu into Zanu in the Unity Accord of 1987, adding "Patriotic Front" (PF) to Zanu's name. (Muzondidya 2009:179, CCJP 1997/2007:ii ff.) After the Operation there was a state-enquiry commission, which however did not publish results (CCJP 1997/2007:97f.). The Catholic Commission for Justice and Peace (1997/2007) did the broadest data collection and published the most referred to report on Operation Gukurahundi, which however gives a partial image, as it used only two districts (Tsholotsho and Matobo) as case studies. Regarding displacement the report gives no data, mostly "physical" human rights abuses were recorded at the time. Aside from IDPs also refugees especially to South Africa existed. (Member, Jesuit Communications, interview, 05 July 2010, Harare) Until today Operation Gukurahundi is in bitter memory in the affected region.

Through Operation Gukurahundi the only strong political opposition of the 1980s was forced to its knees. Because of a curfew, national media censure and unwillingness of Mugabe-supporters to accept and act on the horrible truth, at the time also not much was known outside the affected region (Nyarota 2006). This first, large-scale atrocity against citizens in the independence period, as well as periodic other smaller-scale repression against groups trying to effect change were mostly played down internally and ignored by the international community, for which strategic concerns regarding the Southern African region might have been a factor at the time.¹⁹⁷ According to Meijer (in Nyarota 2006:136) nobody wanted to believe that the new government really employed such brutal acts of systematic violence, including systematic torture and murder of civilians:

¹⁹⁷ War went on in Mozambique until 1990, South Africa's apartheid state was in the last phase of maintaining the status quo with insecurity on future degrees of destabilization there, Namibia became independent only in 1990 and war was still on-going in Angola, with interruptions, until 2001.

“Exposing massacres and torture didn’t sit well with the big aid flows, the state visits, and quietly undermining North Korea, in what was still a Cold War proxy scenario.”¹⁹⁸

Parallel, strong development efforts were going on in the rest of the country. However, the compromises of the Lancaster House Constitution –e.g. the protection of land possession during ten years, the taking over of Rhodesia’s debts, and generous retirement payments for civil servants of the Rhodesian regime- unfavorable economic conditions and too little donor support frustrated perspectives for the young nation. From 1982 the IMF recommended structural adjustment measures. In addition, major cash crops of Zimbabwe lost value over the 1980s, such as gold, asbestos, ferro-alloys, and tobacco. (Mbeki 2009:101-106) In spite of this, the government went ahead with infrastructure expansion and reached remarkable success such as 80% more schools in 1990 than at independence and the highest education level of Africa, with an estimated literacy rate in 2003 of 90.7%. (Alexander 2006:11, Mlambo in Muzondidya 2009:168, CIA World Fact Book, 27 September 2011) Yet, by the late 1980s the private business sector was still in the hands of the White population (Raftopoulos in Tendi 2010:118f., Moyo/Yeros 2005:171, Moyo, Mlambo in Moyo/Yeros 2005:171f.);¹⁹⁹ members of the Black elite had entered state positions, whereby ethnicity and corruption became increasingly factors (Moyo/Yeros 2005:172, Mandaza, Dashward in Saul/Saunders 2005:135, 137). The system could not accommodate the high number of citizens who had advanced in education and exerted pressure for adequate opportunities. The population in communal and urban areas experienced high increase and congestion. (Potts 2011:88f.) Despite strong linkages between urban and rural areas (Potts 2011), these remained informally largely segregated with great gaps between “needs and languages of the different groups of the population” (Kaarsholm 1991:2). As the population supported traditional leaders, from 1990 those were progressively reintegrated in

¹⁹⁸ The atrocities committed by the Fifth Brigade were most intense between 1983 and 1985 with massacres being committed by the Central Intelligence Organisation, Police Internal Security Intelligence and Zanu-PF youth militias (Nyarota 2006:137). By early 1984 almost 500,000 acres of commercial farmland had been abandoned by fearful White farmers in Matabeleland and nearly all development projects were interrupted (Ncube in Nyarota 2006:140).

¹⁹⁹ The White minority of 3% had nearly two-thirds of the national income whereas the 97% Black majority one third. Local White and foreign capital continued to possess a monopoly on industrial and mining interests. Approximately 6,000 White farmers had 39% of land, 15.5 million prime farming hectares and 1 million Black households possessed 41.4 %, 16.4 million hectares of less fertile land. (Moyo in Moyo/Yeros 2005:171)

decision-making and empowered versus (rural) local government (Alexander 2006:122, Makumbe 2010:92f.).

Upon pressure from the World Bank and major lenders, and in the context of the fall of Soviet Union, the government adopted structural adjustment policies (Stoneman in Potts 2011:87), which became effective in 1991: (White) commercial farmers and business benefited from liberalization, but the majority of the -especially urban - population was on the losing side: resulting in, e.g. the loss of one fifth of the clothing industry (ZCTU, UNDP/UNCTAD in Moyo/Yeros 2005:175); cuts in social spending affected health, education, food security, and land reform (Saul/Saunders 2005:136ff., Muzondidya 2009:167ff., Mlambo, Raftopoulous in Muzondidya 2009:189,194). The shrinking of the urban formal job-market led to growth of the informal sector, which before had been comparatively small due to the Rhodesian colonial focus on the internal market (Peters-Berries in Potts 2011:87). Until 1996 the poverty level rose to 63% and inflation to 32.6% in 1999 (Kanyenze/Chiripanhura, Dansereau in Raftopoulous 2009:202f.).

Land questions were addressed in a technocratic manner and with food safety and economic growth as priorities. There was some progress over the 1980s, but efforts reduced strongly in the 1990s: Apart from less land available for redistribution, the hardening economic climate caused subsidy cuts (Alexander, Lebert in Tendi 2010:81,83, Moyo in Moyo/Yeros 2005:173). Much of the redistributed land was given as bigger estates to members of the Black bourgeoisie, which contributed to frustration among peasants and landless. In this situation impatient landless took up illegal settling to which the state reacted by evicting the squatters. (Alexander in Tendi 2010:81, Moyo in Moyo/Yeros 2005:173)²⁰⁰ In 1992 the *Land Acquisition Act* moved property rights from the judiciary to the executive presidency. But the government struggled to implement the complex Act and the Commercial Farmers' Union (CFU) could easily challenge it. (Zvobgo in Tendi 2010:82f.) Apart from legal resistance, also diplomatic appeals of mediators of the transition in neighboring South Africa, where land was also

²⁰⁰ In the 1980s 58,000 households were resettled on 3 million hectares, mostly of lower fertility, with White possession decreasing to 29% of farming land, 11 million hectares. (Moyo in Moyo/Yeros 2005:173) Over the 1990s, land redistribution diminished to 75,000 hectares per year and 1985 to 1992 to some 450,000 hectares. 1992 to 1997 government purchased 790,000 hectares for redistribution. (Moyo/Yeros 2005:182-185)

a critical issue, discouraged Mugabe from land expropriations. (Tendi 2010:121f., interviews Anyaoku, Matonga, Mutasa, Shamurya in Tendi 2010:84-87,105f.)

Slow Black empowerment and the worsening economic environment created a fertile ground for rising influence of hardliners in Zanu-PF. Hereby the *Joint Operations Command (JOC)* -a committee made up by the directors of the army, police, intelligence and prisons, all with a background in the liberation war- gained more co-determination in the party and especially exerted pressure on the issue of land. (Interview Mutasa in Tendi 2010:121f.)

In 1997 a diplomatic faux-pas by the British, then new, Labour-government contributed to escalation on the land question, when new DFID-Secretary Clare Short sent a letter to the Zimbabwean government stating, amongst others, that the costs of land purchase for land reform would not be overtaken by them.²⁰¹ The ensuing politburo meeting resulted in the decision that farms would be seized without compensation. (Short, interview Kangai in Tendi 2010:87-89) With parallel increasing pressure by war veterans, Mugabe turned to the measure of granting a compensation of 50,000 Z\$ (about 6,100€) per veteran. As there was no budget attribution for this, money was printed for it by the Reserve Bank, which plunged the national economy into inflation. (Russel 2010:264) To finance this, also the DRC-military intervention was launched in 1998, which deployed between 3,000 and 11,000 soldiers and offered army commanders the opportunity to enrichment in Congolese mines (Saul/Saunders 2005:141, Meredith in Mbeki 2009:108). After six months its cost was higher than land purchases under the willing seller - willing buyer policy since the 1980s (Kriger in Tendi 2010:83f.).

The designation of 1,471 commercial farms for expropriation without compensation, albeit this occurred only in a few cases (Potts in Potts 2011:89), led to the Land

²⁰¹ The Short-letter was used broadly in Zanu-PF legitimization of Fast Track Land Reform (Short in Blessing-Miles 2010:92). Short admitted to Holland (2008:101f.) that her letter contained insensitive statements, but rejected responsibility for FTLR, arguing that her letter was taken as an excuse for it. I doubt whether a director of the British donor agency DFID could have sent such a letter out of innocence or purely technical considerations to a partner country a few years after the end of apartheid in neighboring South Africa. Knowingly or not, Short might have fallen prey to interests that wanted less focus on land issues in British development cooperation or tried to effect political influence over Zimbabwean policy choices through withholding of financial support.

Conference of 1998. In it the government, donors and commercial farmers elaborated a mutually agreed formula, which however was not implemented accordingly. The government failed to establish the agreed transparent procedures to oversee the acquisition of land, while commercial farmers challenged proposed acquisitions in court. (Forum 2000:5) Also pressure mounted due to the food riots of January 1998 that could only be quelled by the military and police (Forum 1999, Amani Trust 1998 in Forum 2000:7).

5.3.1.3 Urban-Based Opposition Entering the Political Scene

Until the late 1990s no opposition party came up that managed to mobilize big numbers in elections; break-away factions from Zanu-PF and in part highly popular personalities such as Edgar Tekerere who tried to run against Mugabe and Zanu-PF suffered violent reprisals as early as 1991.²⁰² Parallel, this time was characterized by strong pro-democracy support by donors in the region (Kagoro in Chigora/Guzura et al. 2011:360). The trade unions started to mobilize their membership and create alliances with the students' movement, women's and other civil society organizations. This increasing pressure from civil society was encountered by militarization of the state and Zanu-PF. In this situation, the regime coopted the long neglected group of war veterans. (Saul/Saunders 2005:141, Raftopoulos in Hammar/Raftopoulos 2003:6f.). Of those less than a third had been taken over into army at independence, others had received only a pension until 1983. Discontent about this situation made war veterans easy targets for instrumentalization and mobilization as shock troops for government. (Kriger, Barnes, Zimbabwe Women Writers, Musemwa in Muzondidya 2009:198, Saul/Saunders 2005:141)

The Zimbabwe Congress of Trade Unions (ZCTU) had led many strikes in the late 1990s and addressed the economic downturn as stemming from bad governance; it actively pursued networking with civil society groups and in 1997 was a key

²⁰² Voice of America Zimbabwe: Zimbabwe Liberation Hero Edgar Tekerere Dies After Long Battle with Cancer. 07.06.2011: http://www.voanews.com/zimbabwe/news/Zimbabwe-Liberation-Hero-Edgar-Tekere-Dies-After-Long-Battle-With-Cancer-12339_4238.html, viewed on 17.10. 2011. After the unsuccessful presidential candidature Tekerere's party vanished (Saul/Saunders 2005:138ff.) Other parties - the Forum Party of Zimbabwe, the Democratic Party of Zimbabwe, the United Parties, Forum for Democratic Reform Trust, Opposition Front, Zimbabwe Union of Democrats, and the Transparency Front - could not win high numbers of voters (Chigora/Guzura et al. 2011:360).

stakeholder in the forming of the National Constitutional Assembly (NCA) from civil society groups and –actors for a constitutional reform process. Further, in the ZCTU’s convention of February 1999 it was decided to engage for the forming of a new political party (Raftopoulos in Tendi 2010:203f.). Out of this the *Movement for Democratic Change (MDC)* originated, with strong dominance of trade unions and civil society groups, mostly with an urban support base. The party’s common vision was to replace Mugabe in a short timeframe, with the shortcoming of conceptual contradictions and lacking clarity. (Kagoro in Chigora/Guzura et al. 2011:360ff.)

Among the groups harboring hopes from the MDC were also White commercial farmers, approximately 6,000 in number, as well as (Black) farmworkers (Moyo in Moyo/Yeros 2005:171, Moyo/Yeros 2005:171, HRW 2002:19-23, FCTZ in HRW 2002:34, RAU-member, interview, 08 July 2010).²⁰³ Neglected in political settlements from independence up to 1999 -with the lowest wage of all occupational groups and often subjected to exploitation- over the decades this group had grown to significant size (GAPWUZ 2010:69f.) and carried numeric weight in elections. In 2000 according to the Commercial Farmers Union (CFU) there were between 1.5 and 1.8 million farmworkers, according to the trade union of farmworkers GAPWUZ between 1.3 and 1.9 million, corresponding to 12 to 16% of Zimbabwe’s population (CFU-member, interview, Harare, 19 July 2010, GAPWUZ 2010:13,37). Among the farmworkers, a high proportion was of migrant origin, due to policies in the Rhodesian period when contract-workers were brought in from neighboring Malawi, Zambia and Mozambique (Kapungu, Astrow, Strack in Mtisi/Nyakudya/Barnes 2009:135,137, GAPWUZ 2010:16). The appearance of the MDC meant a potential mobilization of the before rather apolitical group and White commercial farmers and farmworkers became perceived as a threat to Zanu-PF. (Cf. GAPWUZ 2010:18f)²⁰⁴

²⁰³ Human Rights Watch: Zimbabwe: Fast Track Land Reform in Zimbabwe. Vol. 14, HRW, New York March 2002. <http://www.hrw.org/reports/2002/zimbabwe/index.htm#TopOfPage>, viewed 25.10.2013.

²⁰⁴ Farmworkers had low electoral participation until 1995 (25% or less), which changed in 2000, with participation at 50%. The elections of 2002 and 2005 had each a participation rate of 87,5% (75% in sample of 20 respondents). The general elections of 2008 had 62,5% and the second round of Presidential elections in June 2008 had a participation of only 43,75%. GAPWUZ saw this drop as due to intimidation, disillusionment, and political violence with many farmworkers victimized (75% of 20 respondents). (GAPWUZ 2010:18f.)

In the context of the nearing elections the MDC constituted a strong competitor for Zanu-PF in a generally unfavorable context. This was even more so as the MDC was made up by diverse critical sectors of Zimbabwean society. Broadly summing up discussion on developments since the 1990s, “the cake“ for redistribution to elites in Zanu-PF and important state institutions became smaller and smaller, which translated into additional pressures and rallying points.

5.3.1.5 Marginalization of rural constituencies under usage of the question of land

As a counter-strategy to the NCA’s advocacy, the government launched the development of a new constitution, to be voted on in a constitutional referendum in early 2000. The Constitutional Commission’s draft initially did not include land as a major issue, but Mugabe inserted a controversial land clause. In the popular referendum the proposal for the new constitution was rejected with a scarce majority (Forum 2000:6), which is attributed by Gatsheni-Ndlovu (2008:2) mainly to Zanu-PF having become complacent in the twenty years in power. The Forum (2000:6), however, argues that the government saw the land issue as a major factor:

“This rejection was immediately interpreted as a rejection of the land clause, and the government immediately began a campaign of vilifying various sectors of Zimbabwean society for combining with the commercial farmers in an effort to defeat the ‘legitimate aspirations’ of the landless masses, for whom government assumed it held a watching brief. Within weeks of the referendum, a massive and well-organised campaign began of occupying white commercial farms, and, subsequently, a Bill to allow ‘fast track’ land acquisition was passed through Parliament. In fact, it was the closing business of the outgoing Parliament, elected in 1995.”

Only two weeks after the referendum, incited by war veterans’ leader Chenjerai Hunzvi and supported by the logistical, organizational and coercion apparatus of the state, all over the country people who were landless, land-hungry or simply wanted to take part in the process and secure a piece of land -for better livelihoods in a decreasing economy- started to occupy land on commercial farms, wildlife resorts, and lodges (Raftopoulos 2009:212). According to the Zimbabwe Human Rights NGO-Forum, Mugabe asked the Zimbabwe National Liberation War Veteran Association to spearhead his campaign for the parliamentary elections scheduled for June 2000. For this, in part, the farm invasions from February 2000 provided them with food and logistical support. (Forum 2000:3) This process was led by demobilized war veteran leaders and military, who decided which farms were invaded as well as the beneficiaries

of land. Developmental structures and local communities were largely bypassed and hardly consulted; there were no channels for controlling or sanctioning their behavior. As argued by the Zimbabwe Institute, parallel structures hard to control were created in this process, acting in concurrence and undermining local government policy as well as mechanisms of public participation and accountability. (Zimbabwe Institute 2005:12, Zimbabwe Institute 2008:7)

Parallel, several other measures were set to maintain, respectively tighten, control over the rural population: Mugabe's strategies to maintain power have strongly built on the cooptation of major leaders of military and police (Ndlovu-Gatsheni 2008:7, Chatiza 2010:14ff.). While the security sector had a strong relationships with the government since independence, from the late 1990s Mugabe drew increasingly upon the security-leadership, organized in the Joint Operations Command (JOC). The JOC has been increasingly involved in government decisions, especially in the context of increasing repression and Fast Track Land Reform. An increasing number of positions was manned with security officials, ranging from the administrative, to the infrastructure sector to ambassador posts and the direction of public programs such as food aid distribution, and the Command Agriculture program amongst others. Since 2000, according to the Zimbabwe Institute, this has been increasingly felt by a governing style that relies more and more on decrees and military style operations. (Zimbabwe Institute 2008)

Secondly, steps towards making the local sphere of government²⁰⁵ of service to development efforts and the population's needs were taken back: Parallel to devolution also deconcentrated structures of central government institutions in the territories were enhanced. In addition, strong control and steering responsibilities of the Ministry of Local Government, Rural and Urban Development were installed, which is on top of the hierarchic set-up of local government above provinces, districts, wards and villages.

²⁰⁵ The legal framework for local government consists of the Provincial Councils and Administration Act, the Regional Town and Country Planning Act, the Urban Councils Act, The Rural District Councils Act, the Traditional Leaders Act (Chakaipa 2010:32f.). At provincial level planning is coordinated and compiled by the provincial assembly, the provincial administrator and – as direct link to the Ministry- the provincial governor. The Ministry not only has the duty to pass and monitor compliance of norms, but to lead local government affairs in the country. At the respective levels there are assemblies consisting of the administrator of the ministry responsible for local government, elected councilors, up to 25% special interest councilors, members of the assemblies at village, ward, district or provincial levels, as well as traditional leaders. (Chakaipa 2010:48-54)

The Ministry has far-reaching competencies to intervene and must approve or determine on the creation of norms, salient issues, budgets and grants given to local authorities. (Zimbabwe Institute, Hlatshwayo in Mushamba 2010:114, G.Moyo 2008:27). Along with the budget crisis starting from the late 1990s this led to the reproach that government does not take into account local planning. (Chakaipa 2010:65, G.Moyo 2008:27). In this line, Patrick T. Moyo, mayor of the city of Bulawayo -where traditionally Zanu-PF support has been low- claimed in a panel that all major decisions about posts and approval of budgets were taken at central level (Bulawayo Agenda Trust dialogue event, February 2009).²⁰⁶ In practice, this imbalance also meant that e.g. procedures often have not been applied according to protocol over the last years with councilors feeling controlled by the Ministry departments rather than –as prescribed by legislation- the other way around (statement of councilor in Plumtree, Local Government Capacity Building Workshop, February 2009). Hence, in the trend of increasing control over local government affairs, paired with insufficient backing of its operations structural deficiencies have been deplored, such as weak financial, budgeting and planning instruments, bad salaries and conditions of service, positions unfilled or recruitment of unqualified staff, lacking financial support, inappropriate controls and delays by the ministry (e.g. in approval of budgets), lack of trust between councils and staff, and between councils and the public. (Fiscal Decentralization Study 1999 in G. Moyo 2008:27) For rural areas, this is compounded by the fact that Rural District Councils mostly lack capacities and resources. Thus they (must) leave many of their tasks to administrative staffs, of whom most are recruited by the Ministry, and representations of other central government ministries. (Chakaipa 2010:48-54)

Further, the social institution of traditional leaders has come under increasing politicization from the 1990s in the context of increasing political polarization. The traditional leadership consists of a hierarchy of village heads, above them headmen and chiefs (Ministry of Local Government Official in Chatiza 2010:16). At the lower tiers, traditional leaders take over central functions, especially at village level where village heads are responsible for many tasks ranging from land attribution, to settlement of conflicts within the limits of customary law, to running a registry of inhabitants,

²⁰⁶ Patrick Thaba Moyo, mayor of Bulawayo, stated in an interview that this situation was not a good base for satisfactory service delivery (in F. Moyo 2008:11), “A situation whereby our budgets are approved by Central Government after three months gives us no opportunity to do things the way we want.”

chairing the Village Development Committee, to collecting taxes and levies. Above them, headmen for wards and chiefs for chiefdoms, organized also in a provincial assembly of traditional leaders, exert supervisory functions focused on more complex or high-profile conflict mediation, ceremonies and maintenance of security as well as assisting communication of government- and development priorities. (Chakaipa 2010:48-54). In this line, the *Traditional Leaders Act of 2000* provided that chiefs are appointed and can also be dismissed by the President, that 10% of seats in parliament go to chiefs, and that traditional leaders get salaries- far above those of elected councilors- access to electrification programs and even cars from the state (Makumbe 2010:92f., *Traditional Leaders Act*, Zimbabwe Institute 2005:27). This Act disempowered local governments versus traditional leaders in that the latter received comprehensive formal powers, becoming the political heads in villages with judicial, administrative, land- and natural resources management and conservation, development-planning and coordination as well as police-responsibilities. In practice, Village Development Committees often do not operate anymore, as the village head -traditional leaders at the lowest administrative level- has discretion power for all its duties. (Zimbabwe Institute 2005:13) Also, traditional leaders have far more presence and coverage than councilors: In 2010 there were 271 chiefs, 400 headmen and 24,000 village heads in the rural parts of the country outside commercial farms and mining areas. While by law they are prescribed to be impartial and not admitted for political offices, with above mentioned measures big influence on daily life at local level has been secured for them. (Chakaipa 2010:48, 53f.). A critical issue became that chiefs were given responsibilities in the distribution of food aid, which reportedly has been used as a means of political pressure. Through this, Zanu-PF could use traditional leaders to keep the rural areas on its side. (Raftopoulous in IRIN-news:n.d.)²⁰⁷ Under cooptation efforts, yet, also the colonial tactic of exchanging non-compliant traditional leaders experienced a revival, as in some areas new “traditional leaders“ were determined and ones not supporting Zanu-PF faced problems, e.g. a chief in Manicaland had his farm gazetted for expropriation (Rogers 2009:133,142, 207).

²⁰⁷ The Zimbabwe Situation: How Zanu(PF) manipulates the system. 14.12.2009 <http://www.zimbabwesituation.org/?p=4963>, viewed on 17.10.2011. In this line, residents of Lupane, a politically sensitive sub-center in Matabeleland North, complained about chiefs excluding opposition-supporters from food-aid beneficiary-lists (statements in Local Government Capacity-Building Project workshop, February 2009).

Statel control institutions that tried to set limits to the on-going process were curtailed, since in 2000 the Supreme Court rulings found Fast Track Land Reform (FTLR) unlawful. When the Supreme Court ordered the removal of occupants of land invasions, police appealed against the decision and after the confirmation of the judgment did not carry out the order, which in the following years became an increasingly common phenomenon. (HRW 2008c:13f., ICG 2013a:1)²⁰⁸ In March 2001 Supreme Court Chief Justice A. Gubbay resigned in reaction to a vote of mistrust by the Minister of Justice. Zanu-PF MPs gave a vote of no confidence in Supreme Court and the Ministry of Justice encouraged other judges to step back, which resulted in the resignation of a number of judges (Barry in HWR 2008c:14). These positions were handed over to judges supporting Zanu-PF, of whom in addition 95% received farms expropriated in FTLR and other benefits such as modern TV-sets, luxury cars and electricity generators. (Interview Matinenga, *The Herald* in HRW 2008c:15f.)

While the land occupations were portrayed as an autonomous exercise, M. Mbeki argues that the rationale between the expulsion of White farmers and their farmworkers was to disenfranchise up to 20% of the vote (2009:109-112)²⁰⁹, as aside from White farmers, the central target group of the violence in 2000 were Black farmworkers (Tendi 2010:156). Land-redistribution resulted in coralling and marginalization of big parts of former commercial farmworkers, who could be controlled through monitors left on farms (Forum 2000:3,11). Similarly, the farmworkers' trade-union GAPWUZ points out the factor of patronage strategies to hand farms to Zanu-PF supporters, to quash further opposition politics (2010:56). Fitting into this line of argumentation, also Black commercial farmers unsupportive of Zanu-PF were evicted (Rogers 2009:207), as the example of Edison Zvogbo, a Mugabe critic and competitor of Vice-President Muzenda

²⁰⁸ Apart from this cooptation, a number of High Court Orders were routinely ignored by government and police. In media and public statements the judiciary has been frequently under attack both in its generality as well as individually. (The Zimbabwe Independent in HRW 2008c:16)

²⁰⁹ As Mbeki referred, the population consisted in 2000 of roughly three sectors: about 30% resided in urban areas, 20% in commercial farming zones and 50% in peasant farming areas. (2009:112) Others opine that land is not scarce: About 6 million persons live in cities, in 2000 2 million lived on commercial farms and the rest, 5 million, on communal land, which made up 60% of the land. Under-production of small farmers 3 to 5 times due to poor skills, lack of farming inputs and marketing skills, as well as efficiency in commercial farming would have been too little addressed by government. (RAU-member, interview, Harare, 08 July 2010)

in the province Masvingo, showed (Tendi 2010:100). There seems to have been mutual interest and rallying of strategies of the main actors involved, while there are perspectives that stress the role of war veterans and participating persons from the population (e.g. S. Moyo/Yeros 2003, Scoones et al. 2010, Holland 2008), others point out interests of the JOC and Mugabe (Forum 2000, GAPWUZ 2010). I point out that the leniency of Mugabe regarding the long burning issue of land can be regarded also as a policy choice.

