



KEYNOTE PAPER

Security and protection

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Abstract

A concern with security can undermine protection in important ways, though the discourse of protection can be manipulated by those with a security agenda. War (especially a 'good war') confers a degree of legitimacy (and legality) for various kinds of violence. The more 'legitimate' a particular military endeavour appears to be (and the more the enemy has been demonised), the more opportunities there are likely to be for violence and exploitation under the cover of this legitimacy. The positioning of a civil war within some kind of 'global war' (the Cold War, the 'war on terror') helps to create 'windows of impunity' for powerful local actors, many of them governmental.

At any given moment in any given place, a particular 'enemy' (perhaps more than one) will be identified, and protection problems are likely to accumulate around this definition of the security problem. There is also likely to be a favoured instrument (or perhaps more than one) for addressing the crisis (defeating spoilers, deploying peacekeepers, delivering relief etc.). The designation of enemies and the commitment to favoured solutions may both create major protection problems as certain kinds of violence are tolerated in the interest of some 'wider' or 'more pressing' goal.

Weighing advocacy against relief delivery is always difficult. But we should consider the possibility that de-emphasising advocacy emboldens abusive parties on the ground so that humanitarian space shrinks over time. Abusive parties are learning lessons fast about how to manipulate information flows surrounding conflicts; the international humanitarian community needs to speed up its 'lesson learning' accordingly.

Broadly, I take ‘protection’ to mean safeguarding people from violence, whereas ‘security’ I take to mean providing some kind of apparatus of protection in the face of some officially-designated threat or threats. These threats may take the form of a hostile foreign power, terrorism, or flows of migrants/refugees. Sometimes security and protection may clash strongly, as when ‘security’ dictates that refugees are denied a safe haven in neighbouring or distant countries. In practice, the concept of security is being routinely deployed in ways that undermine protection.

For those who are prioritising security - including what Mark Duffield calls ‘containment’, notably the containment of population flows from poor countries to rich countries¹ - the discourse of ‘protection’ (and the associated laws) may represent an irritating constraint. Even more irritating may be the various laws (humanitarian law, human rights law, refugee law) that claim or seek to uphold protection. After all, law restricts freedom of manoeuvre and indeed is designed to do so. At the same time, the discourse of ‘protection’ may also present opportunities for those who are actually much more concerned with security. Protecting minorities and vulnerable populations, after all, was one of the principal justifications for European colonialism in the past, and today – as Mahmood Mamdani shows² - the idea that those in failed or failing states must be protected often serves as a kind of Trojan horse for military interventions. Military interventions may undermine protection on the ground in important ways, so that protection becomes a source of ‘anti-protection’. The fashion for military interventions, whilst it took a knock in Iraq, has been boosted by the view – still commonly advanced - that you cannot today have security without the replacement of rogue and failing states by more ‘developmental’ ones.³

Given the tensions between a protection agenda and security agenda, there seems to be a strong temptation to provide something approximating to a pretence of protection in circumstances where it is actually a security agenda that is being more vigorously

¹ Duffield has noted: “It is now commonplace for policy makers to assert that development and security are interconnected in the sense that you cannot have security without development or development without security... However, it remains incomplete without a third category that is here called *containment*. That is, those various interventions and technologies that seek to restrict or manage the circulation of incomplete and hence potentially threatening life, or return it from whence it came... Beside increasingly stringent visa and immigration controls, this includes the transformation of the international refugee regime into one of restriction, return and reintegration (Mark Duffield, 2008, “Global Civil War: The Non-Insured, International Containment and Post-Interventionary Society”, *Journal of Refugee Studies*, vol. 21, no. 2, p. 146).

² Mahmood Mamdani, *Saviors and Survivors: Darfur, Politics and the War on Terror*, Pantheon, 2009.

