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МАССОВЫЕ ИСХОДЫ И ПЕРЕМЕЩЕННЫЕ ЛИЦА

**Доклад Представителя Генерального секретаря по вопросу о внутренних
перемещенных лицах г-на Фрэнсиса М. Денга**

Добавление* **

Обзоры перемещения: миссия в Уганду

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Резюме

По приглашению правительства Уганды Представитель Генерального секретаря по вопросу о внутренних перемещенных лицах г-н Фрэнсис М. Денг совершил официальную поездку в Уганду в период с 10 по 16 августа 2003 года. Цель этой поездки заключалась в получении более полного представления о ситуации и изучении путей улучшения реагирования со стороны правительства, учреждений Организации Объединенных Наций, неправительственных организаций и других сторон. Другая цель состояла в проведении консультаций с правительством в отношении планируемой национальной политики в области внутреннего перемещения. В ходе этой поездки Представитель провел обсуждения с рядом министров и должностных лиц правительства, а также с представителями учреждений и программ Организации Объединенных Наций, другими международными и внутренними участниками, занимающимися вопросами гуманитарного права и прав человека, и представителями международным доноров. Представитель посетил также северные районы Китгум и Гулу, где он ознакомился с положением некоторых внутренних перемещенных лиц (ВПЛ).

Внутреннее перемещение в Уганде, безусловно, является одной из серьезнейших гуманитарных проблем в сегодняшнем мире. В настоящее время в стране перемещены более 1,4 млн. человек. Основная причина перемещения - это конфликт между мятежным движением "Армия сопротивления Бога" (АСБ) и правительством, хотя определенную роль играют и другие факторы. Большинство ВПЛ живут в лагерях, нередко в ужасных, а то и бесчеловечных условиях. Атмосфера безопасности такова, что ВПЛ постоянно подвергаются различным угрозам, включая вооруженные нападения, похищения детей и другие злоупотребления. Доступ к большинству лагерей для представителей гуманитарных и других организаций строго ограничен из-за отсутствия безопасности, что также препятствует сельскохозяйственной деятельности.

Предоставляемая гуманитарная помощь едва обеспечивает лишь минимальные потребности. Никакого регулярного и достоверного контроля за защитой перемещенных лиц не ведется. Явление "ночных пассажиров" - на севере страны около 25 000 детей и взрослых в поисках защиты от нападений и похищений каждую ночь уезжают из своих деревень в городские центры, с тем чтобы провести там ночь, - трагически иллюстрирует отчаянное положение перемещенных лиц.

Правительство разработало план национальной политики, основанный на Руководящих принципах по вопросу о перемещении лиц внутри страны, который, хотя и не был принят на момент составления настоящего документа, представляет собой позитивную инициативу.

В ходе своей миссии Представитель стремился наладить конструктивный и ориентированный на поиски конкретных решений диалог с правительством и другими сторонами, а также способствовать развитию такого диалога между ними самими. Он подчеркнул, что защита внутренних перемещенных лиц и оказание им помощи - это первейшая и главная обязанность правительства как составной элемент государственного

суверенитета. Помимо прочего, это включает гарантированное обеспечение основных прав человека на физическую безопасность и доступ к достаточному питанию, питьевой воде, жилью, одежде, а также первичной медицинской помощи и санитарным услугам. В условиях затяжного конфликта правительствам часто трудно самим гарантировать все эти права, поэтому международному сообществу необходимо дополнять национальные усилия.

В этой связи Представитель настоятельно призывает все стороны конфликта на севере страны уважать права человека и гуманитарные стандарты.

В частности, Представитель призывает правительство Уганды:

- a) принять в порядке первоочередности разработанный им план политики в области внутреннего перемещения и обеспечить его быстрое и эффективное осуществление, в том числе посредством мобилизации необходимых ресурсов для удовлетворения потребностей внутренних перемещенных лиц;
- b) обеспечить физическую защиту и безопасность ВПЛ путем:
 - i) выделения достаточного военного персонала и адекватных ресурсов для защиты живущих в лагерях ВПЛ;
 - ii) осуществления контроля за эффективностью деятельности военного персонала и обеспечения судебного надзора в случае нарушения прав перемещенных лиц;
 - iii) оказания помощи ВПЛ в переселении, по крайней мере на временной основе, в более безопасные районы страны, если они того пожелают, до реализации долговременных решений;
- c) обеспечить ВПЛ доступ к гуманитарной помощи путем:
 - i) первоочередного предоставления такой помощи за счет, насколько это возможно, собственных средств правительства;
 - ii) обеспечения надлежащей безопасности сотрудникам гуманитарных организаций и сохранности имущества с целью беспрепятственного доступа к ВПЛ;
 - iii) предоставления гуманитарным организациям права согласовывать, насколько это возможно, безопасный проход с негосударственными участниками и поощрения их к этому;
- d) активно сотрудничать с Комиссией по правам человека Уганды и совместно выявлять области, в которых Комиссия может играть активную роль в

осуществлении контроля за положением ВПЛ и содействию в нахождении решений;

- e) рассматривать все варианты долгосрочных решений проблем ВПЛ на основе добровольного выбора, включая возвращение, переселение в другие части страны или местную интеграцию в условиях безопасности и соблюдения достоинства, а также уважать сделанный ВПЛ выбор. Следует прилагать усилия к решению потенциальных земельных споров в случае возвращения, в первую очередь посредством обеспечения доступа к владению землей;
- f) организовать обучение военнослужащих Народных сил обороны Уганды (УПДФ) в области Руководящим принципов по вопросу о перемещении лиц внутри страны, международных стандартов прав человека и гуманитарных стандартов с уделением особого внимания правам на защиту от сексуальной эксплуатации;
- g) осуществлять в лагерях конкретные меры защиты от сексуального злоупотребления и эксплуатации, включая использование выпущенных Управлением Верховного комиссара Организации Объединенных Наций по делам беженцев (УВКБ) руководящих принципов, озаглавленных "Сексуальное и гендерное насилие в отношении беженцев, возвращенцев и вынужденных переселенцев";
- h) облегчать ВПЛ безопасный доступ к плодородной земле, расположенной по периметру лагерей, в том числе посредством обеспечения надлежащей правительственной защиты, с тем чтобы в течение дня они могли заниматься сельским хозяйством на прилегающих к лагерям земельных участках;
- i) уделять первоочередное внимание обеспечению образования для находящихся в лагерях детей и оказывать ему поддержку;
- j) обеспечивать повышенную защиту "ночным пассажирам" и оказывать им более ощутимую помощь во время их переезда в городские центры и их пребывания там ночью, включая надлежащее размещение.

