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Adam Branch

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Against Humanitarian Impunity: Rethinking Responsibility for Displacement and Disaster in Northern Uganda

Adam Branch

Given that humanitarian organizations can often be responsible for enabling, prolonging or intensifying violence and conflict through their interventions into war zones, it is important that these organizations, despite their presumed neutrality and beneficence, be held accountable for the deleterious consequences of their actions. The case of northern Uganda will be used to demonstrate how humanitarian agencies have made possible the government's counterinsurgency, including its policy of mass forced displacement and internment, which has led to a vast humanitarian crisis. The Ugandan government policy will be assessed as a war crime, making aid agencies accessories to this crime. This case study is used as an example to highlight that processes which demand the post-conflict accountability of those responsible for violence may be dramatically incomplete, and unjust, if they do not include the humanitarian agencies. In conclusion it will be suggested that if humanitarian organizations built popular accountability mechanisms into their daily operations this might prevent them from being complicit with egregious violence in the first place.

Keywords humanitarianism; accountability; Uganda; armed conflict; war crimes; Lord's Resistance Army

Introduction: On the Humanitarian Accountability Deficit

The 2006 film *Bamako* portrays the inhabitants of the Malian capital coming before a legal tribunal to accuse international financial institutions of wreaking destruction upon African communities. It dramatizes the dream of demanding accountability from those international agents who intervene in Africa and never answer for the consequences of their actions. This unaccountability of the 'international community' is endemic to relations between Africa and the West, and the demand that international actors be held accountable before the very people who must live, and suffer, the consequences of their actions is indeed a demand for justice itself.



When discussing accountability for civilian suffering in the particular area of armed conflicts, the parameters of the debate are often restricted to the accountability of the armed parties that are directly involved in the conflict. Sometimes, the accountability of other actors is considered, for example that of external military supporters. In the most progressive discussions, the role of actors such as multinational corporations may be brought under scrutiny. However, in many prolonged armed conflicts, especially those in Africa, there is another actor that can be deeply and systemically entwined with violence but that, because of its presumed neutrality and beneficence, is almost always left outside the discussion of accountability. This actor is the humanitarian relief industry, the complex of UN, state-sponsored and private agencies that distribute aid in the name of ameliorating the effects of violence upon civilian populations.

This exemption is not justified. Since the mid-1990s, studies have revealed how humanitarian agencies can be responsible for enabling, prolonging or intensifying violence and conflict through their interventions (de Waal 1998, Anderson 1999). If humanitarian agencies and actors help enable, even if unintentionally, the very violence and suffering they claim to be working against, should they not be held accountable for the effects of their actions, especially if those effects were predictable or become apparent in the course of the intervention? If humanitarian organizations are not held accountable, this can lead to humanitarian impunity, to borrow Alex de Waal's apt phrase (de Waal 1998, p. 179).

This essay begins with an explanation of how humanitarian intervention can lead to the intensification or prolongation of conflict and violence through the instrumentalization of material and symbolic resources by the warring parties. The argument is illustrated through a detailed account of forced mass displacement in northern Uganda, the site of a 22-year civil war, the most recent phase of which pitted the Lord's Resistance Army (LRA) against the Ugandan government, and saw a significant and increasing level of humanitarian intervention over the last ten years (Behrend 1999, Finnström 2003, Branch 2005, Dolan 2005). In the analysis which follows, it will be demonstrated that humanitarian agencies have been directly responsible for enabling the government's counterinsurgency, in particular its policy of mass forced displacement and internment, a policy that has led to an overwhelming humanitarian crisis. As the Ugandan government's policy and practice of mass forced displacement is illegal under humanitarian and human rights law, there is a compelling case for holding humanitarian aid agencies legally liable as accessories to those crimes.

The essay highlights the widespread lack of democratic accountability in the everyday, regular activities of aid agencies that can, in certain circumstances, lead to the need for post-conflict accountability. In doing so, the distinction will be drawn between the post-facto accountability for causing or contributing to civilian suffering—which is based upon a liability model—and the regular democratic accountability of aid agencies to those they claim to serve—oriented oriented around the principle of democratic legitimacy. This lack of regular democratic accountability is rooted in the inability of aid organizations to

understand their 'beneficiaries' as individuals with their own social and political agency, and the resulting tendency to reduce them to the image of voiceless 'victims'. In conclusion, some suggestions are forwarded as to how humanitarian aid agencies might reconfigure their approach so as to build democratic accountability into their work. Such regular democratic accountability could well preclude the need for post-conflict accountability, since democratically accountable humanitarian actors may more effectively avoid unintentionally contributing to the violence and suffering they are working to alleviate.

Humanitarian Complicity: The Case of Uganda

Humanitarianism's perverse tendency to enable, prolong or intensify conflict or violence has been subject to scrutiny in various African contexts. Humanitarian critics and practitioners alike have noted how aid diversion can provide an external source of material support and spur militarization, and that aid redistribution can sustain a politics of patronage between armed forces and local populations, precluding the need to build inclusive constituencies (Keen 1994, Karim et al. 1996, de Waal 1998). Situations of internal displacement have a particularly high potential for the instrumentalization of aid, as the case of northern Uganda shows. There, humanitarian aid has played a systematic role in supporting the Ugandan government's policies, in particular through the essential material and symbolic support that aid has provided to the Ugandan government's counterinsurgency and to its policy of mass forced displacement and internment. I would categorize this as one of those 'ignorant interventions', which Chris Dolan chronicles in his study of displacement in northern Uganda: 'interventions with the stated intention of doing good and the observed impact of doing considerable harm' (Dolan 2005, p. 25).

The humanitarian crisis seen today in northern Uganda began in 1996 when the Ugandan government, as part of its counterinsurgency, forcibly displaced the Acholi population of Gulu district into internment camps. Before 1996, there had been periods of widespread violence and depravation, but no prolonged humanitarian crisis in the north. Since 1996, however, the government has proceeded to forcibly displace and intern the entire rural Acholi population, over a million people, in squalid, under-protected internment camps, where excess mortality rates have reached a staggering level of 1,000 people per week (IRIN 2005, 2006). Given that internment is an explicit government policy that targets the Acholi as a group and has led to tens, or even hundreds, of thousands of deaths, academic analysts have characterized internment as a form of 'social torture' (Dolan 2005), or 'enforced domination' (Finnström 2003, p. 197), and some political commentators have gone so far as to accuse the Ugandan government of genocide (*Monitor* 2006).

