

Forced relocation in Uganda, Rwanda and Burundi: emerging policy

by Jon Bennett

Forced relocation or 'regroupement' is the forced movement of entire communities, usually by a government, to permanent or semi-permanent sites often directly or indirectly under the control of military units. This is ostensibly to protect the population from political insurgency; in reality, it is more often a means of depopulating whole areas as part of counter-insurgency tactics employed by a government.

There are many conceptual areas of convergence between this and other forms of displacement, notably internal displacement, ethnic cleansing, expulsion, forced removals, house demolition, land expropriation, population transfer, resettlement and slum clearance. The broader term 'forced evictions' is used most widely in UN instruments and documents. For instance, the UN Committee on Economic, Social and Cultural Rights recently defined forced eviction as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection...".¹ In a previous submission, the same Committee declared that "instances of forced eviction are prima facie incompatible with the requirements of the [International Covenant on Economic, Social and Cultural Rights] and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law".²

It is the "exceptional circumstances" which States frequently claim override international norms. Just as certain human rights obligations are derogated to broadly interpreted security concerns, so too have States been able to argue

that mass evictions are 'security-related', 'unavoidable' or the 'necessary price for progress or development'. The practice is often justified by governments as being consistent with international legal norms, though rarely have such claims been held up to international scrutiny. One of the distinguishing features of forced eviction is that it is often part of a planned process involving scant attention to international law before, during and after a person is forcibly removed from their dwelling.

Article 17 of Protocol 2 of the Geneva Conventions allows for the forced movement of populations where the security of the civilians involved, or imperative military reasons, so demand. It is intended to protect the civilian population from attacks by rebel forces. However, stringent conditions are attached to Article 17, including the adequate provision of food, water, shelter and freedom of movement. Without these pre-conditions - reiterated in the Guiding Principles on Internal Displacement - the action is illegal under international law. A worrying aspect of recent relocations in Uganda, Rwanda and Burundi is the manner in which international aid agencies have been co-opted into fulfilling these basic preconditions of survival. Their actions, albeit justified as life-saving interventions, may in fact legitimize,

or at least 'legalize', the original infringement of international law.

Displacement in northern Uganda

IDPs in northern Uganda number about 320,000. In the northern districts of Gulu and Kitgum, the Lord's Resistance Army (LRA), with its rear base in south Sudan and allegedly supported by the Government of Sudan, has been active since 1986. The LRA's human rights record is notorious: it systematically conducts attacks on the civilian population, including the mass abduction and forcible recruitment of children. A common theme throughout this devastating period of Acholi history has been the strategic use of civilian control by both sides, including the calculated enforcement of displacement. In February 1996 the LRA issued an edict banning settlement within four kilometres of roads and prohibiting the use of bicycles. Their intention was the tight control of a population inaccessible to government troops which would provide cover and supplies for the rebels. To enforce the edict, hundreds of people were killed, villages and food stocks were burned, and thousands drifted towards the relative safety of Gulu town.

Meanwhile, the government's Uganda People's Defence Forces (UPDF) shelled villages they suspected of containing LRA units, discouraged the return of IDPs from the towns and conducted a number of 'clearances', particularly from Aswa and Kilak counties in northern Gulu District. By early 1997, the Gulu District Council estimated that 270,000 IDPs were in Gulu town, trading centres and around army barracks. The policy of creating camps (introduced in October 1996) intensified and by mid-1998 the majority of IDPs were in 20 official camps. In neighbouring Kitgum District, a further 80,000 people were displaced in five camps.

Once established, Uganda's 'protected villages' became, for some, a permanent settlement heavily dependent on freely distributed food (provided mainly through the World Food Programme) and other assistance. Most people were ignorant of the security situation in their home areas. They received no clear indication that lasting protection would be offered by the army and although army contingents accompanied some returnees, this was *ad hoc*, with no firm commitment to stay near the villages. In the absence of any central government directives, the displaced were receiving contradictory advice from army, civil authorities, aid organizations and camp leaders. Some politicians were not anxious to lose the political advantages of population concentrations in the camps. Semi-urban and urban settings potentially provided better security, employment, transport, schooling and medical assistance promised by the government. In some areas, people were offered land for resettlement near the camps.