Представитель рекомендует Организации Объединенных Наций, международным организациям и партнерам, занимающихся вопросами гуманитарной помощи и развития:

- a) брать на себя обязательство оказывать правительству поддержку в осуществлении национальной политики в области внутреннего перемещения после ее принятия и продолжать оказание содействия мерам по наращиванию потенциала, предназначенным для национальных участников;
- b) коллективно и индивидуально изыскивать возможности улучшения международного гуманитарного реагирования на кризис ВПЛ в Уганде путем, в частности:

- i) укрепления механизмов осуществления с целью усиления координации, содействия и защиты;
 - ii) обеспечения, насколько это позволяют соображения безопасности, более постоянного присутствия на севере страны;
 - iii) расширения, в консультации с правительством, своей помощи северным лагерям ВПЛ, которая должна включать не только удовлетворение элементарных потребностей выживания, но и потребностей в получении образования и накоплении средств к существованию;
 - iv) разработки стратегии оказания помощи ВПЛ в достижении ими самообеспеченности в производстве продовольствия;
- c) разрабатывать и осуществлять целевые мероприятия по детской защите для детей ВПЛ, в частности для детей из числа "ночных пассажиров";
- d) определять стратегии обеспечения доступа к гуманитарной помощи.

Представитель рекомендует также международным донорам и политическим участникам:

- a) оказывать надлежащую финансовую и политическую поддержку гуманитарным усилиям в интересах ВПЛ;
- b) настоятельно призвать правительство Уганды осуществлять указанные выше рекомендации, в частности в том, что касается принятия и осуществления политического плана и первоочередного предоставления, насколько это возможно, гуманитарной помощи ВПЛ за счет собственных ресурсов;
- c) оказывать помощь в поиске путей урегулирования конфликта с АСБ.

Представитель отмечает также Декларацию Конференции министров по проблемам внутреннего перемещения в субрегионе Межправительственного органа по вопросам развития (МОВР), состоявшейся 2 сентября 2003 года в Хартуме. В этой Декларации, в частности, была с обеспокоенностью отмечена проблема внутреннего перемещения в регионе и был определен ряд шагов, необходимых для обеспечения защиты ВПЛ и помощи им, в том числе в отношении достижения долгосрочных решений.

Наконец, Представитель настоятельно призывает правительство, Организацию Объединенных Наций и международных доноров оказывать поддержку представителям международного и национального гражданского общества, работающим в интересах ВПЛ и с самими общинами ВПЛ, и сотрудничать с ними, с тем чтобы их голоса были лучше услышаны.

Annex

**REPORT OF THE REPRESENTATIVE OF THE SECRETARY-GENERAL
ON INTERNALLY DISPLACED PERSONS, FRANCIS M. DENG**

PROFILES IN DISPLACEMENT: UGANDA

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Introduction

1. Internal displacement in Uganda is today one of the most serious humanitarian crises worldwide, but despite its magnitude and devastating consequences for the populations affected it has been largely neglected outside of the country, and has indeed been called a “forgotten crisis”. The vast majority of the internally displaced persons (IDPs) are located in the northern districts of Gulu, Pader and Kitgum, although other areas in the centre and the east of the country have also been recently affected by displacement. In the north displacement is mainly caused by the conflict between the rebel Lord’s Resistance Army (LRA) and the Government of Uganda. Since March 2002, following a renewed government offensive, the situation has deteriorated drastically and the number of internally displaced has grown at an alarming rate. The most recent estimates indicate that approximately 1.4 million persons are displaced inside the country, while in July 2002 the figure was 650,000. Many reports indicate that the LRA has consistently terrorized the civilian population, including by abducting children to serve as porters, sex slaves or child soldiers. The conflict has now been continuing for more than 17 years and, in the absence of a ceasefire or peace process, no solution seems in sight. In addition, the conflict is complicated by its regional links to the conflict in the Sudan. Furthermore, Uganda has also been affected by other displacement situations both in the east and in the west.
2. At the invitation of the Government, the Representative of the United Nations Secretary-General on internally displaced persons, Francis M. Deng, undertook an official visit to Uganda from 10 to 16 August 2003. The purpose of the visit was to gain a better understanding of the situation of internal displacement in Uganda, with a particular focus on persons displaced by the conflict with the LRA, and to explore ways of enhancing the response of the Government, United Nations agencies, non-governmental organizations (NGOs) and other actors. An additional purpose was to hold consultations with the Government on a proposed national policy on internal displacement, which had been in the drafting process for several months.
3. As has consistently been his practice, the Representative sought to enter into a constructive solutions-oriented dialogue with the Government and other interlocutors and to promote such dialogue among them as well. He emphasized that protecting and assisting the internally displaced is, first and foremost, the responsibility of the Government as a primary element of State sovereignty. This includes, among other things, guaranteeing the fundamental human rights to physical security and access to adequate food, potable water, shelter, clothing, and basic health and sanitation services. However, in situations of protracted conflict, it is often difficult for Governments to guarantee all of these rights on their own, and it becomes necessary for the international community to complement national efforts. Throughout the mission, and as requested by the Commission on Human Rights and the General Assembly, the Representative used the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2) as the framework for his discussions.
4. The Representative began and ended his visit in Kampala, with travel in between to the northern districts of Gulu and Kitgum (see map, appendix II). In Kampala, he met with the Second Deputy Prime Minister and Minister for Foreign Affairs, James Wapakhabulo, the Minister of State for Refugees and Disaster Preparedness, Christine Aporu Amongin, officials from the Office of the Prime Minister, and representatives of the Uganda Human Rights

Commission. He also met with representatives of the United Nations Country Team, including the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Programme (UNDP), the World Food Programme (WFP), the United Nations Children's Fund (UNICEF), the Food and Agriculture Organization of the United Nations (FAO), the World Health Organization (WHO) and the International Organization for Migration (IOM), as well as a number of international and local NGOs. In Gulu and Kitgum, he met with a number of local officials, numerous NGOs and local religious leaders, including members of the Acholi Religious Leaders Peace Initiative in Gulu. Towards the end of his mission, the Representative met with donor State representatives in Kampala. For part of his mission, the Representative was joined by John Rogge, Senior IDP Adviser to the IDP Unit in the Office for the Coordination of Humanitarian Affairs (OCHA), who was undertaking a mission to identify ways to strengthen the United Nations response to the IDP crisis.

5. The Representative visited the Awer camp 20 km to the north of Gulu, which hosts approximately 20,000 IDPs. There, he witnessed the living conditions of IDPs, the sanitation, health and education facilities, and also observed food distribution by WFP. In Gulu, he had the opportunity to witness the tragic predicament of the so-called "night commuters", mostly children, who go to sleep in the town centres out of fear of the LRA. In Gulu and Kitgum, he visited centres for the rehabilitation of children who had previously been abducted by the LRA.