This section will argue that the internment camps were able to be created only because humanitarian agencies moved in at their conception to supply them with relief aid—in particular food—and that they have been sustained only

through the government's further instrumentalization of material and symbolic humanitarian resources. Thus, I conclude, by supporting the creation and continued existence of the internment camps, humanitarian aid agencies have enabled the government's policy of forced displacement and internment and have contributed to the perpetuation of the humanitarian crisis itself, which they claim to be intervening to ameliorate. For this they should, in the name of justice, be held accountable.

In general, humanitarian resources are subject to easy instrumentalization because of the informal criteria by which intervention is justified. Humanitarian intervention is justified by reference to a language of crisis characterized by extreme ambiguity and that, once invoked, inherently militates against further deliberation (Calhoun 2004). That is, in justifying humanitarian intervention through the language of crisis, whether famine, crimes against humanity, ethnic cleansing or genocide, an appeal is made to a category that, through its very invocation, rejects on moral grounds any contestation—it calls for immediate action and condemns any hesitation as complicity with the violence and deprivation itself.

Once control over humanitarian resources has been secured by local or global actors, those actors can often employ those resources at their own discretion. While instrumentalization of humanitarianism is most apparent in military humanitarian intervention, it can be found in all forms of humanitarianism, because all offer resources, material or symbolic, that can be marshalled to serve the political or economic interests of certain groups or individuals. Moreover, once an intervention has begun, actors can take advantage of the resources that have been made available, steering interventions in directions unanticipated by their sponsors. The result is that humanitarianism can provide external support for the discretionary authority of individuals, states or warring parties, substituting external support for popular support and providing conditions for further militarization. This process was manifest in the distinctly negative impact of humanitarian aid provision seen in northern Uganda.

Although humanitarian agencies have become profoundly integrated into the Ugandan government's counterinsurgency, when the government began its policy of forced displacement in September 1996, it does not seem to have foreseen the facilitating function which humanitarian aid would soon play. The government proceeded by ordering Acholi civilians of Gulu district out of their homes and villages and into demarcated areas. A few days after the order (in some places, an even shorter time), the Ugandan People's Defence Forces (UPDF) began indiscriminately bombing homesteads and villages, burning down homes and granaries, and launching a violent campaign involving arbitrary arrest, torture and murder against those civilians who did not comply (Amnesty International 1999, ARLPI 2001, pp. 8–10, HURIFO 2002, pp. 16–24, Finnström 2003, Ch. 5, Dolan 2005, pp. 135–137). Once concentrated in camps, the Acholi peasantry were left stranded without food or supplies and were told that those found outside the camps would be treated as rebels.

The government apparently had failed to give much thought to the duration of displacement or to the sustainability of interning several hundred thousand people and not providing them with food, water, medicine, shelter or protection. By the end of October, 1996, the destructive effects of displacement upon the civilian population had become apparent and were being reported in the national press. An article in the *Daily Monitor* revealed that Gulu district was 'losing more lives through secondary effects of the war than the war itself', most of those effects proceeding directly from displacement (*Monitor* 1996). The article continued: 'Amidst reports of death in gazetted villages in Gulu, Presidential Adviser on Political Affairs Maj. Roland Kakooza-Mutale, has defended President Yoweri Museveni's move to camp Acholi people into UPDF protected zones ... He avoided commenting on the health problems caused by crowding in these protected villages'.

Thus the camps were, within a month of their inception, turning into a serious political scandal for the government. But domestic and international political pressures were not the only directions from which the policy of forced internment was being challenged. Indeed, the very people who had been displaced were themselves rendering the government's strategy unsustainable by refusing to remain in the camps. Many displaced people preferred the relative safety and security of their homes and were leaving the 'protected villages'—the government's favoured euphemism for the internment camps—spontaneously, willing to stand up to the threat of government and rebel violence in their villages rather than resigning themselves to starvation in the camps. This was noted early on by the UN; as a Humanitarian Situation Report explains:

- 10. . . . The attention of the international humanitarian agencies has recently been focused on the question of 'protected villages'. The local authorities characterize these as places, often close to UPDF posts, where people have spontaneously gathered together for their own protection. Displaced people interviewed in Gulu, however, report that UPDF soldiers told them that they would be regarded as rebels if they stayed in their home villages. Leading politicians and soldiers are on record as saying that protected villages will be an important part of their strategy to isolate rebels and deny them food, freedom of movement and the ability to re-group.
- 11. Although a number of sites are reported each to have attracted several thousand people over the past few weeks, there are also reports that many of these people are already returning to their homes. Certainly, displaced people interviewed at a site designated by the authorities in Gulu expressed a reluctance to stay where they were; having found no food, water or sanitation facilities at the site they were talking about returning home. Several people said that they felt unsafe in the sites, one of which is already reported to have been attacked by the LRA.
- 12. Whether or not protected villages develop over the coming weeks will also depend on the ability of aid agencies to provide the services which are lacking, and certainly beyond the means of the local authorities. (UNDHA 1996)

This last point, that without the intervention of humanitarian agencies to provide aid to the camps, the policy of forced displacement would be a failure, was

quickly grasped by the Ugandan government. Consequently, the government began to request food aid from the World Food Program (WFP) and, by November 1996, WFP reported that the Ugandan government had asked that it help feed up to 200,000 displaced people (WFP 1996). A few international relief agencies had had a presence in northern Uganda since the inception of the war in 1986—World Vision, for example, ran a child rehabilitation centre in Gulu Town—but there are few reports of aid activity oriented towards providing relief to the Acholi civilian population until after the advent of large-scale displacement in late 1996 (Dolan 2005, pp. 43–44). With the forced displacement of several hundred thousand civilians into ad hoc camps in a matter of a week, a massive humanitarian crisis among an easily-accessed population suddenly became imminent, and aid agencies began to prepare for a greatly increased role.

