

Please Note: This Seminar Summary is for information purposes only and should not be directly quoted or cited. The views presented here are those of the individuals only and not necessarily that of the RLP. Please contact the RLP for further information.



Refugee Law Project

Faculty of Law, Makerere University



War and Humanitarianism

*Seminar held at Refugee Law Project
15 December 2005*

Speakers: Dr Sverker Finnström, University of Uppsala, Sweden
Mr Zachary Lomo, Director, Refugee Law Project

Chair: Mr. Timothy Bishop, International Rescue Committee – Community Resilience and Dialogue Project

Mr Timothy Bishop opened the meeting by welcoming everyone to RLP for the last monthly seminar of 2005. He then introduced the seminar topic, “War and Humanitarianism” and two speakers, stating that the main speaker, Dr Sverker Finnström would be examining the impact of active humanitarian delivery on the conflict in the north of Uganda. Dr Finnström teaches at Uppsala University on African Studies and Culture in Armed Conflicts, and is also the author of a book titled *Living with Bad Surroundings: War and Existential Uncertainty in Acholiland, Northern Uganda*. He first came to Uganda in 1997 and returned in 2000 and 2002.

Dr Finnström began by explaining his reasons for coming to Uganda. His PhD had been about young adult Acholi people coping with conflict, and he wanted to view first-hand the situation that affected their lives. He had been frustrated by the way the conflict had been portrayed as a local conflict. He noted in his latest visit there were far more people in Gulu now engaged in the humanitarian effort. Jan Egeland in particular had been responsible for bringing the crisis to international attention, even referring specifically to the conflict in Uganda in the midst of the Asian Tsunami Crisis of 2004.

A Permanent Crisis

This war, Dr. Finnström stressed, was portrayed as humanitarian but really was a serious political crisis in that it was man-made. The humanitarian assistance that had been provided—which is supposed to be temporary—was increasingly becoming permanent. Some camps had been around for over 10 years now, operating under a rationale of protecting people and providing basic services. The government’s 5-point programme for northern Uganda had been developed in such a way as to invite the international community to enter into the framework, as they lacked the resources themselves to carry out the programme. Meanwhile, the military

Please Note: This Seminar Summary is for information purposes only and should not be directly quoted or cited. The views presented here are those of the individuals only and not necessarily that of the RLP.

Please contact the RLP for further information.

strategy of placing people in camps, often forcibly, had been in force to attempt to drain the rebels of their intelligence network.

The growing permanence was creating a situation of dependency through handouts, and signs of idleness in camps were noticeable. The people had also surmised that it was useless to vote, and in fact would only bring more problems. For them, the main issue was one of survival, and there was a feeling that they could only leave their problems up to God.

For humanitarian organisations, they often found themselves in a catch-22. Rebel groups reportedly arrived at the camps in the night after the arrival of relief trucks in order to take their “share” of supplies. The IDPs had to give a portion or risk being beaten. Similarly, the rebels would tell people that they wouldn’t have received this aid if not for them and the conflict.

The pragmatics of a dirty or terror war created difficulties for humanitarian organisations wanting to remain neutral. The humanitarian agencies were not seen as part of the conflict. Rumours were also spreading about the effects of certain assistance: Some thought that peace causes cholera, or that American cooking oil causes male impotence, or that distributed water was responsible for sterility in women. These rumours reflected some of the subconscious fears of IDPs that the situation was becoming permanent, and that this dependency was bad.

Another issue was the repackaging and distribution of supplies that created cynicism and was an affront to their dignities. At times, food from Gulu had been bought by businessmen, repackaged and sent to Kampala, then subsequently bought by the relief agencies and sent back to Gulu again. As a result, the supplies had become unfit for consumption by the time it returned. Another case involved the distribution of clothes at night by an NGO in the north. In the morning, the men found they had been given ladies’ underwear. While the people in the north were unquestionably grateful for the aid they received, they still needed to maintain their human dignity.

Victims of the Side Effects

Dr Finnström summarised his talk by stating that humanitarian aid is not neutral, but part of the pragmatics of war. He recounted the story of “Peter” (not his real name), who had been used as a porter while hunting wild game in Murchison Park. The UPDF (Ugandan People’s Defence Forces) soldiers would often take weapons from the bush and instead of registering them and handing them in, would keep them for the business of hiring them out to local people. On their return, if successful, they would give a share of the meat to the soldiers for renting them the gun. This meat in turn was often sold in town, even purchased by humanitarian workers, who viewed game meat as exotic, and sometimes it even ended up in Kampala. These things did not go unnoticed by the local people.

