The Moral Burden of Responding to Africa's Violent Conflicts

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Abstract:

This paper considers the immoral nature of conflict, and of the leaders of such conflict. It also considers the positive moral obligations that arise both out of the special relationship that donor countries have with the countries they offer pre-conflict development assistance to, and also out of the unquestioned capacity of such donor countries to be effective in the face of conflict. The different moral relationships that characterize relief, development, and political/military interventions are considered, as is the unavoidable imposition of Northern values when relief workers rush to the aid of conflict afflicted countries. The paper finally explores the topic of transitional justice and specifically the "peace at any price" trajectory that now characterizes the peace negotiations between the Government of Uganda and the Lords Resistance Army of Joseph Kony.

Keywords: conflict, morality, Uganda, Kony, LRA, transitional justice

I. Introduction

  Denis Goulet, in almost an aside in his famous 1995 book *Development Ethics*, wondered whether "the explosive release of ancient ethnic, racial and linguistic passions" would "destroy all possibilities of genuine development founded on universal solidarity".[1] The realities of recent violent conflicts in Africa may have led some to question whether "development" is ever to be achieved, but such conflicts have certainly shaken the premise of universal solidarity that Goulet envisioned as a moral driver of global development. As recent history tragically relates, the assault on the ideal of global solidarity has been comprehensive:

> But whereas in 1988 a million dead Africans was a figure that could still shock, today the two million southern Sudanese corpses have been submerged by a tidal wave of death that has washed over Africa in the aftermath of the cold war and the dissolution of the post-colonial states. A million dead in Somalia; another million slaughtered in Rwanda; up to three million killed in Congo; hundreds of thousands killed in smaller wars in Sierra Leone, Liberia, Angola, Eritrea and Ethiopia; not to mention 17 million dead of AIDS and untold millions felled even in relatively safe countries like Kenya by the everyday scourges of crime and disease. All of this has taken place in the last fifteen years. Even for Africans, it has become a blur. As for the West, we have shut our eyes.[2]

  The violent conflicts of Africa involve death, suffering, trauma, and desperation at a scale and intensity that statistics fail to convey. Even the data is flawed; we will never know the precise number and exact fate of the multitude of victims of such conflicts, we will never be able to measure their loss, or weigh their trauma. The exposure that we in the West, or – in the language of development "the North" – receive leaves us astounded, uncomprehending. Many of us shut our eyes, or sadly conclude that nothing can be done commensurate to the awful need. The innocent, the infants, the elderly, the pregnant, the child soldiers, the many extremely vulnerable victims of such conflicts will not be reached, or if reached, will be assisted too late, with too little, to too little effect. Others take a more detached, self-interested view: "If Africa couldn't be saved in a very short time and at very little cost, then to hell with it – anyone who went there must be a saint".[3] Are we morally justified to shut our eyes, arguing that for most of us, Africa is very far away, and the primary moral responsibility of others? Are Africa's conflicts

arising out of value systems fundamentally different than those of the North, rendering us morally remote and in that sense disqualified to intervene? After all, even in our own histories, many acclaimed "freedom fighters" would have been remembered as "terrorists" had their side not prevailed.

Joseph Kony will tell you, as he told the interviewer during a rare recent video production, that he is not a terrorist.[4] He'll even say, as he said then, that he is a human being just like you or me; he too wants peace. His message becomes rather more complicated when he argues that "I am fighting for peace".[5] Yet as Goulet noted wisely: "One's ethical stance on ends is dramatically revealed in the means one adopts to pursue them".[6] By whatever universal standards of sanity and civility, the means that Joseph Kony employs to pursue his unclear goals are either evil or the product of a madman. The activities of this messianic figure and his now diminished but still powerful self-styled insurgency – the Lords Resistance Army – have been truly gruesome:

> LRA rebels mutilate, abduct children, and commit rape and other acts of sexual violence against women and girls. The LRA routinely cuts off lips, ears, and breasts; gouges eyes, and amputates limbs. Many of these mutilations are carried out to prevent "betrayals." Killings of civilians are widespread. Women are forced to lie on their backs, and their throats are cut.[7]

What do the "routine" brutalities and excesses of a madman and his followers in the far north of Uganda have to do with the universal solidarity – particularly the ethical obligations of those of us in the North – who are far more familiar with framing these obligations in the context of international development or international relief? Who bears the moral burdens of preventing, relieving, stopping, and cleaning up after such conflicts, and meeting the urgent needs that arise because of them?