6. The Representative would like to express his sincere appreciation to the Government of Uganda for inviting him to visit the country, and for engaging with him in a constructive manner. He is especially grateful to the Second Deputy Prime Minister for a very positive exchange of views at the end of the visit, as well as to the Minister of State for Refugees and Disaster Preparedness for taking the time to accompany him on his visit to the north and to engage in comprehensive consultations with him. He would also like to express his gratitude to the United Nations Country Team, in particular the staff of the Kampala office of OCHA, who provided not only essential logistical and administrative support, but also thorough briefings on recent developments. Thanks are also due to the many NGO representatives who provided the Representative with invaluable information and advice. Finally, the Representative extends his warmest thanks to the internally displaced individuals he was privileged to meet during his mission for their willingness to share with him their views about their tragic situation.

7. This report is divided into five sections. The first is a general overview of the causes, magnitude and historical context of the displacement situation in Uganda. The second section briefly describes current efforts to address the needs of the internally displaced on the part of the Government, civil society and the international community. The third section summarizes the main findings of the Representative. A fourth section briefly reports on the follow-up activities conducted by the Representative and the United Nations system subsequent to the mission. In the final section, the Representative presents his conclusions as well as his recommendations to the various actors involved.

I. OVERVIEW OF THE SITUATION OF INTERNAL DISPLACEMENT IN UGANDA

Background

8. Uganda is a landlocked country sharing borders with the Sudan in the north, Kenya in the east, the United Republic of Tanzania in the south, Rwanda in the south-west and the Democratic Republic of the Congo in the west (see map, appendix II). The country covers an area of 241,139 km², with a population estimated at around 25 million.

9. Uganda became a British Protectorate in 1894 and its present borders were established in 1926. It gained independence from the United Kingdom in 1962. In the 1970s and early 1980s, the country suffered two wars and was run by two dictatorial regimes, under Idi Amin and Milton Obote. In 1986, Uganda came under the control of Yoweri Museveni, who is the current President, and his National Resistance Movement.

10. The country's economy is primarily agrarian and is made up mostly of smallholdings, although pastoralism is dominant in the Karamoja and Ankole regions. In 1987, President Museveni adopted reforms designed to reduce the size of national Government and privatize many economic activities; in return, Uganda has received large loans from the World Bank and the International Monetary Fund (IMF) and has also benefited from generous bilateral development aid. In 2001, Uganda's gross domestic product (GDP) was US\$ 11.2 billion, or US\$ 250 per capita. While the current Government has been confronted with challenges due to regional security issues, conflicts in neighbouring States as well as a number of internal conflicts and constraints, its development policies (at least in the south of the country) are considered by many to be a model of success and a source of stability in an otherwise troubled subregion of Africa. However, a number of rural areas, especially in the north, remain underdeveloped and marred by conflict and internal displacement. UNICEF has estimated that 44 per cent of the total population of the country live in absolute poverty.

11. Uganda is a State party to all seven of the major international human rights treaties (the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families), as well as the Optional Protocol to the International Covenant on Civil and Political Rights and the two Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflicts and on the sale of children, child prostitution and child pornography. Uganda is also a party to the main humanitarian accords, in particular the Geneva Conventions of 12 August 1949 for the protection of victims of war, and the Additional Protocols thereto, of 1977.

12. Uganda has been praised for its progress on a number of socio-economic issues, including the adoption of the National Gender Policy of 1997 and the formulation of the National Action Plan on Women in 1999, as well as an affirmative action policy for women, programmes

on HIV/AIDS, and a universal primary education programme. Its National Human Rights Commission has played an important role in the context of national efforts to promote and protect human rights.

13. However, despite many positive developments, Uganda has long been affected by internal displacement. The displacement crisis essentially falls into three geographic areas and three main causes. By far the largest number of displaced can be found in Acholiland, in the north of the country, mainly in the districts of Kitgum, Pader and Gulu. Displacement in this part of the country is due to the armed conflict between the rebel LRA and the Uganda People's Defence Force (UPDF). In the Karamoja region to the east, displacement has been caused by drought and cattle rustling by armed tribal warriors. In the Rwenzori Mountains on the western border with the Democratic Republic of the Congo, displacement had previously been caused by attacks of the rebel Allied Democratic Front (ADF).

14. The most recent figures estimate that the majority of the reported total of 1.4 million IDPs are concentrated in about 180 camps or "protected villages" set up by the Government throughout nine northern and eastern districts. The largest camps are located in Gulu. Camp populations generally range from more than 50,000 to less than 2,000 in the smallest sites, which include churches, public buildings and hospitals. The average camp population is 12,000. An unspecified number of displaced are hosted by relatives (see appendix I).

15. The roots of the conflict in the north can be traced to the differences, in historical, socio-economic as well as political terms, between the north and the south of the country. Those tensions were aggravated in the 1980s when the current President of Uganda, Yoweri Museveni, came to power. Mr. Museveni started a rebel movement - the National Resistance Army (NRA) - which seized power in 1986 by overthrowing the then President, Tito Okello. Mr. Museveni's supporters and combatants were mainly from southern and central Uganda, while the supporters of the brief Okello regime and the previous regime of Milton Obote were mainly Acholi from the north, who also constituted most of the soldiers in the Ugandan army at the time (then called the Uganda National Liberation Army - UNLA). Following the change in regime, most Acholis fled to the north and some continued armed resistance.

16. Alice Auma "Lakwena" and her Holy Spirit Movement Front (HSMF) were briefly successful in organizing the resistance in the north from 1986 to 1987. The HSMF was based on religious and redemptory beliefs and sought to rally Acholi opposition against President Museveni. The movement was defeated by the NRA in 1987 and Lakwena is said to have fled to Kenya. Her cousin, Joseph Kony, decided to continue the fight, and in 1988 set up what was first called the Uganda People's Democratic Christian Army (UPDCA), renamed the Lord's Resistance Army in 1994. The LRA and its leader have also been heavily influenced by religious beliefs, but the movement has vacillated over time from embracing a type of Christianity, to denying any links with Christian doctrine, to incorporating many Muslim rituals and beliefs, and also adopting more traditionalist local beliefs. While there are no official numbers, the LRA is believed to consist of some 2,000-5,000 persons. It has never succeeded in gaining total control of any specific part of the country, operating instead as a guerrilla movement. It is alleged to have found support from elements in the Government and army of the Sudan.

17. Paradoxically, the LRA has committed serious crimes and atrocities against “its own people”, the Acholi in the north. Violent attacks by LRA forces starting in the mid-1990s forced about three quarters of the populations of Gulu and Kitgum districts to flee their homes. The LRA soon gained a reputation for abducting children in order to forcibly conscript them, force them to carry looted supplies, and sexually exploit them.