Eventually, Peter was arrested by the UPDF for hunting game. He tried to explain that he was merely acting as a porter, and even named the soldier who had loaned the weapon. However, the soldier denied it with support from his commander. Peter was tortured, shot in the legs, and then ordered to be executed, though fortunately the soldiers refused to carry out that part of the order. A local policeman eventually gave him a letter to go to Gulu for treatment.

Please Note: This Seminar Summary is for information purposes only and should not be directly quoted or cited. The views presented here are those of the individuals only and not necessarily that of the RLP. Please contact the RLP for further information.

Money was not the issue here, because these stories exemplify the frustration that people have with the war and the increasing permanence of displacement. A political solution is needed because the things done on the humanitarian front far exceed what has been done on the political side. Political pressure needs to be put on the governments of the region and the rebels to seek a settled solution. Instead, donors simply send even more money to the humanitarian effort, even when it cannot solve this man-made conflict.

Political Answers Needed

Mr Lomo began his talk by stating that he agreed with many things that Dr Finnström had said. The political crisis required a political answer, and the humanitarian relief presupposes a temporary situation—the problem should already have been solved. The war in the north has entered its 20th year of conflict, with few livelihood opportunities. Mr Lomo recounted how he had been to the north in 1995 as a researcher to attempt to understand the situation and felt that he had entered a different country. He had returned again to listen and attempt to understand the conflict.

Did humanitarian assistance perpetuate the conflict? It certainly perpetuates the status quo. The aloofness of actors, wanting to distance themselves from the conflict, gave legitimacy to certain actions of the government like forcible encampment, while frustrating efforts to discover and address the root causes of the conflict. Alternately, Uganda was often portrayed as an economic success story, and the divergence of conditions between Kampala and the north led people to make it difficult to make harsh judgments of the situation once they had gone there to investigate.

As Dr Finnström had already noted, the internal displacement in the north was part of a deliberate military strategy, based on the claim that the public had supported the LRA (Lord's Resistance Army). However, of the various rebel movements that had come into conflict with the government over the last few years, the LRA was clearly the least supported of them all. The reason the government has pursued a military option was clearly articulated by some UPDF officers themselves. They argued that the war is not ending because the Acholi have refused to accept defeat; they have refused to acknowledge that a new military dispensation was brought about by the victory of the NRA. If that is the view held by some top military officers, then one can understand why there is no serious commitment from the government and the army to end the war. From this it can be deduced that negotiation with the LRA—who are predominantly Acholi—**means that conceding that the Acholi cannot be defeated militarily**. You have to negotiate with them after all. Then one can understand why certain peace initiatives have been undermined.

The international community had also accepted the legitimacy of the military strategy of the UPDF. They failed to understand that the LRA is well-skilled in military strategy. Conversely, the government understood well the power of propaganda. By using the language of human rights, they were able to generate sympathy for their side while overlooking abuses committed by their own forces. Governments are required to behave above the level of others—as adults, but instead the rules are changed to suit them.

Please Note: This Seminar Summary is for information purposes only and should not be directly quoted or cited. The views presented here are those of the individuals only and not necessarily that of the RLP. Please contact the RLP for further information.

Neutrality Assists the Status Quo

Neutral persons create inertia, leading to questions of why they are here. Their hands-off approach and attempts to remain separate have hampered the accurate flow of information. For them to avoid appearances of bias, they would often not provide information. Instead, they might advocate for lesser standards, just happy that people would have access to food. For example, instead of relying on the 1949 Geneva Convention that laid clear guidelines for the treatment of civilians in times of war, the Guiding Principles on Internal Displacement (published by the United Nations Office for the Coordination of Humanitarian Affairs—UNOCHA) were being employed.

Humanitarian organisations also had their own vested interests. The complexities of conflicts were known by state actors and rebels, and were consequently exploitable. At the same time, the difficulties of understanding and confronting these complexities created inertia against finding durable solutions, instead prolonging death and suffering. Mr Lomo stressed that accountability and holding to the principles of international law were extremely important. Yet leaders can't be held accountable because there is no such system in place. He concluded his talk by noting that the conflict was approximately 55% internal, but 45% external.

Mr Bishop thanked both speakers, and summarised the main points of the talk. Firstly, he noted that the vested interests of humanitarian actors were important in understanding their actions. Secondly, disregarding codes of conduct and failure to uphold international standards was a problem. Their actions legitimising the government policies was leading to longer-term displacement and perpetuating the war, particularly stated by Mr Lomo. The other important point was the catch-22 that humanitarian agencies were caught in, as noted by Dr Finnström. He then opened up the questions to the floor.