II. Development versus Relief

Before contemplating the moral implications of conflict as a separate phenomenon, it is helpful to consider the extensive moral reflections in the literature and practice of development ethics directed at both relief and development. To those in the

international development community, different ethical factors define the conceptual (and often institutional) line between "development" and "relief" (or "humanitarian assistance"). Moral presumptions and available options differ significantly depending on which side of the development-relief line one is situated. Interventions intended to prevent violent conflict may come close to crossing that line, but when significant levels of violence erupt, there is very little or no room for more traditional "development".

From an ethics perspective, how does our thinking about international development change when governance crumbles, and all social order is gone? Important moral ideals lose their foundation during times of violent conflict; any semblance of public morality is lost, and many people's actions demonstrate that life is of little value. Any notion of "human dignity" becomes an absurdity. In this morally turbulent time, relief workers move in, with very different assumptions than development specialists as to what constitutes "effectiveness". Does the shift away from development to relief, and the dissolution of the various means that were being used to pursue development goals, render those earlier development goals simply inoperative or irrelevant? Do we wipe the slate clean?

A practical division of labor has long existed between the international development community and the international relief community. In times of extreme crisis, such as when widespread and poorly controlled fighting erupts, development work ceases; the risks are much too high, and the prospects of achieving or even sustaining any development goals are negligible under such circumstances. In their place comes a quiet (and always too small) contingent of emergency relief personnel. The enormous sacrifices of these relief workers demonstrate high moral ideals and intense commitment; yet how different are the central moral concepts between relief and development?

The ethical mandate of relief work is less expansive than that of development work. Emergency relief workers, their institutions, and those who support them operate from a very basic human moral response – to offer urgent care and assistance to all in

need, to respect the value of each life, and to treat all persons as moral equals. Relief workers struggle to keep as many people as possible both alive and safe, to help the victims of conflict take the tentative first steps in reconstructing their family and community structures, and to regain some viable form of livelihood. They show solidarity with those who suffer by coming to these dangerous environments, living simply, and working exceptionally long hours under extreme conditions. By this example, they create – at least for some brief time – a microcosm of a "global community". Their "universal solidarity" is tangible, yet relief workers also unintentionally and unavoidably come to represent two troubling moral messages. The first is that the outside world cares, but only so much. The second is that we are here living *our* moral values, and we have no time or capacity to ascertain and respond to *your* moral values. You are the victims, we are here to help, so for now you must trust us and our values.

The first assertion – that there is a paucity in the caring and concern of the North – is demonstrated in every crisis, from natural disasters to violent conflicts. There are never enough relief workers and supplies available to satisfy the needs, they come too late, and they leave too early. The second assertion is that there is an inequitable power relationship that is inescapable, as with any victim and caregiver. The victim is a victim because he or she is no longer able to manage. Victims must trust in the generosity, care, and competence of the caregiver. This relationship between disempowered victim and external caregiver directly raises the more complex moral questions common to relief work: who ought to set the relief initiative's goals and the means to achieve them, who ought to provide these means (relief workers, emergency supplies, food, logistical support), and how much is enough? Is it right to rush relief in to a conflict zone if it enables the warring parties to prolong the conflict?

Even more fundamental than these moral questions surrounding the means applied to relief efforts is the critical "who ought" question: who is morally obliged to shoulder the relief and reconstruction burden, and to establish the essential conditions for

justice? When an outsider comes in and takes up the relief burden, does this relieve whatever government remains (or emerges) from moral responsibility to perform basic governance functions? And what about when relief stretches into years or decades, as is the case in northern Uganda, ultimately taking the form of compulsory resettlement of the affected civilian population into under-serviced "internally displaced persons" (IDP) camps? In Uganda, the living conditions in such camps are appalling, yet whole generations are growing up with no other experience. Making life in the camps more humane is impossible under present levels of aid; the quantity of relief available from outsiders is small relative to the need, and the ability or commitment of the Ugandan government to care for these victims of the war is wholly inadequate. Who is obliged to respond?