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'Protected villages' were officially endorsed by President Museveni in September 1996 to help neutralise the 'intelligence centres of insurgency'. The manner in which displacement is characterized is part of the propaganda associated with the war. Government opponents, including the LRA, have used the phrase 'concentration camps'. Certainly, there was an element of coercion in their creation. A significant number of civilians moved to the camps on their own initiative but those who chose to remain were ordered to move to the camps by UPDF officers, and in some cases were beaten if they refused to move. There were reports of UPDF shelling near reluctant villages in order to create fear and force the civilians to move.³

In the camps themselves, random violence, particularly against women, has been reported. To its credit the Ugandan army has recently begun to take seriously allegations against its own officers. Yet, one of the unforeseen effects of the creation of camps has been the extension of violence to other communities

not under army protection. Neighbouring areas such as Lira and Apac Districts where people have remained in their home villages and cultivated their land have seen increased incidents of violence and looting by the LRA. Conventional standing army approaches to security, even with resources that the UPDF can ill-afford, cannot be effective against highly mobile LRA units travelling usually by foot in areas with no roads or communications.

In April 1999 the Ugandan government officially renounced its policy of 'protected villages', arguing now for voluntary return as a permanent solution in line with its amnesty and reconciliation with the LRA. Local pressure on land and a relative lull in fighting had already encouraged the return of IDPs. Again, however, adequate

provisions of food, shelter and health facilities upon return would depend heavily on external assistance, with the government promising few incentives.

To date, it is unlikely that any form of compensation for lost or destroyed property, crops or land (as called for in Principle 29 of the Guiding Principles) will realistically be available to returnees.

IDPs and villagization in Rwanda

Following the massive return of refugees from the Democratic Republic of Congo from June 1997 onwards, the security situation deteriorated in north-west Rwanda.

Information on the initial stage of displacement in the north-west is scant. Tens of thousands of people fled to the Virunga forest area north of the Ruhungeri-Gisenyi road and 'disappeared' for months; others fled to border areas controlled by the rebels. Still others apparently hid in caves in the sloping valley approaching Goma. Large areas of the north-west were deserted and eight out of 16 communes in Ruhungeri were abandoned by the end of 1997. Although a skeleton UNHCR staff remained in Gisenyi town, insecurity forced UN and NGOs engaged

in rehabilitation and reintegration programmes to suspend activities in the area. The UN Human Rights Field Operation was disbanded in May 1998 and in July the government refused to allow it to continue to monitor human rights abuses in the country.

What little evidence there is suggests that atrocities were caused by both sides of the conflict. In some regions, RPA (Rwanda Patriotic Army/government) soldiers ordered people to destroy banana plantations and other crops that might provide cover for the rebels, thus causing food production to fall. As the insurgency intensified in late 1997, the government was unwilling to acknowledge the severity of the humanitarian crisis. To have requested international assistance at that time would have been tantamount to admitting the precarious security of the country when the RPF was already being criticized for military manoeuvres in neighbouring DRC.

The full extent of the IDP crisis became apparent when, in April 1998 (after several months of hardly any international access to the north-west), the Prefets of Gisenyi and Ruhungeri finally requested World Food Programme (WFP) emergency food aid assistance to some 100,000 IDPs who initially gathered in makeshift camps around commune offices. The camps were not, however, spontaneous settlements. By the time international agencies were granted access, military and local government authorities had organized mass settlement in extremely crowded and ill-equipped centres. By the end of 1998, the IDP population in the north-west had risen to a massive 650,000, representing 44 per cent of the total population of the two prefectures. Although numbers were notoriously difficult to verify, approximately 450,000 were in 17 makeshift camps, with the remaining 200,000 living with friends or relatives or in public buildings.