³ See, for example, Paul Collier, *The Bottom Billion* (Oxford: Oxford University Press, 2007); Paul Collier, *War, Guns and Votes: Democracy in Dangerous Places* (Oxford: Oxford University Press, 2009); Tony Blair, “A Battle for Global Values”, *Foreign Affairs*, January/February 2007. In his influential and bestselling book *The Pentagon’s New Map* (Putnam, 2004), Thomas P. M. Barnett notes that the United States has a “unique capacity to export security around the planet... this new strategy of pre-emption and this new global war on terrorism must be subordinated to the larger goal of spreading economic globalization around the planet... I am proposing a new grand strategy on a par with the Cold War strategy of containment – in effect, its historical successor.” (Barnett, 7). For a cogent analysis of the discourse that links security and development, see Mark Duffield, 2008, “Global Civil War: The Non-Insured, International Containment and Post-Interventionary Society”, *Journal of Refugee Studies*, vol. 21, no. 2, pp. 145-165.

advanced. This might include setting up an unsafe safe area or a promise of protection by presence, the latter critically examined in relation to Darfur by Sorcha O’Callaghan and Sara Pantuliano.⁴ Importantly, this is not a new phenomenon. For example, in the mid- to late-1980s there was an international cover-up of government-made famine in Sudan at a time when this government was considered a Cold War ally for the West.⁵ Today, there are still many friends whose sins are being ignored or quickly forgotten, though the security rationale has changed. In Sri Lanka, the pursuit of a military solution to the Tiger/Tamil problem was presented by the Sri Lankan government as a “humanitarian rescue operation”, and the international community bought into this to a large extent. The Tamil Tigers’ habit of holding populations captive gave this official story an aura of plausibility, but the government’s strategy of denying access for journalists and aid workers to key areas (and of gagging aid agencies more generally) helped to disguise (and make possible) massive human rights abuses against Tamil civilians, including the internment of more than 260,000 people. Particularly important in setting the context for repeated concessions to the Sri Lankan government has been the government’s success in positioning the war against the Tigers within a more general framework of a global ‘war on terror’. Western countries helped to give a ‘green light’ to Colombo’s policy of giving war a chance – notably when there was minimal reaction to the expulsion of aid agencies from the north in September 2008 (at time when the government was actually announcing its intention to bring the Tamils to camps in Vavuniya where they are now).

On the ground, the Sri Lankan government can seem all powerful, particularly when it is dividing aid agencies and donors against each other. On the other hand, it has a major financial dependence on international bodies and trade and has a closely related extreme sensitivity about its international image. Indeed, the government would not go to such lengths to control flows of information if it were not so sensitive about its image. I would like a rather more general point about leverage and influence. Rather than simply condemning those who are promoting violence, as Vivian Lee and I argued in a recent ODI paper, it would be better to try to map the diverse reasons – self-interested, ideological, religious - that potential perpetrators may have, firstly, to respect international law and, second, to disregard it.⁶ Reasons for disregarding international law might include a lack of economic alternatives. Reasons for respecting it might include a rebel movement’s political ambitions or a government’s financial dependency. After such a mapping exercise, we are much better placed to influence the perpetrators (for example, through livelihood interventions as well as various kinds of leverage, including targeted sanctions). Of course, this assumes that international actors want to rein in the violence rather than encourage it. So that mapping exercise has to be extended to the richer countries, in my view.

⁴ Pantuliano, Sara and Sorcha O’Callaghan. 2006. The ‘protection crisis’: A review of field-based strategies for humanitarian protection in Darfur, HPG Discussion paper, ODI, London, December.

⁵ David Keen, *The Benefits of Famine: A Political Economy of Famine and Relief in Southwestern Sudan, 1983-89* (Oxford: James Currey, 2008; Princeton: Princeton University Press, 1994).

⁶ David Keen and Vivian Lee, “Civilian status and the new security agendas”, in Sarah Collinson, James Darcy, Nicholas Waddell and Anna Schmidt, *Realising protection: The uncertain benefits of civilian, refugee and IDP status*, HPG Report 29, ODI, London, September 2009.