In the moral division of labor advocated by Robert Goodin, the burden to assist victims of such crises falls to those who are most capable of helping, as he argues that those: "who are closest at hand are usually the best situated to *know* what is needed, and they are usually the best situated to *act efficaciously* to do what is needed". (Italics are the author's).[8] When violent conflict first emerges, and the relief operations begin, what becomes of that other important moral resource: the many actors (domestic and international) of earlier development programs? What happens to the energy, ideals, and commitments that propelled these development efforts? Some development specialists, and the programs and institutions they represent, continue to keep hope alive by applying their extensive knowledge of the country to become advocates both to ensure that relief efforts receive the level and quality of support needed, and to chart a path for the fastest possible return to a sustainable, genuine peace. Such peace building has traditionally been deemed the responsibility of diplomats, soldiers, and politicians, who view "peace" much more narrowly than does the development community. Is the "peace" that development specialists articulate in their thinking and their work missing from the more common notions of post-conflict peacebuilding?

Besides involving relief and development workers, the cultivation of peace takes yet a third group, who specialize in political matters and have the ability and mandate to apply coercive force to achieve public goods, such as basic security. Diplomatic, military, and political experts play a necessary and valuable role in ending conflicts, but they often equate the end of fighting with the securing of "peace". Development and relief specialists both know that the absence of violent conflict is far from genuine peace. Peace is won across many fronts: through offering urgent care and providing essential needs, forging a new and viable social contract, holding to account all those who violated human rights during the conflict period, according appropriate respect and validation to those who suffered severe loss, remembering those who lost their lives, addressing important ethical issues of fair and equitable governance, and selecting new leaders of proven moral character who are committed to the welfare of the public and the pursuit of the public good. Even in the best post-conflict conditions, these peace-building measures take time, particularly when there is no larger regional or global consensus on what is the "right" thing to do.

Given how difficult it is to build peace, does not the community of development specialists most recently active in the affected country have a role to play in ending conflict and setting the stage for a return to peace? If so, why do so few development institutions have the mandate and resources needed to enable these specialists to be identified, brought together, and supported to carry out such a role? The new UN Peacebuilding Commission established in October 2006 may offer the first coordinated institutional response to the challenges of peacebuilding in the immediate post-conflict recovery period, but the Commission works largely with actors at a different level: the regional organizations, regional banks, and international financial institutions. Marshalling that other level of actors – the army of individual specialists who know that country best but who have been scattered by the chaos – is not on the Commission's agenda.

Searching for an ethical response to the barbarity and chaos of a country already beset by violent conflict and conceptualizing the characteristics of any future peace there may seem like a curious and futile undertaking for development specialists, given the global inadequacy of development assistance. While the fighting ensues in country X, many international development specialists typically move on to other countries and other needs, perhaps taking with them a "lesson learned" in the form of a strengthened conviction that more and better intellectual and financial resources are needed to find some way – through moral persuasion and political pressure – to motivate the requisite political will and resources to help prevent future conflicts of this kind in country Y. Who can fault them for abandoning country X? While the bullets continue to fly in country X, and shortly thereafter, what "development" can occur, and what "ethics" are there to talk about? Conventional wisdom dictates that we first allow the diplomats, the military, and the politicians to find a method to impose a workable cessation of hostilities; any talk of justice or a new and genuine peace will just have to wait.

In these kinds of calculations, the development needs and aspirations of country X are seldom considered, as development attentions turn instead to the more fruitful prospects in peaceful country Y. That universal solidarity that Goulet aspired to is a fiction for country X; there are painfully too few resources to support even basic development programs worldwide.

At the institutional level in the United States, the challenges of finding a common ethics agenda to augment any strategic collaboration – itself quite weak – between the Department of Defense, the Department of State, and the US Agency for International Development (and other leading development institutions) appear insurmountable. Important considerations of values in the context of relief, development, and redevelopment are largely ignored. Yet what might such a common ethics agenda consist of?

Ethics is the way that people identify and explore moral values to find sufficient common ground to generate order, so that human society becomes possible at a scale and with sufficient collaboration to allow development to occur and be sustained. Conflict environments are nearly always chaotic. During and immediately after severe conflicts, as in Rwanda or Somalia, the entire moral infrastructure of culture, society, religion, civility, and even basic human kindness are swept away. In such situations individuals commit atrocities against even friends and neighbors, while inexplicably other individuals demonstrate astounding acts of selfless heroism to save lives of strangers. Building peace in such a context is an ethical minefield; good may be thrust into an uneasy relationship with evil as people make painful compromises to survive. Sitting face to face in peace negotiations with perpetrators of the most extreme brutality – what the former UN peacekeeping commander in Rwanda, General Romeo Dallaire, described as "shaking hands with the devil" – is a deeply perplexing moral experience.[9] When the evil that drives such violent conflicts is brazen and unrepentant, when the ethical institutions and standards of a society have shattered, what voice does a development worker's morality have? As Goulet observed:

> Ethics cannot exorcise evil from the realms of political power simply by preaching noble ideas: development ethics wields no prescriptive power unless it takes us beyond moralism.[10]

Goulet was advocating for thinking guided by morality (as distinct from thinking muddied by preachy moralism) as an integral component of the many constituent processes and interventions of development – the "means of the means". This advocacy should also be applied to the crafting of a common peacebuilding ethics agenda, involving relief, development, and political actors. Goulet saw the challenges and opportunities of development through the moral lens, without losing sight of the fact that others have seldom examined much of what we call "development" (or "relief") from such a perspective. While Goulet's focus was more on development than on "un-development" of conflict, his message applies to both contexts when he said:

> Precisely because we are human, we are "responsible" for creating conditions that optimize the humanization of life.[11]

This responsibility is a moral one, and alone suffices to justify an explicitly moral dialogue between relief, development, and political actors. This moral burden needs to be divided in a way that is justifiable, and that offers better prospects for timely responses to urgent needs.

III. Moral Obligations of the North

One day of violent conflict will negate decades of strenuous development efforts, along with the lives, hopes, and dreams of many afflicted people. Conflict's terrible dehumanizing forces of death, destruction, and terror ran like strong and unpredictable torrents through African conflicts such as Rwanda, Sierra Leone, Liberia, Angola, and Burundi. As of this writing, it seems that these forces of destruction still hold sway over Darfur, Somalia, northern Uganda, and much of the Democratic Republic of the Congo. Other African nations that perch on a razor edge of "peace", able to plummet back into chaos at any moment, include southern Sudan, Ethiopia and Eritrea.

These wars are not by the rules. The efforts of the last century to create some humane, ethical basis for warfare, and to allow space for the possibility of a "just war", are nonsensical to the perpetrators and victims of such conflicts in Africa. In Africa, as the evidence of decades of conflict bears grim testimony, life is indeed cheap. No morally significant differentiation is made between combatants and non-combatants, nor is there any special consideration made for women, youth and elderly, even pregnant women – all are subject to astounding levels of brutality, violence, trauma, or death.

The advent of modern communications, combined with the remarkable (or, some would argue, foolhardy) fortitude of intrepid journalists, mean that the true horrors of such conflicts are no longer hazy, distant, or out of date by the time we are made aware of them. Through news reports and Web pages, we are exposed to the anguish of Somalia in 1993, Rwanda in 1994, and to the seemingly endless tribulations besetting the peoples of the Darfur region in western Sudan. As the death toll grows, and the accounts become

ever more horrific, we grow dispirited, exhausted, even cynical: conflicts such as those caused by Joseph Kony and his Lords Resistance Army drag on with a relentless inevitability, year after year, through one stalled or ineffectual peace negotiation after another. Yet the grim realities of such a war reach out to us through the Web, as with this account of a 14 year old boy abducted by the LRA and forced to perform an act of incredible immorality:

> A few days later, a commander called me and said he had a special task for me to carry out. He was carrying a newborn baby. He placed the baby in a large wooden mortar, the one we were using for pounding grain. He gave me a heavy wooden pestle and ordered me to start pounding. I was afraid to do it, but I did as I was told. I knew I would be killed if I didn't. All the boys in the group had been forced to do something similar. I knew the baby's mother. She was one of the captives. She screamed when she saw what I was doing. The commanders beat her up so much, and told her to shut up. But they did not kill her. They told me to continue pounding until they were satisfied the baby was dead.[12]

There was no urgent response to save this baby, the boy, or the baby's mother from this atrocity. In the case of northern Uganda, the sense of urgency is particularly hard to sustain. This conflict is now two decades old, with a tragic legacy of over 30,000 child abductees, 1.7 million displaced persons, and tens of thousands of dead, maimed, mutilated, and traumatized victims.[13] A more graphic assault on every notion of basic human dignity and the innocence of children is hard to imagine, but to extend that assault across twenty years of unrelenting turmoil raises very troubling moral questions – or should.