The encamped IDP population of 450,000 created needs far beyond what a handful of agencies were able to cope with. From July to October, WFP and two NGOs (CONCERN and Food for the Hungry) were the only international agencies on the ground. It soon became clear that the crowded camps presented major health and nutrition hazards. Malnutrition, particularly among young children, had reached alarming levels, and inadequate water and sanitation were causing enormous problems.



UNHCR/26112/12.1996/R.Chalasan

Rwandan refugees returning home in 1996

The government's response was to swiftly implement its *imudugudu* (grouped settlements) policy, initially in those communes where large camps had been created.

Imudugudu is not unique to the north-west. It had, in fact, been government policy since 1995 when Rwandans returning from outside the country and IDPs were settled in such 'villages'. Economic development and improved delivery of services were presented as the main rationale. In the north-west, however, the programme appears to have been primarily to avoid insurgency. Today, almost all IDPs in the north-west are resettled in new *imudugudu*.

The process has been relatively straightforward and orderly, though accompanied by very little consultation with international agencies. Sector by sector, families were relocated to new sites where they were allocated housing plots, usually near to an access road and in close proximity to their original plot of land or to land that was to be allocated for cultivation. In some areas of Gisenyi, relocation was accompanied by land redistribution from the outset. As the security situation improved through 1999, many (but not all) farmers were again walking back to the hills to work during the day, returning to the relative safety of the settlements in the evening.

The logic was simple: clearing the hinterland gave the army unimpeded access to rebel hideouts while ensuring that the farming population was more secure in valley settlements. Scattered homes across inaccessible hills was conducive neither to protection, nor to the reintegration of a politically volatile population.

Local government structures in Rwanda often lack the financial and material resources necessary for the kind of ambitious resettlement programme envisaged. Central government resources are overstretched and, unlike Uganda, there is no decentralized tax revenue available for local use. In effect, the success of the resettlement depends on three indeterminate factors: political compulsion and leadership; local initiative and enterprise; and sustainable external aid. The first is assured, the second unproven and the third, in the current international climate, is probably unlikely.

Many land claims from the relocation remain unresolved. In Ruhungeri prefecture, farmers are cultivating less than 60 per cent of available arable land and, with half a million people still depending on foreign food aid, malnutrition rates are higher than elsewhere in the country. In contrast to many other major donors, the EU has explicitly voiced

concern over villagization in Rwanda, affirming the need for planning, popular consultations and equitable distribution of land in order to avoid human rights violations.⁴

The *imudugudu* process presents significant challenges to the international community. In December 1998, the UN affirmed its commitment to address the crisis in the north-west and to engage in dialogue with the government over resettlement policy, providing technical and material assistance as necessary. Several NGOs have demurred from involvement in the process, being uncomfortable with complicity in villagization. At least one international NGO⁵ decided to "engage with, but not embrace, the policy of villagization", by seeking to meet the immediate basic needs of IDPs while simultaneously commissioning rapid research into villagization experiences in Ethiopia, Tanzania and Mozambique. These findings were subsequently shared with the Government of Rwanda in an attempt to highlight the potential pitfalls of the policy and to gain assurances that it would not exacerbate poverty and discontent, thereby entrenching the need for on-going external assistance.

Meanwhile, conditions on the ground oblige international agencies to provide shelter, health and food to a majority of

people reduced to total dependency by constant displacement over many months and still unable adequately to access and cultivate land. It is precisely the 'emergency' state in which *imudugudu* has been introduced which allows many agencies to proceed without reflecting too deeply on the developmental consequences of their action.

'Regroupement' in Burundi

The negative consequences of forced relocation are most starkly demonstrated by a ruthless policy deployed in Burundi where, since September 1999, some 380,000 people have been forcibly relocated by the government into 53 sites.

High-ranking officials claim that regroupement is not a policy as such but rather a necessary response to intensified

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attacks by rebel forces on the capital. In February 2000, the government announced a 'phased' closure of an initial 24 camps, though new camps were also created in March. Such evictions constitute clear human rights violations as now widely recognized under international human rights law. The sites lack basic services, are sometimes on the sides or tops of steep hills and, while officially administered by civilian authorities, are in practice under military control. In many cases communities have been moved with no prior notice in the middle of the night, their homes have been looted, and they have arrived at the new sites with only what they can carry. Although they vigorously denounced the government's actions, UN and NGO agencies were left with no choice but to provide 'life-sustaining' assistance, subject to certain specified conditions.