Importantly, alongside successfully presenting its struggle as a ‘war on terror’, the Sri Lankan government was apparently assisted in gaining a significant degree of cooperation from India, Pakistan, China, Iran and a range of Arab states – not least through objecting vocally to what it portrayed as Western and neo-colonial attempts to infringe its sovereignty. Colombo cited the US media’s subservience over Iraq as a reason why that media could not be trusted on the Sri Lankan situation.

While hailed as a way of bringing war to a close, policies involving mass displacement and internment have strong potential for perpetuating violence, a prospect that may suit some groups within the security apparatus. To judge from my own informal conversations with soldiers in Sri Lanka, the military there does not see itself downsizing any time soon. In fact, the government recently announced it plans a major *increase* in the size of the military. In the context of mass incarceration and a highly militarized north, ethnic conflict is likely to be reinforced. Certainly, it will not be possible to convince the Tamils that they are now being treated as equal citizens. There are echoes here of Ethiopia. Referring to the Ethiopian government’s attacks on rural communities in the Ogaden region and to mass detentions and restrictions on humanitarian aid and commerce in the region, Human Rights Watch noted in June 2008:

These crimes are being committed with total impunity, on the thinnest of pretexts. They are generating a perception in the area that simply being an ethnic Somali – and particularly a member of the Ogaadeeni clan which constitutes the backbone of the ONLF (Ogaden National Liberation Front) – is enough to render a person suspect in the eyes of the national government.⁷

Of course, this is part of a wider problem with using a military ‘sledgehammer’ to crack an insurgent or terrorist ‘nut’. We know that the global ‘war on terror’ clearly creates the danger that large numbers of Muslims will see themselves as suspect in the eyes of key Western governments, not least because of the US’s own practice of indefinite detention. Mass detentions in Sri Lanka and Ethiopia have come after the internment of almost the entire Acholi population in northern Uganda over a prolonged period (escalating from 1996). Again, this policy, which involved government attacks on many rural areas, was justified by the government as a ‘protection’ project – namely the protection of civilians from the rebel Lord’s Resistance Army, a rebel movement that the Ugandan government had generally failed to confront in any effective manner.⁸

Part of a pretence of protection may come when powerful countries make a rather unconvincing claim that protection is being provided. Susan Woodward showed how actions to provide protection in the former Yugoslavia (notably the setting up of unsafe ‘safe havens’) were motivated in part by a desire to limit flows of refugees into Western

⁷ Human Rights Watch, 2008, *Collective Punishment: War Crimes and Crimes Against Humanity in the Ogaden Area of Ethiopia’s Somali Regional State*, New York, June, p. 4.

⁸ See, notably, Chris Dolan, 2009, *Social Torture: The Case of Northern Uganda, 1986-2006*, Oxford, New York: Berghahn Books; Human Rights Watch, 2005, “Uprooted and Forgotten: Impunity and Human Rights Abuses in Northern Uganda”, New York, September.

Europe.⁹ It has also been quite common to claim that the international community is providing ‘protection by presence’, that is by the presence of aid agencies. This claim was effectively questioned in an important analysis of the Darfur crisis, for example, by Sorcha O’Callaghan and Sara Pantuliano.¹⁰

Some of the usefulness of the United Nations and even NGOs for parties that are prioritizing security (whether these are local or international actors) may be the role that they can play in generating an appearance of protection (rather than a reality). The strongest version of this thesis (which I think is overstepping the mark but sometimes comes close to the truth) is that UN agencies (and even NGOs, particularly those receiving substantial government funding) are paid (by international governments) and tolerated (by local governments) so long as they are ready to give the impression (through their words and their silences) that protection is being provided when actually it is not.¹¹ A common phenomenon is for aid workers in the field to be enraged by human rights abuses against those with whom they come into immediate contact whilst aid agencies’ headquarters (particularly within the UN system) try to rein in this anger and to issue relatively diplomatic (or vague) statements that, in practice, help to conceal or downplay a protection crisis. When aid agencies are providing assistance that funds internment, this silence is particularly unfortunate.¹²

There may be some good reasons for aid agency reticence, including a concern for staff safety and a desire to continue to provide practical help. But there are also some more self-interested reasons – for example, a concern with individual careers, a desire to respond to organizational incentives that prioritise delivery over advocacy, a preoccupation with organizational profile, and a desire to avoid upsetting international governments that provide significant funding. In line with other emphases on a lack of openness in the UN system, one representative of a major donor in Sri Lanka commented:

We need from our UN partners transparency, admitting there are obstacles and problems. The system as presented on paper is not the reality. It’s not helpful if these elements remain hidden – the protection environment, problems of distribution.