Urgency and complexity combine to make conflict situations ethically daunting. As individuals or as nations, we are all under a fundamental moral obligation to do no harm, yet the distribution of positive moral burdens within and between peoples and societies around the world would seem to place the needs of Uganda at a remote distance from most in the North, who have no special relationship with Ugandans. Such special relationships, many will argue, are prioritized to include family, friends, and communities, perhaps stretching out to fellow citizens or close allies; not to the unnamed baby about to be pounded to death in Uganda, and to that baby's many fellow victims.

This view, although commonplace, ignores the fact that a special relationship has been established. There is not a single conflict-affected country that has not been the place of work for many development specialists from the North. Before the conflict, such individuals may have been involved due to personal convictions and moral values, but they nearly always represented a formal aid program of a developed country or NGO. As such, the fact that such development workers are left to scatter at the onset of violent conflict does not diminish the existence of a special relationship between the developed country and the conflict-afflicted country. On this basis, more developed nations who had a relationship of aid with the affected country and who fail to respond promptly and effectively to the widespread harms arising out of the brutality and havoc of such conflict situations bear an unfulfilled, heavy moral obligation.

IV. International Assistance and Development Ethics

The obligation to provide aid and relief is important, but so too is the need to provide this assistance on an urgent basis. Each passing day of a conflict brings more death, trauma, and destruction – often at a massive scale – yet the wheels of both foreign policy and international relief and development assistance bureaucracies slowly turn at a pace seemingly impervious to urgent appeals from the conflict zone. Nations weigh their strategic options, make their political calculations, and pursue elaborate rituals of diplomatic bargaining with other potential "first responders", with tradeoffs, institutional turf battles, and political side agreements impeding speedy conclusions. In moral terms the option of responding to a moral obligation by moving slowly and cautiously in response to the crisis of a violent conflict is impermissible, as to delay is to ensure that further harms will continue, often of unimaginable brutality and against the most vulnerable.

Whether supporting development initiatives across multiple sectors, or responding to the urgent needs arising from famines, disease, natural disasters, mass unemployment,

financial crisis, or violent conflict, the institutions of international aid are not exempt from confronting ethical dilemmas. Until relatively recently, such dilemmas were poorly perceived and seldom commented upon, and certainly were not on the agenda of aid decision-makers. Gradually, the moral issues of relief and development are attracting the scrutiny and deliberation of increasing numbers of concerned individuals. Much of this rich discourse arises out of the ordinary moral intuitions of average people engaged in development and relief, tempered by their often comprehensive experience in development, but there are also academics, theorists, and policy makers tackling these moral issues in a sophisticated manner, through recourse to international development ethics.

Combining robust philosophical thought, and supported by empirical analysis, the academics, practitioners, and policy makers who are active in international development ethics pose searching, provocative questions regarding the big questions – beginning with continuing efforts to conceptualize, measure, and advocate for "development" itself. Development ethics considers the human condition, the political, economic and social processes of development, and the overarching goals of poverty alleviation, leadership, and good governance. Development ethics also generates a remarkable diversity of moral deliberations and helpful guidance on the practical, daily challenges of international development, yet to date less attention is directed to "un-development" in the form of conflict. With a few notable exceptions, such as the work done by David Crocker, the linkages remain weak between development ethics and the excellent literature and field experience in transitional justice specifically, and conflict studies generally.[14]

Much work remains to be done when contemplating a cohesive ethical framework for designing and evaluating appropriate responses to violent conflict, such as how best to deal with urgency, how to access the Diaspora of experienced development specialists who flee the conflict, and how to motivate raising the appropriate levels of funding to support a more meaningful response. Where is the appeal to ethical sensibilities and standards to be directed? For those worst afflicted, arguably few such moral resources

remain, as conflict often represents the breakdown of morality itself. In development initiatives not associated with conflict conditions, there is some clear moral purchase to be had, some appeal to comprehensible and shared moral standards between the providers and the beneficiaries of aid, some traction with the moral concerns and values that underpin the various social, political, economic, and cultural institutions whom aid interventions engage with. In conditions of violent conflict, however, we are often left only to rely on the moral sensibilities and principles of those few persons assigned to help. Though their moral direction may be clouded by the urgency and the lack of reliable data, many are driven by their various (and often unexamined) moral motivations – their gut response – to deal with desperate need, to deliver an effective, timely response to an urgent conflict crisis.