Obviously, the Acholi case differs from what is thought of as 'typical' refugee situations in which people flee their homes for their safety; in northern Uganda, people wanted to stay at home for their safety but were forced into internment camps by their government as part of its counterinsurgency. Given this, there was some debate among aid agencies over whether they should intervene to support forced displacement, since intervening might make them appear complicit with the government's military campaign (Gersony 1997, pp. 34–36, UNDHA 1997). However, anxiety was quickly quieted as some of the most influential agencies, namely WFP, World Vision and UNICEF, led the way by providing large quantities of material aid to the displaced; other relief agencies followed suit. By December 1996, according to the UN:

The World Food Programme is trying to supply emergency relief food to Gulu, and is currently planning a programme for 100,000 people in Gulu town and Kilak, Nyowa, Omoro and Aswa counties (as and when they can be accessed) as well as in the Masindi-Karuma area. In Gulu town the organizations distributing the food are World Vision, Oxfam/Accord, the Church of Uganda and the Catholic diocese ... MSF-Holland is helping the health authorities to monitor the health situation, as well as assessing and assisting the water situation in Gulu town. UNICEF is funding vaccination activities in accessible areas and has provided tented schools for Gulu town, while the ICRC and ACF also have teams on the spot. (UNDHA 1996, see also WFP 1997a, WFP 1997b)

Indeed, the same qualities that made the camps attractive to the Ugandan government—a concentrated, easily surveilled, accessed and controlled population—made them particularly attractive to aid agencies. Furthermore, Uganda's global status as a favourite of the World Bank (for its embrace of neo-liberal economic restructuring policies; Reno 2002), Great Britain and other European states (for its enlightened leadership and apparent dedication to good governance), and the United States (for its cooperation in providing support to the Sudanese People's Liberation Army and, later, for its cooperation in the 'War on Terror'; Ahmed 2001, Finnström 2003), made the provision of humanitarian aid to displaced civilians there a particularly easy—and potentially lucrative—opportunity.

Not surprisingly, the aid agencies were eager to erase their complicity with the Ugandan government's vicious counterinsurgency. They did this in part through re-writing history. For example, in its official reports, the UN ignored the fact that people had been forced into camps and misrepresented the situation by framing displacement as the result of LRA violence, not government violence:

Rebels of the West Nile Bank Front (WNBF) and the Lord's Resistance Army (LRA) are operating across the north of the country ... their attacks against the population in the north constitute grave human rights abuses, while their activities are causing massive displacement of the Ugandan population and of Sudanese refugees, with very serious implications for their food security and health. Services such as health and education are in a state of collapse, while the rampant insecurity is undermining the efforts of humanitarian relief agencies to provide even basic emergency assistance. (UNDHA 1996)

This false idea, that people voluntarily fled to the camps for their own safety, has been the conventional wisdom ever since. It indefensibly obscured the true cause of displacement and humanitarian crisis: in order to serve the interests of the Ugandan government, in interning the Acholi population; the aid agencies, in making themselves appear neutral; and foreign supporters of Uganda's government, in hiding the violent anti-democratic policies of their regional favourite.

Once the humanitarian agencies got involved ideologically and materially, the potential political challenge to displacement dissipated, and spontaneous movement out from the camps ceased. Ideologically, violence and death were re-framed as a purely humanitarian problem to be solved by foreign aid agencies (Dolan 2005, p. 335). As a result, pressure to solve the humanitarian crisis was diverted to the aid agencies: no longer was the fact of displacement questioned, but only the humanitarian response; no longer was the solution to disband the camps and allow the Acholi to return home, but to provide more aid to the 'IDPs' (internally displaced persons). The ensuing dominance of the IDP label, in discussions of northern Uganda, has contributed significantly to this process of turning a political issue into a humanitarian one: 'IDP' is a non-political designation, conflating those displaced due to natural disaster, those voluntarily fleeing to government-controlled areas to avoid rebel violence, and those forcibly displaced by their own government (Deng 1998). Thus, designating people as 'IDPs' occludes the reason for displacement, leaving it unquestioned, and turns displacement into something that is to be solved through technical humanitarian intervention. It imposes upon citizens living within their own country—and thus deserving of certain constitutionally-guaranteed rights—an identity that implies only the charity of international humanitarianism. The Ugandan government has profited immensely from this humanitarianization of forced displacement through the IDP discourse, as it has erased the reasons for displacement from the debate and externalized responsibility for the displaced.

At the same time, the provision of limited humanitarian resources—and the potential that that provision would increase—abated the spontaneous movement of people out of the camps. Just as the UN had predicted, and the Ugandan

government had hoped, the intervention of aid agencies and the delivery of aid convinced many who had wished to leave that staying in the camps was a viable, if only temporary, option. While the aid agencies provided enough to keep people in the camps, they did not provide enough to meet the needs of the population. Thus, in sustaining the camps, the aid agencies created the preconditions for the humanitarian crisis that would ensue, caused by malnutrition, disease and the squalid living conditions. An equilibrium was quickly reached in which conditions in the camps were not bad enough that the displaced went home *en masse*, but not good enough to prevent the chronic physical debilitation of the Acholi population (see Dolan 2005, pp. 207–214) and the slow destruction of Acholiland.³

Since 1996, forced displacement has expanded to encompass the entire rural Acholi population of four districts—one million people—and the presence of relief agencies has expanded correspondingly (WFP 2004, Dolan 2005, pp. 131–132). For example, by 2003, the consolidated appeal by humanitarian relief agencies working in northern Uganda had reached US\$148.1 million, of which US\$123.6 million were received, and over half of which went to buy and distribute food to the displaced (UNOCHA 2005a). Over 100 organizations participated in the appeal process, testament to the opportunities for individual and organizational advancement and enrichment for those working in the increasingly popular war zone of northern Uganda (UNOCHA 2005a, 2005b). By 2007, according to the International Development Committee of the British Parliament, running the camps was costing donors US\$200 million per year (Monitor 2007). In addition to providing relief aid, the humanitarian agencies increasingly provided an entire rudimentary civil administration in the camps, rendering them increasingly permanent, while the humanitarian crisis only raged on. This culminated in the mid-2000s, when the aid agencies launched a 'camp management' strategy: evidently having forgotten that the crisis could be resolved if people returned home, the aid agencies parcelled out Acholiland sub-county by sub-county between themselves, all in the name of rendering the camps more sustainable.