18. A relative calm in the area in 1999 allowed for the return of a number of displaced persons, but escalated LRA attacks at the beginning of 2000 have since forced an increasing number of people to seek refuge in the so-called “protected villages” established by the Government or, alternatively, in the towns of Gulu and Kitgum. After a brief period of some stability, the LRA intensified its raids during the first months of 2002. In March 2002, and with the consent of the Government of the Sudan, the Ugandan Army - the UPDF - launched an offensive against LRA forces in southern Sudan code named “Operation Iron Fist”, which was intended to decisively defeat the LRA. However, the operation was not successful in this respect, and the LRA continues to operate today.

19. As a reaction to “Operation Iron Fist”, LRA forces returned to northern Uganda in June 2002, split into small groups and intensified their attacks and abuses against the civilian population, further deepening the displacement crisis. Since the launch of the Government’s offensive, the LRA has attacked the districts of Kotido and Moyo, which had previously been unaffected by the conflict, as well as the districts of Lira and Apac.

20. At the same time, it is reported that the diversion of UPDF troops to pursue the LRA in the Sudan during “Operation Iron Fist” has left the Acholi civilian population without adequate protection. There have also been reports of abuses against IDPs committed directly by government troops. Despite the declared intention by the UPDF to protect IDPs, a number of advocates charge that its efforts have been insufficient.

21. Although the Government of Uganda has hoped to solve the problem in the north by military means, it has nevertheless attempted on several occasions to open dialogue with the LRA for a negotiated peace settlement. To date, however, the parties have not even been able to agree to conditions for a ceasefire. The latest attempt to reach a negotiated settlement was terminated in April 2003 by the President in response to intelligence reports claiming that the LRA was planning to kill some members of the Government’s negotiating team - The Presidential Peace Team - including the President’s brother, Salim Saleh, and to abduct the rest.

22. The underlying causes of the conflict in the Acholi region have important links to the situation inside the Sudan, as well as to the complex relations between the Sudan and Uganda. While Uganda has been supportive of the main Sudanese insurgent movement, the Sudan People’s Liberation Movement and Army (SPLM/A), in the south of the Sudan, some elements of the Sudanese Government and army have reportedly provided support and a safe haven in the Sudan for members of the LRA.

23. In eastern Uganda, internal displacement has been caused by the violent raiding of villages by Karamojong pastoralists and warriors in search of local goods and cattle. While cattle rustling has long been a problem in this area of the country, the effects on the civilian

population and the ensuing displacement have intensified in recent years owing to the influx of modern automatic weapons and handguns now in the possession of the Karamojong warriors. The voluntary disarmament exercise initiated by the Government in this area in December 2001 has achieved only limited success. As a consequence, the Ugandan army began disarming the Karamojong forcibly in February 2002, thereby increasing tensions. The forced disarmament exercise was allegedly accompanied by UPDF abuses against the Karamojong people. From late 2002 to early 2003, following a year of relative calm, Karamojong warriors perpetuated more displacement in Katakwi district. The situation was further complicated by attacks carried out by LRA forces against the civilian population.

24. The third main area of displacement in Uganda has been in the Rwenzori Mountains on Uganda's western border with the Democratic Republic of the Congo. This IDP situation is now largely resolved. In April 2003, only approximately 8,000 IDPs remained, compared with 87,000 in February 2002. Between November 1996 and 2002, civilians in this region suffered violent attacks by the rebel group, the Allied Democratic Front (ADF). ADF violence was most intense between 1998 and 2000 and included the abduction of schoolchildren as well as attacks on IDP camps. In early 2001, the situation began to improve markedly as a result of a weakening of the ADF by the Ugandan army. A year of improved security conditions led to the return home of most IDPs from the area. In May 2002, an international team of defence attachés declared the western area safe and free from rebel infiltrators.

Current IDP conditions

25. The IDPs living in camps in the north, centre and east are in dire need of humanitarian assistance and protection. In practically all of the camps, food stocks are scarce, malnutrition rates are high, water supply is very inadequate, sanitation is very poor and health and education services are at a minimum. Fear of the LRA prevents farming - the most common livelihood in the region. Most of the IDPs living in camps have practically no legal and physical protection. Reportedly, the protection typically provided by the UPDF consists of a handful of soldiers assigned to protect a camp hosting approximately 20,000 IDPs. Observers note that the soldiers are normally located in the centre of the camps, thereby leaving the perimeter unsecured and the camps thus remain exposed to attacks by the LRA. Furthermore, abuses by the soldiers against IDPs in the camps have also been reported. A lack of security along the roads has rendered many of the camps, especially those located far from urban centres, almost inaccessible to the deliverers of vital food and other humanitarian assistance, unless under heavy military escort. No international or national actor is monitoring the situation of the IDPs in a consistent manner.

26. Perhaps the most shocking barometer of the perilous security conditions in the north is the phenomenon of the so-called "night commuters". In order to protect their children from abduction by the LRA, parents in the northern districts send their children to sleep in the Gulu, Kitgum and Pader town centres every night. During the past several months, an estimated 25,000 children and adults have commuted distances of up to 5 km from their villages to the towns in the late afternoon and again from towns to villages early the next morning. In the towns, the children who are sometimes accompanied by their parents, sleep in the streets, in hospital compounds or at sites provided by humanitarian actors. The Representative was deeply saddened during his visit to witness this tragic situation. He spoke with some of the children staying in the compound of a hospital in Gulu, and he was struck by their expressions of despair.

27. The Representative was also saddened upon meeting children who had previously been abducted by the LRA and had either escaped on their own accord, been released or had been rescued by the UDPF. Some recounted their terrible stories of abuse and forced recruitment, many of them visibly traumatized by the experience. One young girl told the Representative how she had been abducted and abused as a sex slave by an LRA rebel, and had only managed to escape as she wanted to protect her child who had been born during captivity.

II. CURRENT EFFORTS

28. The Department for Refugees and Disaster Preparedness in the Office of the Prime Minister has the main responsibility within the Government with regard to IDPs and is supported in its activities by a number of other departments. The Government is in turn supported by the United Nations, whose actions are coordinated by the Resident Coordinator, non-governmental partners and the donor community. The main challenge for the Government and the humanitarian community has been to provide basic humanitarian assistance and protection to the more than 1 million IDPs. Lack of adequate safe access and logistical problems, however, significantly impede these efforts. Because of the prevailing situation of insecurity in the north, United Nations activities have been focused on assisting the Government in the provision of basic humanitarian assistance support for the reintegration and rehabilitation of ex-combatants (mostly child soldiers). The United Nations has further promoted advocacy for humanitarian access and provided basic support to civil society groups involved in humanitarian efforts and the promotion of peace in the north.