The process of engagement between North and South, between aid practitioners and aid recipients, is fundamentally different in conflict settings. In the pursuit of other international development goals during peaceful times, we design, apply and evaluate interventions in close collaboration and partnership with the stakeholders most affected: the intended beneficiaries. More and more, people in the South have come to lead this process, and we from the North support them by serving as facilitators and resource providers. With them, we delve into issues that vary in intensity – in their urgency for resolution – to seek effective means that result in greater justice, peace, ecological and social harmony, fairness, and human well-being. Throughout these more routine development processes, the overall ethical concerns and principles may or may not be made explicit, but a more ethical standard of international development is made possible when we make the political, social, economic, and perhaps even spiritual space for humanity to become more truly human.

This "space" for some humanization of development remains often shadowy, superficial or small as long as the moral dimension of the development processes is only implicit and vague, and not the subject of explicit scrutiny and deliberation. Some would take comfort by pointing out evidence that development is becoming more ethically

grounded: we find a more moral vocabulary appearing in the policies, programs, debates, and advocacy that characterizes international foreign assistance, harkening to ideals of global peace, human development, and environmental harmony. This vocabulary, as welcome as it may be, is misleading. None of the major roleplayers in development and aid, with the exception of only the Inter-American Development Bank, have made any structured attempt within their institutions explicitly to address development ethics in their thinking, policies, or operations. The World Bank has begun to bring development ethics consultants into a very few specific projects, but for the other multilateral financial institutions and the bilateral donors such as USAID, the rigorous ethical diagnostic, analytical capacities, and moral guidance at the heart of development ethics remains a grossly underutilized resource.[i]

Addressing the ethical content of development is but one dimension of development ethics. Knowing what is right and good is not the same as doing it. When confronted with extreme need, injustice, greed, violence, or exploitation we react: we express outrage, caring, or other sentiments and thoughts in terms that are clearly moral as well as political. Many of us write letters to our political leaders or send money to NGOs active in international relief and assistance, yet how often do we consciously explore our motivations to act in these ways? Development ethics has the potential to help shape and improve our international development institutions and activities by examining both the content of aid, and the motivations that drive aid – yet despite some progress, these ethical dimensions remain largely unaddressed. Why is this so?

The easy answer, of course, is simply to point to the fact that our nations are governed by those inclined to a Realist view of the world [15], in which moral arguments are said to have relevance only within the boundaries of nation-states, and perhaps only then when convenient: when used instrumentally to support politically or economically derived strategies aimed at defining and maintaining national self-interest. The Realist assumption, however, no longer goes unchallenged. Prominent thinkers of the caliber of Nobel Laureate Amartya Sen, building on the compelling arguments of earlier pioneers

such as Denis Goulet and others, make a compelling case for the universality of many important moral values associated with what it means to lead truly human lives. Sen, Goulet, and now a long list of prominent thinkers including David Crocker, Sabina Alkire, Des Gasper, Luis Camacho, Martha Nussbaum, Robert Goodin, Nigel Dower, Thomas Pogge, and many others have generated a rich literature and an accessible resource for moral analysis, moral interrogation, and moral guidance in how and why international aid is motivated, conceived, organized, delivered, and evaluated – and how it ought to be.

Many advocate for a more overtly moral approach to international aid, yet the translation of this advocacy into a morally coherent and responsive – meaning *timely* – response to situations of violent conflict (or impending violent conflict) remain unfulfilled. The intensity of human suffering and death, the associated environmental disasters, and the societal upheavals seem overwhelmingly complex, and the urgency too intimidating. If we don't walk away from the situation feeling that there is simply no way to intervene and be effective, we push our various ponderous bureaucracies to respond – *to do something* – and to do it fast, but even those bureaucracies must be propelled by sufficient political will. Some moral precepts apply; we certainly make every effort not to exacerbate a bad situation and create greater harm, but from an ethics perspective we generally resort to gut reactions, knee jerk responses, and then try to make sense of it all afterwards.