Farm evictions were used for the setting up of so-called bases from where war veterans, youth militias and Zanu-PF supporters operated and coordinated incursions into nearby villages and towns. Hereby, Zanu-PF regional and local leaders played a coordinating role and at least in part financed such actions. According to reports military officials had given short two-day trainings in torture techniques to militias, and countrywide a consistent patterns of attacks existed: beating of buttocks, feet soles, electric shocks, cigarette burns, spilling with petrol and burning, petrol-bombing of houses, threats to cut off heads, rituals of public humiliation and forcing victims to attend political re-education and being paraded at political mass rallies. (Forum 2000:9) Nightly political indoctrination meetings, with coerced participation were held by war veterans and Zanu-PF youth militia (GAPWUZ 2010:21-23,29).²¹⁰ Moreover, invading war veterans and youth militia set up semi-formal Zanu-PF committees of farmworkers sympathetic to Zanu-PF, if such did not exist (GAPWUZ 2010:43).

As fear ruled on farming communities, farmworkers were left without external support in this phase; freedom of movement, association and speech was strongly curtailed for all not seen as Zanu-PF supporters. Numerous houses were destroyed and properties looted, opposition supporters fled or were forced from their homes and hiding under desperate conditions. (Forum 2000:11) By June 2000 the NGO Amani Trust (in Forum 2000:10) reported more than 13,000 persons affected by political violence, over 2,000 having been assaulted, and 30 killed. Estimated 7,000 persons were reported to have been displaced between February and June 2000 (Commonwealth Secretariat in Good

²¹⁰ In such, farmworkers were forced to dance, chant party-slogans, and affirm loyalty to Zanu-PF. Scapegoats, often MDC-supporters, received public beatings; at times, workers were forced to beat up others. In nearly all cases perpetrators were Zanu-PF members or allied to the state and victims MDC-members or politically unaffiliated. In several cases workers from other farms were forced to encircle a farm (GAPWUZ 2010:21-23,29,43).

2002:24). In the elections of 16 June 2000, the MDC won 57 seats, primarily in urban areas, compared to Zanu-PF's 61 that were mostly in rural regions, with elections followed by another campaign of state violence (MDC-website, Zimbabwe Metro).²¹¹ New retribution started from the announcement of the election-result in mid-July 2000 targeting again strongly commercial farmers and their families, farmworkers, extortion and stealing of goods and causing interruption of farming (Forum 2000:16). In October 2000 Mugabe issued an amnesty for politically motivated election crimes, which the International Bar Association (in Good 2002:25) called "a message of acceptability" for politically motivated crimes as most beneficiaries were Zanu-PF supporters.

The following section on experiences and effects of Fast Track Land Reform on farmworkers, in which due to few information sources available, I strongly draw on the study "If something is wrong" (2009) commissioned by the farmworkers' union GAPWUZ, interviews with members of GAPWUZ, the Commercial Farmers' Union (CFU), researchers from Research Advocacy Unit and human rights reports. According to the GAPWUZ-study, for every farmer there were more than a hundred farmworkers, who suffered more and worse violations. The most common experiences victimization were torture (57%), death threats (48%), political intimidation (45%). The perpetrators were war veterans (77%), youth militia (59%), Zanu-PF members (42%), traditional leaders (40%), police- and other state officials as District Administrator, councilors, and provincial governors. (GAPWUZ 2010:41ff.) The table below lists these experiences according to experiences and observations of farmers and farmworkers.

²¹¹ MDC-website: Our Constitution. http://www.mdc.co.zw/index.php?option=com_content&view=article&id=119&Itemid=109, viewed on 24.05.2011. According to Andy Mhlanga, former spokesperson of the War Veterans Association, in 2001 the decision was taken to seal off rural areas to the MDC before the Presidential elections of 2002. Mhlanga, further, warned urban residents to not try to mobilize their rural families and other rural residents for the MDC. Cf. Zimbabwe Metro: MDC "barred" from rural areas. 25.12.2011 <http://www.zimbabwemetro.com/?p=914>, viewed 20 October 2011.

Table 8: Experiences and observation of violence on farmers and farmworkers²¹²

<i>Violation</i>	<i>Employers</i>	<i>Employees (own experiences)</i>	<i>Employees (others' experiences)</i>
Murder	1%	2%	10%
Rape	1%	2%	11%
Sustained permanent injuries	8%	11%	30%
Unlawful detention (more than 2 days)	9%	13%	17%
Forced to intimidate others	11%	29%	34%
Held hostage	15%	24%	18%
Animals killed or maimed	15%	25%	14%
Abduction	18%	30%	39%
Arrest without charge	22%	20%	27%
Forced to watch beatings	24%	43%	46%
Forced to join Zanu-PF	25%	67%	71%
Assault	33%	44%	68%
Forced to attend political meetings	43%	74%	66%
Political intimidation	45%	69%	47%
Death threats	48%	54%	62%
Torture	57%	65%	66%

(Source: GAPWUZ 2010:20,33ff.)

In this context, two thirds of farmworkers left the farms, voluntarily or involuntarily.²¹³

In who was evicted or not, often the political affiliation played a role, e.g. respondents stated to have been evicted for being MDC-members. (GAPWUZ 2010:59) Of those that had left, 71% (of a sample of 52) had been evicted, with 92% (of 37 evicted respondents) without being given notice.²¹⁴ In some instances all farmworkers were told

²¹² Political controversy on the issue, the presence of new settlers - of whom some have taken part in violence- have diffculted research on farmworkers. Due to difficult access to affected areas and resource constraints, the GAPWUZ-study had a limited sample. About half of the respondents were accessed through farmers, closer with higher-rank former farmworkers, so that the sample is assumed to live in better conditions than the bigger numbers of less qualified former employees. (GAPWUZ 2010:11) In the survey 74% reported forced attendance of political meetings, 69% were victim of political intimidation, 67% to join Zanu-PF, 65% experienced torture, 54% received death threats, 44% were victims of assaults, 30% had personal experiences with abduction, 29% had been forced to intimidate others, 29% said children were forced to watch beatings, 25% had seen animals maimed or killed, 24% were held hostage, 20% had been arrested without charge, 13% had been detained unlawfully for more than 2 days, 11% sustained permanent injuries, 5% were forced to join the MDC, 2% experienced murder within their family, and 2% reported rape (GAPWUZ 2010:20f.).

²¹³ Farmworkers could usually work a part of the land for own subsistence agriculture (ZCDT-member, interview, 12 July 2010, Harare).

²¹⁴ After the employers' payment (67% in the study sample) of packages to farmworkers as ruled by 2002's Statutory Instrument 6 [S.I.6/02] in cases of land acquisition by government, nearly half of study-respondents left the farm. 20% of - a total of 40- respondents were forced to give a part of the package to war veterans and youth militia, who in some cases violently coerced the employer into it paying out. (GAPWUZ 2010:56-58)

to leave, in some only ones collaborating with the war veterans and youth militia could stay. In several cases, farmworkers who stayed and worked for the new settlers after some time demanded payment and better working conditions, but were evicted instead (GAPWUZ 2010:56). Of the farmworkers still on the farms, the GAPWUZ-study found that 82% were there without being employed (2010:62). This group does not have the right to stay, works a small piece of land, tries to get by and can be evicted anytime by the settlers or new owner. Due to their marginal situation, they are categorized by humanitarian organizations as “displaced in place“. (IOM member, interview, Harare, 06 July 2010)

In the attribution of redistributed land, war veterans and women received less land than imagined and former farmworkers were most disadvantaged. Instead of being among the first to be considered in land reform, they were victimized through systematic psychological and physical assault (GAPWUZ 2010:36f.). They were estimated 5% of beneficiaries of land reform according to Moyo (in Moyo/Yeros 2005:196) and less than 1% in a study of GAPWUZ (2010:63).

Of those that left, most (80% of a sample of 41) had difficulty to find a place to stay. After evictions the rate of transport and hire of scotch carts needed for transport of belongings had soared up, as former farmworkers who had relatives in rural homes tried to bring their possessions. (GAPWUZ 2010:60-62) But many did not have rural areas to go to,²¹⁵ e.g. ones of migrant-background. Legislative changes with hurdles for recognition of Zimbabwean citizenship introduced in 2001 additionally impacted them negatively. So, many went to towns or in very bad cases started to camp on the roadsides near the farm. (Members, GAPWUZ, CFU, interviews, 16, 19 July 2010)²¹⁶

²¹⁵ The Citizenship Amendment No 12 of 2001, was applied in a way that persons born before 1980 and whose parents were from outside Zimbabwe need to denounce these countries' citizenship on order to be able to claim Zimbabwean citizenship, which created problems for many farmworkers. The embassies often had not received responded to respective requests and applications, which also need documentation such as birth certificates to prove the parents' nationality. Even for farmworkers born after 1980 this provision is an obstacle as many were not registered and could not afford the fees for it now. This legislation often also impacts many White residents. (members, GAPWUZ, CFU, interviews, 16 and 19 July 2010, Lourenço, Marina: Denationalisation and the politics of citizenship in Zimbabwe. In: European Network on Statelessness, 15.10.2012, <http://www.statelessness.eu/blog/denationalisation-and-politics-citizenship-zimbabwe>, viewed 20.11.2013.)

²¹⁶ 26% of respondents in the GAPWUZ-study (2010:66f.), in a sample size of 159, said to have been affected by 2005's Operation Murambatsvina.

The farmworkers in the GAPWUZ-study report to live now with an average of 2.85 family members, instead of 4.31 prior to it. Of these now an average of 0.1 are working on the farm compared to 1.4 before. The number of children attending school on farms has deteriorated from 40% to 19%. This demonstrates the destruction of communities, death and dispersion of farmworkers and their families (GAPWUZ 2010:64).²¹⁷ Lost employment and possibilities of income-generation make improvement of the situation difficult. The GAPWUZ-study found an average decrease of 58% in assets. Among the major damages are loss of 83% in livestock, 78% in crops, 82% in other incomes, 68% in subsidized rations, 74% in medical care, 66% in wages, 61% in having a home, 61% in piped water, 52% in access to a clinic, and 42% access to toilets. Also, cultural activities like traditional dances and appeasing the spirits have been disrupted with declines of -36% and -27% respectively. With regard to need of recompensation, farmworkers prioritized housing (75%), social amenities (72%), jobs (70%), money (70%), re-training (64%), and land (55%). (GAPWUZ 2010:66)²¹⁸

According to calculations by GAPWUZ²¹⁹ approximately one million persons have gone “missing“ between 2000 and 2010, their whereabouts are not clear. A big number is assumed to have migrated to neighboring countries, especially South Africa. Despite pieces of research, there is no comprehensive, secured information able to quantify and locate the migration movements of this group as the political climate has not allowed population-based surveys. (RAU-member, interview, 08 July 2010, Harare) As members of the IOM and GAPWUZ, stated, displacement under Fast Track Land Reform makes up for the highest number of IDPs in the country (interviews, 06, 16 July 2010, Harare).

²¹⁷ As coping strategies after the evictions the farmworkers reported buying and selling (41%), continue working for the old employer (29%), continue staying on the farm (28%), migrating to town (23%), working for the new farmer (17%), migrating to rural areas (9%), becoming a beggar (7%), working in other countries (5%), cross-border trading (5%) informal deals (4%), re-training (1%), crime (0%), prostitution (0%). Sample size for crime 19, for informal deals 56, for cross border training 74, and for all other categories 75. (GAPWUZ 2010:66).

²¹⁸ Sample size was 20 for housing and for all other categories 76.

²¹⁹ In 2000 there were approximately 350,000 full-time farmworkers (incl. 4,500 farmers) and about 250,000 part-time and seasonal farmworkers. In 2000 GAPWUZ had 150,000 members, now only 20,000, the difference of 130,000 with each an average of 5 family-members makes up 800,000 (RAU-member, interview, 08 July 2010).

The authorities responsible for land attribution are central government, political authorities and traditional leaders (OCHA 2011:6), with the latter in charge of informal land markets (Moyo/Yeros 2005:198). A land audit has been repeatedly demanded but so far did not take place. This might be due to the fact that a credible land audit would bring up the extent of farm attributions to Zanu-PF elites. I interpret that one aspect of the long effort of Mugabe to stay in power could be that he and the elites around him might be counting on Fast Track Land Reform to pay off enough to rescue, or restore his image among “Third World“-leaders at least somewhat. This would mean that the respective efforts need to go on as long as possible to reach presentable results.²²⁰ In this sense, somewhat contradictory, in 2006 and 2007 Zanu-PF announced plans in media to invite a limited number of White farmers to restart farming and to lease land for 99 years to them (*The Guardian*, *BBC* in Tendi 2010:249f.).

As Moyo/Yeros (2005:188-193) – in my view somewhat apologetically- argue, war veterans’ single-issue focus enabled them to reach farm expropriations to more than 90%, but they lost control of the process in the rather unregulated aftermath to the benefit of technocratic interventionism and elites and benefited less than imagined (Moyo in Moyo/Yeros 2005:196). In sum, I point out that the strong reliance on youth led to the weakening of war veterans’ importance -as a whole group- in the process, while a number of them were required for ideological justification and for instigation of land occupation and actions of violence under their command, which allowed the state to deflect (full) responsibility and pretension of popular will based on a “just cause“.

FTLR triggered the meltdown of the economy that was strongly dependent on agriculture (Mbeki 2009:112). Affected by the down-turn of the economy, also several mines had to close. At the area of the mines there had been houses provided as accomodation to the mine-workers and their families. After the closing of the mines,

²²⁰ Scoones et al. (2010) presented a study of the province Masvingo with data suggesting that the new settlers in many cases invested strongly into cultivation of the land. This study contains numerous statements like “what is clear is that the reform cannot be undone“, openly avoids an analysis of the FTLR as such, seems to belittle human rights violations, and to leave out analysis of several aspects that ought to be included in an academic study.

they were asked to leave, with such evictions having taken place since 2003. This displacement is of minor numeric scale. (IOM-member, interview, 15 July 2010).²²¹

5.3.1.5 Attacks on and marginalization of urban opposition supporters

Due to the economic crisis, by early 2002 food shortages were critical with many people selling livestock and belongings, others eating only one meal per day and urban workers encouraged to return to the villages under a policy of “decongestion” (*The Economist, Business Day* in Good 2002:17). In 2003 the proportion of very poor had risen to 58% and that of poor to 72% and 62% of urban informal workers were poor in comparison to 47% of informal workers in rural regions (Malaba, Mugara in Potts 2011:93). By 2004 total agricultural production had sunken by 60% since 2000, the GDP to only 4.8 billion Z\$ compared to 8.4 billion Z\$ in 1997, manufacturing output fell to the lowest value in three decades and since 1998 by 45.6% (Hawkins, Business Report 2005 in Potts 2011:90). A 2005 study showed that in Harare’s low-density areas only 15% of the working-age population were employed in formal jobs and that the rest relied on informal income-generation activities (Action Aid/CHRA in Potts 2011:92). Apart from this, spiralling inflation impacted especially also local government authorities, who increasingly struggled to provide the expected services to residents. (Statements in focus group discussion, Bulawayo Agenda Trust, Victoria Falls, October 2006)

Operation Murambatsvina (“Restore Order” or “Clean out the Rubbish”) was launched on 19 May 2005 through announcement of the Chair of the Commission of the City of Harare. According to the announcement the operation implemented by the police “will see to the demolition of all illegal structures and removal of all activities” of informal trading. (Transcript announcement S. Makwavarara in Tibaijuka 2005:95)²²² This

²²¹ E.g. former workers of the copper mines in Chinoi and Kwekwe were affected. In Chinoi the NGO Zimbabwe Lawyers for Human Rights and humanitarian organizations intervened and local authorities agreed to consider giving the houses first to displaced former mine workers than other persons. ZCDT assisted approximately 3,000 evicted former mine workers including their families. (ZCDT-members, interview, 12 July 2010)

²²² As Blacks were treated as temporal immigrants from the *African Communal Areas* in the White urban areas, there was a low Black population in urban townships until the 1970s. With the increasingly intense liberation war in rural areas, the Black population grew at the city-outskirts. (Chitekwe-Biti 2009:347) From the 1980s many people went to cities and towns for education and work resulting in annual growth of 4.8% (Government of Zimbabwe in Chitekwe-Biti 2009:348). In Matabeleland townships received an

Operation was the displacement that received most international attention (member of ai-Zimbabwe, interview, 13 July 2010, Harare). It took place between 19 May and July 2005 and eliminated all informal markets and virtually all informal settlements respectively buildings in the urban areas of Zimbabwe (Tibaijuka 2005, Potts 2011:214f.).

As lacking space in cities and restrictive building regulations impeded the creation of new housing, existing yards had been filled by many owners with shacks and rented such out, which was an important source of income e.g. for pensioners living in cities and towns. In many urban areas such informal structures amounted to a significant proportion of all housing available. (Tibaijuka 2005:22-26) In especially hard hit Mutare 34,000 backyard structures had existed compared to 27,000 houses built according to the regulations. 64% of the population of, the strongly affected, Victoria Falls had been living in informal dwellings (Tibaijuka 2005:26, report *Activities of the Churches in Bulawayo* 2005). Against the background of failed government policies to provide formal settlement space respectively to adapt legislation in a way that citizens' own initiative could fulfill requirements (Tibaijuka 2005:14-27, Potts 2011:213) including the "*Housing for All by 2000*"-campaign that had been popularized throughout the 1990s the Operation was seen as contradictory by many and interpreted as a frontal attack against urban informal settlements (member, Jesuit Communications, interview, 05 July 2010).

As UN-Envoy on Human Settlements Anna Tibaijuka concluded from statements of different government stakeholders, the Operation was not based on a uniform decision, one Zanu-PF MP even quit his functions in protest, other office-holders stated to not have been consulted. Local governments of the cities most affected, and in most cases ruled by the opposition party MDC, despite being responsible for housing and informal markets, were not consulted with the exception of the government-appointed commission running the City of Harare since the 2004 dismissal of the City Council: "The police simply moved in with demolition orders. Out of fear, local authorities either

influx from rural areas due to Operation Gukurahundi in the 1980s (CiB meeting minutes, 16 June 2005). Despite a number of projects, local authorities were not able to provide sufficient housing for the growing urban population, difficulted also by the high standards of the Urban Council Act and Regional Town and Country Planning Act. (Chitekwe-Biti 2009:348)

complied or watched helplessly as informal trades, businesses and homes were destroyed.“ (Tibaijuka 2005:58,76) The mayors of Bulawayo and Gweru stated to be against the Operation. In June 2005 registered vendors in Bulawayo took the City Council and police to court (*The Standard, The Independent* in Tibaijuka 2005:88f.). Still, a member of ai-Zimbabwe (interview, 13 July 2010, Harare) criticized that - although forced by central government instruction - local government was part of the process and seemed to not take it as their responsibility. From 21 May informal traders were rounded up, on 26 May the City of Harare published an enforcement order demanding that people have to stop using illegal structures and demolish them or alternatively legalize them immediately; on 27 May demolishing started in Harare, from 31 May extended to other cities and towns and continued until July 2005. (City of Harare, *The Herald* in Tibaijuka 2005:87-96, Potts 2011:214) Based on government statistics UN-Habitat calculated that 590,000 persons, or 15% of Zimbabwe’s urban population lost its housing due to the Operation. In addition estimated 98,000 informal traders in urban areas lost their stands and investments. Indirectly affected were some 1.6 million persons. In sum, hence, estimated 2.4 million persons became direct or indirect victims of the operation, which corresponds to 20% of Zimbabwe’s population. (Tibaijuka, Potts in Potts 2011:215).

The geographic coverage was uneven: 41% of demolished homes were in Harare Province, with 22% Manicaland and other urban areas of Manicaland Province eight-times more hard hit in relation to their proportion of the national population (only 6%), with 8% Matabeleland North -in particular Victoria Falls- and with 12% Mashonaland West also strongly affected and Bulawayo, the second largest city, with 5% comparatively spared (calculations based on data by Ministry of Local Government, Public Works and Urban Development in Chenjerai, CSO in Potts 2011:216). Studies in Harare showed that 97% of households in high-density areas were affected, whereby especially loss of shelter and incomes from rentals (76%) were significant (Action Aid, Solidarity Peace Trust, CHRA in Potts 2011:217). At the face of a 25% HIV-prevalence rate in Zimbabwe, at least time-wise interruption of treatment programs and circumstances such as sleeping out in the open in the coldest time of the year, the Operation is assumed to have caused severe negative health effects, which were however difficult to quantify (HRW in Potts 2011:220).

At the level of local initiatives, persons and networks in leadership positions in part intervened through church- or residents' structures. I present in the following an outline of activities on Operation Murambatsvina of the NGO *Churches in Bulawayo*, located in the opposition-stronghold Matabeleland. This NGO and the churches behind it were a major stakeholder on assistance to displaced persons in Matabeleland and kindly provided me with a comprehensive file on their activities. This outline attempts to shed some light on interaction patterns in humanitarian assistance around the time of the Operation and in how far local government institutions were playing a role in them:

In Bulawayo, partly due to the cooptation of national church structures and their relative inactivity regarding Operation Murambatsvina, a group of 15 church congregations through their leaders founded Churches in Bulawayo (CiB) (CiB Concept Note 2005:2,4, CiB-activity report n.d.). As reports and meeting minutes of the relief structure show, their (churches') leadership from mid-June 2005 contacted relevant Zanu-PF officials in the region, at national level going up to President Mugabe, asking them to stop the Operation and advocating for humanitarian aid and support of the victims' recovery. (CiB minutes June-August 2005) For this, amongst others several meetings were carried out with especially the Governor and Resident Minister for Bulawayo province, the police chiefs for Matabeleland, and the provincial Social Services Officer (CiB/AEA 2005:10, CiB minutes of 27 June 2005). The church leaders were briefing the concerned officials that they were sheltering IDPs from the Operation in churches, especially in Bulawayo and the strongly affected Victoria Falls, and proposed humanitarian assistance procedures. The CiB-leaders also met UN-agencies, such as the WFP, the IOM, and UNICEF and mobilized support from them (CiB minutes, 16, 22 June, 12 August 2005). UNDP trained church leaders on the Sphere Project's minimum standards in humanitarian response in a transit camp (CiB minutes, 11 July 2005). Support to the efforts of CiB was granted by international church-networks and NGOs like Tearfund, World Vision, Action Aid and Caritas, but also one third of operating costs were financed through local church collections (CiB-activity report n.d., CiB minutes, 04 August 2005). Medical services were organized through Doctors without Borders and local medical doctors of the church networks (CiB/AEA 2005:13).

On government side, according to CiB, the representation of the Department for Social Welfare was unprepared for the humanitarian crisis; in late June the Red Cross was

mandated to move people to transit camps, who after being screened there were to be sent to “their rural homes“ (Mpofu in CiB minutes, 27 June 2005, stress added). CiB-leaders undertook follow-up meetings at transit camps with e.g. the Social Welfare Officer and participation of police, WHO, UNICEF, UNDP, World Vision, local government, and other local organizations, with the Red Cross apparently having too low capacities for the camps’ management; (national) government planned attribution of stands to IDPs, which actually is the legal competence of local government, and made clear that it did not approve of the churches’ engagement. As many people turned to the churches for help, the government partly accepted their support. (CiB minutes, 11 July 2005, CiB Livelihood Proposal 2005:6) However, in the night of 21 July police removed IDPs who were sheltered in churches in a forced, nightly action to transit camps, respectively were others dumped in rural areas. In response, the church leaders sought legal aid, meetings with Zanu-PF authorities in the provinces and the Ministry of Home Affairs as well as organized prayer meetings. (CiB Minutes, 21, 22 July, 10 August 2005)

According to CiB- and ZCDT-members, the context was highly polarized and prevailing fear demobilized support and resistance potential of most initiatives (interviews, February 2009 and 12 July 2010); organizations supporting IDPs were viewed by the government as critical elements (IDMC 2008:10f.). I presume that church-leaders in the opposition strong-hold Matabeleland have been comparatively and relatively better positioned to organize a certain degree of support and mobilization. But also here limits were reached, in terms of intransigence of Zanu-PF officials regarding the question of taking evicted people to transit camps and send them back to “their rural homes“. Interesting to note is that the politicians and officials contacted were largely from national government institutions and Zanu-PF. Local government institutions were not or hardly mentioned in the reports and minutes; apparently they were not seen as being in a position to stop the Operation and the sending of people to rural areas.

The policy to send people “back“ to “their rural homes“ neglected the fact that not all urban population had such (interview ZCDT-members, 12 July 2010) and that even if evictees stemmed from a rural area this did not necessarily mean that they could make their livelihood there. On the contrary, many of the persons had gone to urban areas because of lack of income opportunities in their rural home area. (Potts 2011:224-6)

Members from organizations providing support noted that many evictees had returned to urban areas or surroundings of cities, as they could not integrate into the rural context they arrived in, also under stress due to poverty (members CiB, UNHCR, interviews, 29 June, 09 July 2010, Tibaijuka 2005:75). In part, the evictees also encountered suspicion and obstacles from the side of the local leadership and the population in rural areas under a politicized view as government opponents or “unruly and immoral urbanites” (interviews, members of CiB, 29 June 2010, Bulawayo).

Persons at the margins of society, who can be found to higher proportion in urban centers, were affected particularly badly, such as widows, divorced women, especially if with children,²²³ individuals who could not integrate well into the local social structure, persons from very poor, child-rich families sent away for bread-winning or to be relieved of the burden of an additional eater, as well as un- or under-employed migrants. (ZCDT, interview, 12 July 2010, Harare). Approximately 114,000 evicted persons – with one third estimated to be sleeping out in the open – were migrants or people with origins from Malawi, Zambia or Mozambique who had no rural homes in Zimbabwe, often were former farmworkers and had weak networks in urban areas (Tibaijuka 2005:75, members ZCDT, interview, 12 July 2010, Harare).²²⁴ There were also incidents of persons of migrant origin who had moved to urban centers, changed their names to indigenous ones to avoid otherwise pervasive discrimination and after their eviction could not go to the region of “their” name (CFU-member, interview, 19 July 2010, Harare).