The Ugandan government quickly learned how willing humanitarian aid agencies would be to assist in their policy of forced displacement and what an essential asset they were in carrying out that policy. The government understandably came to expect aid agencies to intervene to support those whom it forcibly displaced, and thus it was able to use mass forced displacement as its strategy for dealing with the entire Acholi sub-region.

From the above, it appears that if the relief agencies had not intervened in 1996 and had not continued to manage the internment camps to date, political pressure over internment would have combined with popular resistance among the Acholi to have rendered mass internment unsustainable. This leads to the conclusion that, because the humanitarian crisis was the *product* of displacement into the camps and because the camps could be sustained only by the massive presence of relief agencies, the relief agencies, instead of resolving the humanitarian crisis, contributed to its perpetuation. In intervening and continu-

ing to manage the camps, the relief agencies have made the long-term internment of the entire rural Acholi population a viable strategy for the Ugandan government, at the cost of tens upon tens of thousands of civilian lives. For their part, the initial hesitation shown by some aid agencies over cooperating with mass internment has not resurfaced, despite the horrific consequences. In my interviews with aid agencies, only one representative from one NGO would even countenance the question of possible complicity with the government counterinsurgency. This silence is understandable: where else have humanitarian agencies agreed to administer internment camps created by a violent government policy of mass forced displacement? Where else has their complicity with massive civilian suffering been so blatant?

The argument could be mounted, in the agencies' defence, that they faced a moral dilemma in having to decide whether to provide aid to the camps or not (Slim 1997)—specifically, that they were faced with two morally bad choices: one, to provide aid to the camps and save lives, but in doing so support the government's counterinsurgency; the other, not to provide aid and thus keep their hands clean of the government's unsavoury policies, but at the cost of thousands of civilian lives. In the face of these options, it could be argued that to decide not to provide aid for the sake of keeping one's hands clean would be morally unconscionable. Nicholas Stockton argues just this in the context of the Great Lakes in the mid-1990s—when many humanitarian agencies denied aid to two million Rwandan refugees in camps in Ngara, Goma and Bukava in Zaire, on the grounds that they would be saving the lives of 'genocidaires'—decrying that:

humanitarian protection was quite deliberately suspended and tens of thousands of people were sacrificed on the altar of a convenient combination of political correctness and short-term financial expediency that seem to underpin the 'new pragmatists', 'do no harm' and 'local solutions' policies. Cutting humanitarian assistance as a punishment for waging war is now advocated by some as a global panacea for ending conflict. The only likely result is that the victims of war will have their sentences enhanced. (Stockton 1998, p. 356)

In fact, a 1999 World Food Programme report ('WFP Assistance to Internally Displaced Persons: Country Case Study of Internal Displacement. Uganda: Displacement in the Northern and Western Districts') tried to frame the decision to provision the camps as just such a tough, but ultimately justified, choice, citing the 'tension' that 'remains between the government's broader political concern to control the population (for example, through the protected villages/camps) and the potential co-opting of the aid program to this end' (cited in Dolan 2005, p. 307). The report goes on to explain that:

There is a difficult balance between the provision of humanitarian assistance and the implicit sanctioning of illegal action. This was nowhere more apparent than in the formation of the 'protected villages', effectively sanctioned by WFP through its close collaboration with the authorities in providing assistance and advice on registration, locations and common services ... The programme [of forced displacement] as a whole was not designed around protection concerns, other

than the general assumption (not necessarily proven) that camps were safer than outlying villages ... WFP may have too readily fallen in line with government policy, in effect becoming both provider and legitimizer of a villagization policy. (Dolan 2005, p. 307)

But as is seen, the report provides evidence contradicting its own insistence that WFP faced a dilemma, since it admits that civilians accrued no clear benefit from staying in the camps. Indeed, the report laments that WFP had agreed to cooperate with forced displacement despite 'the lack of reasonable steps taken by the authorities first, to minimize displacement and second, to create conditions in which it can be brought to an end as quickly as possible' (cited in Dolan 2005, p. 307). Finally, it concludes that WFP in fact had the option of acting to help bring forced displacement to an end instead of collaborating with it: 'some local authorities were keen to pass by-laws demanding the early return of IDPs. If this had been explicitly linked to a WFP 'food return package' and the demand for access to areas of return, the focus of the programme may not have been on food-dependent camps but on a more fluid and responsible approach to the cycle of displacement' (Dolan 2005, p. 307). That is, WFP could have assisted civilians while remaining independent of the government counterinsurgency, but simply decided not to. There was, in fact, no 'moral dilemma', as WFP's own report makes clear, since the interests of the civilians themselves would have been best served if the aid agencies had refused to help create and sustain the camps. In short, WFP itself admitted that in provisioning the camps, it was cooperating with a possibly illegal government policy whose intention was not civilian protection but coercive control, and whose outcome was not security but potentially long-term internment.

The Ugandan government derives other benefits, material and symbolic, from the incursion of relief agencies, as it has subtly politicized aid distribution to shut down political opposition in the camps. Camps seen as opposition strongholds are told that aid will be withdrawn unless they support certain candidates in elections. The government works to ensure that the position of camp commander, the person in charge of aid distribution in the camp, is filled by a government supporter. Finally, and most significantly, the government only allows aid agencies to deliver relief aid to those camps that it has approved of: 'gazetted camps', as it calls them. As a result, the only camps that receive food are those established and vetted by the government, and the Acholi are presented with the option of moving to those camps or not receiving food aid. In sum, the government uses relief aid to keep the Acholi in specified areas, maintain control over the population, and build its own authority as the exclusive arbiter of relief aid to the displaced.

Many relief agencies, foremost among them the WFP, insist on protection before they will deliver aid. In Uganda, since the government is represented as the only legitimate armed force in the conflict, the aid agencies depend upon, in the words of one international aid officer, the 'good graces' of the UPDF for their protection.⁶ WFP food distribution convoys, for example, travel with UPDF armed personnel carriers, scores of troops, and an array of heavy weaponry.⁷ Aid groups report having to pay UPDF officers to provide them with protection or to

ensure that the aid delivery goes smoothly (HRW 2004). More importantly, humanitarian collaboration with internment provides the government with symbolic resources, namely an internationally-grounded humanitarian justification for the militarization of the north and for the orientation of its budget towards counterinsurgency infrastructure. There have been reports that the Ugandan government was to receive additional US military aid to ensure the provision of humanitarian assistance to the displaced; there has also been talk of establishing 'security corridors' or 'humanitarian corridors' to the camps for aid delivery (ICG 2004).8 In fact, there are at present US Marines stationed in Acholiland, carrying out 'humanitarian' projects, apparently in conjunction with USAID. The Ugandan government has managed to tap into US military support under the cover of humanitarianism, and for its part the US government has managed to provide military aid to a key regional ally in the name of the displaced. As Sverker Finnström explains: 'When a truck of the World Food Programme (UN) drove through Gulu town loaded with armed and uniformed government troops ... people related it to the wider international context, where the United Nations and the international community are said to be allied with the Ugandan government but also with political actors such as the United States and the rebels of Southern Sudan' (Finnström 2003, p. 217).