V The case of Northern Uganda

Consider again the yet unresolved – *and still urgent* – conflict in northern Uganda. Despite having had twenty years, the world has failed to come to a moral consensus on how best to act to ameliorate this particularly poignant conflict, where children are the primary victims, and savage brutality the most common expression of the LRA's fuzzy message. The LRA has no credible political agenda, and there is no genuine political discussion to be had with Joseph Kony, although several have tried.[ii]

Everywhere there is evidence of profound moral failure – some more preventable than others. It is obvious that Kony has failed the most basic moral obligations of what it means to be a human being, but there are many others less obvious who also bear the moral burdens of failure. Tragically, parents have morally failed in their basic parental duty to protect their young sons and daughters from harm – in this case from the extreme harm of being abducted to become (if they survive at all) deeply traumatized child combatants or sex slaves. Those parents were powerless to prevent this failure, yet they forever bear the burden of that deep loss. The government of Uganda has failed in probably the most basic moral duty of governance – the provision of security to its own citizens, the people of northern Uganda, despite having more than twenty times the manpower of the LRA.[16] The people of northern Uganda have been exposed to extremely high levels of violence [17], yet Uganda's Peoples' Defense Force has been unable to provide security, and in many cases has exacerbated the violence.[iii]

The neighboring country of Sudan (as a country, and as individual Sudanese politicians and generals enjoying the fruits of a war economy) has failed to acknowledge or address the moral repercussions of its tacit and sometimes overt support to Kony and his combatants, providing weapons, food, medicines, and money so that the conflict could be sustained.[18] Sudan's moral failure, had it been challenged in moral terms, might have drawn a Realist justification that Sudan was legitimately pursuing its larger political interests by keeping the turbulent south of Sudan destabilized (and the Ugandans preoccupied) as a strategy to help dampen the insurrection by the SPLA.[iv] Sudan is not a party to the International Criminal Court (ICC), yet the ICC's chief prosecutor, Luis Moreno-Ocampo, believed that he had received firm assurances from senior Sudanese leaders that they would cooperate in the arrest of Kony while Kony was based in Sudan, at a location known to the Sudanese.[19] If such a promise was made, the Sudanese conveniently forgot it: yet another example of a simple moral failure with tragic consequences.

The moral failures of Uganda's conflict extend well beyond Africa, however. The international community failed – and arguably continues to fail – to respond in a manner commensurate both with the share of the moral burden that they carry, and the immorality of this tragic conflict, having only recently moved the resolution of this conflict onto the agenda of key international and national institutions in the developed world. Even that response is tepid at best, despite the pleadings of Jan Egeland, the Under-Secretary General for Humanitarian Affairs at the United Nations, who recently described the Ugandan conflict as "the worst form of terrorism in the world".

The most significant and potentially long lasting moral failure, however, may lie in the trajectory of the current peace talks. The recent and to date most promising truce of last August raised hopes that this two decade debacle would finally be coming to an end, yet in the light of 2007 the promise of peace remains elusive. The LRA no longer trusts the Government of Southern Sudan to be the honest broker in negotiations with the government of Ugandan President Yoweri Museveni, and is now asking Kenya's President Mwai Kibaki to take up this role, which he is unlikely to do. Concurrent with these antics, the plight of the ICC and its indictments issued against LRA leader Joseph Kony and his four senior lieutenants remains mired in controversy, with the Ugandan government now advocating for the alternative application of traditional forms of accountability and reconciliation, instead of formal ICC prosecution. Whether a nation can undo a request for ICC intervention isn't at all clear – for now the ICC arrest warrants remain in effect – yet Kony and his colleagues have reason now to expect some degree of immunity from prosecution as a condition of ending the conflict. The situation is further muddied by President Museveni's recently stated intention to "give Kony a soft landing" through a formal amnesty and the provision of government protection if he would return in peace to Uganda.[20] Museveni's dispatch of representatives to meet with Kony's representatives in the peace talks at Juba, Sudan is in express violation of the ICC agreement.

Offering legal immunity to Kony is expedient. It also makes possible an alternative form of reconciliation arising out of traditional Acholi tribal culture of northern Uganda, called *mat oput* ("drinking the bitter root"), which requires the perpetrators to admit to their crimes, demonstrate remorse, and seek forgiveness from the Acholi community. The ritual includes drinking a bitter liquid, and culminates in the perpetrators being allowed to resume their lives within the community.[21] There is no punishment, no retribution, and no compensation to victims.

It is clear from many statements by traditional and religious leaders in the north of Uganda that their first priority is an immediate and final end to the fighting and abductions. These long-suffering people want to get on with their lives, enjoy peace, and leave the squalor and indignity of the IDP camps that so many Ugandans are now required to live in, since the Ugandan military is unable to secure the countryside (and has proven unable even to offer much security within and around the IDP camps). Is there any moral reason not to defer to these local leaders and their values, to allow Kony and his lieutenants back with full legal amnesty and to allow them to rejoin local society after participating in the *mat oput*? Currently the political leadership both in Uganda and among the regional and international nations active in assistance to Uganda seem to be swinging in favor of honoring the wishes and values of these local leaders. The moral implications of such a decision have barely been discussed, however, let alone the implications of what such a decision might mean for Uganda's future.