Due to lacking alternatives and also in part because of non-provision of transport by government, many stayed at the yards of their destroyed housing. Others resorted to sleeping in the bush, or, if still having employment in the formal economy grouped together to rent warehouses, as accommodation in the formal housing market was too

²²³ Widows and divorcees according to the patrilineal tradition in Zimbabwe do not have the right to land and accommodation in the regions of their deceased or former spouses, even though officially registered for that area, often could not return to their household of birth (Tibaijuka 2005:75, interviews, members, CiB, Bulawayo, ZCDT, Harare, 29 June, 12 July 2010).

²²⁴ Epworth, at the outskirts of Harare and a particularly strong concentration of persons of migrant origin, was said to have been protected partially through the intervention of the government of Malawi (CHRA, church organizations interviewed by Potts 2011:217). According to Vambe, Musiyiwa (in Potts 2011:217) Epworth’s only partial affectedness can also be explained by the fact that a part of its leadership supports Zanu-PF.

expensive. Those that had the possibility, moved into houses of family and friends, which resulted in serious overcrowding, with often 15 to 20 persons, comprising adults and children, in two-roomed houses. (Report on the *Activities of the Churches in Bulawayo 2005*, visit in Epworth, Harare, Chenjerai 2006 in Potts 2011:229²²⁵). Immediately after the start of Operation Murambatsvina rooms for rent had soared to four times the price in the affected high density urban areas (Potts 2011:220, cf. Tagwira 2008:147). As Tagwira (2008:149) refers, many affected people were on the move with their families and possessions in search of open spaces, where they could put up make-shift shelters.²²⁶ At the same time, police were on the look-out for illegal shelters, so that there was the threat of new eviction. Occasionally, incidents over vague boundaries took place, theft increased and property loss continued. Places where people put up make-shift shelters, soon became known as a health hazard, due to overcrowding, lack of clean water and sanitation facilities. Diarrhea and chest infections, due to the cold weather, were frequent health problems. After some time such places were closed, make-shift accommodations razed down by government forces and people brought to holding farms (Tagwira 2008:154ff.,182) administered by the police and military to concentrate people and examine which rural areas they could be sent to (Chitekwe-Biti 2009:349).

In terms of humanitarian aid, the situation was very polarized. At certain times and places, the government hindered assistance. There was no overview of the needs, number and exact situation of the affected. With this it was hard to develop and raise funds for support programs. Few resources were available, as the government had not participated in the UN-led Consolidated Appeals Process in the year before. The government did not react with significant feedback to the UN Country Team's Humanitarian and Developmental Relief Plan, for three months amounting to 11.9 million USD. International standards of assistance, such as of the Sphere Project and the Guiding Principles on Internal Displacement could not be ensured. (Tibaijuka

²²⁵ A 2006 study in Mbare, Harare, found 53% of houses accommodating more than 16 persons and 9% more than 26 and a minimum of three backward shacks demolished on each plot (Chenjerai in Potts 2011:229).

²²⁶ As Tagwira (2008:149) refers even war veterans were not spared if they did not have council approval of the building structure, despite pleading with authorities about their liberation war efforts.

2005:42,51-53) As there was no forum for consultation and coordination of relief between the government, UN and civil society initiatives, assistance was provided mostly ad hoc. (UN-OCHA in Tibaijuka 2005:52,54)

The government asked most international and national NGOs to continue their on-going programs, but to not start programs to support victims of Operation Murambatsvina. The WFP delivered food aid for especially vulnerable households and cooked meals to holding camps. In addition it provided non-food items -such as soap, cooking utensils and blankets- through the IOM and its partners, Zimbabwean church organizations and smaller NGOs. WFP, the Red Cross and Christian Care provided plastic sheetings, blankets, mattresses, cooking pots, transport for other items The IOM managed to raise funds for addressing immediate needs. (Tibaijuka 2005:42,51-55) UNICEF supported water and sanitation services, child protection, education assistance, temporary shelter, toilets in parts of the three biggest cities, Harare, Bulawayo and Mutare. After the Operation, UN-Habitat sent a field resettlement specialist to support rebuilding settlements (Tibaijuka 2005:37). The capacity of government, civil society and –the over the previous years increasingly leaving- international humanitarian actors was insufficient and local NGOs were often worried to get into troubles with the government. (*reliefweb.int* in Tibaijuka 2005:54, Tibaijuka 2005:54f.)

The massive scale of the operation also led to diplomatic intervention by the United Nations. After a visit by the UN Human Rights Rapporteur was not admitted, in June 2005 Special Envoy of the Secretary General on Human Settlements Anna Tibaijuka was able to conduct a two weeks' fact-finding mission to assess the effects. (*The Herald* in Tibaijuka 2005:91)

As the report of UN Special Envoy on Human Settlements Anna Tibaijuka stated (2005:71):

“In economic terms, the Operation has destroyed and seriously disrupted the livelihoods of millions of people who were coping, however poorly, with the consequences of a prolonged economic crisis. Politically, the Operation has exacerbated an already tense and polarized climate characterized by mistrust and fear. It has resulted in a virtual breakdown in dialogue between different spheres of Government, between Government and civil society, and once, again, put Zimbabwe at the limelight of the international scrutiny.

Efficiently executed in a militaristic manner, Operation Restore Order provides clear indications that the Government of Zimbabwe has the wherewithal to implement policies at a lightning speed when it has the political will. This political will shall be used to advantage to redress the humanitarian crisis, so created, to embark on sustainable reconstruction and rehabilitation effort, and to bring to account those who have acted, or caused others to act, with impunity and outside the framework of international and national law.”

The UN-report further recommended to review the legislation taken as motive for the evictions, the *Regional, Town and Country Planning Act* and other relevant Acts, adapt it to realities and halt involuntary displacement to rural areas and transit camps, which would only increase vulnerability and humanitarian suffering. (Tibaijuka 2005:73)

The UN Special Envoy's fact finding mission and advocacy to move the government to remedial action initially seemed successful: The Zimbabwean government announced a campaign called Operation Garikai ("Prosper") with an announced budget of 300 million USD to reconstruct housing (UNHCR-member, interview, 09 July 2010, Harare), according to the norms whose violation were said to be the causes for the Operation. The 300 million Z\$ were outside of the 2005 state-budget and it was anticipated that their materialization would curb inflation, then at 140%. Also, the government allocated 100 million Z\$ in food aid -then approximately 10 million USD- but this was equally not foreseen in the annual budget and international credits were hard to access (*The Herald* in Tibaijuka 2005:47). The two-roomed houses finally built in Operation Garikai were far too few and fell below minimum standards, e.g. lacking electricity connections, water supply or ablution facilities. (G. Moyo 2008:26, Tagwira 2008:330,344f., *The Zimbabwean*, 19.09.2010²²⁷, interview, member, ai Zimbabwe, 13 July 2010) Further, the houses were mostly given to government officials, civil servants, military or police, and less to persons affected by Operation Murambatsvina and then only against an upfront payment of 13 million Z\$, far above what an ordinary inhabitant of informal settlements, even more after being displaced, could afford. (Interviews, members, Habakuk Trust, Bulawayo, 29 June 2010, Epworth Residents Organization, Harare, 16 July 2010, Tagwira 2008:344f.). A visit in an area where such a housing project was implemented showed a number of tiny houses with few windows (visit, Epworth, Harare, 16 July 2010). A UNHCR-member stated that from 2010's perspective it was clear that these programs had not provided durable solutions to most displaced (interview, Harare, 09 July 2010). The assumption that the evictees would

²²⁷ Cf. e.g. *The Zimbabwean on Sunday*: Operation Murambatsvina-victims still crying for a decent living. 19.09.2010, <http://www.thezimbabwean.co.uk/human-rights/34244/operation-murambatsvina-victims-still-crying-for-a-decent-living.html>, viewed 05.07.2011

return to rural homes proved incorrect (Tibaijuka 2005:74). People remained homeless to a big part (member, ai Zimbabwe, interview, 13 July 2010). Some went to, already economically weak rural areas not well-prepared for big flows of displaced from the cities (cf. Tagwira 2008:260).

Apart from lack of basic accomodation and housing, subsequent problems were ensuing that still existed at the time of the research stay in summer 2010: As many of the displaced cannot imagine to live in rural areas, they prefer to remain within the vicinity of urban areas. (UNHCR-member, interview, 09 July 2010, Harare). Due to legal insecurity and lacking official acknowledgement of the situation, infrastructure is not developed in such places. Water, sanitation and health facilities, as well as schools do not exist. Lacking income-possibilities, part-time work, odd jobs, small scale trading, and planting of maize next to the houses and receiving of some humanitarian aid, for some prostitution in the nearby rich areas and to some degree illegal activities are among employed survival strategies. (ai-member, interview, 13 July 2010). In most cases, people are not able to fend for themselves, children are often not going to school, there is in general a pervasive situation of destitution. Eviction remains a permanent threat as some of the areas are only currently not used by their proprietors. (Interview, CiB-member, 29 June 2010, Bulawayo) Among those that were sent to rural areas and stayed there, proper accomodation remains a challenge. While people have been given stands, they did not receive legal titles for the land. Some did receive group certificates, but not title deeds for individuals. (UNHCR-member, interview, 09 July 2010)

Holding camps like Hopely Farm had meanwhile new settlements with approximately 10,000 people. At such places at least people had been given land and titles, but were charged money for staying on the plots, which many could not pay. Infrastructure was poor, there was e.g. lack of schools and electricity, only now a clinic being established, a high rate of maternal mortality and other health hazards, of five boreholes only one working properly and, in consequence, people digging their own boreholes. (ai-Zimbabwe member, interview, 13 July 2010) In other settlements, IDPs did not receive legal titles for the stands. At times people were put on a list and told to go, which members of ai-Zimbabwe and CHRA (interviews, Harare, 13, 14 July 2010) suspected to be politically driven, as Zanu-PF supporters might have a better chance of staying and community leaders seemed to be targeted for expulsion more often. Despite people

being bitter about the Operation, there was not much solidarity with IDPs; on many occasions IDPs had been suspected of crimes and arrested. (Interview, ai-member, 13 July 2010)

The reasons for the Operation could never be proved (Potts 2011:222-224), prominent speculations include strategies to depopulate urban areas due to fear of food riots of urban poor (UNHCR member, interview, 09 July 2010, Potts 2011:232), and retaliation for high MDC-support of urban areas in the March 2005 elections (*Financial Gazette* in Tibaijuka 2005:89, M. Mbeki 2009:112f.). Operation Murambatsvina in any case resulted in overcrowding and higher stress on public service infrastructure: From the mid-2000s public infrastructures started to collapse with pervasive electricity- and water provision problems in the capital Harare and these services nearly collapsing in the second biggest city Bulawayo (Potts 2011:90, presentation, Bulawayo's mayor in Focus Group Discussion, Bulawayo Agenda Trust, February 2009). From 2006 cholera cases appeared in Harare and Bulawayo (Zim Online, CHRA in Potts 2011:90). The economic downturn went so far that trade to big parts collapsed; the Z\$ was largely substituted by the USD in 2008, as hyperinflation was beyond control (Potts 2011:91). As Potts argues, the effects of the Operation were not limited to urban areas only; the increased economic stress caused by it might have contributed to the shift in voting patterns in rural areas in the 2008 elections. (2011:233)

5.3.1.6 International and national efforts to mitigate effects of the low level conflict

The (predominantly White) Commercial Farmers' Union, which in 2000 had about 4,000 members, from 2000 sent monthly situation reports to more than 200 destinations around the world –and reached much international attention to the farm evictions. In 2002 a policy change within the CFU occurred to quieten down to protect the remaining farmers who had to cope with demonization and land invasions. (CFU-member, interview, Harare, 19 July 2010)²²⁸

Partly in consequence of the CFU's advocacy work, and in reaction to other political and electoral violence several Western countries imposed -on the whole toothless-

²²⁸ The fact that most farmers were already evicted, led to a split in the CFU. While a part wanted to maintain dialogue with the government, another part felt betrayed and wanted a more outspoken stance. (CFU-member, interview, Harare, 19 July 2010)

sanctions at Zimbabwe from 2002. Travel bans could be circumvented, e.g. by attendance of international meetings; the impact on Zimbabwean business and the Zanu-elite was not big - travel, business, and even arms purchases are available elsewhere, e.g. China. (NewZimbabwe.com, Shinn in Smith-Höhn 2010:5) Further, the sanctions have been used as an ideological tool by Zanu-PF to deflect critique for the economic demise and authoritarian policies. (NewZimbabwe.com, Shinn in Smith-Höhn 2010:5, Tendi 2010:265-271).²²⁹

Zimbabwe, as frontline-state against apartheid, had long excellent relations with most UN member states, of which the cooperation between the UN and the government profited (IOM-staff, interview, 18 July 2010, Harare). Under such considerations, international actors mostly limited their activities to largely ineffective expression of concern about repression and when these were not taken up, set reactive measures through humanitarian aid, provided with local organizations and churches (interviews, members, UNHCR, IOM, 10, 18 July 2010). Human rights reports (e.g. by Human Rights Watch) and analytical reports on political developments (e.g. by the International Crisis Group) tried to keep the events in Zimbabwe in the awareness of the international public, but displacement featured low among the covered topics.

Regional actors, especially leaders of neighboring countries, from the beginning of the Zimbabwe crisis in 2000, aligned largely with the Zanu-PF dominance, independent of the contradictions of this with African Union programs such as NEPAD and the African Peer Review Mechanism (Good 2002:26ff.) and regulations of the regional organization Southern African Development Committee (SADC) (Tendi 2010:139). SADC

²²⁹ The UK, USA, EU, Australia, New Zealand and Switzerland introduced limitations of trade of military equipment and arms, starting with the UK in 1997, and the others in 2002 and 2003 (Stübiger in Smith-Höhn 2010:2). The EU limited development aid to humanitarian assistance and social projects, but remained Zimbabwe's second most important trading partner after South Africa. The IMF and other international bodies took up relations reduced in part due to actions of the Zanu-PF government and due to non-debt payment to the IMF and World Bank, again after the forming of the coalition government. (Smith-Höhn 2010:3f.) The Commonwealth had suspended Zimbabwe for one year, after which Mugabe rejected a new application in 2003. The USA and UK announced to consider lifting sanctions as they see reform results. (Smith-Höhn 2010:1-3) After the Constitutional referendum of March 2013 the EU lifted visa-restrictions for all except the immediate family of Mugabe, several security officials and the Zimbabwe Mining Development Corporation (ICG 2013a:i). The EU funds projects of humanitarian aid, education, agriculture, social services and governance, implemented by international organizations including the UN and IOM, as well as local and international NGOs. Cf. European Union: EU relations with Zimbabwe. http://www.eeas.europa.eu/zimbabwe/index_en.htm, viewed 20.10.2011.

repeatedly called on the lifting of the targeted sanctions, whereas the AU pronounced a neutral attitude (Smith-Höhn 2010:4). Neighboring South Africa's governing party ANC endorsed all elections since 2000 ignoring widespread abuses and intimidation (Russel 2010:266f.). Despite that then South African President Thabo Mbeki voiced in 2006 that the UN would be the best broker for mediating the worsening situation in Zimbabwe (T. Mbeki in *BBC-news*, 26.05.2006)²³⁰, the South African government and in 2007 and 2008 even engaged China and Russia to veto the UN Security Council negotiations to protect the Zimbabwean government from interference for its human rights violations (Mbeki 2009:119, Smith-Höhn 2010:4, *allafrica.com* in HRW 2008a:65). Yet, in reaction to repression of protests in March 2007 and the generally descending situation, SADC took over a mediation role to facilitate credible general elections in March 2008. Under this increased international (regional) observation, the elections had a calm run-up and resulted in 109 parliamentary seats for the MDC factions²³¹ versus 97 for Zanu-PF. In the Presidential election a run-off was necessary, as Tsvangirai got 47.9% and Mugabe 43.2%. (Tendi/Cheeseman 2010:26, Raftopoulos 2009:229)

After a period of shock, security commanders around Emmerson Mnangagwa gained upper hand in Zanu-PF and decided to back Mugabe, and launched the repression campaign, *Operation Makavhoterapapi* ("Where did you put your Cross?"), to change the pattern for the run-off of 27 June (Russel 2010:267, Tendi 2010:256-258). The Operation was directed by Zanu-PF and the military and carried out by war veterans and youth militias. Similar to the elections of 2000, 2002, and 2005, political violence was carried out across the country. (Tendi/Cheeseman 2010:26)

Many youth were forcibly recruited from schools and often up to hundreds of community members hustled into participating in and/or observing the local campaigns

²³⁰ *BBC News*: UN holds key to Zimbabwe – Mbeki. 26.05.2006, <http://news.bbc.co.uk/2/hi/africa/5011934.stm>, viewed 26.05.2014.

²³¹ From 2002 there was a rift in the MDC due to differences on whether negotiation with Mugabe or continued mass action should be pursued. This led to a split in October 2005, with one faction led by Tsvangirai (MDC-T) and the other first by Arthur Mutambara and, then, by Welshman Ncube (MDC-N). (MDC-website: Our History. http://www.mdc.co.zw/index.php?option=com_content&view=article&id=116&Itemid=107, viewed on 24.05.2011, Raftopoulos in Raftopoulos 2009:225).

to intimidate MDC-supporters. Political violence, was carried out in an unprecedented intensity, uniform in most parts of the country with beating of buttocks, knee-capping, beating of bottoms of feet, political re-education sessions (*“pungwes”*) at so-called bases, often established in or near schools, psychological and physical torture, mutilation of body parts, rape and killings. (ZCDT 2009:2, VAC n.d.:4, interview member CiB, 29 June 2010, HRW 2008a)²³² The remaining White commercial farms were invaded and people beaten up with sticks, bicycle chains, and metal poles, amongst others (Tendi 2010:259). In the course of political intimidation and violence houses were burnt, property, livestock and grains confiscated or lost, destroying the source of livelihood of many households (ZCDT 2009:2, interview, UNHCR member, 09 July 2010). Refuge-taking had implications on schools, rural clinics and other social providers, whose staff fled (ZCDT 2009:3, HRW 2008a:39f., interview, Victims’ Action Committee/ROHR, 05 July 2010). Suspected to be MDC-supporters and often active as electoral observers and presiding officers in polling centers, teachers were strongly targeted (Pswarayi/Reeler 2012, HRW 2008a:53-55). As hospitals and clinics were instructed to not attend victims of political violence, increasingly cases with septic wounds occurred because of lacking access to healthcare in rural areas or possibilities to reach Harare (ZCDT 2009:2, HRW 2008a:40). Freedom of movement was severely limited in large parts of the country between April and July 2008 (ZCDT 2009:2, HRW 2008a). In late May 2008 Social Support Minister Nicolas Goche and Local Government Minister Ignatius Chombe worsened the situation further by a government directive banning field-work of all humanitarian organizations (ZCDT 2009:2) and that food aid would have to be channeled through local government (HRW in HRW 2008a:65). As the campaign of violence and intermission of transport ways resulted in reduced farming activities and food shortages (HRW 2008a:39f.), estimated one third of the population depended on government, including coopted traditional leaders, for receiving food aid (WFP in HRW 2008b:7f.).

The Operation focused on the former Zanu-PF-strongholds Mashonaland, Manicaland, Masvingo and Harare. (ZCDT 2009:2, VAC n.d.:4, interview member CiB, 29 June 2010, Bulawayo, HRW 2008a) Urban areas, before rather safe, also became insecure,

²³² In Chiweshe, Mashonaland Central, the violence went to the extreme of 70 persons being tortured in the local primary school, including sexual violence, and six persons dying as a result (HRW 2008a:35f.).

especially the highly density areas of Harare. Even churches, where people had sought refuge, were attacked. (ZCDT 2009:2, HRW 2008a:40) Traditional opposition-strongholds like Matabeleland were comparatively spared and became reception regions for persons fleeing persecution in the highly targeted regions (interview, members, Churches in Bulawayo, 29 June 2010).

The police were either unable and unwilling to arrest perpetrators and instead at times arrested victims when they filed police reports on violence. At times members of police and army were seen supporting perpetrators or took themselves part in political violence. (CCJP 2010:15ff., ZCDT 2009:2) Thus, an overlap occurred between police and non-state groups used for political repression, war veterans and youth militia. Against the law, in several provinces militia carried out policing tasks such as arresting people, investigating allegations, and imposing punishments on (suspected) opposition supporters. (HRW 2008c:20, HRW 2005:15) Looted food reserves fed Zanu-PF youths at the bases. There are also reports of traditional leaders having benefited from looting in political violence. (ZCDT 2009:2,8)

According to HRW and the Internal Displacement Monitoring Centre in the context of the Presidential run-off up to 200 MDC activists were killed, some 5,000 persons beaten up or tortured and tens of thousands displaced (HRW in HRW 2011:4, IDMC 2008:4). The Zimbabwean NGO ZCDT estimated that 9,000 persons had severe injuries from torture and beatings and 36,000 thousand were displaced (2009:2).²³³ As a CFU-member said (interview, 19 July 2010, Harare) in this time, “there was no safe place”:

“Organizations like the IOM, Red Cross all needed a protocol with government... There was people taking in persons in their houses, no refugee camps, activists had to stay in hidden places, IOM etc. did not help. This period of time was awful, there was no safe place. There was a one-sided political offence of the government against its population.”

There was need of food, temporary shelter, clothes, access to medication and transport to safer places and a high degree of psychological traumatization. Lacking accomodation, many victims, particularly women and children, had to sleep in the open during a good part of the Zimbabwean winter of 2008. A few organizations provided

²³³ The Victims’ Action Committee in a study on the regions most affected by political violence - 70% of the national territory - recorded 12,549 victims by 08 May 2009 (VAC Presentation on Research “The Impact of Political Violence“, n.d.:1-3).

shelter for displaced and organized medical aid for victims who would not be treated in hospitals. Due to activists fleeing to relatively less hostile areas, families disintegrated. (ZCDT 2009:2f., CCJP 2010:15ff., interviews members of UNHCR, Victims Action Committee/ROHR, 09, 05 July 2010, Harare) While many displaced managed to return home after several days or months, some left to South Africa and other neighboring countries. At the height of political violence many tried to hide in the South African embassy or in the headquarters and regional offices of the MDC (interview, UNHCR-member, 09 July 2010). As a development consultant (conversation, 29 June 2010, Bulawayo) remarked, the MDC was completely overwhelmed. Reacting to the massive human rights abuses, the MDC withdrew from the elections on 22 June 2008 and Mugabe ran in the Presidential run-off without alternative candidate, but atrocities did not fully stop. (MDC-website, interview, members of ZCDT, Harare 12 July 2010)²³⁴

While the violence was starting, the United Nations tried to intervene on a diplomatic level: UN General Secretary Ban Ki Moon on 21 April 2008 met MDC-T leader Tsvangirai and promised to consult with the AU on the way forward, and on 7 May expressed serious concern on the situation. On 29 April six UN Special Rapporteurs -on torture, extrajudicial killings, housing, free expression, violence against women and human rights defenders- launched a statement condemning the violence in Zimbabwe. The UN Humanitarian Coordinator and the UN Country Team on 13 May 2008 expressed concern about the political violence and displacements which created needs of shelter, provision with food and other items at a large scale. (UN press statements in HRW 2008a:64) On 2 and 21 May UNICEF condemned obstacles to reach vulnerable beneficiaries and that more and more children became affected by the violence (UNICEF press release and -statement in HRW 2008a:64). A special security briefing on 29 April 2008 and other initiatives to reach a UN Security Council resolution on the Zimbabwe situation constituting a threat to world peace and security were not successful. (*allafrica.com* in HRW 2008a:65) HRW demanded a Special Envoy on Zimbabwe to ensure investigation and reporting on the human rights abuses (HRW

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MDC-website: Our History.
http://www.mdc.co.zw/index.php?option=com_content&view=article&id=116_&Itemid=107, viewed on 24.05.2011.

2008a:65f.) and launched reports on the political violence in June and August 2008 (HRW 2008a,b).

However, unstopped by such international attempts to tame the situation, political violence continued until autumn of 2008: Yet, under the SADC-mediation, the parliamentary election result could not be ignored by Zanu-PF and the negotiations for a transitional Government of National Unity resulted in the Global Political Agreement (GPA). When it went into force on 15 September 2008, there was a decrease in political tension and violence with a feeling of relative political stability. In this social climate, many of the displaced started to go back to their villages, in part supported by NGOs. In many cases the homes of the victims had been destroyed, property had been stolen or was in custody of traditional leaders and those people who had masterminded political violence in the respective areas. Those who had looted the property usually refused to return it and traditional leaders according to ZCDT (2009:3) asked for “fines“, most often livestock, for having supported the opposition, before people were allowed to settle again in their village. As referred to by members of the Victims Action Committee (VAC, interview, 05 July 2010) and found in a study by ZCDT (2009:5), of those who managed to resettle, many received threats or have been subjected to marginalization in social activities because of their connections with the MDC. Systematic impunity resulted, with perpetrators and victims living in the same communities. Political conflict lines, at times, even go through families (*Daily News*, *Voice of America*, anonymously quoted CSO-report in ICG 2013a:5f., interview VAC/ROHR, 05 July 2010). A hindering factor for requests for redress has been that litigation goes to positions filled by political appointees. The abduction of Zimbabwe Peace Project-Director Justina Mukoko was seen as a precedent on the risks of human rights-documentation by a UNHCR-member (interview, 09 July 2010). The NGO ZCDT expected that political expression, democratic rights and responsibilities would experience a set-back in communities due to fear of violence that had occurred in all elections since 2000 (2009:3).