29. The main component of the humanitarian assistance to IDPs consists of food aid delivered through WFP and its implementing partners, in particular the Norwegian Refugee Council (NRC). Threats posed by the LRA have made it necessary to have food convoys escorted by government troops in order to prevent ambushes and looting. The operation of these escorts is financed by WFP, prompting concerns by some observers that the Government is not prioritizing the protection of the humanitarian efforts. Other humanitarian actors, who are either financially unable or unwilling on a point of principle to use government military escorts, constantly run the risk of attacks by the LRA. Even for WFP, however, the use of military escorts does not guarantee the safety of humanitarian relief efforts. During the visit of the Representative, a WFP convoy in the eastern part of the country was attacked by the LRA and at least one driver was killed. Food delivery is further complicated by the weak infrastructure in the north. Most of the roads are in poor condition, and travel to the camps, some of which are situated more than 100 km from the urban distribution centres, can take days. The issue of access is of major concern to all humanitarian actors. The LRA has a poor record of respecting humanitarian space, and there is no contact between the humanitarian agencies and the LRA to allow for the negotiation of access.

30. Security conditions permitting, food aid is generally delivered on a monthly basis, and consists of the most basic supplies, such as maize, beans, sugar, salt and cooking oil. In addition, UNICEF and its implementing partners provide basic support to the camps in terms of water and sanitation, children's health, rudimentary primary education in some of the camps and immunization. The spread of HIV/AIDS in the camps is a serious concern, and a number of

United Nations agencies, including the United Nations Population Fund (UNFPA), WHO and UNICEF, have implemented programmes in response. FAO has assisted the active rehabilitation of returnees by supporting the resumption of agricultural production, but because the lack of security discourages any substantial return movement, these efforts have lately been suspended.

31. The camps for the displaced, the so-called “protected villages”, were originally established by the Government to provide better protection for the civilian population from LRA attacks. Such protection is the responsibility of the Government, and is to be provided in practice by the UPDF and the local police. The Government declined to share with the Representative information on the number of soldiers assigned to protect the camps, citing the need for confidentiality for security reasons. However, many reports indicated that the number has been clearly inadequate.

32. There have been many reports relating to raids by the LRA, theft of supplies, abduction of children from the camps and other abuses such as rape. Information regarding abuses and other protection concerns is difficult to obtain, as there are no mechanisms for systematic monitoring or reporting in place. A number of local and international NGOs conduct occasional monitoring and in this way provide important information with regard to protection concerns, but these efforts are far from sufficient and do not cover all IDPs. Furthermore, the difficulties in physically accessing the camps further complicate efforts aimed at obtaining reliable information. The NRC previously ran a project delivering legal aid to returnees, which to a large extent focused on property restitution issues relating to return. However, this project had been inactive during the months preceding the mission as no returns had taken place.

33. As noted above, a particular issue of concern has been the situation of the approximately 25,000 “night commuters” who are mostly children (see paragraph 26 above). Local and international NGOs and a number of United Nations agencies, in particular UNICEF, are active in providing basic support to the “night commuters”. At the time of the visit, however, children were sleeping in the open, in the streets or in hospital compounds. Several specific initiatives have been undertaken, with the result that shelter programmes have reportedly improved since the visit of the Representative. Moreover, a number of humanitarian NGOs were providing support and rehabilitation programmes to children who had previously been abducted by the LRA and served as child soldiers or sex slaves.

34. In order to address more comprehensively the situation of internal displacement in the country, the Government, in cooperation with the local OCHA office as well as the OCHA IDP Unit, has for some time been developing a national policy on IDPs, based on the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2). The drafting process involved consultations over more than a year with a broad range of relevant stakeholders, including local officials, NGOs, United Nations agencies, various government departments, and the office of the Representative. During the mission, the Representative had the opportunity to discuss the policy document with relevant officials from the Office of the Prime Minister. At the time, the policy document had already undergone a number of revisions, the most recent being in July 2003.

35. The policy document is composed of a preamble and five chapters. The overall policy goal, as set out in chapter 1, is to emphasize the duty of the Government to protect its citizens against arbitrary displacement and in case of displacements to provide for the protection and assistance to IDPs by setting guidelines to be observed by government institutions, local and international humanitarian organizations and NGOs involved in upholding the rights and entitlements of IDPs through all the phases of displacement. Throughout the document, a number of overarching guidelines are affirmed, inter alia, that the main international human rights instruments must be taken into account. With regard to the institutional arrangements, the policy contains a number of detailed provisions for the division of labour and responsibilities among various entities of the Government as well as prescribing the setting up of a number of committees charged with different tasks to coordinate efforts on behalf of IDPs. The Department of Disaster Preparedness and Refugees of the Office of the Prime Minister is the lead agency in Government for the protection of and assistance to the internally displaced. The policy further sets out a number of general provisions aimed at ensuring security, freedom of movement, protection against arbitrary displacement, voluntary resettlement and return, legal status and identification, property rights, family unity, food security, shelter, education, health, water and sanitation as well as rehabilitation and infrastructure. The policy document also deals with the roles of NGOs and international humanitarian agencies.

36. In the meanwhile, there is little progress to report on identifying durable solutions for those displaced in the north of the country. Naturally, finding a permanent solution to the conflict is linked to finding durable solutions for IDPs, in particular with regard to return to their places of origin. To date, the Government has mainly focused its efforts on militarily defeating the LRA, and the displacement crisis has deepened as a result of military activities. However, at the same time, there have been some efforts aimed at ending the conflict peacefully. An amnesty law is in place which provides for the rehabilitation and reintegration into civilian society of former LRA combatants. The Government has also sought to establish peace negotiations with the LRA, through the "Presidential Peace Team". Moreover, civil society, and in particular religious leaders, in the north have played an active role in promoting peace. The Acholi Religious Leaders Peace Initiative, for example, has sought to promote talks between the LRA and the Government by playing a mediating role. It is widely recognized that the religious leaders are in communication with the LRA, and could be helpful in finding a solution to the conflict. During a meeting in Gulu, the Representative was particularly impressed by one of the senior religious leaders, Archbishop John Baptist Odama, who is a strong advocate for peace and reconciliation. On the other hand, a key obstacle with regard to establishing talks with the LRA has been the fact that the political agenda and objectives of the rebels have not been clearly spelled out.

37. An important development in recent years has been public statements from both the Government of Uganda and the Government of the Sudan that neither is providing military support to armed groups. However, a number of reports indicated that elements in the Sudanese army continued to lend support to the LRA. Many observers hope that with the resolution of the conflict in the Sudan will come a resolution of the conflict in Uganda. It has also been noted that in order to find a solution to the conflict an external mediator might be required. However, this has not yet materialized.