The provision of aid by international agencies was a necessary condition in order for the Ugandan government's policy of mass displacement and internment to work. Without foreign humanitarian aid, the camps would have been unsustainable as the interned civilians would have gone home spontaneously and domestic and international political pressure over the camps would probably have forced the government to change its policy. So, although displacement was a government policy, it was a policy that would not have been possible without humanitarian assistance. As a consequence, humanitarian aid agencies effectively aided and even enabled the devastating government policy of forced displacement and internment.

Sketching a Legal Approach to Humanitarian Complicity

Aid agencies should be held accountable for their role in creating and prolonging this preventable human disaster, specifically for their direct complicity in creating and sustaining the camps through providing aid to their inhabitants. As will be outlined below, the Ugandan government policy of forced displacement and internment comprises a number of crimes under international humanitarian and human rights law—recognized by the WFP itself as 'illegal action' (cited in Dolan 2005, p. 307)—and, while the Ugandan government is the principal in committing these crimes, humanitarian aid agencies are *accessories* to those crimes and thus are also liable. There then follows an analysis of whether it is possible for aid agencies to be held to account for criminal complicity, thus addressing the problem of humanitarian impunity.

That the displacement and internment of civilians in northern Uganda is indeed a crime can be demonstrated by evaluation against relevant provisions from human rights and humanitarian law instruments. Specifically, along three axes: the mode of displacement and internment; the rationale for displacement; and the conditions of the displaced.¹⁰

The Mode of Displacement and Internment

There is a wide range of modes through which displacement may occur. At one end of the spectrum is a situation where people flee their homes voluntarily and willingly remain in camps. At the other end are cases, as in Uganda, where displacement occurs through widespread violence by the government against the civilian population, including murder, torture and the destruction of property. Displacement in Uganda has been sustained through government violence against those found outside the camps and also against those inside the camps who openly oppose the government's policy of displacement. These acts constitute grave violations of human rights and humanitarian law, in particular Common Article 3 to the Geneva Conventions, which prohibits, 'at any time and in any place whatsoever', 'violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture', and 'outrages upon personal dignity, in particular, humiliating and degrading treatment' (see also the more extensive formulations in Geneva Conventions 1949, Protocols II and III).

The Rationale for Displacement

The Geneva Conventions allow for displacement of the civilian population only in order to protect that population or in cases of military necessity: 'The displacement of the civilian population shall not be ordered for reasons related to the conflict unless [a] the security of the civilians involved or [b] imperative military reasons so demand.' (Geneva Conventions 1949, Protocols II and III).

As to the *security* of the civilians involved, it has been documented that the camps, instead of making those interned more secure, made them, if anything, less secure (HURIFO 2002, pp. 25–54, Finnström 2003, Ch. 5, Dolan 2005, pp. 190–198). The level of protection provided was dismally inadequate, and forced movement into camps provoked the rebels to more extensive violence against civilians. Furthermore, the UPDF itself regularly used violence against the displaced civilians. The camps made the people dependent upon an insufficient Ugandan army presence and easy prey for rebel violence, in contrast to their situation at home, where they retained the freedom to negotiate a difficult path between the two armed parties. Indeed, the fact that people preferred to remain at home and, when interned, tried to leave the camps, was testament to the heightened insecurity they found under displacement.

As to the *military necessity* of displacement, there was no clear military imperative for such a policy. Displacement was not followed by a UPDF military offensive, and it is debatable whether the Ugandan government has made any good-faith effort to defeat the rebels militarily since (Dolan 2005, Ch. 4, Branch 2005). As a result, displacement has persisted for over ten years in many places, far beyond what any 'imperative military reasons' could demand. To many observers, mass displacement appears simply as the latest and most destructive manifestation of the Ugandan government's anti-civilian counterinsurgency campaign in Acholiland.

Conditions of the Displaced

The Geneva Conventions state that: 'Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.' (Geneva Conventions 1949, Protocol II, Art. 17). In the Uganda case, however, the government took no such measures. People were left without access to food or water, and aid was not provided until it became apparent that displacement could not be sustained without extensive humanitarian assistance. However, as described above, the little aid that was provided failed to stave off a massive humanitarian crisis. The responsibility for this crisis, therefore, sits squarely on the shoulders of those parties which put into place and made possible the policy of displacement, and the execution of that policy represents a war crime under the Geneva Conventions and possibly, given the scope of the humanitarian crisis, a crime against humanity.

Criminal Complicity

Based upon this, the Ugandan government's policy of forced displacement and internment is a war crime under the Geneva Conventions and could also qualify as a crime against humanity. Since forced displacement and interment in camps is a crime, any party that knowingly acts in such a way so as to assist in keeping people in the camps is complicit in that crime. It is not necessary that a second party recognize that displacement and internment are crimes in order for that party to be legally liable as an accessory, although from the 1999 WFP report it appears that people within that organization indeed knew that forced displacement and internment was a crime and continued to aid that policy despite that knowledge. Judging from the material presented above, it seems certain that actors within the United Nations and among other humanitarian aid agencies understood that their provision of aid would help keep people in the camps. As was clearly admitted in the UNDHA Situation Report of 4 December 1996: 'Whether or not protected villages develop over the coming weeks will also depend on the ability of aid agencies to provide the services which are lacking,

and certainly beyond the means of the local authorities.' The 1999 WFP report established beyond doubt how clearly many within those organizations realized that they were helping to keep people in the camps against their will. The fact that so many aid agencies quickly got involved in supplying the camps reveals that they knowingly chose to cooperate with that government policy. In short, many aid agencies understood that they were providing essential assistance to the government policy of forced displacement and internment, and some even recognized that that policy was illegal.