5.3.1.7 Zanu-PF intransigence in and beyond the Government of National Unity

The GPA was planned to be a roadmap for a transition government that over 16 months should prepare a new constitution and elections. Its contested nature and the unreadiness of the - in real terms- dominant Zanu-PF showed in the fact that it read like an unharmonized compilation of wishes, with points partially contradicting each other. (allafrica.com, 15.09.2008)²³⁵ Despite this, the coalition government - while scepticism was expressed and showed in e.g. slow forthcoming of donor support - was seen as a window of opportunity for many national and international actors. National organizations tried to give inputs to the transitional government through different advocacy activities: e.g. ZCDT organized focus group discussions on the 2008 electoral violence and produced a booklet as a policy input for the national healing process; the Victims' Action Committee did a research project on the political violence in the 2008 elections and implemented related community reconciliation activities. (Interviews, members, ZCDT, VAC, 12 and 05 July 2010, VAC Update on Political Violence 2/11/2009, VAC n.d.)

In this climate, the Internal Displacement Monitoring Centre published the first international report on internal displacement in Zimbabwe (IDMC 2008). This report recommended to the government of Zimbabwe (1) to adopt national legislation on displacement based on the UN Guiding Principles on Internal Displacement and (2) to facilitate durable solutions for IDPs according to international minimum standards, as well as to implement the recommendations of 2005's UN-Habitat report on Operation Murambatsvina: facilitation of humanitarian support, a policy framework providing security of tenure, affordable housing, water and sanitation, support for small-scale income-generating activities, review and adapt housing regulations, and allow unrestricted access to support to IDPs. (IDMC 2008:8)

Yet, until mid-2009 international organizations and other stakeholders, who tried to engage the government on the topic could only speak of displacement under the condition that the term "mobile and vulnerable populations" be used (IDMC 2008:4). When in February 2009 the Government of National Unity was formed, this facilitated

²³⁵ allafrica.com: Zimbabwe: Full Text of Power Sharing Agreement. 15.09.2008, <http://allafrica.com/stories/200809151361.html?viewall=1>, viewed 25.10.2013.

new possibilities for support to IDPs (interview, OCHA-member, Harare, 19 July 2010). Since mid-2009 the term “IDP” started to be used. The humanitarian organizations’ working group on mobile and vulnerable populations was re-named (ZCDT-member, interview, 12 July 2010, Harare) and developed into a sub-cluster of the UN-facilitated coordination structure, “Protection-cluster”. According to the head of the Protection Cluster internal displacement was the biggest issue among those treated. The IDP sub-cluster had for a longer time a rotating chair, because the issue was highly sensitive and no one wanted to take the lead. (Interview, 16 July 2010, Harare) Because of this, the IOM and UNHCR cooperated largely with churches and localized organizations with smaller programs in support to IDPs (IOM Program Officer, interview, 06 July 2010, Harare, UNHCR-website).²³⁶

In June 2009’s mid-year review of the Consolidated Appeal Process (CAP), coordinating fundraising and planned programs, the UN addressed the topic of displacement as it included several projects addressing displacement. Government representatives came to the launch, endorsed the CAP, but wrote a letter with reservations regarding displacement. As there was no agreement on numbers and causes, the government suggested to do an assessment. (UNHCR-member, interview, 09 July 2010, Harare) An inter-ministerial committee²³⁷ was set up to assess the needs of IDPs in Zimbabwe and the government and the Inter Agency Standing Committee (IASC) agreed that information, collected by the Zimbabwean government (GoZ) and UN, was needed to define assistance, protection and durable solutions. Several consultative meetings with government took place in preparation. In this time also the President proclaimed three days of national healing to ensure that all IDPs are assisted to go home to their areas. (UNHCR-member, interview, 09 June 2010, Harare)

²³⁶ UNHCR Zimbabwe: 2013 UNHCR regional operations profile – Southern Africa. <http://www.unhcr.org/pages/49e485c66.html>, viewed 06.11.2013.

²³⁷ The inter-ministerial committee was constituted by the Ministries of Regional Cooperation and International Cooperation, of Labour and Social Services, of Local Government, of Land and Rural Development, of Mines and from the IASC of the UN’s side the Humanitarian Coordinator/Resident Coordinator, OCHA, UNHCR, and the IOM (GoZ/United Nations 2009:3f.).

In consequence, between 24 and 28 August 2009 a rapid IDP-assessment was carried out by representatives of the government and UN-agencies²³⁸ in 15 communities with a high proportion of displaced, for different lengths mainly between 2000 and 2009, and 527 individuals and 60 stakeholders interviewed. The findings were: The causes of displacement differed from natural disaster to politically motivated clashes, Operation Murambatsvina and displacement due to loss of livelihoods. (GoZ/United Nations 2009:2-4). While several IDP-communities were in an emergency situation, others were already in a state of early recovery or permanent integration (GoZ/United Nations 2009:5). Problems found were lack of legal rights, lack of documentation and official permission to stay, only few formal jobs, few economic means, dependence on humanitarian assistance, absence of basic services in many areas and safety concerns. There was big fear among IDPs to be displaced again.²³⁹ Due to isolation, lacking income, access to healthcare, water, sanitation and education many IDPs were very vulnerable. HIV/AIDS particularly impacted on orphans in IDP-households. (GoZ/United Nations 2009:2) The respondents' preferred support were long-term solutions and increased self-reliance. Based on the findings the report came up with the recommendations for the government to develop a national IDP-policy in line with the *AU Kampala Convention for the Protection and Assistance of IDPs in Africa*, signed by President Mugabe in October 2009, to start discussion between key stakeholders and IDPs on durable solutions, an assistance policy to meet needs leading to greater self-reliance of IDPs and durable solutions. (GoZ/United Nations 2009:23)

Initially, it seemed that the report to the initial assessment was approved; representatives of several ministries stated to still want to give editorial inputs and feedback before its endorsement. In spring 2010 government representatives said that the cabinet would have to give the final approval to the report. (OCHA members, interviews, 19 July 2010, Harare) As an OCHA staff reasoned, in the preparation of the initial IDP assessment they had agreed that the official definition of internal

²³⁸ These were the UN Humanitarian Coordinator and staffs of OCHA, UNHCR, IOM, WFP, FAO, UNFPA and UNICEF. (GoZ/United Nations 2009:2-4)

²³⁹ The biggest concerns were food shortages, school fees, blankets and utensils, farm-inputs, loans and income-generating projects. Humanitarian assistance was mostly provided through food aid, despite more varied needs. Although more than half of the respondents said to have access to land, due to lacking agricultural inputs their farming proceeds were low. (GoZ/United Nations 2009:2)

displacement would be used. Possibly, government officials might have become nervous about the implications of the report's approval. On the high level of cabinet the discussion on it would now be difficult to track and out of their sphere of influence. From the side of the international organizations, it was now up to the UN Resident Coordinator to take up the issue with government. Without the first report being signed off, it was seen as difficult to move on. (OCHA members, interview, 19 July 2010, Harare)

That the report had to be approved by the level of cabinet, thus meant a significant delay. I interpret that this development also pointed to the topic's sensitivity, as well as considerations that a uniform government position is a precondition for further steps. The latest Zimbabwe-updates of the IMDC (IDMC 2011:1, IDMC-website 2014²⁴⁰) suggested that the report by then had not (yet) been officially adopted by government. According to the Protection Cluster Coordinator, the second part of the IDP-assessment had been foreseen to be a quantitative assessment and included as a project under the protection cluster in the 2010 CAP. Responsible for it was the UN Resident Coordinator, with funding not yet there for it. As the first assessment was not yet approved by government, he saw its implementation as not likely for 2010. (Interview, 16 July 2010, Harare). Around the question of more exact quantitative information on IDPs, generally there seemed to exist a perception in government that NGOs and the UN would exaggerate numbers. The government seemed keener on support for livelihood than displaced. As an OCHA-member stated, if fieldwork would start, the government might have a strong case, if after ten years a number of the displaced had settled somewhere. (Interview, 19 July 2010, Harare)

In this situation of stalled progress, similar to local initiatives, international agencies focused on relational work and a more open approach to advocacy: The Protection Cluster Coordinator said to plan to invite government representatives to cluster meetings. At the UNHCR they would benefit from the engagement the government shows for refugee-issues and try to carry this over to their work on displacement. (Interview, 16 July 2010) This showed some success by 2012 through increasing

²⁴⁰ IDMC-website: Summary. Zimbabwe: Internal Displacement in Brief. <http://www.internal-displacement.org/sub-saharan-africa/zimbabwe/summary/> 31.12.2013, viewed 01.03.2014.

participation of line ministry representatives in cluster meetings. By and by this allowed more access of humanitarian agencies to IDPs. (IDMC 2012:33, IDMC-website 2014²⁴¹)

At the level of program work, UNHCR has been assisting IDPs with two national church-based social organizations. The program aimed at assisting return and reintegration of IDPs through work with local authorities and tried to create an environment where reconciliation is sustainable and repeating less likely. In late 2008/9 the first mapping was done, in which it still constituted a challenge to approach highly polarized areas, but in 2010 this had already become easier. UNHCR worked with local councilors, local authorities, and traditional leaders through remedial and preventive advocacy to support (re-)integration of IDPs and reconciliation. In addition, non-food items packages including blankets, kitchen sets, soap, sanitary pads for females, agricultural seed packages were provided to needy IDPs. Community- and individual gardens were supported, along with infrastructure for the respective communities. This was done to bring communities, victims and perpetrators together, with the proportion approximately 80% victims and 20% perpetrators. Before the local projects started, reconciliation sessions with psychological support were held. So-called “sustainable dialogues“ followed to define jointly what to do, at the end of the project the process was reflected. In addition, the program ran one mobile legal clinic per province, consisting of a lawyer, a psycho-social counselor and a livelihood support-staff. Furthermore, as part of its advocacy efforts and to build capacity of Zimbabwean authorities, UNHCR in 2009 carried out workshops on the UN Guiding Principles on Internal Displacement in three provinces. In these the district administrator, councilors of wards and districts were targeted in districts with displacement issues. (UNHCR-member, interview, 09 July 2010)

Similarly, OCHA -in cooperation with the IOM- held one-day training workshops on the UN Guiding Principles on Internal Displacement, rights of IDPs and durable solutions. The workshop participants were medium- to high level officials from government ministries, the Harare City Council, as well as district administrators from three districts with a high concentration of IDPs. (OCHA member, interview, 19 July 2010, Harare)

²⁴¹ IDMC-website: Summary. Zimbabwe: Internal Displacement in Brief. <http://www.internal-displacement.org/sub-saharan-africa/zimbabwe/summary/> 31.12.2013, viewed 01.03.2014.

At the face of difficult progress at national government level, also the IOM, in cooperation with local organizations, started targeting local levels with community-based planning processes and livelihood support aiming at local solutions to situations of internal displacement, with medium-term protection and its transitioning into durable solutions. Hereby, facilitation of local planning processes aimed at integration and consideration of IDPs in support and social programs. The intervention from below used the advantage of this level of government, less politization; as the district plans are based on village plans, it was hoped to achieve an effect on district level. (Interviews, IOM members, July 2010)

According to ZCDT, an implementation partner of the IOM, at the local level the cooperation with central government agencies, through the local ministry offices, was good. For instance, the health inspector came to inspect health support and the extension worker of the Ministry for Rural Development and Housing visited for supervision of building works. However, there was also the challenge that in many local authorities the general picture was that displaced people were not welcome. In Matabeleland in a case, for instance, IDPs had been put at the boundary between two provinces and then neither saw itself as responsible for them. Working with government was even more difficult in rather politicized regions, e.g. Manicaland²⁴². (ZCDT-member, interview, 12 July 2010) By 2013, the planning processes had been carried out in big numbers -twenty were scheduled for 2013- and included representatives of all groups of the local setting, consulted their perspectives, supported participation and community resilience. Moreover, they included trainings in emergency preparedness, -response and disaster risk reduction in areas potentially affected by internal displacement. Other program aspects were humanitarian assistance in cases of new internal displacement, referral mechanisms, and documentation of displacement. (UN-OCHA 2013:27,41f.)

Among donors, interest in the topic of displacement seemed to flatten down as time goes by; they tended to look now at issues of early recovery and development, especially on cholera, other health- and social issues, rather than protection. (IOM-member, Protection Cluster Coordinator, OCHA member, interviews 06, 16, 19 July

²⁴² Manicaland is a region where many farms have been expropriated and given to high politicians from Zanu-PF (member of Research and Advocacy Unit, interview, 08 July 2010, Harare).

2010, Harare) The CAP for 2013 showed that the project for IDP-support was only funded to 45% by late November 2012 (UN-OCHA 2012:9). Government representatives on the other hand confronted international organizations with demands for support for new settlers who had received land under FTLR (OCHA staff, interview, 19 July 2010, Harare).

Possibly linked to the government's engagement in the initial IDP-assessment, Zimbabwe took part in the AU Summit on Internal Displacement in October 2009 and was the second country to sign the resulting *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)*. UNHCR and ICRC had worked with the government on this convention. (OCHA member, interview, 19 July 2010, Harare) According to a North Ugandan MP and a Program Officer of NRC there (conversations, 20 May 2010, Gulu, North Uganda) Zimbabwean MPs and participants of the 2009 AU summit in Kampala demonstrated interest to learn about Uganda's experience with internal displacement.²⁴³

Hence, in a niche there were significant non-governmental and international efforts to pick up on chances for improvements on the topic of displacement. Hereby, the category of displaced most discussed by the coalition government (2009-2013) was that caused by election-related political violence. The categorization of victims of Operation Murambatsvina, Fast Track Land Reform and Eviction of Mine Workers as IDPs at the time of research in Zimbabwe in summer 2010 was still disputed by government that argued that these persons constituted laid-off respectively homeless persons and not internally displaced persons. Also, the parliamentary debate on the ratification of the AU Kampala Convention on Internal Displacement in May 2013 revealed disagreement on this issue (Parliament of Zimbabwe, session transcript, 14 May 2013).

However, the advocacy efforts experienced hurdles due to the larger political developments, where improvements could be reached largely in fields where Zanu-PF interests were not threatened: As Matyszak rightly pointed out in 2010, the GPA did not hold what the name promised as power remained concentrated in the executive

²⁴³ The names of these persons could not be found out. Both conversation-partners said to not remember, resp. said to have not taken note of their contacts.

presidency occupied by Mugabe and the JOC remained loyal to him and resisted efforts for reform of the security sector. (Matyszak in Tendi 2010:263)

In the following, I draw on contents earlier developed for a German-speaking magazine for which I analyzed the context of the 2013 general elections (Santner 2013b). Albeit I avoid identic formulations and, further, go here into more detail, for the readers' easier reference and transparency reasons I maintain the original source-citations: According to Tendi, Zanu-PF managed to obstruct reforms and effective implementation of decisions by the MDC-factions, which reacted to Zanu-PF obstruction of their demands through protest and capitulation. From the GPA-negotiations onwards minister- and ambassador posts were struggled about, efforts for ending of human rights violations, farm seizures and change of policies reached only very limited gains. Zanu-PF's regime intransigence combined with conciliatory behavior and concessions on non-essential points and made sure that the MDCs remained in the government. A number of analysts warned the MDCs of voter disillusionment due to lacking progress and ineffective protection strategies on intimidation and harrassment of Zanu-PF critics. (Tendi 2010:263f.,271, Whande 05.08.2013²⁴⁴)

Different to the early stages of the coalition government, when Zanu-PF employed delaying tactics to avert an expected MDC-victory in elections (interviews members Zanu-PF politburo, intelligence, military 2009/2010 in ICG 2010:5f.), from 2012 Zanu-PF lobbied hard for elections to be held in 2013. I interpret this as a reaction to the MDC factions' lacking capacity and a certain degree of voter disillusion that Zanu-PF calculated in power-maintenance or re-establishment strategies (cf. also a warning on this by Tendi 2010:271). Two and a half years behind schedule, in March 2013, the new constitution was adopted in the 16 March 2013 referendum (ICG in ICG 2013a:2, ICG 2013b:1). Relevant new legislative developments in the constitution include that local

²⁴⁴ Whande, Tanonoka J.: The arrogance of mediocrity. In: *SW Radio Africa*, 05.08.2013, <http://www.swradioafrica.com/2013/08/05/the-arrogance-of-mediocrity-by-tanonoka-joseph-whande/> viewed 22.08.2013. Allegations were also raised on corruption in MDC-run local governments, of MDC-government members enriching themselves, unclear party policies, and not enough time invested for party-work. (*SW Radio Africa*, *Financial Gazette*, *Zimbabwe Independent*, *New Zimbabwe*, *NewsdzeZimbabwe*, interviews political analyst, MDC-T national executive member, 2012, in ICG 2013a:15) A 2012 opinion poll by the NGO Freedom House showed public support of MDC-T decreasing from 38% in 2010 to 20% in 2012 (Boysen in ICG 2013a:14).

government received constitutional status, reform of legislation on traditional leaders and the creation of the Constitutional Court (Constitution Zimbabwe Amendment No.20, 2013).²⁴⁵

In the line of its electoral strategies, Zanu-PF reached the confirmation of 31 July 2013 as election date through a ruling of the new Constitutional Court. Although it was clear that preparations had not gone near to the required preconditions, both MDC-factions and SADC accepted the date. (ICG 2013b:1) Voter registration showed massive irregularities (RAU, ZESN, *SW Radio Africa*, *Mail and Guardian* in ICG 2013b:3f.).²⁴⁶ The run up to the elections was characterized by several date shifts and preparations were chaotic. After the elections a statement of the *SADC Lawyers Association* attested that the necessary preconditions for free and fair elections had not existed. (*Daily News Live*, 16.08.2013²⁴⁷) Around the elections, the rates of political violence and displacement increased (ZCDT, personal communication, 23 October 2013).²⁴⁸ The

²⁴⁵ Constitution Zimbabwe Amendment (No. 20), Act (2013) <http://www.parlzim.gov.zw/attachments/article/56/constitution.pdf>, viewed 20.02.2014. The new constitution of 2013 addresses the imbalanced relationship between the Ministry in charge of local government affairs and local governments. While it does not refer to the Ministry, Paragraph 265 (3) states that mechanisms and procedures for coordination between local- and central governments would be regulated by an Act of Parliament. Further, traditional leaders are mandated to act according to the constitution's principles, treat all persons in their area fairly and equal, refrain from party-membership, partisan behavior and violating fundamental rights and freedoms. The President's competencies to depose, appoint, solve conflicts are weakened and bound to the recommendation of the Provincial Assembly of Chiefs. Remuneration and functions are to be regulated by an Act of Parliament. The new Act would have to prescribe the creation of an Integrity and Ethics Committee of Chiefs dealing with ethical conduct, dispute resolution and complaints against traditional leaders. (Constitution, paragraphs 280-287) As these regulations would go against Zanu-PF policies of the past two decades, I question whether they will be implemented or amended by the Zanu-PF three-quarters parliamentary majority. In the 2014 national draft-budget, the budget for traditional leaders has been reduced to one tenth, which led to protest by chiefs and was commented to be a consequence of the secured elections. Cf. Tafirenyka, Mugave: Chiefs threaten to sink 2014 budget. In: *Daily News Live*. 17.01.2014. http://www.zimbabwesituation.com/news/zimsit_chiefs-threaten-to-sink-2014-budget/, viewed 02.02.2014. See also the comments to the article that point to strong disagreement with many chiefs' politicized stance in the past years.

²⁴⁶ E.g. two million young voters were found not registered. There were more registered voters than adults in a third of constituencies and striking changes in the proportion of registered voters in rural and urban areas compared with the 2008 elections, with more in rural less in urban areas. Also, it has been claimed that there were 900,000 double registrations in the voters' roll. (RAU, ZESN, *SW Radio Africa*, *Mail and Guardian* in ICG 2013b:3f.)

²⁴⁷ Mananavire, Bridget: Zim poll unsatisfactory: Sadc LA. In: *DailyNews Live*. 16.08.2013. <http://www.dailynews.co.zw/articles/2013/08/16/zim-poll-unsatisfactory-sadc-la>, viewed 17.08.2013.

²⁴⁸ The NGO ZCDT e.g. alone provided assistance to 131 households of farmworkers, MDC-T polling agents and other political activists displaced between July and September 2013 in Mashonaland Central and West. (ZCDT, personal communication, 23 October 2013)

general elections of 31 July 2013 ended with the result of a land-slide victory of Zanu-PF, with 65% in the Presidential election and a three-quarters representation in parliament. MDC-T leader Tsvangirai announced to bring in legal claims in the national courts asking to roll up the electoral results and procedures and schedule new elections.²⁴⁹ Due to non-transmission of required material by the Zimbabwean Electoral Commission, the claims were later withdrawn. This occurred also under the argumentation that the judges were prejudiced in favor of Zanu-PF and would not rule impartially. As rightly commented by diverse journalists and analysts, this was known before the decision had been taken to accept scheduling elections for July 2013. (E.g. Whande 05.08.2013, Mhiripiri 18.08.2013)²⁵⁰ Contrary to the hopes of regional and international non-recognition of the elections, the South African government endorsed the election result and, following this, officially terminated its mediation role. (Nyashanu, 08.08.2013)²⁵¹ Against this background, Tsvangirai's inconsistent forth and back contributed to increasing calls for him to step back from party-leadership in shorter or mid-term time-frame (Whande 19.08.2013, Majoni, 14.08.2013)²⁵². Sidelined in the 2013 poll pre-elections 57 MDC-T candidates stood as independents in the elections, were expelled from MDC-T and formed a new party, the *Zimbabwe Independents Alliance (ZIA)* (Whande, 20.08.2013).²⁵³ In September 2013 the National Constitutional Assembly transformed from a NGO into a party (Gweshe, 28.09.2013).²⁵⁴

²⁴⁹ Nehanda Radio: Full 2013 Election Results. 03.08.2013, <http://nehandaradio.com/2013/08/03/full-2013-zimbabwe-election-results/> viewed 20.08.2013.

²⁵⁰ Whande, Tanonoka J.: The arrogance of mediocrity. In: *SW Radio Africa*, 05.08.2013, <http://www.swradioafrica.com/2013/08/05/the-arrogance-of-mediocrity-by-tanonoka-joseph-whande/> viewed 22.08.2013. Mhiripiri, Dominic: A break-up letter to Zimbabwe: I really just don't care anymore. 18.08.2013. <http://qz.com/116387/a-breakup-letter-to-zimbabwe-i-really-just-dont-care-anymore/> viewed 07.09.2013.

²⁵¹ Nyashanu, John: More SADC states endorse Mugabe. In: *Daily News*, 08.08.2013. <https://www.newsday.co.zw/2013/08/08/more-sadc-states-endorse-mugabe/> viewed 22.11.2013.

²⁵² Whande, Tanonoka J.: It is time to overhaul all political parties in Zimbabwe. In: *SW Radio Africa*, 19.08.2013. <http://www.swradioafrica.com/2013/08/19/it-is-time-to-overhaul-all-political-parties-in-zimbabwe-by-tanonoka-joseph-whande/>, viewed 22.08.2013. Majoni, Tawanda: Will MDC rise again? In: *The Zimbabwean*, 14.08.2013, <http://www.thezimbabwean.co/comment/opinion/67750/will-mdc-t-rise-again.html>, viewed 22.08.2013.

²⁵³ Moyo, Nomalanga: Expelled MDC-T 'independents' form new party. 20.08.2013, <http://www.swradioafrica.com/2013/08/20/expelled-mdc-t-independents-form-new-party/>, viewed 22.08.2013.

The scenario since has been shaped by Zanu-PF dominance and much speculation on the Mugabe-succession as well as the future developments in the possibly splintering opposition-scene. Within Zanu-PF two groups compete for the succession of Mugabe: The faction around Vice-President Joice Mujuru is attributed to the grassroots of the party in its stronghold provinces. Mujuru said to be ready to work with MDC-T and consider promotion of reforms. Like Mugabe, she comes from the Zezuru-clan that makes up a quarter of the population and has been dominant in the party gremiums. On the other hand, former Defense- and current Justice Minister Emmerson Mnangagwa has strong networks in the state bureaucracy and among military generals around Defense Forces commander Constantine Chiwenga and was central to Mugabe's securing of the Presidency in the run-off of the 2008 elections. He had a strong role in the campaign for the 2013 elections, managed to position supporters in the elections and now many of these are in parliament. Apparently he tries to expand his influence among militaries. Mnangagwa comes from Midlands Province, from the Karanga clan, which makes up 35% of the population, but has not received leadership positions in the party congresses in 2004, 2009 and 2013, as the Mujuru-block allied with the Matabeleland representatives. (Local Government and Rural Development Ministry, Interview Nyabadza in ICG 2010:8, Tinho, 10.01.2014)²⁵⁵ As the two seemed respectively too weak to take over, Mugabe has been able to play the balancing part, taking sides depending on the issue at stake. (Interviews Zanu-PF politburo members, intelligence official, cabinet minister December 2009 in ICG 2010:5-9, interview liberation war

22.08.2013. Majoni, Tawanda: Will MDC-T rise again? 14.08.2013. <http://www.thezimbabwean.co/comment/opinion/67750/will-mdc-t-rise-again.html>, viewed 22.08.2013.

²⁵⁴ Gweshe, Edgar: NCA transforms into a political party. In: The Zimbabwean, 28.09.2013, http://www.zimbabwesituation.com/news/zimsit_nca-transforms-into-a-political-party/ viewed 31.01.2014.