That can help the humanitarian arms of powerful governments in their rather unequal negotiations with their own foreign services.

Moreover, whilst staff safety is a legitimate concern, some observers have pointed to a growing intolerance of expatriate staff casualties in particular and a fashion for ‘remote control’ that arguably serves to relocate risks to national staff.

⁹ Susan Woodward, *Balkan Tragedy: Chaos and Dissolution after the Cold War*, Washington D.C: Brookings Institution. Compare Duffield “Global Civil War”, op. cit., on ‘containment’.

¹⁰ Sara Pantuliano and Sorcha O’Callaghan. 2006. The ‘protection crisis’: A review of field-based strategies for humanitarian protection in Darfur, HPG Discussion paper, ODI, London, December.

¹¹ See, for example, David Keen, *Complex Emergencies* (Polity, 2008).

¹² See, again, Dolan on Uganda.

Striking the balance between advocacy and delivery is not easy. Some aid agencies in Darfur felt that they had made significant concessions on advocacy issues, but then were kicked out anyway (notably, in a context where they were seen as likely to provide information to the ICC). Many aid workers in Sri Lanka feel that that a prioritisation of delivery over advocacy had ultimately had very adverse affects for the protection of target populations, and had actually done little to enhance staff security or even the ability to deliver relief goods and services. In fact, the amount of ‘humanitarian space’ in which aid agencies could operate was perceived as having shrunk alongside a series of concessions to the Sri Lankan government, which was seen – rather on the model of a bully - as having been emboldened by each successive concession. Today’s trade-off, even when it appears to be a sensible one, may create a worse situation (and a smaller humanitarian space) tomorrow – because of the signals sent.

Significantly, many crisis-affected countries are becoming increasingly skilled at managing the information flows around their military operations. Whilst the international community has often been slow to learn lessons from humanitarian crises (not least because of high turnover of staff),¹³ local actors seem often to be very quick and very skilled at learning lessons from previous and current crises, and that includes crises within their own country (where many of the same local officials are likely to be in power) and crises beyond their borders. The United States, Israel and Sudan are in many ways pioneers in manipulating the information flows around military operations. We cannot understand the interplay between security and protection without understanding how conflicts overlap and interact in complex ways: there are wars within wars. An ethnic conflict over local resources may occur (and may be encouraged) within the context of some wider war, for example a war that pits the national government against a rebel movement. That national conflict is itself likely to take place in the context of some wider war – perhaps a regional war, or even some declared global war such as the Cold War, the ‘war on drugs’, or the ‘war on terror’. Complicating these declared wars at the international level, there is likely to be a range of struggles - for example, the struggle for development – that may also lend particular governments a ‘favoured’ status in the eyes of powerful international actors. Nor is this necessarily separate from a concern with security, since (as Duffield has shown) development and even democracy are now routinely lauded as necessary for ‘security’. A good – or a bad – example of this comes in the work of bestselling author Thomas Barnett, much feted in the Pentagon. After explaining that the world is divided into a ‘core’ of functioning and law-abiding states that subscribe to globalization and a ‘gap’ that rejects globalization and generates war and terrorism, Barnett notes, “What we have to make clear to both Americans and the rest of the world is that it is not a matter of the U.S. Government acting unilaterally whenever it pleases, just wherever it needs to inside the Gap.”¹⁴

¹³ Sometimes the *wrong* lessons have been learned – perhaps most damagingly when the deaths of US soldiers in Somalia fed into a weak international response to the 1994 Rwandan genocide.