The Impact of the ICC

The first person to respond noted that there was a contrasting image between the north as disaster zone versus that of everything under control and the war about to end. The question was what was the impact of the ICC (International Criminal Court) warrants? With Sudan inviting international troops to the south to protect people from the LRA, what implications could it have for Uganda?

Dr Finnström replied by noting that the initiative to declare the north a disaster area had been undertaken by northern members of parliament (and Jan Egeland). While commendable in drawing the attention of the international community, this declaration operated within the same discourse of seeing it as a humanitarian conflict. By having this formal declaration, a new apparatus of actors might enter, possibly even peacekeepers as noted [The very next day, newspapers had reported that Britain had brought this very matter up to the UN Security Council, with the possibility that a review of the situation might result in the deployment of peacekeepers (*Daily Monitor*, 16 Dec 2005) –Ed.].

Please Note: This Seminar Summary is for information purposes only and should not be directly quoted or cited. The views presented here are those of the individuals only and not necessarily that of the RLP.

Please contact the RLP for further information.

As the ICC jurisdiction does not include the death penalty, there remains the possibility that local mechanisms of justice might be employed. However, the warrants closed one possible door to a settled solution, as shown by the reaction of the LRA in targeting NGO workers. Traditional reconciliation and peacemaking (local conflict settlement practices) may be possible, but Dr Finnström expressed some scepticism as to their applicability, and suggested that new methods might need to be developed from the traditional mechanisms available for peace-building and reconciliation. However, it would be impossible to speak of reconciliation while the war was still going on—peace must come first, as any enforcement of reconciliation during the war would be bound to backfire. Furthermore, due to the international scope of the conflict and its relation to the Sudanese conflict, it had gone over the heads of the Acholi elders alone, and international action was required.

Mr Bishop then asked a question himself. He noted how Dr Finnström had just mentioned that the ICC warrants had closed one door, whereas Mr Lomo had earlier stated that several NGOs were operating outside international codes of conduct. How could these be reconciled?

Mr Lomo answered, beginning by stating that no legal system is value-neutral. Traditional values should not be seen as inferior, though they are contextual. Similarly, the term “disaster” itself avoids the political question as to the nature of the conflict. Instead, one must ask hard questions as to how this “disaster” occurred, and how one might raise negative incentives against outsiders interfering in the conflict by putting their house in order.

The ICC’s unsealing of the warrants of arrest for the five top LRA rebels has made the search for a peaceful solution to the conflict so much more difficult because they first it has sealed the fate of the rebels, and second, it ignores many shortcomings, especially that the government of Uganda and the SPLA are themselves guilty of abuses of the law during the war. Thus the principle actors themselves, upon whom the ICC is relying, are not interested in justice, for example, with President Museveni agreeing that he would not send US citizens to the ICC. In addition, he is also reported to have written to the UN Secretary-General to the effect that the ICC should not investigate the crimes committed by the rebels in the DRC because it would undermine the peace efforts in that country. Thus the ICC has allowed itself to be used as a political tool by President Museveni to bolster his international standing and also get at Sudan whom he accuses of supporting the LRA.

There is a need to ensure impartial institutional mechanisms, but as had been argued by Republicans and political realists in the US, the court would be used especially to pursue political agendas (their concern primarily with those hunting down US citizens). Thus accountability must be accompanied by objectivity and thoroughness and addressing the conflict must be done with a proper understanding of causes before prescribing any solutions. Yet in Mr Lomo’s opinion, the ICC had its own interests, and in order to demonstrate their work, they began by selectively picking “soft targets” such as Uganda, without first understanding the situation thoroughly. For example, the people actually affected by the conflict might only want the rank-and-file members of the LRA prosecuted, but the ICC would be completely unable to handle all the complex issues underlying the conflict.

Please Note: This Seminar Summary is for information purposes only and should not be directly quoted or cited. The views presented here are those of the individuals only and not necessarily that of the RLP.

Please contact the RLP for further information.

A question was asked to Dr Finnström about the pressure he mentioned that needs to be placed in order to find a political solution. What kind of pressure should this form take? Economic incentives or disincentives? Secondly, with the LRA listed by the US government as a terrorist organisation, would Uganda join the “war on terror”?

Dr Finnström replied by answering the second question first. As the LRA and the ADF (Allied Democratic Forces) had been labelled as terrorist groups (under the Anti-Terrorism Law), no diplomatic negotiations could take place with the US. This again had closed another door to peace, but it satisfied the Ugandan government who subsequently supported the US in their invasion of Iraq. The War on Terror had thus become “strange bedfellows” with the ICC.