²⁵⁵ Due to the 1980 attribution of provincial borders, there are the four Mashonaland provinces dominated by the Zezuru clan, the three Matabeleland provinces are Ndebele (with traditionally low support for Zanu-PF), the two Masvingo provinces are dominated by the Karanga clan and Manicaland is only one province dominated by the Manyika (Local Government and Rural Development Ministry in ICG 2010:8). Cf. also Tinho, Sekerai: Mujuru vs. Mnangagwa: The Battle to Succeed Mugabe Steps Up in Zimbabwe. In: Think Africa Press, 10.01.2014, <http://thinkafricapress.com/zimbabwe/understanding-zanu-pf-succession-politics>, viewed 15.01.2014.

veteran 2013 in ICG 2013a:10, Tinho, 10.01.2014).²⁵⁶ Recent media reports debate the options of a shared power attribution between the two contenders, respectively hold that the military has alligned behind Mnangagwa, who is the candidate feared more by civil society and the opposition. (Tinho, 10.01.2014, Gwatidzo Mushekwe, 31.01.2014)²⁵⁷

In general, security sector leaders stand much to lose, as many participated in human rights violations and have been beneficiaries of assets, such as farm seizures - given to them, family members or strawpersons- private diamond deals from the Marange mines, gold mines and the mediation of Chinese loans. (Interview senior finance ministry official 2010 in ICG 2010:12, interview Political Science Professor, University of Zimbabwe, 2012, *NewstimeAfrica*, *Zimbabwe Independent*, *NewsDay* in ICG 2013a:12f.).²⁵⁸ Who they support or how they can be pacified, hence, plays a big role in future political arrangements in Zimbabwe. Since 2012 - with the Chipangano gang of Mbare, Harare - at least one incident of political violence developing links with criminal groups of youths became known (*Zimbabwe Independent*, interview with GPA negotiator, *NewsDay* in ICG 2013a:6). Thus, potential spill overs of youth involvement in violence into societal violence might become an increasing risk (Santner 2013b:16).

As has become clear in the analysis of various central government actions, local governments have played the role of implementers rather than organs of local democracy in Zimbabwe. Where efforts towards the latter have been set, parallel other provisions were installed that curtailed the space in which local government authorities could operate freely and according to local priorities, if such were not in agreement with the center. In the current structure, local governments are subordinated to the Ministry

²⁵⁶ Tinho, Sekerai: Mujuru vs. Mnangagwa: The Battle to Succeed Mugabe Steps Up in Zimbabwe. In: Think Africa Press. 10.01.2014, <http://thinkafricapress.com/zimbabwe/understanding-zanu-pf-succession-politics>, viewed 15.01.2014.

²⁵⁷ Gwatidzo Mushekwe, Itai: Mnangagwa takes secret oath as Stand-by Zim President- report. In: Bulawayo24.com, 31.01.2014, http://www.zimbabwesituation.com/news/zimsit_mnangagwa-takes-secret-oath-as-stand-by-zim-president-report/, viewed 01.02.2014.

²⁵⁸ Up to twenty high-profile military generals are thought to maintain security control for the regime, including hardliners such as the Defense Forces Commander Constantine Chiwenga, Central Intelligence Deputy General Maynard Muzariri and Police Commissioner Augustine Chihuri. In the coalition government 2009-2013, the Joint Operations Command should have been substituted by a National Security Council composed by Tsvangirai and the two deputy-prime ministers, but its dissolution did not occur. (Interview intelligence officer 2010 in ICG 2010:11)

responsible for local government and the legal framework even allows it wide-reaching interference. Parallel to legislative enactments, directives and pronouncements for devolution and public participation at lower local government levels, also deconcentration took place and constrained devolution in practice. Legal reforms have not been matched by sufficient political will, respectively weakened by amendments and political interference. Central government repeatedly took decisions without consulting local authorities and citizens, e.g. 2005's Operation Murambatsvina.

Actions of violent repression within which internal displacement has been occurring were carried out by institutions under central government, especially the security sector institutions of the military and police, in alliance with local and national Zanu-PF leadership and groups mobilized by the those. Another part of the network have been traditional leaders, of whom many have participated in human rights abuses, such as political violence and looting of property of opposition supporters. This has made their important and socially rather recognized institution in the recent context of the Zimbabwean low level conflict rather problematic and criticized. Their full coverage of rural areas at village levels makes traditional leaders crucial, as well as due to the high prestige afforded to them, also very strategic actors. The direct link and special benefits that the central government, through the President, established for them means that chiefs have been biased and privileged in relation to (elected mandataries in) local governments. In this scenario, local government authorities are sidelined where they are perceived as part of the opposition. As the example of the interventions of the NGO Churches of Bulawayo regarding Operation Murambatsvina showed, in the periods when displacement was still on-going organizations providing humanitarian aid often combined this with attempts to advocate national institutions - rather than local governments- to stop displacement and to prevent further harm. Thus, *Advocacy Coalitions* were constituted with one according to the guiding idea of "achieving and maintaining hegemony" by national government, military, groups linked to the former such as the war veterans and youth militia, as well as traditional leaders. The second *AC* had the guiding idea to engage for civic liberties, democracy and development and was composed by civil society actors and from the late 1990s an opposition movement in formation, resulting in the creation of the political party Movement for Democratic Change in 1999. Local governments have belonged to one of these ACs depending on the geographic region and its pattern of support for Zanu-PF or MDC, but generally

have come under closer control and scrutiny by the national level. International actors from the year 2000 largely joined the latter AC and, as discontent of the population with the inefficient and repressive regime under Zanu-PF and Mugabe increased, also broader social groups did so. Under the coalition government between Zanu-PF and the MDC-factions (2009 - 2013) it became clear that the grip of key figures in Zanu-PF on the security sector remained strong. Lacking progress of the MDC-factions in bringing policies back to democratic conditions and fear of repression disillusioned and disempowered this AC, so that for now the weight has shifted to the AC around Mugabe and Zanu-PF.

In any case, though, in implementation local governments always had to be worked with and can virtually not be avoided. Likewise, local governments in practice remain with the delicate task of service delivery to citizens while having to accommodate demands of central government and pressures of apparatuses of security enforcement and paramilitary actors and groups, sometimes consisting of loose networks reactivated in specific periods. In the end, local government remains in the territory, also after the end of repression campaigns, and is faced with the consequences.

So, in later phases, when repression eased and IDPs were sought to be (re-)integrated or were searching for housing and livelihood solutions, local governments became counterparts to agencies and organizations trying to assist displaced. This balancing part local government authorities are confronted with opens certain spaces – within limits however. All international agencies working strongly on displacement per se in Zimbabwe by the time of research in 2010 - OCHA, UNHCR, IOM - had intervened at the level of local governments through trainings, support of planning processes as well as projects to support reconciliation and integrated development. Approaching the topic through local needs, the discrete approach of the involved UN-agencies and the IOM seems to have paid off, as local levels started to respond modestly positive to community-based local planning programs. Displacement could be discretely factored in through the somewhat related, but in itself more apolitical issue of disaster risk reduction, emergency preparedness and -response. This led to increased participation of government representatives in UN-led coordination mechanisms of humanitarian and development assistance in cluster-meetings, including also those under the topical field of protection in the IDP-sub-cluster. In this coordinating group, in 2010 a *Framework*

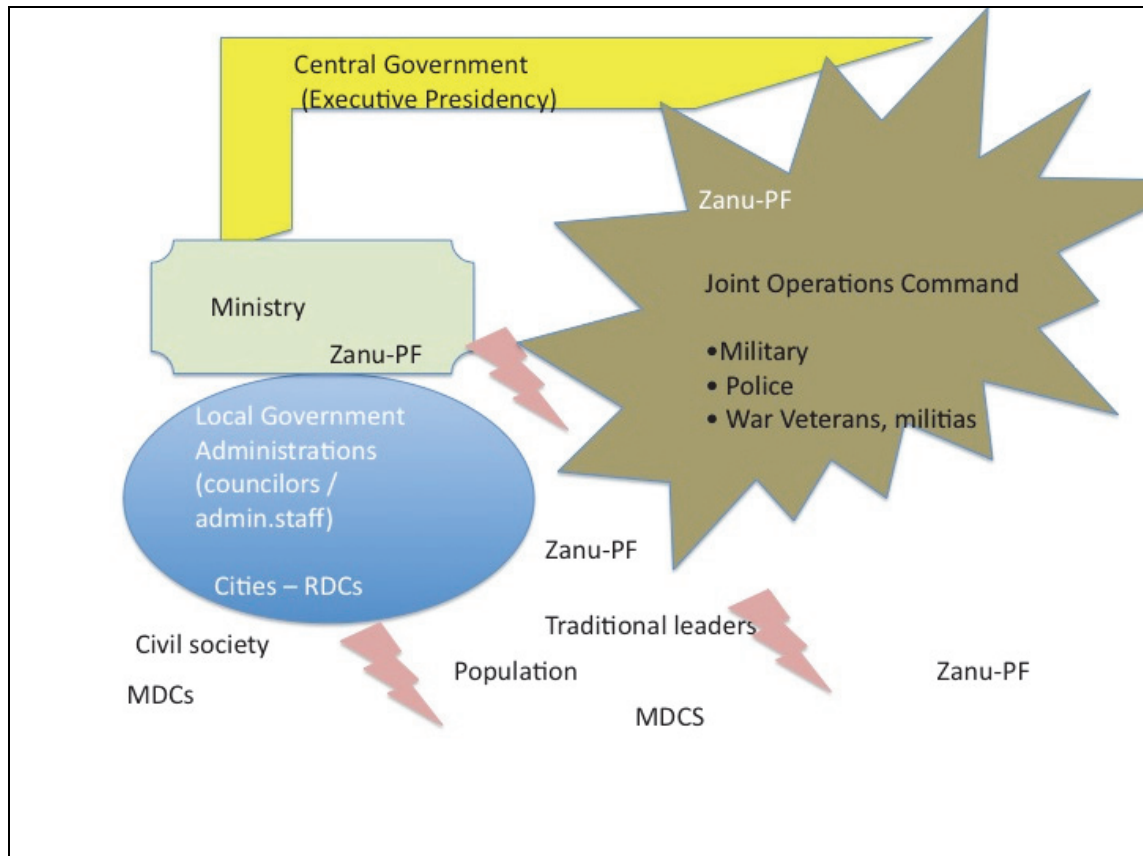
for Resettlement of IDPs in Zimbabwe was elaborated and adopted by the Protection cluster in February 2011. Further, this advocacy work resulted in the Zimbabwean government's ratification of the AU Kampala Convention in May 2013. Such efforts, however, take place in a context characterized by a strong role of the security sector in maintaining power for the Zanu-PF regime. These could anytime carry out another crackdown that causes new displacement.

The necessity of working with local governments and the existence of a so far not comprehensively quantified displacement problem, means that this area requires attention. Questions arising here are, how can resilience and conflict resolution at the local level be strengthened so that locally solutions can be found that address actual needs and can de-escalate conflict situations and build on potentials? How can the local level be protected from political interference going against developmental goals?

The new constitution adopted on 22 May 2013 enshrines local government; it states that rural local governments and functions of local authorities will be regulated by an Act of Parliament, which is still to take place. The Constitutional provisions, however, can be easily amended as the July 2013 elections resulted in a three-quarters majority of Zanu-PF in parliament.

The figure below depicts the positioning of (lower) local governments in the Zimbabwean conflict scenario. The lightning bolts indicate aggressions and force exerted between actors. Strong colors are used for dominant conflict actors and neutral ones or not colored words indicate actors, involved in less direct ways (the Ministry responsible for local government authorities) or being affected (local governments, IDPs, population).

Figure 3: Local government in the Zimbabwean conflict constellation



(Source: Own elaboration)

5.3.2 Policy (elements) on internal displacement and implementation

5.3.2.1 Policy and normative elements

Through the Global Political Agreement for the transitional Government of National Unity – the coalition government 2009 to 2013 between Zanu-PF and the MDC-factions- internal displacement was recognized intrinsically in September 2008. Article XVIII, Clauses 18.2 and 18.5, sub-point (h), of the Global Political Agreement, “Security of Persons and Prevention of Violence“ addressed displacement by election-related violence (Global Political Agreement. 15 September 2008, p.11f.):

“18.2. Gravely concerned by the displacement of scores of people after the election of March 29, 2008 as a result of politically motivated violence. (...)

18.5 The Parties hereby agree:

(...) (h) to work together to ensure the safety of any displaced persons, their safe return home and their full enjoyment of the full protection of the law.“

While the blockade-policy of Zanu-PF throughout the coalition government averted implementation of these provisions, the naming of displaced persons was an advance and a stepping stone. In mid-2009 the government officially recognized the existence of internal displacement in the country and in August 2009 a Joint IDP assessment took place between UN agencies and the Zimbabwean government, but, in the end, the report was not officially approved and published. In October 2009 Mugabe was the second head of state to sign the AU Convention on Protection and Assistance of IDPs in Africa, the Kampala Convention. (IDMC 2011:1)

Building on the IASC Framework for Durable Solutions, the AU Kampala Convention and the UN Guiding Principles on Internal Displacement, in this line the *Framework for Resettlement of IDPs in Zimbabwe* was elaborated by the IDP sub-cluster in 2010 and formally adopted in February 2011 by the Protection cluster. (IDMC 2012:33). This non-binding framework serves as a code of conduct and tool for humanitarian actors and government to promote options for resettlement in Zimbabwe. Herbey, *durable solutions* are defined as one of the three options of return, local integration in the place of refuge, and resettlement to another location under fulfillment of conditions where “IDPs no longer have needs specifically related to their displacement and enjoy living in similar conditions to nearby communities“. (Framework for the Resettlement of Internally Displaced Persons (IDPs) in Zimbabwe 2011:1)

The framework’s (2011:2-3) center-piece is the assessment whether preconditions exist for resettlement, which are:

- Voluntariness including comprehensive information of the conditions awaiting the resettling IDPs;
- Availability and secure tenure of land with full acquiescence of all groups that could claim the land in question;
- Civil status documentation and dotation with sufficient resources for starting a sustainable livelihood;
- and whether the host community gets adequate support in the resettlement program according to criteria of “Do no Harm“ principles.

Apart from the assessment of preconditions, the framework mandates coordination with the IDP-sub cluster and the protection cluster to make sure that resettlement is undertaken only in cases where the preconditions are fulfilled and documented accordingly. Here, decision on whether resettlement can take place and receive support by humanitarian stakeholders is recommended to be taken by the cluster. In the case of a negative decision, according to the framework the stakeholders ought to abstain from giving support, but advise the involved actors in the creation of adequate conditions for voluntary resettlement. (Framework for the Resettlement of Internally Displaced Persons (IDPs) in Zimbabwe 2011:1-4)

In May 2013 Zimbabwe took an unequally stronger step towards the development of a policy on internal displacement by the ratification of the AU Kampala Convention (Parliament of Zimbabwe, 14 May 2013, session transcript). As this convention is in force since 06 December 2012, the ratification has legal consequences: The member states to the Convention must develop mechanisms to protect inhabitants from displacement and assist victims of displacement. Even if the current Zanu-PF government would not proactively go about the development of a normative framework for preventing and addressing internal displacement, a minimum extent of external, African-led, observation of the topic will have to occur through the ratification: the member states to the Convention are obliged to report on the topic of displacement to the African Union Human and Peoples' Rights Commission (AU Kampala Convention 2009, Art.14).

5.3.2.2 *Institutions*

After the topic had been wandering around between different ministries for several years, in 2013 the Ministry for Labor and Social Services was formally responsible for coordinating government action on internal displacement. Other ministries are involved as far as concerned, with especially the Ministry for Local Government, Urban and Rural Planning of importance. (IOM-staff in personal communication of ZCDA-member, 22 October 2013)

At local levels the District Administrator is responsible for overseeing welfare concerns among them the topic of displacement. The practice has been that in towns and cities, at least in theory, the municipality looks after IDP-cases. In rural areas the District Administrator is responsible for dealing with issues arising of displacement, works with

Rural District Councils (RDCs) and those in turn with councilors, chiefs and headmen. For integration of IDPs the District Administrator and chiefs are crucial persons. Who, in practice, was contacted depends often on the personality and conditions, and who is more approachable. (ZCDT-member, interview, 12 July 2010, Harare and personal communication, 11 November 2013)

Apart from government institutions, the cluster coordination mechanism for humanitarian activities remains in force in Zimbabwe with displacement treated under the protection cluster, especially the sub-cluster for IDPs, as a platform for coordination and information sharing. (IDMC 2011)

The fact that displacement has been altogether caused by actors belonging indirectly or directly to government makes many non-state actors sceptical of whether the provisions demanded under the *Kampala Convention* will be fulfilled. (Personal communication by ZCDT-member, 22 October 2013)

For disaster management, there is a separate institution, the Civil Protection Unit (CPU), which has been used with regard to displacement in cases of natural disasters like flooding and was also used in work on the cholera epidemic. (ZCDT-member, interview, 12 July 2010, Harare)

5.3.3 Successes, limitations and lessons learnt in implementation

This section analyzes experiences of implementation of assistance to internally displaced. As outlined, so far there is not yet an official, formulated policy or legal framework on internal displacement in Zimbabwe. Similar to the scheme applied in the previous case-studies, this sub-section presents assessments of and comments on implementation assistance to and (re-)integration initiatives for IDPs. For this, reports and qualitative, semi-structured interviews were used with interviewees identified according to the method of theoretical sampling (Glaser and Strauss in Lamnek 2005:190) for their knowledge on practical implementation or being affected by displacement. The groups from which the persons interviewed or in a few cases quoted from panel events come range from representatives from local government entities – but not central government as my request for a meeting with an official of the Ministry Social Affairs remained without response, Zimbabwean NGOs providing relief for IDPs and support (re-)integration in their origin communities or resettlement areas or

advocating for vulnerable groups such IDPs, interest representations of farmworkers and farmers, residents' organizations, research institutions and international organizations. Donors responded to requests for interviews or conversations by referring me to international organizations rather than offering meetings with own staff-members.

Table 9: List of actors interviewed in Zimbabwe

Nr.	Entity / Group description	Relevance / Role	Where	Nr.
Local government entities				
(a)	Local government administration members	Formally in charge of coordination of IDP-related activity under welfare agenda of territorial entity	Mayor of Bulawayo (panel events, media article) Councilors and local authority staffs (panel events, discussions in capacity-building events offered by NGO Bulawayo Agenda Trust)	1 2 2
Zimbabwean civil society				
(b)	Churches in Bulawayo, Zimbabwe Community Development Trust, Combined Harare Residents' Association	Church and church-near relief NGOs Residents' association providing assistance to settlements with high proportion of IDPs	Bulawayo, Harare Harare	2 3
(c)	Jesuit Communications	Church magazine	Harare	1 1
(d)	Habakuk Trust	Advocacy NGO	Harare	1
(e)	ai Zimbabwe	Human rights NGO	Harare	1
(f)	Commercial Farmer's Union	Commercial farmers' interest representation	Harare	2
(g)	GAPWUZ	Trade union of farmworkers	Harare	1
	IDP-leaders	Representing IDPs' concerns	Epworth Resident Association, Harare Victims Action Committee/ ROHR, Harare	2 3

(h)	Research institution	Conducting academic studies on human rights issues including internal displacement	RAU/GAPWUZ/ Human Rights NGO-Forum, Harare	2
(i)	Independent development consultant	Independent observer	Bulawayo	1
International organizations				
(j)	OCHA	Responsible for coordination of response to humanitarian crises in UN-system	Harare	2
(k)	UNHCR	Responsible for leading IDP-support in the area of protection of IDPs' human rights	Harare	2
(l)	IOM	Biggest provider of IDP-support	Harare	2

(Source: Own elaboration)

As outlined, so far there is not yet an official, formulated policy or legal framework on internal displacement in Zimbabwe. A certain degree of formalization was achieved through the *Framework for Resettlement of Internally Displaced Persons in Zimbabwe* of January 2011, formally adopted by the Protection Cluster in February 2011. Still, this framework is non-binding. It can be assumed that it is valid for participating institutions, agencies and organizations, but not for all actors involved in action on displacement countrywide. A big progress was achieved, at least on paper, through the ratification of the AU Kampala Convention in May 2013, with the implementation not clear so far.

Successes of interventions on displacement in Zimbabwe were that delivery of humanitarian aid was in many cases tolerated by the government, outside of periods of radicalization and climaxing of repression, often under so-called Operations that strongly relied on the security sector.²⁵⁹

²⁵⁹ Operation Gukurahundi 1982-87, Fast Track Land Reform from 2000, Operation Murambatsvina in 2005, Operation Garikai –in this case a positive, but failing and inefficient campaign for rebuilding of housing- in 2005, Operation Makavhoterapapi in 2008.

The period when Mugabe was a rather well-regarded statesman and a frontline states leader in the struggle against apartheid meant that, despite different media statements, he maintained a certain relationship with the UN. In this line members of IOM and UNHCR stated that in principle there was a good working relationship with the government. While a UNHCR-member explained that they benefited from the engagement the government shows for refugee-issues and try to carry this over to their work on displacement, an IOM-member ascribed the working relationship and relative acceptance of their interventions to the fact that IOM has been discrete in support of IDPs. (Members IOM, UNHCR, interviews, 06, 16 July 2010) This meant that the programs did not have any visibility signs, actions, and no hand-over ceremonies for built houses. This contributed to the IOM having comparably good access and being able to support IDPs together with Zimbabwean implementing partners with food aid, water and sanitation and livelihood interventions. The IOM chose to work with partners outside the conventional range - churches, small localized organizations with smaller programs and from 2002 became the most important humanitarian actor on displacement. (IOM member, interview, 06 July 2010). The Protection Cluster Coordinator assessed that international and humanitarian agencies had done a good job in maintaining a humanitarian character of work. (Interview, 16 July 2010)

At lower levels of government, e.g. district authorities there was some degree of progress, as several local governments participated in training on internal displacement and were open to including IDPs in development plans. (Member ZCDT, interview, 12 July 2010) However at times, the ambiguity of the topic also showed itself in these processes, e.g. an interviewed OCHA staff (19 July 2010, Harare) referred to a local government staff that spoke instead of victims of Operation Murambatsvina of “illegal migrants from Manicaland“. Members of the ZCDT, one of the national implementing partners of the IOM, in this hindsight were optimistic that the majority of displaced persons can be integrated in local communities. Exceptions to this might be old persons, chronically ill, e.g. suffering from HIV/AIDS, in need of medication and special care, young orphans and people with disabilities, where such eventually should be supported by the social services department of local government. (ZCDT-members, interview, 12 July 2010)

Since mid-2009 there had been limited engagement from government on the issue,

through the participation in the rapid IDP survey in autumn of 2009, some attendance of coordination meetings in the protection cluster and increasing activity at local government-level. (Interviews members, UNHCR, IOM, ZCDT, July 2010) From 2010 participation of government institutions in the protection cluster and in promotion of durable solutions by NGOs and international agencies increased (IDMC 2011:1). While responsibilities in 2010 had moved between different ministries mostly under the party MDC-T, by 2013 the Ministry of Work and Social Affairs was the responsible counterpart to international agencies on displacement. May 2013's ratification of the Kampala Convention on IDPs in Africa (Parliament of Zimbabwe, 14 May 2013, session transcript) is a big step that theoretically mandates the formulation of legislation and/or policy to comprehensively support victims of displacement. The reasons why it was possible to get the ratification through might have had to do with the nearing elections, including the risk of new displacement, and political compromises around the taking place of the elections. The strategy of how to deal with the issue of displacement in the current scenario of a majority Zanu-PF government is not certain, as several relevant ministries were under the MDC between early 2009 and August 2013.

A potential precedent that could be used in advocating the government, is that President Mugabe and the government appealed already twice to international agencies for support of groups under the definition of IDPs: in 1980 he requested support from the UN for the uprooted from the liberation war and in 1986, when a flood-disaster displaced people and the IOM assisted government in emergency aid. (UNHCR 2005, ZCDT member, interview, 12 July 2010, Harare) With regard to displacement through natural hazards there seems to be interest from government-side to assist IDPs (IOM-member, interview 16 July 2010, Harare).

Limitations consisted in the fact that the efforts of international organizations and their local partners, as well as political actors trying to advocate for prevention of displacement and assistance to IDPs, took place within tight limits and could be anytime frustrated by government. This occurred repeatedly in repression campaigns, where humanitarian agencies were not given access to victims. (IOM member, interview, 06 July 2010)

When Operation Murambatsvina attracted international concern, and UN Special Envoy on Human Settlements A. Tibaijuka visited Zimbabwe for a fact-finding mission, the

government announced the assistance program Operation Garikai (“Prosper”). However, it did not provide a significant remedy, as three years later only several thousand housing units had been badly constructed and often could not be used. Those in good quality were given to Zanu-PF supporters instead of victims of Operation Murambatsvina. Unsuitable legislation, such as the complex framework for low-cost housing, was not adapted to enable creation of adequate housing schemes for persons with low income. Also, security of tenure remained a problem. So, national and external actors have been reluctant to invest in construction of shelter and livelihood support that depends on permanent infrastructure. (IDMC 2008:5)

Zimbabwean non-profit organizations in part were afraid to work on displacement or have opted to do so in rather big silence to avoid victimization. This resulted in the topic being politicized. (ZCDT members, interview, 12 July 2010) The organizations that decided to provide support, did it as secretly as possible under a fragile and risky situation. Various interviewees from national organizations mentioned to have been internally displaced themselves during the time, for instance; they had to shut down their offices at the height of violence campaigns, and were operating in a mobile mode from different places. (Members, Jesuit Communications, ROHR/VAC, 05 July 2010)

Due to the intractable character of displacement, most big organizations chose to refrain from working on displacement. This led to the IOM building up a parallel system to other interventions that did not consider the target group of IDPs, which created some problems. (IOM Program Officer, interview, 06 July 2010, Harare) OCHA in its CAP appeal for 2010 called for IDP-support to be mainstreamed into all projects (UN-OCHA in IDMC 2010:72). A member of OCHA explained to this that it would be helpful, if IDP-issues were put under the other thematic clusters also; this might give more pressure versus government for participation in the second-phase of the envisaged IDP-assessment. (Interviews, IOM-, UNHCR- and OCHA members, 15, 13, 19 July 2010) Similarly, the IDMC suggested that this procedure would lead to IDP-issues being referred to protection rather than other clusters and result in isolation of the topic (IDMC 2010:72). The existence of the sub-cluster, however, was seen as positive by the interviewed Protection Cluster Coordinator and an IOM-member for bringing together all important organizations working on the issue, improving coordination and avoiding falling victim to divide and conquer-strategies. The Protection Cluster Coordinator

pointed to definitional challenges with regard to Operation Murambatsvina, where the use of the term IDPs was already an achievement. (Protection Cluster Coordinator, IOM member, interviews, 16, 06 July 2010).