There is therefore a significant need to expand the debate over post-conflict accountability in northern Uganda so as to include the complicity of humanitarian aid agencies and other external actors who were responsible for enabling and supporting the Ugandan government's policy of forced displacement and internment. At present, the debate, catalyzed by the intervention of the International Criminal Court (ICC), focuses exclusively on the LRA and the government: while the ICC seeks justice for Acholi survivors through prosecuting the LRA, many human rights activists have insisted that justice will only be done if the Ugandan government is taken to task as well (Allen 2006, Branch 2007). However, if the complicity of humanitarian aid agencies is not addressed, and the aid agencies' proclamations of their beneficence and neutrality are not questioned, then these agencies will continue to be unaccountable for their role in prolonging and even causing human suffering in conflict zones, and humanitarian impunity will become even further entrenched.

Given this, through what practical mechanisms might these groups be held accountable? Whatever mechanism for establishing post-conflict accountability is ultimately decided upon (and this decision should be reached through independent deliberation among the survivors of the conflict), this mechanism should be adequate to, or made adequate to, the task of addressing the responsibility of all parties—LRA, Government, humanitarian aid agencies and other internal and external actors. Given this demanding requirement, it is unlikely that one single mechanism will be sufficient. The ICC's temporal jurisdiction is too limited, and its prosecution too one-sided and selective, to make it an adequate tool for justice; for their part, 'traditional' Acholi practices cannot deal with the very modern national and international dimensions of the conflict (Branch 2007). A truth and reconciliation commission may be able to deal with a wider range of issues and actors, but a formal legal process might be needed to deal with the most egregious crimes and with international actors (Baines 2007). Again, any mechanism for establishing post-conflict accountability must be able to address the complicity of humanitarian aid agencies in enabling war crimes, whether through legal action or by 'naming and shaming' the humanitarian agencies themselves.

Demanding this kind of post-conflict accountability of humanitarian organizations could prove beneficial in a number of ways. By striving to make those who call for and carry out humanitarian interventions accountable for the consequences of their actions, interventions might be made more responsible to those in whose name they claim to act. Calls for intervention may become more

considered, and African conflicts may no longer be seen by international organizations and actors as a terrain for experimentation without liability, a no-man's land where all is permitted in the name of saving Africans. Finally, in cases of blatant instrumentalization of humanitarianism by states or other parties, especially in cases of military intervention, the invocation of humanitarianism would no longer shield the intervener from prosecution under international law.

Regular Humanitarian Practice and Democratic Accountability

The potential for humanitarian agencies to be complicit with wide-scale and grave violations of the human rights of the very people they purport to serve could be greatly diminished if those aid agencies were to incorporate mechanisms to establish their democratic accountability into their everyday, regular practice. In northern Uganda, I have argued that the aid agencies, instead of placing themselves at the service of the civilian population, placed themselves at the service of the Ugandan government to the point of enabling mass forced civilian displacement and internment. Since, as numerous human rights reports have documented and as their spontaneous exit from the camps proved, most Acholi preferred to stay at home instead of staying in the camps, if the aid agencies had actually been accountable to the Acholi civilian population, their object would not have been to help people stay in the camps, but would have been to help people to stay at home and return home from the camps. 11 The 1999 WFP report cited above recognized precisely this. In short, if the aid agencies, and the donors who support them, had followed the interests of the civilian population and insisted to the Ugandan government that they would not support its policy of violent forced displacement and the attendant human rights violations, the massive human disaster we see now may have been averted.

This failure of humanitarian practice to be democratically accountable is rooted in humanitarian aid agencies' general approach, which places the efficient delivery of aid through the deployment of technical expertise above the establishment of mechanisms that would make aid agencies accountable to those they serve. This essay has highlighted this tendency through an analysis of current humanitarian practice in northern Uganda. Here, it is graphically clear that the failure to be democratically accountable can lead aid agencies to be complicit in causing the very suffering they want to ameliorate.

Democratic accountability of aid agencies would require, first, that aid agencies provide people with information about their plans and options. Aid agencies could present this information at public meetings in the camps, through which questions by the community could also be raised. More formal input can be acquired from constituted sources of social and political authority, such as youth and women's groups, farmers' groups, bodies of traditional elders, local government officials and others. Aid agencies could produce work plans through a transparent process, and then present those plans to those same community

meetings and bodies for approval. Once projects are finished, aid agencies could hold further consultations in which they are answerable to the community for how they have performed. Although this model is very far from current humanitarian practice, given the wide-ranging power that aid agencies wield over tens of millions of people's lives globally, the importance of such measures should not be minimized.

At present, however, the dominant mode of humanitarian practice—and the mode in which humanitarianism is manifested in northern Uganda is no exception—leads it to be inscrutable and unaccountable to those it is supposed to serve. This is because the dominant approach of relief-oriented humanitarianism is directed towards improving the biological attributes of a statisticallydefined population and is informed by a specific epistemology that represents violence and suffering caused by war and displacement in statistical terms—number of people displaced, size of camps, the population's aggregate nutritional and health status. These statistics are obtained through processes of 'needs assessments', which measure populations against certain bio-statistical norms. Great importance is put upon fine-tuning the needs assessment process, thus avoiding larger questions by fetishizing technical accuracy. The population becomes visible through statistics, allowing targeted interventions to alleviate the worst hunger, address certain diseases and bring the population into line with the norm of survival. This process legitimates technical interventions by those with the expert knowledge needed to rectify statistical deficiencies and improve statistical outputs most efficiently (de Waal 1998, pp. 23-25). In this way, violence and its 'solution' are technicized statistically by the humanitarian epistemology. This reliance upon technical criteria and solutions allow practitioners to claim that their work is non-political and universally applicable. In the words of Liisa Malkki, the camp is a 'technology of power' which helps 'to constitute "the refugees" as an object of knowledge and control (Malkki 1995, p. 236). The result of this technicization of violence and its solution means that 'needs assessments' and bio-statistical surveys replace community dialogue and community input.