III. FINDINGS

38. In the north of the country, the Representative was struck by the level of devastation caused by the conflict and the extremely precarious security and humanitarian situation being faced by the internally displaced. The contrast between conditions in the south and the north was striking. In the camps, the displaced were struggling to survive and were in dire need of food, education, health, water and sanitation, which were only provided by the humanitarian actors at a basic level. The spread of HIV/AIDS in the camps was a matter of serious concern.

39. With regard to the humanitarian support, provided mainly through the United Nations agencies, its implementing partners and a large number of international and national NGOs, the Representative found that all the actors involved were performing a tremendous task under very challenging conditions. However, these efforts were in no way sufficient and needed to be expanded.

40. Access and security threats were central problems complicating the efforts, but weak coordination and insufficient international presence and focus also contributed to the problems on the ground. The key coordination role performed, to its credit, by the local OCHA office was recently strengthened through the recruitment of a head of office based in Kampala, and further recruitment is planned. The United Nations had been strongly criticized by a number of observers for not responding adequately to the deterioration of the humanitarian situation. It had been noted that the major part of United Nations activities had been focused on development in other parts of the country unaffected by the conflict, and that the humanitarian needs of the IDPs in conflict areas had been neglected. At the time of the visit, however, the focus of the response of the United Nations was in the process of shifting more towards the needs of the IDPs. Furthermore, limited funding limited humanitarian assistance to the most basic support, which, as noted, in many cases appeared to be insufficient.

41. The Representative was impressed by the activities and programmes he witnessed which were being carried out by a number of national and international NGOs. The Norwegian Refugee Council was performing admirably in the provision of food aid as implementing partner of WFP. Other NGO efforts on behalf of previously abducted children as well as “night commuters” were equally impressive, given the difficult operational environment.

42. The Representative was particularly concerned, however, at the apparent serious lack of physical protection for the displaced. Observers noted that the UPDF only posted a handful of soldiers to protect camps, each housing some 20,000 IDPs, and others noted that no serious efforts were being made to protect the camps. In particular, the situation of women and children seemed alarming. Children were at constant risk of being abducted and recruited as child soldiers and a number of interlocutors also mentioned other abuses such as rape. The Representative also noted that the freedom of movement of the displaced in the camps was severely limited. Most IDPs did not leave the camps for fear of being attacked, and despite being surrounded by fertile agricultural land, the IDPs remained dependent on humanitarian food aid. The Representative noted the serious lack of information regarding the issue of protection of the displaced owing to the complete absence of any form of relatively reliable monitoring and

reporting. He highlighted this issue with a number of interlocutors, including the Human Rights Commission of Uganda, noting that the Commission might be able to play an enhanced role in this regard. During discussions with government officials the Representative also noted this serious lack of protection and urged the Government to take added measures to enhancing the protection of the displaced.

43. The Representative recognized that identifying durable solutions at this stage was problematic given the security situation. However, he noted that all three options - local integration, return and resettlement elsewhere - should be given serious consideration, and that the solutions should be based on an informed and voluntary choice by the IDPs themselves. He also found that problems connected to property rights might become an important issue in the event of return as there were a number of gaps in ensuring the adequate legal protection of the property rights of IDPs in their areas of origin.

44. A further issue of concern was a number of allegations of discrimination against the Acholi as one of the main grounds for the lack of sufficient attention by the Government to the problems in the north. Some observers asserted that the Museveni Government was still harbouring resentment against the Acholi for not supporting the NRA during the insurgency that led to the takeover by Mr. Museveni in 1986. Some observers questioned why the protected villages had been established only in the north, in close proximity to the activities of the LRA, and why the Government had not sought to protect the displaced more effectively by establishing camps in the south. On the other hand, however, the Government had sought to identify solutions through a number of efforts. "Operation Iron Fist" was intended to bring about the final defeat of the LRA. Government officials expressly denied any discriminatory intent by the Government and reaffirmed its commitment to the unity of the country. The visit did not allow the Representative to draw any conclusions regarding this matter due to insufficient information. However, it is important to bear in mind that the Guiding Principles and the national draft policy stipulate that responses to the plight of IDPs must be guided by the principle of non-discrimination.

45. It should be noted that the activities of the LRA against their own people were said by some to reflect the rebel movement's own anger with the Acholi people for not supporting their rebellion. In this sense, the atrocities committed by the LRA against the population in the north were a form of collective punishment. Again, the mission had no opportunity to verify such allegations, especially as there was no contact with the LRA.

46. With regard to the draft national policy, the Representative found it to be comprehensive and rich in substance. It addressed all phases of displacement, including prevention, protection and assistance during displacement as well as durable solutions. The Representative was impressed by the very broad and inclusive consultative drafting process. During a meeting to discuss the draft policy the Representative was assured by the Office of the Prime Minister that it would be presented to the Cabinet and was likely to be adopted before the end of 2003. At the time of writing in January 2004, the Representative had not received information that the policy had in fact been adopted, but had noted a government statement that the policy would be adopted before the end of January. He had also urged the authorities to ensure that a simplified version of the policy was prepared and also translated into local languages, so that the IDPs themselves could have a better understanding of the policy and their rights. Government officials assured the Representative that they were already planning to do so. In addition, the Representative was concerned by information provided by the Office of the Prime Minister that the policy would have "no financial implications for the State budget". In the view of the Representative, given

the magnitude of the displacement crisis, it would appear only natural and necessary to allocate additional funds to better assist and protect the displaced.

47. The Representative also found a serious need to address the root causes of displacement, that is, the conflict between the LRA and the Government of Uganda. The lack of progress in identifying a solution to the conflict over a period of 17 years was a matter of serious concern. The Representative recognized that the conflict in the north was complex and that there was a need for a regional perspective given the links with the conflict in the Sudan. Considering the poor results to date in finding a lasting solution to the conflict, there was possibly a need for a third party mediator, who would bring the LRA and the Government together in peace talks. International awareness of the conflict in northern Uganda and its devastating humanitarian consequences as well as support in political, financial and operational terms would be crucial in this regard.

IV. FOLLOW-UP ACTIVITIES (AUGUST 2003 TO JANUARY 2004)

48. Since his visit to Uganda, the Representative has carried out a number of follow-up activities aimed at raising international awareness about the situation and advocating on behalf of the displaced. At the end of his mission, he issued a press release calling attention to the crisis and urging the international community and the Government of Uganda to redouble their efforts on behalf of the displaced. In his statement, the Representative encouraged the Government to ensure that the national policy on internal displacement would be adopted in the very near future, and that every effort would be made towards its effective and efficient implementation. He urged the Government to intensify its efforts towards ensuring the physical protection of the internally displaced and providing appropriate levels of humanitarian assistance. He further called on international donors and the agencies of the United Nations to provide the Government with support in this endeavour.