The fact that it has not yet been able to undertake a representative quantitative study on the extent and consequences of internal displacement in Zimbabwe accounts for the fact that there is no secured and comprehensive information on the phenomenon in the country. As IOM-members (interview 06 July 2010) explained, many persons are for years already on their register for IDPs and it is in some cases hard to say whether all of them are really still in need of their support.

As pointed out by a CFU-member (interview, 19 July 2010) with regard to political violence around the elections of 2008, international agencies depended on their protocols with government, were blocked in their activities and thus there were few possibilities to provide assistance to the victimized persons. Similarly, the IDMC criticized that the UN would have taken a too cautious approach to the government and failed to develop a coherent and systematic response to the displacement crisis. According to the IDMC, the UN Country Team provided too little leadership for humanitarian agencies on the issue. (IDMC 2008:6)

As there is not yet an official policy on displacement, this section on **lessons learnt** refers to experiences under a situation of toleration of humanitarian aid outside of politically sensitive periods:

The lower the government level the more understanding was there for the needs of IDPs (member ZCDT, interview, 12 July 2010). To this effect, Zimbabwean organizations proactively used relational work to diminish suffering, which reached limited successes outside of periods of repression campaigns and strong political polarization. (E.g. CiB minutes May to August 2005)

According to ZCDT labeling terminology like IDPs disempowered beneficiaries and gave the impression to them of having rights to specific assistance. There was a feeling that they should not be given everything freely. (ZCDT-members, interview, 12 July 2010, Harare)

The changed provisions in the new Constitution of March 2013 point to lessons learnt on the topics of traditional leaders and local government. In the constitution for both of

these groups more independence from the executive presidency and the requirement of freedom from political interference from national government institutions is stipulated.

For disaster management, there is a separate institution, the Civil Protection Unit, which has been used with regard to displacement in cases of natural disasters like flooding and was also used in work on the cholera epidemic. According to the NGO ZCDT, the CPU exists on paper, including an disaster management cycle, but would not have an own budget and insufficient capacity. For instance, in the cholera outbreak donors had to step in albeit support would be a government responsibility. (ZCDT-member, interview, 12 July 2010, Harare)

For the implementation of the obligations arising from the ratification of the AU Kampala Convention, a ZCDT-member commented that major policy changes and a new paradigm of respect for human rights will be needed as prerequisites. (Communication, 22 October 2013) In contradiction to this, in late 2013, there were media statements of Zanu-PF officials that reminded of Fast Track Land Reform and Operation Murambatsvina as they announced that the remaining farmworkers would be evicted from farms, as well as a clean-up operation in Mbare, Harare, would start and demolish illegal structures built there. (Gweshe, Karimakwenda, both 01.11.2013, Kwaramba, 21.11.2013)²⁶⁰

6 Conclusion

This thesis treated the topic of the local level in policy development on internal displacement using the case-studies of North Uganda and the departments Magdalena and César in the Caribbean region of Colombia to draw potentially relevant lessons for Zimbabwe. I built this analysis on the theoretical concepts of humanitarian governance and the role of the (local) state in fragile settings. Methodologically I used the method of comparison according to the method of difference and for the operationalization of

²⁶⁰ Gweshe, Edgar: Zanu(PF) Senator Calls for farm occupants' eviction. In: SW Radio Africa, 30.10.2013, <http://www.swradioafrica.com/2013/11/01/harare-council-to-begin-cleanup-campaign-next-week/>, viewed 01.11.2013; Karimakwenda, Tererai: Harare Council to begin "clean-up campaign" next week. In: The Zimbabwean, 01.11.2013, <http://www.thezimbabwean.co/news/zimbabwe/69102/zanu-pf-senator-calls-for.html>, viewed 04.11.2013. Kwaramba, Fungi: Demolitions 'callous, inhumane'. 21.11.2013, http://www.zimbabwesituation.com/news/zimsit_demolitions-callous-inhumane/ viewed 24.11.2013.

the study drew on the Advocacy Coalition Framework Model by Paul A. Sabatier (1993, 2007) and analyzed the processes of policy formulation on internal displacement, with a focus on local levels and institutions, in the three cases in Uganda and Colombia – as reference countries- and in hindsight to what can be learnt from these two as potential application context the country Zimbabwe.

This study broke with the the prevailing conceptual idea of area-studies and cultural homogeneity that all the case-studies countries and contexts of comparative studies should be chosen from the same world regions. Instead a mix was practiced in that Uganda and Zimbabwe were chosen from one, the African, continent, and Colombia from far away, culturally and historically rather distinct Latin America. The reason for this was a priority on the criterion of experience and degree of development of policies on internal displacement on the one hand. On the other hand, the conceptualization of this thesis recognized on-going continental efforts on norms evolution and experience exchange on internal displacement on the African continent, in the framework of especially the African Union and therefore tried to bring in another, additional, aspect through the featuring of a non-African experience.

While the degree to which there was comparability of aspects depended somewhat on the variables considered, on the whole the cases of Colombia and Zimbabwe had more parallel developments and comparable actor constellations. Similarities and parallel developments between Uganda and Zimbabwe exist with regard to the topic of traditional leaders, increasingly authoritarian rule in the hands of a to certain degrees charismatic and iconic “big man“-figures formerly celebrated liberation leaders (Y. Museveni respectively R. Mugabe), and to some degree regional patterns of political marginalization and corresponding building up of opposition-strongholds, which were however differently affected by displacement.

The comparison with Colombia showed similar aspects in very relevant and strategic fields: Hereby, especially the factors of paramilitaries and youth militias mobilized by war veterans and Zanu-PF party supporters, land grabbing challenges in connection with populist attempts to change political landscapes, cooptation and capture of the (local) state and its control institutions, alliances with and undermining of its structures by actors of violence and protracted situation of displacement outside of IDP-camps can

be named. I interpret this comparability outside of usual conceptualizations as caused by intra-African differences due to specific colonization patterns and historic developments, as well as increasing interactions between different world regions that translate into a diversification of strategies pursued both within regions as well as also within replications between such.

As follows, I summarize the contents of the case-studies subsequently turning to the more general findings of the thesis and presenting the conclusion to the research question, “*Which lessons can be drawn from the experience of the reference cases Colombia’s and Uganda’s inclusion of local government institutions in policy responses to internal displacement?*“, using as analytical criteria central terms of the UNDP definition of decentralized local government for development (UNDP 2004 in Grote 2007:51):

- Authorization of local government authorities
- Capacitation of local government authorities
- Resources of local government authorities
- Empowerment of citizens
- Participatory dialogue / consultation processes with citizens
- Transparent / accountable / participatory service delivery & local development

6.1 Case-Studies’ Summary

6.1.1 Summary - Colombia case-study

Internal displacement in Colombia has been caused by the internal armed conflict since the early 1960s that started as a confrontation between the national government and guerrilla groups, of whom the most prominent and enduring have been the FARC-EP and ELN. In the context of neoliberal economic reforms that impacted on employment and workers’ rights, mobilization of workers, rural peasants and other citizens increased strongly in the late 1970s and 1980s. The guerrillas found a receptive ground for politicization and entered such movements. For the FARC, also, influx of financial resources through the rising drug-traffic enabled the expansion of their operations; in addition guerrillas increasingly took to extortion and kidnappings of local and regional

economic elites. In defense, as well in confluence with military interests, paramilitary groups were founded by members of regional elites and criminal elements active in the drug-trade, from 1981.

In this time also other rebel groups, especially the urban guerrilla M-19, carried out spectacular armed protest activities, such as the taking hostage of the Dominican embassy in 1980 and the occupation of the Palace of Justice in 1985. Under a parallel peace process the biggest guerrilla FARC had formed a political party, the Unión Patriótica (UP), which was relatively successful in the elections of 1986 and 1988. Seen as a threat to military and elite interests of the regime, the UP was soon targeted by violent repression; by the end of 1993 more than 2,000 party supporters and leftist-minded social activists had been killed. The displacements of this period were not documented at the time; the government denied that increasing (forced) migration to urban areas had a relation with the conflict. *Advocacy Coalitions (AC)* in this time consisted of economic elites coalescing with security sector actors, paramilitary groups and drug-traffickers with the core belief of “defense of privileges“ against an AC of the fragmented, poorly organized civil society, UP and other leftist parties and intellectuals with the core belief “social justice“.

The paramilitary groups operated first regionally, but from 1987 were under a process of increasing regional expansion and unification. The UP was practically annihilated by the early 1990s, but fighting and displacement continued. As became increasingly clear, counterinsurgency combat had gained a strong component of illegal enrichment. Hereby, apart from issues related to the drug-traffic, such as securing of transit routes and investment of illegal moneys, land grabbing has been an important aspect. Numbers of destitute rural displaced in towns and cities were growing and arose the attention of social institutions, especially of churches, human rights groups and intellectuals. In this context the NGO CODHES was formed and started research and advocacy on the phenomenon of internal displacement –for which at this time terminology and legal approaches were only in development. Supported by know-how transfer of Central American states emerging from civil wars, inputs by the migration management system of the regional organization OAS were provided and drove forward discourse on displacement in the country. In 1994 the Episcopal Conference of Colombia undertook the first quantitative study on displacement in Colombia and came up with the finding

that approximately 650,000 persons had been internally displaced since 1985. In 1994, the UN General Secretary's Special Rapporteur on the Human Rights of IDPs, Francis Deng was invited by the government for a fact-finding mission on the topic and found the extent of displacement in Colombia substantial. These activities and the relative readiness of the government to initiative on the topic allowed a process of agenda setting to take place and over the next years a law to address all phases of displacement was formulated, Law 387 of 1997, which is the basis of action on displacement in Colombia to this day. ACs in this phase were elites allying with paramilitaries, drug-traffickers with the guiding idea "defense against guerrillas and of privileges" against progressives in state institutions, intellectuals, church-, civil society actors and international actors with the guiding idea "rights for IDPs".

Despite the enactment of Law 387, over the next years displacement continued to rise, especially between 1997 and 2002 when the paramilitary presence expanded massively. In the focus region of the study, *région Caribe*, localized paramilitary groups were conquered, created or allied into the group Autodefensas Unidas de Colombia (AUC) under Carlos Castaño. Pacts between paramilitaries and local elites secured benefits for both sides: (violent) achievement and/or control of public affairs ensured the needed votes for the favored political leaders and, in turn, these granted access to public resources to paramilitaries, especially at local and regional government levels. In this situation, more and more IDPs could not be adequately supported in politically largely hostile reception areas, whose territorial governments were neither willing nor capacitated to deal with the increasing IDP population challenging local infrastructure. This occurred in a context of decentralization only having introduced years before, with little capacity and control systems in place in local government institutions, aggravated by the financial crisis of many local governments due to poor tax-income and/or mismanagement. Also, response by the national government institutions overall has been poor. Hence, the Constitutional Court took on the issue of displacement and, reacting to a mass of legal actions by IDPs, emitted Sentence T0-25 of 2004 declaring an unconstitutional state of affairs on internal displacement in Colombia. As further action the Constitutional Court launched a big number of legally binding orders (*autos*) to state institutions in order to overcome the unconstitutional state of affairs. An inter-institutional commission for the monitoring of the institutions' progress on this has been set up and produces reports on these. Many of the shortcomings in implementation so

far persist. Since 2008 the Constitutional Court has addressed territorial governments more strongly under this process, so that these are under increasing obligation to include and report on measures for prevention of displacement and support to IDPs. The Victims Law, 1448 of 2011, restructured the institutional set-up and several provisions of Law 387 of 1997, especially with regard to the question of land grabbing, where a process of investigating all questionable land transfers and purchases is underway. This aspect is vulnerable to spoilers, especially actors who benefited from internal displacement and the internal conflict for illegal enrichment and investment in grabbed land.

The analysis in the case-study of implementation of the policy on internal displacement in Colombia in the departments Magdalena and César, *région Caribe*, showed a dim to mixed picture: In Magdalena paramilitary interests and influence were still strong at the time of research and pressure for improvements largely imposed by the central government upon Constitutional Court decisions. In César, the acting department government tried to reform institutions and procedures previously under paramilitary influence and gave a strong effort to introduce participatory good local governance against resistance of actors linked to *parapolítica*. Further, there were challenges of implementation in an unfavorable context with little experience with the necessary tasks.

Except for the possible exception of the department government of César, in the local governments in the case-study, the criteria for “good” local governance were not fulfilled: While local government authorities possess an enabling and rather well defined legal framework that provides the *authorization* to take measures on preventing and supporting IDPs, a number of shortcomings exist: Not all necessary action is under the control of local government, e.g. while the mayor is the local head of police s/he cannot order additional security forces to come to the municipality and protect citizens against impeding displacement. In the case occurring, the mayor can only call on national authorities to provide assistance. On the other hand, legislation granting a high degree of autonomy of municipalities to some degree backfired, as the autonomy was used by regional elites and conflict actors to achieve economic advantages instead of driving forward local development. Counter-measures by central government, due to the debt crisis of local governments in the 1990s, were prescriptions through national

legislation that define percentages of the budget administered by local government entities that have to be spent on basic services (education, health-related services). The (little remaining) rest of the budget ought to be spent for other responsibilities of local governments, which over the years have augmented due to consecutive transfers of responsibilities from national to local government levels. Hence, little budget remains for fulfillment of the duty of support to IDPs.

The lacking consideration of the respective financial and human *resources*, capacities and specific regional and local contexts in the forefront of policy development thus has led to a situation in which legal requirements can hardly be fulfilled by municipalities, especially such with a low financial resource base. *Capacities* of local government authorities have been low in the big majority of municipalities. At times, mismanagement and political cooptation of municipalities and department governments impede bringing technical capacities to use, where they exist. Political cooptation, together with often lacking sensitivity to the fate of IDPs, also impacts on *transparent and accountable service delivery*. *Local, equitable, development* benefitting the poor has been diffculted by the internal conflict that is still on-going. While the legislation on displacement has tried to *empower citizens, make sure participatory dialogue and consultation processes*, and training programs have been offered to IDP-organizations and committees, the invasion of (local) state institutions by violent conflict actors has diffculted the implementation of these aspects in many territories. Often IDP-organizations are ignored and not invited to committee meetings that decide issues of concern to them. In other cases IDP-leaders might be faced with threats after having raised sensitive issues.

The hypothesis that bottom up processes are necessary for policies addressing internal displacement is confirmed by the findings of the Colombian case-study. Lacking consideration of local challenges and context, in part, led to the impasse regarding many local governments' inactivity on the needs of IDPs in their territory. The second hypothesis that local government is best positioned to support the population, but is blocked in its possibilities of implementation by central government in conflictive crisis situations can only partly be confirmed for the Colombia case study: On the one hand, external actors of violence (in this case-study, largely paramilitaries) have influenced the possibility of local authorities to implement services for the population. On the other

hand social strata diversification has been strong in Colombia so that national, regional and local networks are strongly intertwined and separating actors only acting at local and others only at national levels is not always possible. National government, rather, tried to impose a legal framework on displacement on, amongst others, local governments –without fulfilling necessary preconditions, such as e.g. coherence between different policies influencing implementation.

Major, more general, lessons learnt of the Colombian case study region's experience of dealing with displacement, are: The topic is a highly complex one that requires very good coordination between institutions. Also, interdisciplinary work has high benefits in many areas of services provision, especially counseling and advice to IDPs. In terms of security, need for litigation, and economic aspects, the Colombian experience has shown how big a factor land grabbing can become; the current process of restructuring statal support institutions that have been invaded by collaborators with actors of violence, as well as the rolling up of land transfers that occurred in the course of internal displacement offers many procedural lessons. On the positive side, the proactive stance of the Constitutional Court has been successful in terms of inducing several improvements and exerting pressure on institutions showing too little engagement on the problem of displacement.

6.1.2 Summary Case Study Uganda

Internal displacement in North Uganda was caused, in large measure, by the central government decision to create so-called *protection camps*, executed between August and November 1996, in reaction to increasingly violent attacks of the rebel movement Lord's Resistance Army in the context of the internal conflict since 1986. The nature of the policy of protective displacement was forcible, so that the only other option available to the affected population was to react quick and move to urban settlements, other than going to the mandated camp sites. Due to the rushed way of execution, there was no prepared infrastructure. People coming from different locations mixed in camps and had to build up shelters with little support from government. Due to on-going attacks by the LRA and insufficient security defense by the Ugandan military, camp inhabitants were at considerable risk of abduction and physical harm. Over time, also

violence within camps increased due to overcrowding, erosion of social norms and pathetic conditions, especially also leading to high rates of gender-based violence. Conditions in the IDP-camps were characterized by poor hygienic conditions, erosion of social structures and cultural norms, material impoverishment and reliance on emergency aid. Local government authorities, as well as traditional leaders, were to significant degree sidelined by the establishment of a new administrative structure in IDP-camps, *camp-leaders* interacting with the camp commander, military, humanitarian agencies, as well as coordinating with higher levels of local government.

The fact that the internal conflict was led with varying intensity meant that periods of intense attacks were interrupted by calm phases near to peace, however again quickly ended by LRA-incursions with brutal massacres. Attempts for peace negotiations with the LRA were repeatedly made, but due to the government's strategic preferral of a military solution, central government orders repeatedly had the effect of stopping negotiations abruptly and sparked retaliation by the LRA, leading the conflict, and with this the internal displacement crisis, to increased escalation.

While the NRM-government under Yoweri K. Museveni long enjoyed the backing of large portions of the international community - at the cost of neglect of the North Ugandan displacement crisis - from 1999 there was increasing international attention to the internal conflict and the pathetic conditions in IDP-camps. In this time, an *Advocacy Coalition* between central government and international actors, in part supporting the military strategy of the Ugandan government through provision of humanitarian aid, dissolved due to increasing doubt on the path pursued, and in the early 2000s changed to an AC between international actors, local population in IDP-camps, local civil society and local government under the guiding ideas of "attaining freedom of movement for the encamped IDPs" and "ending the internal conflict". Central government in this scenario of increased local and international pressure, contrasting strongly with the image of Uganda as African success-story, and increasingly overwhelmed by the humanitarian situation in the context of the expanding conflict, gave in, took advantage of pre-works done by local and international actors and launched the National Policy on Internal Displacement in August 2004, official from February 2005. In comparison to the legislative norms in place in Colombia, the policy has a more simple framework and is easier to overlook.

Parallel, the government continued to pursue military siege over the LRA, resulting in the peaking of the IDP-crisis after the IDP-policy's publishing. Yet, faced with estimated 1,8 million IDPs in early 2006 and continuing international and national pressure to end the war, President Museveni accepted peace negotiations, which led to a cessation of hostilities agreement in July 2006. Since, the LRA refrained from attacks in Uganda. Yet, the peace negotiations could not be concluded because of disagreement on the point of amnesty for the LRA-leadership, which has withdrawn to the neighboring countries South Sudan, Central African Republic and DRC, where it remains active.

The aftermath of the violent conflict in North Uganda has been characterized by intense efforts of resettlement, however without large-scale assistance for the returnees' socio-economic re-establishment in their original areas. Under the big Peace, Reconstruction and Development Plan (PRDP) that started with one year's delay, significant reconstruction of public infrastructure has taken place, however the population complains of not having been consulted in the forefront, not being knowledgeable of the PRDP's contents, and of remaining largely excluded from benefits from the program's expenditures. Civil society-, opposition political party- and other analysts point out that the PRDP has attributed little means for reconciliation aspects and that the infrastructure component coming as a first step in the program's implementation is questionable and points to patronage-logics rather than a concern for socio-economic recovery of the affected population.

Under recent strong efforts for reconstruction, the dominant *Advocacy Coalition* has developed back to comprise national government in concert with international actors. Additionally, traditional leaders might be part of this coalition grouping together under the guiding idea "efforts for reconstruction" and, from the side of national government, possibly attempts of cooptation of stakeholders with influence in the North Ugandan region pursued. Local authorities, within larger political developments in Uganda, with North Uganda -until 2011 a traditional opposition stronghold- feeling this even more strongly, over the last years have experienced increasing disempowerment. The policy of creating new districts has shown strongly negative impact on North Ugandan local administration structures and constituencies. Coordination structures of the PRDP, privileging central government involvement through the Office of the Prime Minister, resulted in curtailed *authorization* and *capacities* of local government institutions,

despite the formal leadership role of local government. Weakened capacities exist, through the, partially, long period of deactivation respectively diminished role of local government, as well as top-down formulation and implementation structures of the PRDP. Thus, there exist less practical possibilities for *consultation and participation of the local population* with the result of not effective empowerment, and more central governance influence over local processes. Due to the abolishment of the formerly important graduated tax, amounting often to two thirds of local governments' operational budget, these have a lot less *resources* and with this strongly reduced financial autonomy.

As above re-stated, the local returning population at the time of research did not see *service delivery and local development* efforts occurring under the current most significant reconstruction and development intervention, the PRDP, as *legitimate, transparent, accountable and participatory*. Hence, regarding local government institutions I conclude that they were becoming, again, significantly undermined. Without sufficient authorization and capacitation, the impression arises that they might be set up to fail (!). In part, there is also a possibility of the creation of per forma functions that in short-term rather serve to build up positions for redistribution to followers of certain groups and increase central government control in, theoretically, decentralized ruled regions.

While, according to the hypothesis 1, local governments are the institutions best fit to work with the population on service delivery and managing local concerns, the polarization between national government and the North Ugandan region caused a situation where national government back-up for local governments during the evolvement of the conflict was poor. During the humanitarian crisis local government institutions were even weakened through new administrative structures outside the sphere of local government and the strong role of the military. Thus, the hypothesis 2 that in polarized contexts such as those producing internal displacement local government is blocked in their possibilities and capacities of operation can be confirmed for the Ugandan case-study.

Regarding the consultative nature and application of bottom-up processes in the preparation of the IDP-policy, it must be acknowledged that the situation was not conducive to wide consultations, as the security situation in the period of the policy's

development was not always good. While consultation in the preparation of the policy has been done with a number of stakeholders involved, including central administrative staff, I conclude that the process still lacked comprehensiveness. Short-comings are that some actors in the consultation were dominant (i.e. the military), and that others who could have given very practical and relevant input were not included at all. A number of persons, especially also in the implementing institution local government at sub-county level LC 3 already do not know even that something like the IDP-policy exists²⁶¹. Likewise, not specifically with the IDP-policy concerned civil servants at district level are often not familiar with the IDP-policy.

Lessons learnt from the Uganda-case study, are that the circumstance of having a policy addressing internal displacement in place, makes a considerable difference: coordination, respect for set rules are a lot easier to enforce than in a poorly defined setting, as the case has been during most of the time of the humanitarian crisis. While the form of a policy is less enforceable than a law, in the adverse and neglecting stance the government took long regarding the IDP-crisis, it was more easily to reach than a law. This compromise, hence, seems worthwhile.

On the question of utilization of bottom-up approaches, the findings indicate that those have been applied with too little depth. Even though there have been consultations, they were not comprehensive enough, as obvious from the big number of issues that were not considered when formulating the IDP-policy. Within participation of actors in policy development, the process lacked depth. On the other hand, interests have not been included in a balanced relationship: military-rationales and hegemonic interests of central government - visible e.g. through the strong priority on security enforcement- and public infrastructure, which even has been implemented as first aspect of the reconstruction program PRDP – have been privileged over socio-economic, psycho-social and conflict causes-related concerns. This results in widespread complaints among the returning population that their concerns are not taken into account, that they were not consulted in the forefront and contents of plans not being widely known.

²⁶¹ It was not possible to do a representative quantitative study to ascertain the exact extent to which the IDP-policy is known to LC 3's. In most interviews the LC 3's did not know about the policy.

The strong impetus of international, mostly humanitarian, actors from 2004, on the one hand, was only poorly coordinated by often under-resourced and curtailed local governments, led on the other hand to high aid-dependency and inactivation of the IDP-population. Furthermore, the active stance of international actors encouraged the national government to bargain with the concern about the situation in North Uganda, so that in the end the PRDP to only one third was financed by Ugandan state moneys.

While access of the population to post-trauma treatment is a program-point in the PRDP, more than individual and community-based healing might be necessary to achieve a feeling of justice among the population of Northern Uganda that has undergone many adverse events. Work on collective memory, identity and experiences in connection with restorative justice and peace-building also on the symbolic level would be important to create and encourage more trust and readiness to cooperation with the state in Northern Uganda. Possible examples for such work could be oral history capturing, truth-telling and accompanying media-work to it (as e.g. done in South Africa). Apologies from national government for the failed policy of protective internal displacement might be helpful for addressing underlying root causes of the conflict, as well.

Donor support of newly invented, respectively also further development of existing societally significant structures can create new problems, especially if factors and dynamics playing themselves out in the background are not clear. Here, implementation pressure might play a negative role - development and humanitarian actors are often requested to show results. At times this can drive processes at a speed too fast for the local societal environment. Ad interim some local actors that are stronger and better equipped than others, may be at the frontline of the processes set in motion and might use this for their own promotion rather than general welfare of the population. Critiques voiced at the privileged partnership that Ker Kwaro Acholi, the hybrid formation between a forum of traditional leaders of the Acholi and development NGO, seems to begin to enjoy could point into this direction. It would be less captious to support opinion-formation around this topic than undertakings that might conform to ideas of only particular groups and their interests. The fact that local government staffs, in interviews, were not quick to address traditional leaders, and in one case there was explicit critique of PRDP support for building palaces of traditional leaders, is

interpreted by me to be consternation due to traditional leaders getting quite overtly supported and local governments overburdened on the one hand and cut back strongly, as well as a risk of traditional leaders being targeted for cooptation and manipulation by national government actors.

International actors, i.e. international organizations, -NGOs, donors, should be aware of their roles and adhere to these. As per their mandates they should support rather than substitute local and national agencies, acting in substituting form only for the shortest time necessary and even then include capacitation of local persons and -institutions. The research has shown that intense capacity-building of local institutions and processes for handing over full responsibility occurred only in 2010. The conclusion is that this is very late and the question remains why this is so? In reference to Harvey (2009) working with state structures even in a humanitarian crisis would be important in terms of capacity-building and maintaining, and would save time as well as resources.