¹⁴ Barnett, op. cit., p. 176.

Within today's complex and overlapping 'war systems', a certain amount of violence (which we might also call human rights violations or a lack of protection) has been seen as 'worth it'. This ties in with analysis by John Gray. Considering examples that include Communism and today's 'war on terror', Gray argues in his book *Black Mass* that large-scale violence has routinely been justified within a quasi-religious framework that sees it as the route to an earthly paradise that never quite arrives. As Mark Duffield once put it, "It is always a case of one more massacre, of winning this endless war, and we will be free."

War itself confers a degree of legitimacy (and legality) for various kinds of violence, including economically-oriented violence and certain kinds of violence against civilians.¹⁵ (And violence against civilians can help to generate legitimacy for further violence – by creating additional enemies.) On top of the legitimacy provided by the notion of a 'war', there is additional legitimacy to be obtained from the notion of a 'good war'. Indeed, the more 'legitimate' a particular military endeavour appears to be (and the more the enemy has been demonised), the more opportunities there are likely to be for violence and exploitation under the cover of this legitimacy.

Since war confers legitimacy as violence, it may be important to insist that 'we' are waging war but our opponents are simply criminals or terrorists. (or, from the other side, that 'we' are engaging in a political rebellion but 'they' are waging genocide).¹⁶ The reflex to position oneself within the law and one's opponents outside it is also evident in the politics of the International Criminal Court and in the 'war on terror', as ably discussed by Mamdani, who observes (274):

As the Bush administration made patently clear at the time of the invasion of Iraq, humanitarian intervention does not need to abide by the law. Indeed, its defining characteristic is that it is beyond the law. It is this feature that makes humanitarian intervention the twin of the War on Terror.¹⁷

At any given moment in any given place, a particular 'enemy' (perhaps more than one) will be identified, and protection problems are likely to accumulate around this definition. There is also likely to be a favoured instrument (or perhaps more than one) for addressing the crisis: this may involve waging war on the 'spoiler' (or designated enemy); it may involve trying to bring in UN or regional peacekeepers; it may centre on humanitarian

¹⁵ Hugo Slim, *Killing Civilians: Method, Madness and Morality in War* (London: Hurst and Co., 2008); Tim Allen, 1999. "Perceiving contemporary wars", in Tim Allen and Jean Seaton (eds.) *The Media of Conflict: War reporting and representations of ethnic violence*. New York: St Martin's Press; David Keen, *Complex Emergencies* (Cambridge: Polity, 2008). Mamdani notes that "Universal condemnation is reserved for only one form of mass violence – genocide – as the ultimate crime, so much so that counterinsurgency and war appear to be NORMAL developments." (Mahmood Mamdani, *Saviors and Survivors: Darfur, Politics and the War on Terror*, London: Verso, 2009, p.279).

¹⁶ The depiction of rebels as criminals and/or terrorists is notable in the work of Paul Collier.

¹⁷ Interestingly, discourses around genocide may lend themselves to a strategy of pre-emption. Mamdani quotes the Prosecutor's statement when an arrest warrant was sought for Sudanese President Omar el Bashir in July 2008: "The crime of genocide is a crime of intention. Al Bashir has the intention to destroy the target groups. We don't need to wait." (Mamdani, *Saviors and Survivors*, 272).

aid. These chosen solutions may move in and out of fashion according to prevailing collective passions. Yet each named enemy and each favoured solution also creates the possibility – and I would rather say the likelihood – that a particular set of abuses will be tolerated, whether this is in the interest of defeating a particular enemy or pushing through a particular solution, or both. We have seen the toleration of local abuses in the context of the Cold War (Sudan, Mozambique, Angola, etc.) and in the context of the ‘war on terror’ (Israel, Pakistan, Ethiopia, Somalia, Sri Lanka, etc.).