On the issue of political pressure, he stated that there should be minimum standards of democratisation before the provision of aid and budget support. Accountability was also needed from taxpayers in the North. Economic pressure could be levied but the budgeted funds end up being distributed by the Ugandan government according to their own standards. Because donors want working relationships with governments, they treat them as partners thereby allowing standards to lapse.

The West Nile Conflict

One member of the audience offered some comments to compare West Nile, particularly Yumbe, where he had personal experience as a military officer, with the current conflict. In the West Nile, elders were significant in talking to the rebel groups and government as they held a great deal of respect with the local people. An agreement was reached after the elders threatened to disown the WBNF (West Nile Bank Front) if they did not lay down their arms and stop fighting. In contrast to this, he offered, the militarisation of Acholiland had diminished the authority of the elders as their roles had been diluted by government institutions that held greater authority than these elders.

Another question he asked was: when does one declare an area a “disaster zone”? Like a storm, sometimes one must wait till the storm has ended before assessing the damage. It seemed clear that the nature of conflicts since the Cold War were almost like medieval age conflicts in which distinctions made between women, children, soldiers, civilians, etc. was no longer held. Bringing in international agencies that were used to dealing with conflicts with clear rules of engagement by both sides was particularly difficult, for instance when the UNRF II (United National Rescue Front II) turned against their people.

Mr Lomo responded by firstly agreeing that the resolution of the West Nile conflict had been based on the relations of elders, but that there was more to it as well. The army needed advice to learn the systems of traditional culture in order to solve the problem. Initially, the army had viewed these groups merely as rebels, but the parents saw them as their children. While the elders had dictated that the conflict must end, Mr Lomo disagreed that West Nile was any less militarised than Acholiland—both groups had to deal with the encroachment of government and military on their traditional institutions and hierarchies. The difference here was the approach of the commanders of the military, particularly Major-General Katumba Wamala. He actively approached the elders and in consultation with them, urged the rebels to surrender. He also used

Please Note: This Seminar Summary is for information purposes only and should not be directly quoted or cited. The views presented here are those of the individuals only and not necessarily that of the RLP.

Please contact the RLP for further information.

this approach when he was posted to Gulu. However, his subsequent transfers in both cases hampered efforts to resolve both conflicts.

It was stressed again that the reason why the war has continued, in the view of many in the army, is because the Acholi people have not conceded defeat. For them, the peace process would be a tacit admission that they cannot defeat the Acholi people militarily. Because of this sentiment, it is only through political will that the war may end.

An “International Community”?

Another member of the audience commended the use of the dichotomy between the humanitarian and political spheres. However, he wanted to ask how useful the approach might be, as most humanitarian groups acknowledged both areas of the problem (with the Asian Tsunami as an exception). There were clear examples in some cases where aid had prolonged a crisis (especially where relief had ended up in rebel hands). Furthermore, the international community is very amorphous and diverse, even as NGOs must look after their own workers. In Sudan, a great deal of pressure for both political solutions and humanitarian aid had been applied by the international community. He also acknowledged that the government of Uganda was good at manipulating international political opinion—President Museveni often played the enlightened new breed of African leader, but when criticised turned into the African nationalist playing the anti-colonial card. **A final problem was that with international interest, he suggested that concrete action points on what should be done might need to be offered in order for action to take place.**

Dr Finnström replied by noting that people in Gulu did see the international community precisely as one group. At Acholi Inn for example, three classes of customers were identified: UPDF officers, former LRA commanders, and the “Mzungu community”. These symbols are powerful to the local people, and could be harnessed for solving the crisis.

Mr Lomo added that he was somewhat cynical about the “international community”, agreeing that it was a diverse group. The concrete steps were there, but the anarchic nature of the international system required both local and external mediators. The solution depends on those who have the leverage: if they were to push President Museveni to the negotiating table with a “terrorist organisation”, the implication was that they might have to do the same with Osama bin Laden. Recognising that the problem is extremely complex, the “war on terror” was on the wrong foot. Incentives and sustained nudging by these actors was needed, but who should one ask?

Roles and Effects of Humanitarian Actors

One participant noted that besides the militarisation of Acholiland that had been stated earlier, the chiefs had also lost some of their authority due to the formation of IDP (internally displaced persons) camps in which another hierarchy of local IDP camp leaders existed. However, his question was what exactly is the role of humanitarian organisations in Gulu? He had observed many groups coming and going around the area without actually doing much. How effective were they?