6.1.3 Summary Case Study Zimbabwe

In Zimbabwe internal displacement in the post-independence period has come about through a number of operations, largely carried out in revenge of the regime's loss of support among the population, as shown in elections results since 2000. An exception to this was 1982-87's Operation Gukurahundi that targeted supporters of the party Zapu in South-Western Zimbabwe that was government leader Mugabe's political concurrence at the time. While estimations speak about at least 20,000 deaths, there are no numbers on displacements available for the repression of this period. In the year 2000 a scarce loss in the constitutional referendum was followed by Fast Track Land Reform (FTLR) intertwined with intimidation and repression related to the elections of the same year. The FTLR caused the biggest number of displaced, with estimated one million IDPs - farmworkers and their families- evicted from commercial farms. Further, political repression around election times periodically produced IDPs.

In response to the large-scale displacements of this time, the IOM established a support structure on displacement in Zimbabwe, working with churches and smaller NGOs as local implementing partners. Long, IDPs were called "Mobile and Vulnerable Population" as the government was not ready to acknowledge that internal displacement

occurred in Zimbabwe. In this context, the situation of the displaced could not be quantitatively studied due to the sensitivity of the topic; thus, there is not a complete picture on their situation and whereabouts.

For some observers also related to elections, 2005's Operation Murambatsvina directly affected 700,000 persons and -including indirectly affected- up to two million persons experienced either displacement, loss of incomes or business opportunities in the "clean-up operation" in informal urban areas in all of Zimbabwe. Operation Murambatsvina was carried out between May and July 2005 and was the campaign of displacement that received most international attention. UN Secretary General Special Representative on Human Settlements Anna Tibaijuka undertook a fact-finding mission in June 2005 and issued a report with recommendations to the government. Many of the IDPs from it were displaced a second time, as farmworkers evicted in FTLR had gone in big numbers to urban informal settlements where the demolishments and destroyal of business stands took place.

The March 2008 general elections sparked another wave of electoral violence, when a scarce majority in parliament went to the MDC. The repression left approximately 200 MDC-supporters dead, several thousands were beaten up or tortured and estimated 36,000 persons were internally displaced. In the aftermath of these atrocities, the regional organization Southern Africa Development Community (SADC) took over the mediation of a transitional process that was to lead to a coalition government (in place 2009 to 2013), a new Constitution and elections of a new government after 18 months. This process however was characterized by delays and intense political struggles. Zanu-PF in the end did not give up its hegemonic position and kept the essential security sector under its control.

After a long period of denial, in autumn 2009 President Mugabe officially recognized the existence of internally displaced in Zimbabwe. In the same year, a rapid IDP-assessment was carried out by representatives of government ministries and international agencies. The final report to it, however, was not (yet) approved by the Zimbabwean government. However, at the AU summit on internal displacement in October 2009, President Mugabe was the second head of state to sign the Kampala Convention on Protection and Assistance of IDPs.

At the time of research in 2010 the IOM and UNHCR were in a process to work with

local levels of government and communities on (re-)integration of IDPs. In this framework trainings on norms and guidelines on the topic, as well as disaster prevention were held for local governments. According to a member of the NGO ZCDT hereby relational aspects were important, and also the openness of local governments depended somewhat on the region and its pattern of political rule. Also, the Protection Cluster Coordinator started to invite government representatives into the cluster meetings. In 2011 the Protection Cluster adopted the *Framework on Durable Solutions for IDPs in Zimbabwe*, which however is a voluntary code of conduct. A substantial progress was achieved in that the government ratified the *AU Kampala Convention* in May 2013.

The *Advocacy Coalitions* in the periods where displacement occurred have been grouped around the guiding idea of “not surrendering power“ and constituted by Zanu-PF elites and supporters, versus the political opposition and their supporters with the guiding idea “support political transformation“. In a recent phase, since 2009, when due to the negotiated transitional coalition government the former opposition had some influence, ACs re-formed to actors grouped around the guiding idea “not surrendering power“, with Zanu-PF elites and supporters, and on the other hand human rights advocacy groups, humanitarian aid organizations, churches and international NGOs and agencies around the guiding idea “support for IDPs“.

A success and at the same time a lesson learnt of the experience of dealing with displacement was that Zimbabwean organizations in part managed to exert some positive influence through relational work in the radical situations posed by the campaigns of repression. Also, the UN and IOM were able to maintain a certain line of communication and cooperation with the government, respectively this left ways open for a *modus vivendi* that did not lead to a banning of the UN in Zimbabwe. This allowed humanitarian actors to soften the hardships created by the repression campaigns somewhat. Under the wings of the UN several of their local implementing partners were able to operate, even though under higher security risks. In this situation of silent partial acceptance, relational work and intervention at less politicized, local levels were successfully attempted by UNHCR and IOM.

Local governments are responsible for support of IDPs at local levels and, in conformity with the first hypothesis of the thesis, are hence highly relevant to the implementation of a policy on internal displacement. Bottom-up processes are also in Zimbabwe very

important and in part have been applied, but due to the strong role of the Ministry for Local Government, Urban and Rural Development can be disempowered by the Ministry anytime. The second hypothesis is confirmed by the case-study, as local governments have either been politically coopted and put in line with Zanu-PF or experienced blockades from national levels if ruled by the MDC-factions.

Thus, criteria for “good“ local governance have mostly not been fulfilled: Local government authorities in the Zimbabwean context *lack authorization*, as the ministry in the legal framework valid until recently has had a very strong role that allowed interference. *Capacities* in local governments are often rather good, but as all of Zimbabwe is in a financial crisis, also local governments *lack resources*. *Empowerment of citizens, participatory dialogue and consultation*, as well as *transparent, accountable, participatory service delivery and local development* have been strongly infringed upon by the political and economic crisis since 2000.

Displacement in Zimbabwe has experienced a steady aggravation, which however has not been as apparent and visible due to the fear and silence circumventing displacement. Likewise, social control imposed by the political polarization of the population marginalizes public expression of the needs of IDPs. Further, displacement “operations“ have been carried out in targeted, systematic and focused ways, interrupted by periods where the situation was calming down, the affected population groups developed coping mechanisms and humanitarian assistance tried to mitigate consequences. While it has not been possible to undo the effects of the repression campaigns -and increasing disdain has been developing in the population against the Zanu-Pf led government- I argue that such periods have allowed measures against destabilization and a fall into fragility. In these periods, the downward spiral of the economy and situation in the country has been leveled off to some extent, resilience of good parts of the population set in and led to the recreation of a certain balance – however at an always deteriorating social, economic, and political level. Yet, always bigger numbers of people are affected, as every campaign or repression causing internal displacement results in enormous costs and a time-period necessary for recovery and finding of solutions. As referred by HRW (2002) and GAPWUZ (2009) farm evictions could have amounted to as many as one million persons affected; further according to Potts (2011) up to 20% of the population have been affected by Operation Murambatsvina (with a certain part of the affected of

Fast Track Land Reform re-displaced), and repeated electoral violence affecting dozens of thousands persons directly (ZCDT 2009). Apart from this, large outward migration streams have been caused with approximately one third of the population, four million Zimbabweans, outside of their country; of these most are in South Africa. (*Business Day* in ICG 2010:13) Therefore, while recurrent stabilization after repression campaigns has occurred, on the whole the Zimbabwean population is faced with a downward spiralling situation. As the Zanu-PF regime still has the state administration and the security sector under its control, the situation so far seems manageable; how long this can continue is an open question.

6.1.4 Summary of the Advocacy-Coalitions in the Studied Cases

Table 10: Overview of Advocacy Coalitions in the case-studies

	Colombia	Uganda	Zimbabwe
Development of displacement	Conservative elite rule trying to maintain hegemony through anti-insurgency combat and attempts to eliminate opposition led in the 1980s to intensified repression. From 1990s the rising displacement problem became visible and sparked concern by church and academic groups; From 1994 the topic was under observance from the UN and regional organizations (OAS). The government showed proactive initiative and accepted the development of a comprehensive legal framework on displacement, enacted in June 1997 with Law 387. ACs: Elites coalescing with drug-traffickers and paramilitary interests, according to core aspect of “maintaining, resp. entering political and economic hegemony“ vs. fragmented, poorly organized civil society, Unión Patriótica and other leftist parties and intellectuals for “social justice“. Conservative elite elements, allying with paramilitary and drug trafficking interests with the core belief “defense against guerrillas and of privileges“ versus (vs.) progressive elites, church, civil society, international actors with the core belief “rights for IDPs“.	The marginalization of Northern Ugandan region led to insurgency in the early 1980s; Intensified rebel attacks were reacted to by forced displacement of the population in affected areas to “protection camps“; Due to lacking planning and protection of these an humanitarian disaster evolved. With the conflict expanding and the policy of “protective displacement“ continuing, the IDP-crisis and humanitarian catastrophe reached an extent beyond management capacities; over the 1990s local actors managed to mobilize international attention and support, as well as gradually national attention. Donor and UN pressure led to efforts to develop an IDP-policy and to end the war. ACs: National government rallying around the idea of “anti-insurgency combat“ vs. “internal strangers“- population and rebels against national government; Later ACs according to guiding ideas of “Anti-insurgency combat“ vs. actors advocating for “freedom for IDPs“ in North Uganda.	The progressively less popular patrimonial regime reacted to electoral challenges since 2000 with waves of intimidation and repression including the displacement of persons from groups perceived as opposing its rule. Agenda-setting occurred within general, to big part sensationalist news about Zimbabwe. From 2002 humanitarian actors built up support structures for displaced farmworkers and human rights groups intensified thematization of IDPs. In 2005, Operation Murambatsvina rose attention. Compared with other election-related offences, the political violence of 2008 became most strongly addressed. ACs: Zanu-PF elites and profiteers grouping around the guiding idea of “not surrendering power“ vs. opposition and marginalized actors. Zanu-PF elites with the guiding idea “not surrendering power“ vs. opposition activists, IDPs, social organizations, churches, and international humanitarian actors engaging for “alleviating the suffering through violence and displacement“.

Implementation	Law 387 of 1997 regulated intervention on displacement in comprehensive form, but implementation could not keep up, in part due to unwillingness of spoilers (factions in national and local government, <i>parapoliticians</i>); Sentence T0-25 of 2004 proclaimed an unconstitutional state of affairs on displacement in Colombia and sparked legally binding orders to the administrative state institutions for improved prevention and support of IDPs; The Victims Law 1448 of 2011 modified the legal framework and the support system in so far as reparations, land and property restitution and specific support are now available to victims of the armed internal conflict since 1985 as well as victims of criminal groups operating in interaction with the conflict. ACs: Conservative elements in government, <i>parapoliticians</i>, drug-traffickers grouping around the guiding idea of “defense against guerrillas and of privileges” vs. progressive actors in government, control institutions, civil society with the guiding idea “rights for victims of the conflict”	The National IDP Policy of August 2004, in force since February 2005, regulated management of IDP camps, procedures for return and prohibition of displacement. It foresaw a big reconstruction program for the North (Peace Recovery and Development Program-PRDP). The policy took stakeholders and needs into account in imbalanced ways, prioritized military and infrastructure concerns over those of the population. The PRDP started belated in late 2008 and prioritized infrastructure over human and resettlement needs; traditional leaders became project implementers amongst others, while local governments who are supposed to lead the processes were overburdened and did not get support for the PRDP-implementation. ACs: National government, traditional leaders, most international actors “reconstruction and development” vs. “marginalization and renewed state of internal strangers”- returning population in North Uganda	The Protection Cluster of humanitarian actors elaborated and adopted a Framework on Resettlement in January 2011; Responsibility in government was defined by 2013 to the Ministry of Social Affairs, Work and Labor. The Zimbabwean government ratified the AU Kampala Convention in May 2013. ACs: Zanu-PF elites “not surrendering power” vs. humanitarian agencies, vulnerable groups such as IDPs; regional organizations, strategic government leaders and AU as brokers trying to introduce regulations under the guiding idea of “limiting victimization”
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(Source: Own elaboration)

6.2 Likelihood of policy changes in the application case Zimbabwe

According to Paul A. Sabatier's *Advocacy Coalition Framework*, policy changes regarding core aspects need drastic external influences to lead to changes, as the *Advocacy Coalitions* in rule otherwise only go as far as modifying secondary aspects, such as minor details. The Zimbabwean policy response to the issue of internal displacement has been one of tolerating humanitarian assistance for IDPs to the degree that it has been provided in a little visible way and non-threatening to government. Regime re-grouping during the time of the coalition government, 2009-2013, and Zanu-PF elites' reformation of political power according to the ACF-premises means that space for change has shrunk to strong extents.

The massive violence sweeping through parts of Zimbabwe over several months after the general elections of March 2008 has led to a climate of fear and deep polarization with many citizens voluntarily or forcibly implicated in human rights abuses and intimidation: in this sense many elites are caught up with Zanu-PF. Zanu-PF's fate and possible direction changes, both in terms of persons in leadership and topical concerns, are somewhat uncertain as President Mugabe is of advanced age and potential successors have been setting themselves up for taking over from him. In diverse analyses and media reports, often the possibility of struggles among elites is pointed out. A reformation of power-structures under such struggles or a starkly different leadership-style under a successor that rallies around sufficient support currently remain among the few avenues for a way forward and back to relatively stable democratic conditions, including the resolution of the IDP-question. The current main contenders Joice Mujuru, said to be supported by the party-base and in her late 50s, and Emmerson Mnangagwa, supported by elites in state administration and the security sector and in his mid-60s, would possess different likelihoods of topical changes. Mujuru, both due to her younger age and more support from the party base hit more by the crises since the 1990s and 2000 might have less to lose and more to gain from an opening towards improvements for the population. Mnangagwa is alleged to have orchestrated the political repression around the 2008 elections; he stands more to lose and due to this probably would opt for continuity with Mugabe's authoritarian trend of the last 15 years.

Two specific milestones -or better said stepping stones- were reached in the period of

the coalition government, such as the Framework for Resettlement for IDPs adopted by the UN-led coordination forum, the Protection Cluster, in early 2011 and the ratification of the AU Kampala Convention on Protection and Assistance of Internally Displaced Persons in May 2013. As long as underlying dynamics are not addressed, however, their implementation remains doubtful. The ratification of the AU Kampala Convention has certain implications, though, as by this the government exposed itself to minimum interaction with AU-mechanisms of addressing displacement. There is considerable evidence that makes the argument of displacement being carried out on purpose as a measure (from the Mugabe-, resp. Zanu-PF perspective) to “defend” less and less popular rule a core element of the belief system of this *Advocacy Coalition*. Mugabe and Zanu-PF so far have hardly complied with force from supranational bodies such as the UN, AU, and SADC. Regional organizations such as the African Union and SADC have undertaken several lukewarm attempts to influence the Zimbabwean regime that altogether failed so far. The SADC mediation could reach some progress and improvement, but generally has fallen short of imposing a solution of the Zimbabwean low level conflict. Thabo Mbeki’s remark on the role that the UN would have to play in mediation efforts, might be an important point, especially if “Third World“-leaders of reputation could use their influence with the Mugabe-regime- as long as it still exists under its leader. While there are certain limits that the Advocacy Coalition around Mugabe and Zanu-PF has not overstepped –such as outright war or breaking officially with procedures of regional and international organizations – it has also not given in and compromised to the degrees that would have indicated policy learning. As of now, no strong enough external influence is likely that could induce serious changes of core aspects of policies.

IDPs caused by phases of strong political repression could usually return to their home-areas after the wave of violence was over. In many cases, though, they experienced destruction of property and assets and have to co-exist with perpetrators in a situation of impunity and the threat of repetition of violence in their community, when an occasion benefits it. Groups such as farmworkers and urban poor –who to a part were formerly displaced farmworkers- lost their accomodation and livelihood in most cases over a longer time-span and often have become long-term homeless, overproportionally struck by illness and death.

The African Union Kampala Convention on Internal Displacement that became binding in December 2012 means that ratifying countries must develop policies and normative instruments for the support of IDPs. Also, a monitoring body on internal displacement in Africa will be created within the AU. Zimbabwe ratified the convention, and therefore is legally bound by it. The ratification of the AU Kampala Convention in May 2013 is somewhat contradictory to Zimbabwe's policies pursued over the last 15 years, but might have been possible in the context of nearing elections and the immediate aftermath of the adoption of the new Constitution in parliament that was a precondition for elections to take place in July 2013. In how far the comprehensive provisions of this legally binding AU convention will be implemented and be able to make a difference in practical realities of IDPs is an open question and will depend on future regime constellations and the respective strategies pursued. As I would like to point out, whether this instrument will be able to drive forward a regulation of prevention of displacement and support to IDPs to some degree furthermore depends on political developments in African Union member states. The conservative backlash since the mid-2000s (cf. Freedom House 2011) does not give much reason for hope for now, but public moods might be changing under the influence of the -however imperfect- Arab spring and pressures felt by large parts of the population in many countries, such as rising food and fuel prices.

Due to the fact that the elections of July 2013 were won in a landslide victory by Zanu-PF - even if due to a combination of voting manipulation, intimidation and persecution of MDC-supporters, voters' disillusion and political capital (cf. Santner 2013b) and despite the ratification of the Kampala Convention, a fast drawing up and implementation of a full scale policy on internal displacement does not seem likely. At the time of writing it is not known how the Zanu-PF three-quarters majority in parliament and the executive Presidency will deal with the new constitution adopted in March 2013. Based on the numeric relationship, changes are easily feasible. Opposition of Zanu-PF MPs against party-lines is risky and might put up the respective persons for negative consequences. Organizing according to factions might occur around topics that draw a lot of own-interest, but not ones that tend to be looked at as less central and as risky.

6.3 Lessons learnt from the reference cases Colombia and Uganda for Zimbabwe

As follows, I discuss lessons learnt emerging from the case-studies. These are based on the conclusions of the case-studies in this regard, as well as partly also specific statements in the interviews made within these. As the lessons learnt drawn here, are formulated in hindsight to the situation on displacement in Zimbabwe methodologically also the context of this target region is important. In this hindsight, I point out that an analysis of potentials for the development and effective implementation of a policy or/and legal framework on internal displacement in the current context and political conditions in Zimbabwe warrants caution. While, in my view, not all lessons learnt necessarily have to be checked against actual application possibility -points might be interesting per se, stimulate creative ideas and enhance background knowledge of concerned stakeholders – the political scenario constitutes a certain limiting factor for such.

In this line I note that the judiciary, albeit technically well capacitated, is seriously compromised by political bias. Similarly, law enforcement institutions such as the police and military have been politically coopted. Perspectives for emulation of the model of the Colombian Constitutional Court's taking on the issue of the rights of IDPs, managing to remain relatively independent and becoming a vigorous defender of IDPs, thus are not promising in this legislature. For the time being an approach of working for transformation of practices looking for solutions at the -often somewhat accessible- local spheres of government in a fragile setting (cf. Kyed/Engberg-Pedersen 2008) seems to remain a relevant avenue for addressing problems caused by internal displacement. A re-thinking of the topic of internal displacement as well as the importance of respect for human rights will be important in this hindsight.

Drawing on Harvey (2009) I point out that -while in Zimbabwe it might be fatal to hand over large sums for relief to central government- funding initiatives at local level, in cooperative structures between civil society initiatives and local government institutions accompanied by monitoring procedures could allow both implementation of relief and extended interaction with the state structures at local level. This would satisfy requirements of capacity building and, at the same time, allow challenging local government to deliver services to citizens.

A surprisingly simple and obvious, however highly relevant point that can be learnt from the Ugandan case, is -as the late Gulu District RDC stated- that it is best to not displace people. While the action might serve to intimidate the population and effect certain changes in political power structures and voting patterns, displacement always comes with a loss of material, social and human capital that cannot easily be brought back into the state of before the act. In mid- to long-term, thus, the costs are high. Governments - whether in Zimbabwe or elsewhere - should therefore consider investing in satisfaction and advancement of citizens through services, which nowadays can be supported by opinion-polls and similar tools, rather than actions resulting in displacement that result in resentment by the population and high costs.

Regarding the displacement and series of massacres in Operation Gukurahundi, 1982 to 1987, longer ago, but still in bitter memory, and recent victimization, the Colombian institution of the Center for Historic Memory and the work of the preceeding Truth and Reconciliation Commission might yield interesting comparisons, whose details' elaboration is beyond this thesis. Here, the approach followed in the Colombian institutions for reconciliation premises on reconciliation not after conflict, but *in* conflict and transformative practices, using also awareness-raising components for promoting these (cf. Pizarro 2007:179).

As experience from North Uganda shows the local level ought to be profoundly studied early on in the policy formulation process, which in many cases, at least in African countries and also illustrated in the Colombian experience with Law 387 of 1997, still tends to be a top-down process. Too little attention being given to the local level can significantly difficult implementation: Quite rightly, a member of the NGO ACORD Uganda pointedly stated, "it is the micro-level where implementation fails". An illustration of this, can be the often negative assessment of the Ugandan Peace, Recovery and Development Program (PRDP), in part because of being hardly known to the people targeted and a feeling of those that implementation was bypassing them. Stronger inclusion of the micro-level in policy formulation also could relieve the burden at the center, where "things at times become very academic" – a dilemma organizations and local government structures that have to implement the policy at the local level see themselves faced with. As the ACORD-member further argued, it would be desirable, if policies were developed by the same institution that implements it. (Phone

conversation, 18 December 2009). While this might not be fully possible, I support this argument insofar as those institutions' strong inclusion in the elaboration process could increase their relevance and suitability for meeting local challenges.

As learnt in Uganda, the existence of a policy does not yet guarantee that institutions can actually implement it, as capacities and experience might not exist for this. Hence, developing such capacity before displacement occurs, can pay off in case of such (man-made or natural) disaster striking. (Interviews, staffs of Gulu district local government and OPM Gulu, interviews, 17 May, 01 June 2010)

By spring 2010 several study visits to North Uganda had been undertaken, as the program coordinator of the NGO NRC in Gulu (interview, 17 May 2010), referred, a representative of the Zimbabwean government was in Gulu and inquired on their work on displacement there. However, as, the person leading the implementation of the IDP-policy in Gulu, the regional center of North Uganda, stated, hardly ever has he been visited by initiatives preparing policies for other countries (interview, 18 May 2010). Based on this, I point out that while it is good to consult civil society, it would be worthwhile for the preparation of an intervention structure, be it a policy or a law, to especially also consult the persons and institutions effectively in charge of implementing the policy as they are the ones who know best from state's side what is required and which challenges they have and had in the implementation process and even in the preparation of the policy. Not only is it possible to learn from positive experiences, but especially these actors can also point out which mistakes were made and how such might be avoided in other similar undertakings.

As comparison of the policies and norms on internal displacement in Colombia and Uganda shows, especially if recent regional norm development processes are taken into account, the tendency goes towards the establishment of binding norms. Since December 2012 ratifying countries of the Kampala Declaration of African Union member-states are obliged to deepen the existing frameworks, respectively develop them anew, to facilitate individual claims and rights to support of internally displaced. (Santner 2013a:108) With legally binding policy the question of implementation - capacity and monitoring of actual activity, backed up by effective mechanisms of enforcement - comes up. It might be better to formulate and decide a policy supported by comprehensive or partial legislation and develop it further with time, than to jump

into formulating law that is poorly prepared, based on insufficient consultation and where implementation remains in doubt. The Colombian case-study illustrates strongly the necessity of coherence with other legislation and policies. E.g. the insufficient funding and centrally defined thematic priorities for local government expenditures not including support to IDPs per se make it difficult to fulfill requirements of support to IDPs as very little budget remains, which additionally has to be shared with other concerns. (Law 550 of 1999, Law 617 of 2000 in Roldán 2013:24,42) Moreover, priorities as well as organizational and hierarchical arrangements have to be designed based on an analysis of possible implications, e.g. ombudspersons being positioned below municipal councils and funded by these, created limitations and conflict of interest. Legislation, thus, should recognize on-going conflict dynamics with their implications and avoid being “conflict-blind”; the additional needs caused by the conflict have to be taken into account.

As the experience of Colombia also shows, a complex law can be very hard to implement²⁶² and requires both technical and resource-capacities at different government and implementation levels that do not exist in many affected regions. Further, progressive evolvement of always more detailed legislation makes it more and more difficult to gain an overview on the regulations so that work in the field has become dominated by legal professionals, who however lack other important skills, e.g. in psycho-social support, social work, income-generation, amongst others. Thus, I argue that overly detailing and mending of legislation should be avoided as far as possible, which could be approached through a step-by-step procedure in the creation of regulations of the issue: Due to higher flexibility, a policy on internal displacement, enacted as soon as the political setting allows it, would be an important measure as a first step. Formulation of a law could be prepared through profound studies in a

²⁶² This can also be observed in Zimbabwe’s neighboring country South Africa, where complex and elaborate legal frameworks have been created that are amongst the most modern in the world; but in part they seem to be not implementable as the staff on the ground often does not possess the required skills. As a legal advisor of the South African Department for Rural Development and Land Affairs said, the South African constitution is modelled on the Canadian constitution and is among the most modern constitutions in the world, “but we need not just look at what the Canadians and whoever do, but also at our own context and needs and just make regulations a bit more simple so they can be implemented here” (Legal advisor in South African Department for Rural Development and Land Affairs, conversation, Cape Town, 10 November 2009).

transitional phase regulated by a policy and should strive to take into account needs of affected persons, implementation capacities of and preconditions for the relevant institutions as well as good communication-structures and monitoring of implementation with the central level.