When it comes to the identification of enemies and spoilers, I would want to stress the importance of a range of questions that tend to disappear from view. What are the opportunities for unpunished abuse that arise from signing up to a military operation against some officially designated and despised enemy? How are the spoilers of a particular peace agreement or transitional process being identified? Which groups of civilians are targeted – or deprived of humanitarian aid – because of an association with a named spoiler?¹⁸ Who are the spoilers – especially those linked to a counterinsurgency – that are somehow escaping official or international vilification, and what are the consequences for civilians? The new fashion for UN integrated missions lends itself – at least in theory – to coordinated support for transitional governments and confrontation with non-governmental spoilers.¹⁹

Sometimes conflict resolution demands a ‘re-think’ on the commonly accepted ‘spoiler’. This was certainly the case in Sierra Leone, where UK-led reforms of the government army contributed powerfully to peace (something that often gets forgotten when the British are hailed as having successfully defeated the RUF, a military confrontation that actually never took place).²⁰ In Colombia, President Alvaro Uribe successfully explored the possibility of negotiating with the paramilitaries. Whereas it had always been thought that paramilitary demobilisation would follow when peace was made with the insurgency, now there was a policy of negotiating with the paramilitaries for demobilization (negotiations that included the threat of prosecution).²¹

When it comes to the adoption of favoured solutions, another set of important questions habitually goes missing. What human rights abuses are tolerated or downplayed and what opportunities for peacemaking are overlooked when there is an overriding priority attached – as has sometimes been the case in Darfur, for example – to bringing in international peacekeepers? Where the international priority is delivering relief, what human rights abuses are concealed, tolerated or even encouraged in the interests of such

¹⁸ Christine Messiant documented this process in relation to civilians in areas of Angola where rebel UNITA forces were strong (“Angola: Woe to the Vanquished”, in Fabrice Weissman, ed. *In the Shadow of Just Wars*, MSF/Cornell University Press).

¹⁹ See, for example, Duffield, “Global Civil War”, op. cit..

²⁰ An example of analysis that exaggerates Britain’s military confrontation with the RUF is Paul Collier’s *Wars, Guns and Votes*.

²¹ See, for example, Kimberly Theidon, 2009, “Reconstructing Masculinities: The Disarmament, Demobilization, and Reintegration of Former Combatants in Colombia”, *Human Rights Quarterly*, vol. 31, pp. 1-34.

delivery? What kinds of advocacy are sacrificed for what kinds of aid agency presence? Sobering examples of an overriding priority to relief include not only Sri Lanka in the current crisis but also the UN's Operation Lifeline Sudan in the 1990s, an operation that saw an international blind eye to massive violence in the Nuba Mountains whilst relief to southern Sudan was prioritised under an agreement with the Sudan government. In addition to the play of material, political and geopolitical interests, we can observe a certain fetishism and a certain group-think and a certain element of magical thinking in both the selection of enemies and the selection of solutions. We need to be aware of these processes, and we need continually to bring into view evidence that may challenge these prevailing decisions. This is rarely easy – not least because decisions (on enemies and on solutions) that are dysfunctional in terms of providing protection nevertheless tend to serve important functions for a range of important actors. Understanding these complex but often far from incomprehensible systems is essential if we are to understand what I would call the 'windows of impunity' that allow human rights abuses to flourish within particular contexts, perhaps for a limited (but often devastating) period.

Gaining clarity on these issues is not helped when 'security' gains precedence over 'protection'. Many NGOs have long been wary of advocacy on protection issues, sensitive to the danger it brings to staff and country programmes. Some NGOs have complained that the 'war on terror' has made it much more difficult for them to appear neutral and has further jeopardized their safety. Where a security agenda gains dominance (including explicit statements from the US government about the need to subordinate humanitarian to military operations), then it becomes very hard for aid agencies to stake a credible claim to neutrality.