49. On 17 September 2003, the Representative briefed the United Nations and other major international humanitarian and development agencies in the context of a meeting of the Working Group of the Inter-Agency Standing Committee (IASC) on his visit and his findings. The participants welcomed the briefing and prepared a detailed set of recommendations and plans to respond to his findings. On 11 November 2003, the Representative again noted the serious humanitarian crisis in his discussions during the United Nations General Assembly in New York. He also briefed the Secretary-General on his mission and his findings.

50. Also in November, the Representative took part in the Humanitarian Appeal at the global launch of the Consolidated Appeals for 2004. In Ottawa, at the Canadian segment of the launch, he had the opportunity to highlight the desperate situation of IDPs worldwide, including the displaced in Uganda. For the 2004 Uganda humanitarian appeal the humanitarian community requests a total of US\$ 127,901,055. The appeal, prepared by the United Nations Country Team and its partners, highlights the challenges to the aid community and describes the strategic goals of the United Nations in Uganda, which include: advocacy for free and unhindered access to all

populations in conflict areas; the provision of emergency/life-saving assistance to IDPs and refugees with a particular focus on the most vulnerable groups; and strengthening of coordination amongst all stakeholders (national counterparts, international agencies and organizations and donor community).

51. In November 2003, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Jan Egeland, to whom the Representative had communicated his findings and recommendations, visited Uganda, which he declared “one of the world’s worst forgotten crises”. He urged a stronger national as well as international response and committed OCHA to a stronger presence in the north, including the provision of enhanced expert support to United Nations IDP activities. Mr. Egeland’s visit and frank assessment have made an important contribution to further increasing the level of international awareness of the IDP situation in Uganda.

52. In November and December 2003, both the OCHA IDP Unit and NRC arranged a number of training sessions in Uganda on internal displacement. The IDP Unit focused its training efforts on the United Nations Country Team as well as government officials while NRC focused its efforts on training IDPs themselves. Hopefully, these efforts will enhance the capacity of local actors to find their own solutions to the problems of internal displacement in line with international standards.

V. CONCLUSIONS AND RECOMMENDATIONS

53. The crisis of internal displacement in Uganda is clearly one of the gravest humanitarian crises in the world today. More than 1.4 million persons have been uprooted by a conflict that has lasted more than 17 years. Most live in camps in often terrible and even inhuman conditions with only very limited access to humanitarian assistance. They generally have no protection from attacks, child abduction and other abuses. Access to most camps by humanitarian and other actors is severely limited owing to a lack of security. No regular and reliable protection monitoring of the displaced is being conducted. The phenomenon of “night commuters” tragically illustrates the desperate predicament of the displaced.

54. However, the Representative is convinced that the efforts and expressions of commitment by the Government, NGOs, the United Nations and the international community that he witnessed during and following his visit represent an important opportunity to jointly address the humanitarian crisis in a consolidated and coordinated fashion. The Representative had the distinct impression that all actors were willing and committed to redoubling their efforts to provide both assistance and protection to the displaced. Swift and effective action is needed. On the one hand, the immediate humanitarian needs, including assistance and protection, must be addressed, and, on the other hand, it is vital to identify and begin to plan for the implementation of durable solutions, which should include a comprehensive response to property issues such as lack of land titles and potential border disputes in a return process. Ultimately, the conflict - the main and immediate cause of the displacement crisis - must be resolved. There might be a need to identify an appropriate third-party mediator. The support of the international community in all these efforts will be crucial.

55. Both the Government and the international humanitarian organizations, with the support of international donors, are working to identify appropriate strategies to address this crisis of internal displacement. The humanitarian appeal for 2004 (see paragraph 50 above) and the draft national policy provide the framework for the work ahead. The challenge now will be to implement them.

56. The Representative urges all parties to the conflict in the north to respect human rights and humanitarian standards.

57. In particular, the Representative calls upon the Government of Uganda:

(a) To adopt, as a matter of priority, its draft policy on internal displacement and ensure that it is quickly and effectively implemented, including by mobilizing the required resources to address the needs of the internally displaced;

(b) To provide physical protection and security for the IDPs by:

(i) Assigning adequate military personnel and resources to protect IDPs living in camps;

(ii) Monitoring the performance of military personnel and ensuring judicial oversight when the rights of the displaced are violated;

(iii) Assisting IDPs to resettle in more secure areas of the country, at least temporarily, should they wish to do so prior to the implementation of durable solutions;

(c) To ensure IDPs' access to humanitarian assistance by:

(i) Prioritizing the provision of such assistance from the Government's own resources to the degree possible;

(ii) Providing adequate security for humanitarian personnel and material to allow access to IDPs;

(iii) Permitting and encouraging humanitarian organizations to negotiate safe passage with non-State actors, to the degree possible;

(d) To cooperate actively with the Human Rights Commission of Uganda and to jointly identify ways in which the Commission can play an active role in monitoring the situation of IDPs and assisting in identifying solutions;

(e) To consider all options for durable solutions for IDPs based on a voluntary choice, including return, resettlement in other parts of the country, or local integration under conditions of safety and dignity, and respect the choice of the IDPs in this regard. Efforts should be made to address potential land disputes in the event of return, especially by ensuring access to land tenures;

(f) To organize training for the Uganda People's Defence Forces (UPDF) in the Guiding Principles on Internal Displacement, international human rights and humanitarian standards, with particular reference to those on protection against sexual exploitation;

(g) To implement specific protection measures in the camps against sexual abuse and exploitation, including use of the UNHCR guidelines entitled Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons;

(h) To facilitate safe access by IDPs to fertile land on the perimeter of the camps, including through the provision of adequate government protection for IDPs to farm on the outskirts of camps during the day;

(i) To give priority and support to ensuring education for children in camps;

(j) To increase protection of and assistance to "night commuters" during transit into urban centres and while in urban centres at night, including adequate accommodation.

58. The Representative recommends that the United Nations, international humanitarian and development organizations and partners:

(a) Make a commitment to support the Government in the implementation of the national policy on internal displacement, once adopted, and continue to support capacity-building efforts directed at national actors;

(b) Collectively and individually seek to enhance the international humanitarian response to the IDP crisis in Uganda, inter alia through:

i) Strengthening implementing mechanisms for enhanced coordination, assistance and protection;

ii) Establishing, to the degree security allows, more permanent presence in the north;

- iii) **Expanding, in consultation with the Government, its involvement in northern IDP camps to include not only immediate survival needs but also needs for education and livelihood generation;**
- iv) **Developing a strategy to assist IDPs to become more self-sufficient in food production;**

(c) Develop and implement targeted child protection activities for IDP children, in particular the children among the “night commuters”; and

(d) Identify strategies to ensure humanitarian access.