This is very apparent in the camps in northern Uganda. According to a recent study conducted by a local human rights organization, not a single displaced person, when asked, had any information about what World Food Program's plans were in terms of food distribution, how much would be distributed, or when (HURIFO 2007). There were no meetings or public opportunities to obtain information or provide input to the aid agencies; there was widespread ignorance about what other aid agencies besides those involved in the distribution of food were even doing. By keeping the 'beneficiaries' in a state of extreme uncertainty, aid agencies have no standard to be held accountable to; they maintain a wide scope for discretionary and unaccountable action.

Aid agencies further reduce the possibility that they might be held accountable by evading existing local institutions that display a degree of democratic accountability themselves. In Uganda, for example, the Local Council system—a participatory (at the lower levels) and representative (at the upper levels)

system of local government—is in large part by-passed by the humanitarian regime in favour of the position of camp commander.¹² In the name of greater efficiency, the humanitarian agencies undermine these accountable mechanisms with a single person who becomes responsible for the distribution of aid to the camp. At the same time, relief agencies can present such an actor as 'non-political'.¹³

Humanitarian agencies also help establish a myriad of committees dedicated to the collection of information; feedback loops intended to better secure the overall regulation of the population. 14 These committees, like the camp commander, are divorced from the Local Council system and from community organizations; if anything, council or organization members are incorporated as part of the surveillance system, stripped of their participatory and representative roles. These committees lack popular representation and are accountable to the agencies funding and running them. Existing, accountable institutions are undermined while unaccountable administrative institutions are set up and empowered in their place. In this way, relief agencies circumvent constituted political structures and establish their own putatively non-political authority structures to serve in the process of aid distribution. 15 But politics necessarily returns: because of the large amounts of material resources channelled through it and over which it has apparent, if not actual, control, this camp authority structure ends up establishing a new political order, one accountable upwards to foreign donors and not downwards, with an administrative instead of a political relation to the population.

In case people decide to demand accountability from aid agencies, the agencies can employ a number of strategies to silence those demands, foremost being the threat to discontinue aid in case of protest or complaint. However, there is a more subtle way of convincing the population to accept the uncertainty with which life under humanitarian administration is imbued. Humanitarian practice itself tends to *discipline* beneficiaries so that they passively accept aid according to the dictates of the agencies. Barbara Harrell-Bond has described this aspect of aid distribution, explaining that: 'There is much evidence that the treatment meted out to refugees by too many of those delegated to help them is such that it can only be described as "inhuman", involving a large degree of 'discipline' to 'infantilize' the population (2002, p. 60). For example, she describes the process of conducting 'needs assessments':

Because numbers are essential for appeals for international funding, extraordinary efforts are taken by UNHCR and NGO partners to conduct 'accurate' censuses. Methods involve herding refugees into enclosures and night swoops on camps. As one manual on registration advises: 'Spot checks involve an actual head count and are best carried out at unsocial hours like midnight or dawn when the majority of people will be in their houses. You will need a large number of staff to go round counting every person.' (Harrell-Bond 2002, p. 61)

These effects are visible in the Ugandan internment camps as well, where I accompanied a number of WFP food distribution convoys as a researcher in 2003

and 2004. The process was highly regimented, with three feeding centres set up in the camp. The people were divided up by parish, village and then household, with lists of names that the WFP had prepared on the basis of previous needs assessments. The heads of households were divided up and made to stand in line for hours to receive their ration of corn, beans and oil. Accompanying the food trucks at all times were armed personnel carriers and large contingents of Ugandan troops. In the name of efficiency, people were made to fill out cards, stand in line all day, maintain silence, and not get out of line at risk of a scolding, a blow from a stick or the loss of food. They were forced to obey whistles and barked commands, assemble immediately the trucks arrived and then disperse after receiving their allotment. As the population is regimented further, more demands for discipline are made upon them in the name of efficiency.

But these soft mechanisms for ensuring the compliance of beneficiaries are sometimes insufficient, since disciplining people to a state of total passivity when life itself is so tenuous is, if not impossible, extremely difficult. Indeed, recipients of humanitarian aid will react against the circumstances in which they find themselves—facing violence, squalor and the inadequate provision of assistance—and act in ways that contravene the passivity required by humanitarianism, rupturing it through practices that are discursively coded as deviance or crime by the humanitarian epistemology. As Tim Allen and David Turton note, 'these very strategies by which they seek to maintain some degree of control over their own lives, are likely to be classified by "the system" as inappropriate and undesirable' (1996, p. 10). For example, people will try to acquire food aid through personal connections, or sell what they have been given; this is labelled as 'corruption'. People may take part in demonstrations or protests against the inadequacy of aid or the mode in which it is distributed; this behaviour is generally dismissed as 'riots'. People may also try to acquire aid outside of the routes established by the aid industry, either individually—labelled as 'stealing' by the humanitarian discourse—in groups—'looting'—or by joining armed forces—'greed-driven rebellion' according to humanitarianism.

Humanitarianism must deal with this kind of putatively criminal behaviour since people refuse to be dressed in the habit of helplessness that the agencies demand of them, and so humanitarianism sometimes must depend upon violence or the threat of violence. Aid agencies are accompanied by military forces when distributing aid: in Uganda, as mentioned, there is a constant UPDF presence accompanying food delivery. Aid agencies will, formally or informally, pay local armed factions for protection; they may bring in foreign mercenaries (euphemized as private security corporations) to protect aid shipments (Singer 2003); or, in the extreme, they may call for international military intervention, such as in Somalia (de Waal 1998, p. 189). In Uganda, humanitarianism not only facilitates the exercise of unaccountable violence by the Ugandan state through the instrumentalization of aid, but in fact depends upon that violence for its own ability to operate without encountering protest or opposition from those being managed in such desperate conditions. The World Food Program itself recognized this in its 1999 report, stating that 'the role of convoy soldiers after a while

became that of ensuring orderliness at distributions, rather than safe delivery along the road ... This was not only inappropriate ... but also underlined the WFP-government-army axis in the eyes of recipients' (Dolan 2005, p. 307). Aid agencies can thus refuse even the possibility for popular accountability by consensually and coercively silencing those whom they claim to serve.