The scaling back of UN assistance since the killing of two expatriate and a number of national staff at Rutana in mid-October 1999 - and the heightened security measures subsequently imposed - means that protection and assistance needs of IDPs have largely fallen to the NGO community. Unable to address the magnitude of needs, NGOs and the wider donor community expressed frustration at the lack of active UN involvement, claiming that the 'Phase IV' security imposition (no expatriates in the field,

only armed convoys and restricted visiting times) had, by February 2000, lasted too long. Protection activities in particular had been neglected, with widespread reports of extra-judicial killings, sexual abuse and harassment in the camps.⁶

Burundi has caused heightened concern and an evolving dialogue between aid organizations on how, and in what circumstances, they should challenge governments over forced relocation. In January 2000, following a statement by the UN Secretary-General to the Security Council, the Inter-Agency Standing Committee issued a policy statement on Burundi.⁷ Although it noted the pledge of the Burundi government to start dismantling the

relocation sites, the IASC agreed to continue seeking resources for humanitarian aid to the camps based on the following conditions:

- i Assistance should be life sustaining only: food, essential health services, water and sanitation. The only exceptions would be the provision of seeds and tools for those with access to land and educational supplies for temporary (or hosting) schools.
- ii Assistance should be provided to people returning to their homes or, in exceptional circumstances, to those voluntarily resettled elsewhere. Both should be provided alongside support for the host communities.
- iii No permanent site structures should be supported (apart from those required for delivery of water and sanitation).
- iv Existing local services should be supported, especially where they also service the IDP population.
- v No assistance should be given to the creation or administration of the camps.
- vi Assistance should be provided on the basis of an independent assessment of needs, independent monitoring of distribution and unhindered access of humanitarian workers to the sites.
- vii Assistance should be provided on a case by case basis, with each stage of assistance dependent on a fresh assessment of needs.

viii Full and free access of Human Rights Observers to the sites must be ensured, to allow them to monitor and report any abuses which may occur there. A forum in which these reports can be reviewed and action taken should be established by the government.

These conditions provide something of a blueprint for aid organizations obliged to intervene on behalf of the 'victims' of forced relocation. In part, they reflect the Comprehensive Human Rights Guidelines on Development-Based Displacement, developed by the UN High Commissioner for Human Rights in 1997.⁸ The Guidelines go further than the above conditions; they cover specific preventative obligations of States as well as issues of compensation and restitution for those subjected to forced evictions.

Case study literature on agency responses to forced relocation is sparse, not least because in very few cases has a clear inter-agency position been elucidated. Current UN policy reflects two important, but not sufficient, components: legal instruments and documents defining government responsibilities and obligations in particular, and diplomatic approaches - again primarily at State level by, among others, the Special Representative of the UN Secretary General on IDPs (who visited Burundi in February 2000) - promoting the concept of 'sovereignty as responsibility'. Basic operational dilemmas remain. What is needed now is for the international community - perhaps best represented through the UN Resident/Humanitarian Coordinator - to clearly advocate a context-specific range of viable alternatives to regroupement/villagization, rather than simply react to unpalatable government policy.

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1 UN CESCR *General Comment* No 7, 1997.

2 *General Comment* No 4, 1991.

3 *World Report 1999/2000*, Human Rights Watch, New York.

4 *ibid.*

5 Oxfam GB

6 'Report of the Mission to Burundi of the Representative of the Secretary-General on Internally Displaced Persons', Francis M. Deng, 6-11 February 2000.

7 'Policy on Forced Relocation ("Regroupement") in Burundi', IASC, February 2000.

8 For the full text, see *Forced Evictions: Violations of Human Rights* (Global Survey on Forced Evictions, No 7), COHRE, Geneva, Sept 1998.