A major factor helping to determine patterns of impunity in today's world is the degree to which a particular state is allied with the dominant global power, the United States. Just as the United States has tried to ensure that it remains beyond the reach of the International Criminal Court (notably by signing agreements with individual countries that each party will not hand over each other's nationals to the ICC), so too those governments that are allied with the US enjoy, in practice, some degree of impunity. As Mamdani notes, the ICC has so far charged only the LRA leadership and not that of the pro-US Ugandan government. At the same time, the demand for justice against the LRA is seen by many civilians as jeopardising peace²² (though others support it).²³ Mamdani (285) argues that "The main external obstacle to a peace agreement between the LRA and the government of Uganda is in fact the ICC's determination to criminalize the LRA's leadership in the name of pursuing justice." Meanwhile, in relation to the DRC the ICC has not drawn attention to the links between ethnic militias and the armies of Uganda and Rwanda.²⁴

Uganda and Rwanda's destructive interventions in the DRC drew relatively little criticism from the US and the United Kingdom in particular. Uganda and Rwanda's exploitation of

²² Mamdani, *Saviors and Survivors*, 284-5.

²³ For an in-depth discussion, see Tim Allen, *Trial Justice* (London: Zed Press).

²⁴ Mamdani, *Saviors and Survivors*, 283-4.

natural resources in the DRC did not meet with a response that was anything like as strong or determined as those designed to rein in rebel groups like UNITA in Angola or the RUF in Sierra Leone.²⁵ The Ugandan and Rwandan governments were praised for an economic performance that actually reflected, in part, their exploitation of DRC resources.²⁶ Whilst the Rwandan government claimed to be confronting Interahamwe groups linked to the 1994 genocide, such confrontations were actually rather scarce; by contrast, the economic benefits from Rwanda's interventions were substantial. Perhaps significantly, Rwanda and Uganda were among the select 'coalition of the willing' that signed up to the planned invasion of Iraq. They have also been hailed – for example, by the UK government – as rare examples of developmental government in Africa. Combined with a significant investment of foreign aid in these countries, this habit of praise – as Chris Dolan and Zoe Marriage have shown in different ways – makes it difficult to turn round and criticise these governments.²⁷ Meanwhile, the Ethiopian government has also shown a repressive side (including a devastating blockade of aid and commercial trade imposed on the Somali region [the Ogaden]),²⁸ whilst deriving from its closeness to the US government in particular a degree of immunity from criticism, a closeness solidified when Ethiopia was willing to go into Somalia and confront Islamists there.

The problem is not just that an inconsistent application of international law, standards and criticism creates impunity; it also generates anger among those who perceive this inconsistency, undermining respect for the instruments purporting to enforce international law.

Protection has often been conceived as something meted out (or not) to passive victims, just as food was often conceived – particularly before Amartya Sen's work *Poverty and Famines and Hunger and Public Action* (with Jean Drez), Barbara Harrell-Bond's *Imposing Aid* and Alex de Waal's work *Famine that Kills* – as something that was meted out (or not) to passive victims.²⁹ But looking at protection as something handed out tends to reinforce relatively imperialist models that reinvent military intervention and occupation. We need also to examine – by analogy with Sen's work on entitlement to food – what kind of protection people are able to command, and this reminds us to see the victims of disasters (to go back to Mamdani) as citizens rather than subjects, as people

²⁵ Neil Cooper, 2002, 'State Collapse as Business: The Role of Conflict Trade and the Emerging Control Agenda', *Development and Change*, vol. 33, 5: 935-955.

²⁶ David Keen, *Complex Emergencies*; Neil Cooper; Report of the Panel of Experts (DRC), 2002. "Final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo", report to UN Security Council, October 16.

²⁷ Chris Dolan, *Social Torture*, op. cit.; Zoe Marriage, *Not Breaking the Rules, Not Playing the Game: International Assistance to Countries at War* (London: C. Hurst and Co., 2006).

²⁸ United States Senate, 2008, Committee on Foreign Relations, Subcommittee on African Affairs, "Centering Human Rights in U.S. Policy on Somalia, Ethiopia and Eritrea, Testimony by Lynn Fredriksson, Amnesty International USA, March 11.