Please Note: This Seminar Summary is for information purposes only and should not be directly quoted or cited. The views presented here are those of the individuals only and not necessarily that of the RLP. Please contact the RLP for further information.

In reply, Dr Finnström described some of the “research” being conducted as strange—at times, people from the camps were being brought to the NGO offices to answer questions. The camps were also becoming something like zoos. It was potentially the case that we don’t need more research as everyone knew that the conditions of the camps were unacceptable, what was needed now was a settled solution to the war. Commenting on the role of elders, he stated that people in Gulu do not support their elders 100% either. Part of the problem was so-called “veranda elders” who sat in verandas and gossiped rather than taking active roles in their community. One sentiment he had heard was that, “They lit a candle, left for London, and now the bush is on fire.” The historical problem was that many elders had initially asked their people to join the rebels, and in the aftermath of atrocities against their own people, they had lost some of their legitimacy. Elders were also somewhat perceived to have turned their backs on the problem, as demonstrated by the quotes. “Cleansing” to restore some faith in the elders was required before peace talks could occur, even as there remained a generational gap.

Mr Lomo also agreed and cited instances when humanitarian action undermines the political process, thus condemning people to live in difficult situations. As humanitarian action is supposed to be temporary, the onus is to immediately start looking for the root causes of the problem. Neutrality can hinder understanding and investigation of the political aspects of the problem. The question was how do we create points of pressure and yet strike a balance? The relationship between humanitarian and political actors, institutions, and structures was problematic because neutrality avoids critical and objective analysis of the problem and taking sides. We must take sides. Mr Lomo agreed with the Noble Peace Prize winner Elie Wiesel who has argued that we must not remain silent and neutral in the face of injustice and oppression.

A lady then commented that the northern war had failed to turn into a national issue, and the perception still existed that it could or should still be solved locally. Ending the conflict was not part of the mandate of humanitarian organisations, only assisting the IDPs physically. In her opinion, some organisations feared making attempts to end the conflict for fear of losing their livelihoods. Thus there was a need to change their mandates according to the situations they encountered. She suggested that perhaps another platform outside UN-OCHA (United Nations Office for the Coordination of Humanitarian Affairs) was needed, dedicated instead to ending the war.

Mr Lomo agreed that it was the collective duty of all Ugandans, not just individuals to solve the problem. It had been a deliberate choice of the leadership to package the war as a local conflict. It was only when Operation Iron Fist backfired in 2002 that the brutality of the war reached Kampala and the debate begun in particular in local FM radio stations. When the government realised that the packaging of the war as an Acholi problem was unravelling under intense public scrutiny, it decided to muzzle the radio stations arguing that they were operating *ultra-vires* their business plans. Thus it was quickly shut down, with radio stations being barred from discussing the issue. A further perception was that Ugandans individually did not feel they had much say. With Uganda being described as a “success story” internationally, who were they to speak up against the problems in the north?

Please Note: This Seminar Summary is for information purposes only and should not be directly quoted or cited. The views presented here are those of the individuals only and not necessarily that of the RLP.

Please contact the RLP for further information.

The Bigombe Peace Initiatives

A final question from the audience was taken, with the question over Betty Bigombe and what factors had been frustrating her efforts.

Dr Finnström felt that Betty Bigombe was not a neutral broker herself a minister (during the course of the 1994 negotiations), and the rebels were somewhat sceptical about her. On the other hand, she had a history of near-success, as she had nearly reached a peace deal. Furthermore, she hadn't received the necessary political support she needed from Kampala. The government instead was sending mixed messages: on the one hand, there was the Amnesty Act which promised to pardon those who lay down their arms, and on the other there was the enactment of anti-terrorist laws aimed at groups such as the LRA. Bitter language from actors was also a big obstacle to peace, and used by nearly all actors. Finally, the ICC warrants were further undermining the peace process.

Mr Lomo argued that Ms Bigombe failed because the government of Uganda had never been interested in a peace process. President Museveni was consistent in at least one aim: that the war should end militarily. He only caved to international pressure to talk because of political expediencies in maintaining his international image. The processes were predetermined—he encouraged participants at the seminar to read RLP's working paper no. 12, which showed one possible avenue, as had been tried and proven in resolving the West Nile conflicts. Instead, the government made unreasonable demands (especially undermining the 1994 peace talks by Ms Bigombe). The international vested interests to punish impunity had led Otti to make strategic attempts in calling for peace talks, but how genuine these were was doubtful.

Mr Bishop thus called the seminar to an end, announcing that the panellists would remain behind for further discussion. He thanked all who attended for their participation and the two speakers for contributing to the seminar.