59. The Representative further recommends that international donors and political actors:

(a) Provide adequate financial and political support to the humanitarian efforts on behalf of IDPs;

(b) Urge the Government of Uganda to implement the recommendations noted above, in particular the adoption and the implementation of the draft policy and the prioritization of humanitarian assistance to IDPs within its national resources, to the degree possible; and

(c) Assist in the search for a resolution to the conflict with the LRA.

60. The Representative also notes the Declaration of 2 September 2003 of the Ministerial Conference on Internally Displaced Persons in the Sub-Region of the Intergovernmental Authority on Development (IGAD) held in Khartoum. The Declaration, inter alia, noted with concern the problem of internal displacement in the region and identified a number of steps to be taken to ensure the protection and assistance of IDPs, including with regard to durable solutions.

61. Finally, the Representative urges the Government, the United Nations and international donors to support and cooperate with international and national civil society working on behalf of IDPs and with IDP communities themselves so that their voices may be more clearly heard.

Appendix I

AFFECTED POPULATIONS - REFUGEES AND IDPS

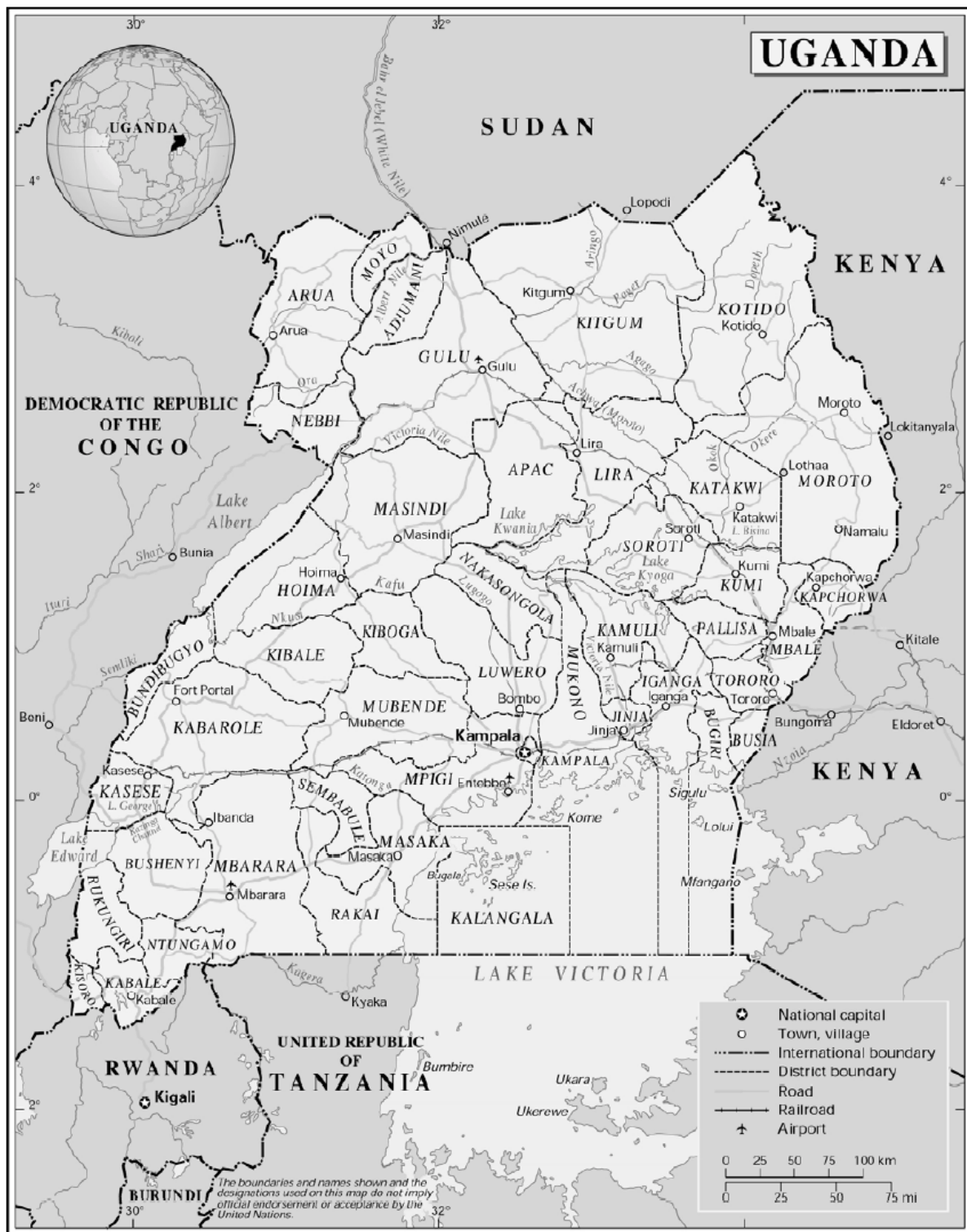
The refugee figures are as of November 2003 and IDP figures as of end December 2003

District	Beneficiary type	November/December 2003	Trend
Adjumani	Refugees (Su)	61 674	Up
Arua	Refugees		
	Imvepi (Su, Br, DRC)	17 723	Up
	Rhino (Su, DRC, Ky, Ng)	25 867	Up
	Madi Okollo	7 027	Same
Yumbe	Ikafé	7 495	Same
Gulu	IDPs	436 239	--
Hoima	Refugees-Kyangwali (DRC, Su, Rw, Ky, Br, So)	17 186	Up
Kabarole	Refugees-Kyaka II (DRC)	5 614	Up
Katakwi	IDPs	160 000	--
Soroti	IDPs	102 427	--
Kumi	IDPs	18 315	--
Kaberamaido	IDPs	145 728	--
Kitgum	IDPs	237 269	--
Pader	IDPs	229 115	--
Kotido	IDPs	3 000	--
Lira	IDPs	68 806	--
Mbarara	Refugees,		
	Oruchinga (Rw)	4 254	Up
	Nakivale (DRC, Rw, So, Ky, Et, Su, Br)	15 146	Up
Masindi	Refugees		
	Kiryandongo (Su)	14 184	Down
Moroto, Kotido and Nakapiripirit	Drought-affected	--	--
Moyo	Refugees Palorinya (Su)	31 350	Up
Urban	Refugees (mix)	134	Down
Total refugees		207 654	Up
Total IDPs		1 400 899	Up
Total affected population		1 608 553	Down

Source: OCHA.

Country key:	Br - Burundi	Ng - Niger
	DRC - Democratic Republic of the Congo	Rw - Rwanda
	Et - Ethiopia	So - Somalia
	Ky - Kenya	Su - Sudan

MAP OF UGANDA



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Source: OCHA.

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