²⁹ The paradigm shift effected by Sen in the study of famine was arguably not just a shift from macro to micro but also from passive to active. Certainly, de Waal's work involved a shift from looking at *what people receive* during a famine towards examining *what people do*.

with rights, people who are at least potentially “agents in their own emancipation”³⁰ rather than people who are simply in need of a military umbrella. If we look at the protection that people are able to command, we need to look at what they can command through the market (as in private security or even paying people not to attack or detain you), through physically moving,³¹ through resort to arms (as with the civil defence organizations that were important in standing up to government soldiers and rebels in Sierra Leone),³² and through various kinds of political clout that they may be able to exercise (whether locally, nationally or internationally). War does not represent total collapse but rather the emergence of alternative systems of profit, power and protection. We need to understand not only the economic systems but also these actually existing systems of protection, some of which might usefully be assisted. At the same time, I see some danger in the growing fashion for talking about ‘self-protection’. Part of the way that the aid bureaucracy accommodated widespread deficits in humanitarian relief in the 1980s and beyond, in my view, was through lauding the coping strategies of would-be recipients and through relabelling relief deficits as magically avoiding the creation of dependency. Is there perhaps a similar danger with the discourse of ‘self-protection’, with people’s alleged ability to protect themselves being lauded while flight is relabeled as a solution rather than a problem? Who does and does not have this entitlement to protection, and what is the role of politics at local, national and international levels in determining who does and who doesn’t? When it comes to the so-called ‘responsibility to protect’, Mamdani asks: “What are the likely implications of the absence of citizenship rights at the core of this system? Why would a system of trusteeship not degenerate yet again into regimes that lack accountability and responsibility?”³³

In Sri Lanka, the pursuit of a ‘military solution’ has also sometimes been presented as removing the last obstacle to growth and development in the country, as when *The Economist* noted in April 2009, “Coinciding with a period of high economic growth outside the war-zone, in the west and south, the conflict has come to seem an increasingly anachronistic blot on a hopeful country... Mr [Mahinda] Rajapaksa [Sri Lanka’s President] has almost erased this stain.”³⁴

This is by no means the first time that subscribing to globalisation and economic liberalisation has helped to secure a degree of impunity for a government engaging in abuses. An earlier example that I was able to research in some detail came during the early and mid-1990s when the military government of Sierra Leone gained very considerable impunity for government troops’ abuses by adopting policies of financial orthodoxy that

³⁰ Mamdani, *Saviors and Survivors*, 275.

³¹ See, for example, Hugo Slim and Andrew Bonwick, *Protection: An ALNAP guide for humanitarian agencies*, London, Overseas Development Institute, 2005.

³² On occasions when civilians resort to arms to protect themselves (as with the civil defence forces in Sierra Leone), they risk losing their status as civilians in the eyes of combatants. This may be worth the risk when this status did not protect them in the first place (see, for example, David Keen, *Conflict and Collusion in Sierra Leone*, Oxford, James Currey, 2005).

³³ Mamdani, *Saviors and Survivors*, 277.

³⁴ “Dark Victory”, *Economist*, 23 April 2009 (economist.com).

were pleasing to international financial institutions. Presaging the ‘hall of mirrors’ in Uganda and Rwanda, it was the very abuses of a mostly ‘self-funding’ military that allowed the apparent ‘economic miracle’ of holding down inflation in wartime. The Sierra Leone case also reminds us that relatively unthinking definitions of the ‘spoiler’ – in this case the focus on RUF rebels – can create impunity for other spoilers, notably those linked in some way to the counterinsurgency.³⁵ The failure to see government troops as powerful spoilers has more recently been notable in the DRC.³⁶ Meanwhile, soldiers of Somalia’s transitional government (favoured by the US for its anti-Islamist stance) have largely escaped governmental censure despite their involvement in repression and the obstruction of humanitarian aid.

³⁵ David Keen, *Conflict and Collusion in Sierra Leone* (Oxford: James Currey, 2005).

³⁶ See, for example, Koen Vlassenroot and Timothy Raeymaekers, “Kivu’s Intractable Security Conundrum”, *African Affairs*, vol. 108, 2009.

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