6.4 Local Government's Role and Potential in Fragile Contexts

Regarding the topic of local government institutions and the role they can play in contributing to diminishing problems such as displacement the case-studies gave the following insights:

In case of new introduction of decentralization, a thorough contextual analysis is necessary to define whether decentralization actually and realistically can have benefits for improving the conflict situations existing or likely in affected territories. Hereby, the benefits should be strongly outweighing the risks. If a fragile context exists, or concrete signs indicate that such might unfold, and the national government is not able, respectively not willing, to provide sufficient (human and financial) resources to back up local gaps and risks, it might be better to decide against decentralization or at minimum pursue a *scaled approach*. This has the advantage of being more controllable and reduces risks, while in a geographic limited area experience with the topic can be gained. Further, lessons learnt and unresolved problems along the process can be better integrated into such a procedure than into fully defined frameworks under a law.

As clear in another sub-aspect of the necessity of contextual analysis, the Colombia case-study showed that even a good financial dotation of territorial governments in fragile settings, respectively settings that can easily slide into fragility, can fall prey to corruption and mismanagement and cause long-term consequences. On the one hand, this might enable the infiltration of decision-making organs, or even local politics as a whole, by conflict actors and, related to it, the building and consolidation of power bases that drive forward their interests and can become hard to (get under) control. On the other hand, corruption and mismanagement in such a context can cause decades of bankruptcy for local governments and additional subvention needs from central government funds. Also, a scaled approach should follow transparent time-frames and

conditions to avoid that delays and possibly politically biased selection of decentralized entities create new conflict potential.

As shown in all three case-studies, the issue of the relationship between the local government administrations and central government is salient. Non-existence of an hierarchy between central and local government levels can create conflict resolution impasses hard to negotiate, with conflict victims, such as IDPs, remaining without (adequate) support while the unresolved situations persist. Practically, this means a dependence on good will and personal initiative of the representatives of the respective institutions. It also, again, creates risks of and “incentives“ for corruption of office-holders, as desperate IDPs (or otherwise economically pressured persons hearing about corrupt officials) might resort to attempts to find informal solutions, if formal ones do not (effectively) work and informal ones at least promise some limited gains.

A contradictory picture on relationships between central and local governments that exists in Colombia can yield interesting conclusions regarding the aspect of checks and balances. There, central government can infer duties and limit financial capacities on local government, but has difficulties to intervene in local government affairs - only fiscal and financial transfers and efforts of the Constitutional Courts, also working through the imposition of financial implications, can exert some incentives and/or pressure. On the other hand local government has strong autonomy, but cannot fulfill many tasks as it is financially curtailed by conditions set by central government. Uganda and Zimbabwe, on the contrary have local governments that are the weaker parts in confrontations with central government, whereby the Ugandan local governments so far have a more strongly anchored and promoted role. This means that checks and balances, between the central and local government levels along with effective, empowered institutions for conflict resolution are of essential importance. The judiciary and parliament can be such, but can exert this function only effectively from an empowered position - which admittedly is not a new finding, but remains a challenge in many countries with (potentially) fragile situations.

Local government and representations of central government institutions in the territories, especially in vulnerable regions, require institutional capacity-strengthening as an important precondition for effective action. An example for this was the Ugandan

case, where the regional center Gulu's with its district local government, in recent years, is known to be one of the better led local government administrations of the country. An example for this strategy is also that the central state institutions Ugandan Human Rights Commission and Office of the Prime Minister opened offices there for increasing capacities to deal with the humanitarian crisis. In the Colombian case-study, also the strategy of the Japan International Cooperation Agency, supporting the department government of Magdalena through a direct presence with an office in the *gobernación*, contributes to such.

Also, on this -internal- level control instances, such as ombudspersons, have an important role, especially in vulnerable, conflict affected areas. Hereby, security considerations have to play a role to make sure control institutions can actually fulfill their work. Equally, the institutions' hierarchic embedding and financial dotation must guarantee enough independence. Further, I point out that human resources questions are important: Junior staffs are not likely to be up to all tasks and know how to deal with the challenges of a conflict context. They might be taken not seriously enough by conflict actors and mandataries acting in coalition with such and not be able to generate trust and confidence in victims searching assistance. In addition, the tasks must be commensurate with the resources: Already severely overburdened and partly operating in politically sensitive and institutionally fragile contexts, local control organs in Colombia have been put under further strain by delegation of more and more tasks by the national level; parallel their budgets do not consider the risen amount of work and operational costs. (Roldán 2013) However, rationalizing them away –as done in cases of very poor municipalities - might come with high long-term political and financial costs.

As the Zimbabwe case-study has shown, relational work in part can soften repression and government institution opposition to the hardships of conflict victims and IDPs in the population. Potentials for this can be taken advantage of and should be further researched.

In hindsight to traditional political structures, as shown in the case-studies of Uganda and Zimbabwe, avoidance of politicization and cooptation is important. Otherwise great social harm can be caused that weakens capacities and local self-help mechanisms.

Coming back to Harvey's recommendation for humanitarian actors to strengthen government structures, also at the local level, instead of bypassing them (2009), means for external actors that the government institutions' responsibilities should be taken seriously and capacities for it supported, as far as possible. This does not mean a blind acceptance of all actions undertaken by government actors, but pursuing a careful strategy of supporting positive actions and possibly providing incentives for such. This can occur through joint activities, including monitoring of processes against criteria, such as principles of "good" local governance, and joint activities that de-escalate conflict potentials, e.g. dialogue activities between groups from opposed sides. In situations of strong external facilitation or involvement, a longer phase out-period has advantages compared to fast transitions that may make necessary full-scale intervention after re-escalation of insufficiently resolved conflicts.

The hypotheses posed at the outset of this doctoral thesis were that (1) *Bottom-up approaches are necessary for policies addressing the respective concerns adequately and enabling adequate implementation of the policy-measures* and (2) *while local government institutions are best suited to work with the local population on policy implementation, their possibility to actually do so in controversial and conflictive crisis situations is blocked by central government.*

Both of the hypotheses are confirmed by the findings of the case-studies. To avoid the blocking of positive potentials of local governments, formal aspects of "good" local governance, as used in the analytical framework should take a high priority in (either consciously or by implication localized) work in and on fragile situations. As shown in the Zimbabwe case-study, aspects of informal relational work that can become a positive factor if formal criteria are not fulfilled in fragile situations should be strengthened and researched on, for which interdisciplinary approaches might be able to yield added value.

A high level of involvement and strong role of local government in activities to diminish risk and consequences of displacement, as well as in development of policies and legal frameworks on this issue would correspond to an approach of "good" local governance. In the case-study of Colombia this was not the case and/or employed and has caused high costs and grave consequences. In the case of Uganda, there was some

degree of involvement of local government in these processes, which however fell short of demands. In fact, there seem much more declarations of participative approaches than actual fulfillment being felt and acknowledged among most actors – even such involved- and especially persons affected by the IDP-policy and its reconstruction program PRDP. This calls for demanding of local governments more comprehensive participatory dialogue and better information of cooperating actors – such as civil society initiatives and, especially, the population.

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7.4 Interviews

7.4.1 Interviews and conversations (general)

Conversation, member of UN Mission in Timor Leste’s Governance Unit, 06 August 2012, Dili.

7.4.2 Interviews in / with reference to Colombia

Interview with member Acción Social, former staff of UTC, Bogotá, 03 February 2011.

Conversation with historian, Universidad de Cartagena, 19 October 2010, Cartagena

Interview with two CNRR César members, 15 January 2011, Valledupar.

Interview with member of Defensoria del Pueblo, 17 January 2011, Valledupar.

Interview with group of IDP-leaders representing IDPs in forums at the level of the department César, Valledupar, 13 January 2011.

Interview with member, Programa Desarrollo y Paz, César, Valledupar, 14 January 2011.

Interview with staff of ombudsperson’s office, municipality Valledupar, 20 January 2011.

Interview with IDP advisor, department government, César, Valledupar, 15 January 2011.

Interview with peace-building advisor, department government, César, Valledupar, 15

January 2011.

Interview with advisor for income generation component of the program PAVIREC, department government, César, Valledupar, 15 January 2011.

Interview with two indigenous IDP representatives of the Wiwa and Kanquama peoples, Valledupar, 13 and 14 January 2011.

Interview with three indigenous IDP representatives of the Wiwa, Wayu, Kanquama peoples, Valledupar, January 2011.

Interview with Chief Administrative Office, municipal local government Agustín Codazzi, 18 January 2011.

Interview with IDP-leader, Agustín Codazzi, 18 January 2011.

Interview with coordinator UAO Agustín Codazzi, 18 January 2011.

Interview with ombudsperson, municipality Agustín Codazzi, 18 January 2011.

Interview with Chief Administrative Officer, municipality La Jágua de Ibirico, 19 January 2011.

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Interview with IDP-leader, Asociación de Desplazados de la Jágua dde Ibírico, 19 January 2011.

Interview with assistant to the Program Juntos, Ciénaga, 21 January 2011.

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Participation in committee meeting on prevention of internal displacement and verification visit, Ciénaga, 16 November 2010.

Interview with Public Policies Advisor, Acción Social Santa Marta, 21 February 2011.

Interview with IDP-leader, Ciénaga, December 2010.

Interview with consultant, department government Magdalena, December 2010.

Interview with coordinator UAO Santa Marta, 06 December 2010.

Interview with municipal staff, UAO Santa Marta, 06 December 2010.

Interviews with IDPs and IDP-leaders, Pozón, Cartagena, November 2010.

Interview with consultant, municipality Valledupar, 22 January 2011.

Interview with 3 consultants, department government Valledupar, 11 January 2011.

Interview with campaign coordinator of Campaña Colombiana Contra Minas for César, Valledupar, 18 January 2011.

Interview with a member of the NGO CODHES, 05 February 2011, in Bogotá.

Interview with madres de hogares, ICBF, barrio María Eugenia, Santa Marta, 30 November 2010.

Interview with IDPs in barrio María Eugenia, Santa Marta, 30 November 2010.

Interview with Director, legal aid center Fundación TECNAR, Cartagena, in March 2009.

Interview with staff, gobernación of Magdalena, Santa Marta, 03 December 2010.

Interview with coordinator UAO, Acción Social, Valledupar, January 2011, Valledupar.

Interview with member of Defensoria del Pueblo Magdalena, 22 February 2011, Santa Marta.

Conversation with student of Philosophy and former volunteer in NGO working with IDPs, Universidad Cartagena de las Indias, in Cartagena, September 2008.

Conversation with legal researcher, Universidad del Magdalena, on 21 September 2010.

Interview with cultural anthropologist, Universidad del Magdalena, on January 2011.

Observation of IDP-association's meeting and conversations with association members, Pozón, Cartagena, November and December 2010.

Observation of Magdalena Department Committee Meeting on Internal Displacement, 30 November 2010

Observation of Inauguration of the Truth and Reconciliation Commission in Magdalena 19.11.2010, Santa Marta.

Observation of district committee meeting on internal displacement in Santa Marta, 22 February 2011, Santa Marta.

7.4.3 Interviews in/with reference to Uganda

Conversation with a staff of a Ugandan NGO, who came from the South-West of Uganda, in late October 2007.

Group-interview with two male and two female, traditional leaders and elders in Loyocak village, sub-county Ogom, Pukor parish, Pader District, 26 May 2010.

Interview with Coordinator of Civil Military Relations, UPDF, Gulu, 28 May 2010.

Interview with lecturer Department of Sociology, Makerere University, Kampala, on 5

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Interview with staff, UNHCR Gulu, Gulu, on 17 May 2010.

Conversation with CDO sub-county in Pader district, 26 May 2010.

Interview with parish-chief, Amuru sub-county, Amuru district, 06 June 2010.

Interview with Protection Officer at UNHCR on 10 June 2010 in Kampala.

Interview with Coordinator of Uganda Women's Parliamentarian Association (UWOPA), 09 April 2010.

Interview with Disaster Preparedness and Recovery Coordinator, Office of the Prime Minister-Gulu, in Gulu, 01 June 2010.

Interview with Head of Mission, Northern Uganda Rehabilitation Programme/EDF-Gulu Office, 14 April 2010.

Interview with Governance Program Officer, Austrian Development Cooperation Kampala on 25 April 2010

Conversation with Ugandan NGO staff, Kampala, 09 May 2010

Conversation with former development worker in Uganda, Vienna, 10 March 2010.

Interview with Regional Human Rights Officer, Uganda Human Rights Commission, Gulu, 27 May 2010.

Interview with Northern Uganda Operations Manager at the EC Delegation Kampala, 06 May 2010

Interview with Gulu-based Reporter at New Vision daily newspaper, Kampala, 28 April 2010.

Interview with Agago Youth Advocacy Forum and Peace Committee Member, Gulu, 22 May 2010.

Interview with elderly female returnee, Adac/Gulu district, 29 May 2010.

Interview with Program Analyst UNDP Gulu, Gulu, 18 May 2010.

Interview with woman elder and Peace Committee Member in Atiak, Atiak, 12 May 2010.

Interview with Land Officer, Kitgum Local Government, Gulu, 07 June 2010.

Interview with chair-person LC 3, Ogum sub-county, Ogum/Pader district, 26 May 2010.

Conversation with civil engineer, Gulu, 23 May 2010.

Interview with former WFP/NRC staff as food aid distribution officer, currently civil-engineer entrepreneur, Gulu, 27 May 2010.

Interview with Sub-County Chief Atiak and Peace Committee Member, Atiak, 12 May

2010.

Interview with Resident District Commissioner, Gulu, 11 May 2010.

Interview with Assistant to the CAO, District Local Government Pader, Pader, 27 May 2010.

Interview with Coordinator NGO-Forum Pader, and staff NGO-forum Pader, Pader, 27 May 2010.

Interview with former LRA-child soldier/-combattant, in Gulu, 29 May 2010.

Interview with 2staffs USAID Gulu, Gulu, 04 June 2010.

Interview with staff, UNHCR Pader, Pader, 27 May 2010.

Interview with community monitor, Amuru Camp, Amuru district, 06 June 2010.

Interview with Coordinator NGO Forum Gulu, Gulu, 12 April 2010.

Interview with researcher, Refugee Law Project, Gulu, 10 April 2010.

Interview with Program Manager, Norwegian Refugee Council, Gulu, 17 May 2010.

Interview with Community Development Officer, District Local Government Gulu, Gulu, 14 May 2010.

Interview with Youth politician in the Democratic Party in Pader District and President of the Youth Organization YES Agago, Gulu, 28 May 2010.

Interview with formerly abducted person / former LRA forced-combattant and Peace Committee Member, Atiak, 12 May 2010.

Interview with opinion leader, Amuru camp, Amuru, 06 June 2010.

Interview with sub-county chief Agago and member Peace Committee, Gulu, 21 May 2010.

Interview with elderly returnee, Adac/Gulu district, 29 May 2010.

Conversation with member of Gulu university on 20 May 2010 and 05 June 2010.

Conversation with North Ugandan women MP Gulu on 20 May 2010.

Interview with member Peace Committee, Gulu, 21 May 2010.

Interview with Director, Human Rights Focus (HURIFO), Gulu, 18 May 2010.

Conversation per phone with Program Officer at NGO ACORD Uganda, 18 December 2009.

Interview with Program Coordinator, Ker Kwaro Acholi, Gulu, 20 May 2010.

Interview with staff, Ministry of Local Government - Department for Capacity Building, Kampala, 27 April 2010.

Interview with staff, Ministry of Local Government - Department for Capacity

Building, Gulu, 15 May 2010.

Interview with Chair District Disaster Management Committee, Gulu, 18 May 2010.

7.3.4 Interviews in/with reference to Zimbabwe

Development consultant, conversation on 29 June 2010 in Bulawayo.

Visit to Epworth, Harare, on 16 July 2010.

Interview with 2 members Epworth Residents' Association, 16 July 2010.

Interview with member Combined Harare Residents' Association (CHRA), 14 July 2010.

Interview with Director of amnesty international Zimbabwe, Harare, 13 July 2010.

Interview with 2 members of the NGO Churches in Bulawayo (CiB). February 2009 and 29 June 2010.

Interview with 2 members of the Commercial Farmers' Union (CFU), in Harare, on 19 July 2010.

Interview with GAPWUZ member on 16 July 2010 in Harare.

Interview with 2 members of UNHCR, one of them being the Protection Cluster Coordinator, Harare, Zimbabwe, 09 and 16 July 2010.

Legal advisor of the Department for Rural Development and Land Affairs of South Africa, conversation in Cape Town, South Africa, on 10 November 2009.

Focus Group Discussion, Mayor of Bulawayo, Bulawayo Agenda Trust, February 2009.

Focus Group Discussion with Local Government Staffs, Bulawayo Agenda Trust, Victoria Falls, October 2006.

Statement of councilor in Plumtree, Matabeleland South, Local Government Capacity Building Workshop, February 2009

Interview with Director of the NGO Habakkuk Trust, Bulawayo, 29 June 2010.

Interview with Director and Program Officer at Research Unit for Advocacy (RAU), Harare, 08, 13 July 2010.

Interview with 2 members of the NGO Victims' Action Committee (VAC) and 1 member of ROHR Zimbabwe, Harare, 05 July 2010.

Interviews with 2 members the International Organization for Migration, Harare, Zimbabwe, 06, 15 and 18 July 2010.

Interview with two members of OCHA, Harare, 19 July 2010.

Interview with member, Jesuit Communications, Harare, 05 July 2010.

Interview with 3 members of the NGO Zimbabwe Community Development Trust (ZCDT), 12 July 2010.

Personal communication member of the NGO ZCDT, 22 October, 11 November 2013.

8 Annex: Abstract / Zusammenfassung

8.1 Abstract

Bottom-up approaches and local governance have been much featured concepts since the 1980s and have been pursued since to varying intensity. Parallel, since the end of the Cold War an increasing number of countries has experienced internal conflict and situations of fragility. One of the phenomena that has come up in such contexts, and receives increasing attention, is internal displacement. Yet, while in many countries with displacement crises there are local government institutions that are formally responsible for providing public services to citizens, the interface between the two topics, local governance and humanitarian challenges such as internal displacement, still receives little attention by academic research. This dissertation contributes to academic discourse, as well as practice-oriented experience exchange on this topic by studying the local level in policies on internal displacement. For this, case-studies in Colombia and Uganda are used to develop lessons learnt for Zimbabwe, where displacement occurred but no official, comprehensive policy has been developed so far to address this problem.

Building on the theoretic concept of governance, with a focus on humanitarian governance and local processes of “good“ local governance, this doctoral thesis analyzes the positions of local governments in the respective displacement crises, in how far the local level has been included in policy development and how this affected implementation of the respective policies on internal displacement. The findings are that the local government institutions in the case-studies have been marginalized or coopted by conflict actors, despite being attributed tasks were little involved in development of policies and had poor preconditions for reacting adequately to the humanitarian challenges. This dissertation, thus, demonstrates the important as well as sensitive role of local state institutions in fragile contexts.

8.2 Zusammenfassung

Bottom-up Zugänge und *local governance* sind seit den 1980ern viel verwendete Konzepte. Während diese seitdem mit variierender Intensität angewandt und gefördert werden, ist seit dem Ende des Kalten Krieges eine zunehmende Anzahl von Staaten von internen Konflikten und, teils regional oder zeitlich beschränkter, Instabilität betroffen. Eines der Phänomene, das in solchen Kontexten entstanden ist und wachsende Aufmerksamkeit erlangt hat, ist das Thema *Intern Vertriebene/Binnenflucht*. Obwohl jedoch in vielen Ländern mit internen Flüchtlingskrisen Lokalregierungen existieren, die für die Bereitstellung öffentlicher Dienstleitungen verantwortlich sind, erhält die Schnittstelle zwischen den beiden Themen, *local governance* und humanitäre Herausforderungen wie Binnenflucht bisher wenig Aufmerksamkeit in akademischer Forschung. Diese Dissertation trägt durch diese Studie der lokalen Ebene in Policies zum Phänomen der Binnenflucht zum akademischem Diskurs sowie auch zu Praxis-orientiertem Erfahrungsaustausch zu diesem Thema, bei. Hierfür werden Fallstudien in Regionen Kolumbiens und Ugandas verwendet um *lessons learnt* für Simbabwe zu entwickeln, wo Binnenflucht stattgefunden hat, aber bisher keine offizielle, umfassende Policy zu diesem Problem erarbeitet wurde.

Vor dem Hintergrund theoretischer Konzepte von *governance*, mit einem Fokus auf humanitarian *governance* und lokalen Prozessen von “good“ *local governance*, wird in dieser Dissertation die Positionierung von Lokalregierungen in den jeweiligen Binnenfluchtkrisen und in wieweit die lokale Ebene in Policy-Entwicklung involviert wurden analysiert. Weiter wird beleuchtet, welche Auswirkungen dies auf die lokale Umsetzung der jeweiligen Policies zum Thema Binnenflucht hatte. Die Lokalregierungen der Fallstudien wurden im Konfliktverlauf marginalisiert oder kooptiert, trotz der Zuweisung von Aufgaben wenig in die Entwicklung von Policies einbezogen und hatten schlechte Voraussetzungen dafür adäquat auf die humanitären Herausforderungen zu reagieren. Die Dissertation zeigt somit die wichtige und zugleich sensible Rolle lokaler staatlicher Institutionen in fragilen Kontexten auf.

9 Curriculum Vitae

Name: Mag. phil. Friedarike Barbara SANTNER

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Education:

10/2008 to 11/2014

Doctoral Study of Political Sciences, University of Vienna

10/2003 to 06/2004

Certificate in Human Resources Management, BFI Vienna

10/1997 to 11/2002

Study of Cultural Anthropology & Political Science, University of Vienna

1989 to 1997

Grammar school BG Tamsweg, humanist branch

Additional training:

12/2011 & 02/2012: HIV-Training, Security in the Field (I, II), Defensive Driving / UNV-UNMIT, Dili, Timor-Leste.

09/2011: Long Term Elections Observation Training, Electoral Reform International Services (ERIS), London, UK.

04/2007 to 12/2007: Human Rights Training for NGO-Staff, FIAN Austria/BIM

06/2007 Project Cycle Management, VIDC & Austrian Development Agency.

07/2003 Public Relations-Course, BFI Vienna.

Work experience:

Since 09/2012, 06-2011 to 01/2012

Nord Süd Kooperation gemeinnützige GmbH

Program staff (part-time), Central America and Africa Program, including technical support to degree course on Local Development in Masaya, Nicaragua.

03/2014 to 05/2014

INDRA – EU Electoral Observation Mission in Guinea-Bissau

Long Term Election Observer in the region of Quinará, Guinea-Bissau.

09/2012 to 11/2013

Department of Development Studies, University of Vienna

Lecturer, seminar “Between Geopolitical Interests, Civic Resistance and Humanitarian Crisis: The Western Sahara Conflict”.

01/2012-08/2012

UN Volunteers - UN Integrated Mission in Timor Leste

Electoral Officer, supporting the National Electoral Commission in the supervision of the presidential and parliamentary elections 2012 in Covalima District, Timor-Leste.

04/2010 to 04/2011

Research for Doctoral Thesis in Uganda, Zimbabwe, and Colombia

04/2007 to 03/2010

Gemeinnützige Entwicklungszusammenarbeit GmbH

Program Officer for Zimbabwe, Uganda, South Africa, Western Sahara: Coordination of projects in the areas of local governance, humanitarian aid, development education.

06/2003 to 03/2007

Austrian North-South Institute for Development Cooperation

Desk Officer for Mozambique and Zimbabwe, from February 2007 working on South Africa, Uganda, Western Sahara: Coordination of projects in the fields of (local) governance, media for development, elections' support.

11/2002 to 05/2003

Diakonie Austria, International Humanitarian Aid

Project coordinator for Serbia and Kosovo. Coordination of humanitarian aid projects in Voivodina and Kosovo, focusing on persons with disabilities and the Roma minority.

Presentations in Conferences and University Courses

09/2011: Conference "The Local in Global Understandings of War and Peacemaking", University of Nicosia, Cyprus, Presentation: "*Local Politics, National Interest & Global Agencies: Interactions in North Uganda*".

06/2011: Conference "Reconciliation and Displacement" at St. Paul Catholic University, Ottawa, Canada, Presentation of co-authored paper: Santner, Friedarike /Renan Rodríguez, William: "*Building Bridges for Resolving the Consequences of Displacement in the departamento Magdalena, Colombia: A Balance of Reconciliation Efforts*".

03/2011: Guest lecture to present doctoral research findings on displacement in North Uganda and Zimbabwe, in Course on Internal Displacement, Department for Legal Studies, Universidad del Magdalena, Santa Marta, Colombia

09/2010: Guest lectures to present doctoral research findings on displacement in North Uganda, in Course on Anthropological Research Methods, Department for Social Communication, Universidad Sergio Arboleda, Santa Marta, Colombia;

01/2010: Guest lecture in Course "*Gender und Ethnizität in Europa. Postnationale und postkoloniale Konstellationen*", University of Innsbruck, on "Gender and Local Government. Project experiences of GEZA" (for employer GEZA).

Selected publications:

Uganda's Policy for Internally Displaced Persons. A Comparison with the Colombian Norms on Internal Displacement. In: International Law. Revista Colombiana de Derecho Internacional. N°22, enero a junio 2013, p.87-120.

Die Neuauflage der Renamo-Rebellion in Mosambik. Ungelöste Konflikte und abstruse Forderungen? In: International. Die Zeitschrift für internationale Politik, I/2014, p.36-37.

Ost Timor sagt „Goodbye Konflikt, Willkommen Entwicklung“. Ölboom und Aufbauarbeit. In: International. Die Zeitschrift für internationale Politik, III/2013, p.17-19.

"Zimbabwe is mine". Perspektiven nach den Wahlen 2013 sowie eine Analyse der Situation in Simbabwe anhand des Konfliktmodells von Ralf Dahrendorf. In: International. Die Zeitschrift für Internationale Politik, III/2013, p.14-16.

Kooperation zwischen Kuba und Timor-Leste. In: KonaK. Reflexionen aus und über Kontinentalamerika und die Karibik. Nr. 70, 1/2013, p.38-41

Santner, Friedarike / Sauer, Walter: *Kritische Anmerkungen: Schlägt ländliche Entwicklung in Südafrika fehl?* In: INDABA 02/2009, p.12-13.

Language skills:

German - mother tongue, English, Spanish, Portuguese - fluent, French - good.