Conclusion: Towards an Ethical Humanitarianism

The establishment of mechanisms that can ensure the democratic accountability of aid agencies is, therefore, as necessary as it is difficult. A recent attempt by the humanitarian aid industry itself to mitigate the negative effects of humanitarianism by making it more participatory, known as the Sphere Project, reveals the obstacles involved in this project. Its website explains its 'core beliefs':

first, that all possible steps should be taken to alleviate human suffering arising out of calamity and conflict, and second, that those affected by disaster have a right to life with dignity and therefore a right to assistance. Sphere is three things: a handbook, a broad process of collaboration and an expression of commitment to quality and accountability. (Sphere 2008).

But despite its admirable rhetoric, Sphere fails to specify mechanisms by which the accountability of aid agencies might be institutionalized. Indeed, for their part, humanitarian agencies are unlikely to impose binding regimes upon themselves as a condition of providing aid.

Beyond these practical problems, there is an underlying tension in the Sphere Project and other such efforts, namely that the effort to engage the participation of aid recipients in aid distribution and to establish the accountability of aid providers to aid beneficiaries—in short, to partially subject humanitarianism to demands of democratic accountability—necessarily subjugates aid distribution to imperatives that are alien to its own internal logic of the efficient promotion of survival through technical expertise. It is the humanitarian aid industry's faith in technical expertise, not democratic decision-making, as leading to the most efficient delivery of aid that gives rise to the assumption that a logic of democratic accountability may, even if minimally imposed, impinge upon the logic of the efficient promotion of survival to the point where the latter is compromised beyond what is acceptable.

However, this assumption is unwarranted. In fact, democratic oversight and regulation of aid provision can help combat the corruption, apathy and cynicism among state and non-state humanitarian actors, which so often undermines the efficient delivery of aid. With democratic accountability there would be less wasted effort and fewer useless interventions and duplicated projects. The transnational bureaucratic administration that runs humanitarianism at present has its own institutional interests, is manipulated by outside actors, is rent by internal competitions and conflicts, and is often ignorant of the needs of the

community it is supposed to serve. For these reasons, the democratic accountability of humanitarian practice could be seen, not as an obstacle to efficient aid delivery, but as an important step *towards* more effective aid.

Therefore, the fundamental goal of humanitarianism itself could be reoriented away from promoting biological survival and towards promoting local political autonomy—that is, towards promoting social and political life with dignity. 16 The delivery of aid can be an opportunity to help communities organize in the midst of war and violent upheaval in order to define their interests and needs and potentially to act collectively to realize those interests and needs. The first step towards ensuring that humanitarianism promotes, and does not undermine, the rights of its subjects, and thus ensuring that it becomes accountable to those it serves, would be an epistemological shift: humanitarianism could see its subjects not as helpless victims and beneficiaries, but as already existing socially, politically and culturally embedded individuals. Then, instead of disciplining people as if they were helpless non-political subjects, humanitarianism could orient itself towards working within communities that are trying to find peace through political organization and action. The 'needs assessment' phase could be re-oriented towards learning from those in the communities who are themselves already working for peace, justice and survival. Intervention would thus learn from its subjects and then try to work with them.

To undertake this, humanitarian organizations would have to adopt new models of practice that are closer to practices of labour and community organizations than to those of traditional humanitarianism. Of course, this kind of work would require lengthy stays in conflict zones, learning local languages and engaging with members of the community as fellow people; not merely ascribing to them passive identities, such as 'IDPs', 'the poor', 'victims', or even 'beneficiaries'. Only in this way might humanitarianism be reconstructed as a practice of political solidarity grounded in an ethics of humanism, instead of charity grounded in a refusal to recognize the humanity of the other. Accountability could be ensured—and perhaps can only be ensured—by being subsumed in this ethics of recognition and respect. This might well help humanitarian agencies avoid complicity in causing the very human suffering that they are committed to resolve.

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Notes

- 1 Bamako, directed by Abderrahmane Sissako (France, 2006).
- 2 Until late 1996 Uganda was generally only mentioned in WFP Weekly Reports in the context of the conflicts in neighbouring countries, but from late 1996 onward it appeared in those reports every week due to internal displacement; see the World Food Program Emergency Reports, available from: http://iys.cidi.org/humanitarian//wfp.
- 3 Dolan argues that Acholi did not leave the camps despite the exceedingly high level of physical, psychological and cultural debilitation they suffered as a result of internment (Dolan 2005, Ch. 6). In this way, the intervention of the aid agencies ended up giving rise to the very conditions which they had invoked to justify their intervention in the first place—a passive, helpless population that lacked the capacity to leave the internment camps.
- 4 Confidential interviews, Gulu Town and Kampala, October 2004.
- 5 Confidential interviews, Gulu District, March-May 2003.
- 6 Confidential interview, aid official, Gulu Town, May 2003.
- 7 Author's experiences as an observer on WFP convoys, November-December 2004.
- 8 The idea of 'security corridors' was mentioned to the author in a discussion with Walter Ochora, Chairman, Local Council V, Gulu District, 20 May 2003.
- 9 Confidential interviews, Gulu District and Kitgum District, June 2007.
- Amnesty International, in an early treatment of forced displacement from a human rights and humanitarian law perspective, stated that: 'In the context of gross human rights abuses by the LRA against unarmed civilians, Amnesty International does not believe that the creation of camps for internally displaced people, or a policy of moving people into camps by the authorities, is intrinsically a violation of international human rights or humanitarian law by the Uganda Government.' (Amnesty International 1999, p. 3) In fact, a policy of forced displacement could not 'intrinsically' be a violation of human rights or humanitarian law, since, under specific circumstances, it is allowed by the Geneva Conventions. However, it is precisely the way in which displacement and internment were carried out in Uganda which qualify those policies as violations of human rights and humanitarian law—indeed, the AI report itself played an important role in documenting the anti-civilian violence that went into creating and sustaining the camps.
- 11 However, even now, when return is becoming a real possibility, aid agencies still seem hesitant to help people out of the camps (HURIFO 2007).
- 12 Pabo members, Local Council I, interviews with author, Pabo internment camp, 14 March 2003.
- 13 Confidential interviews, Gulu Town, February 2003.
- 14 Confidential interviews, Gulu District, November 2005.
- 15 Pabo camp commander, interview with author, Pabo internment camp, 13 March 2003.
- 16 This approach should not be confused with recent attempts to articulate a 'new' or 'rights-based' humanitarianism; this 'new' humanitarianism is as antithetical to local autonomy and democracy as is relief-oriented humanitarianism (see further, Chandler 2001, Fox 2001).

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