While the moral weight attached to respecting the expressed wishes and values of the local leaders of the people worst affected by the horrors of the Kony years must be given great weight, I would argue that there are moral concerns that warrant some urgent deliberation. First, what does Museveni's offer of amnesty for Kony and his lieutenants say about the value placed on all of the lives cruelly taken, the brutality inflicted, and the horrible losses endured as a direct result of Kony's actions over the past two decades? What does it say as to the loss of the newborn baby pounded to death? It says that the

lives of the baby and all such victims are simply traded away and forgotten, neither valued nor important. No one is held accountable.[v]

Second, Uganda has a troubling history to consider. By offering amnesty for some of the worst crimes imaginable, largely inflicted upon the most innocent Ugandans of all – children – a precedent that began with not holding anyone accountable for the horrors and many human rights abuses of the Idi Amin Dada years (1971 – 1979) is being yet again reinforced. First Amin and now Kony; does this second round of strategically imposed amnesia not make it all the more possible that another turn of the wheel will follow at some future point? What is to stop another person following in Kony's footsteps, inflicting yet more obscene horrors on the citizens of this country, confident of ultimate impunity – that he or she will never be held to account. While everyone wants peace, peace at any price is a profound disservice to the lives lost or shattered by this evil person and his lieutenants, and sets the stage for future atrocities. The political expediency of an amnesty may mean that we sacrifice justice now at the cost of accountability for the past, and at the very grave risk to the prospect of a just society in the future. If we follow such a course, we fail in our moral obligations to future generations of Ugandans.

The offer of amnesty is a very heavy moral price to pay, yet who is to deny the moral right of the traditional leadership in northern Uganda to advocate this course so that peace returns as soon as possible? Try asking the people themselves. While the traditional and religious leaders may be advocating amnesty, and Uganda's senior politicians expressing similar sentiments, credible survey results of ordinary people in Uganda's north tell a different story. Two thirds of those surveyed believed that there should be accountability by means of formal trials for crimes committed, with those found guilty (in the LRA and on the government side) being sentenced to appropriately severe punishments, while only over one fifth favored the traditional forms of reconciliation.[22] Given these facts, is amnesty really the right choice?

The lessons from transitional justice have not been lost to some of those considering options for northern Uganda; the following draft principles are now in wide circulation among those involved in crafting the response to the Kony dilemma:

> First, it is imperative that the wider population views the implementing authorities as both legitimate and impartial. Second, such measures should be selected through a genuine process of consultation with those most affected by the violence. Third, victims must receive formal acknowledgement and recognition of the grave injustices and losses they have suffered. Finally, to work effectively, transitional justice measures must be accompanied by programs that promote security and the rule of law, economic and educational opportunities, access to accurate and unbiased information, freedom of movement and speech, and other comprehensive measures.[23]

The balance has yet to be struck between the urgent need for ending the long Kony era's brutal violence, and respecting the pressing obligations of justice – to hold those responsible fully accountable. In the interim, there is development work to do, and credit goes to the government of Uganda for setting wheels in motion even before the fighting is truly over. In the recently published *National Peace, Recovery, and Development Plan for Northern Uganda*, the government takes particular note of a comprehensive Amnesty Reintegration Programme, based on the framework of the Amnesty Act (as amended in 2006) as it applies to the reconciliation and reintegration of abducted youth combatants. The tasks are monumental; it estimates that there are more than 17,000 young people eligible for amnesty under the provisions of this act.[24, 25] Once again the moral questions will arise – who ought to support this level of intervention, which is far in excess of Uganda's financial and institutional capabilities?

VI. Conclusion

The many roleplayers in international relief, development, and governance each bear moral obligations to offer resources and assistance to countries in or coming out of violent conflict. These moral obligations arise out of Goulet's sense of universal solidarity and out of a special division of moral labor based on the ability to be effective and on any special relationship that exists. The task now is to recognize the moral

dimensions of development, relief, peacekeeping, and peacebuilding; to divide the moral burden; to identify common ethical concerns; and to chart a course for international, regional, and domestic collaboration that is truly responsive to urgent needs. Collaboration of this kind should build upon the comprehensive experience of years of development interventions, and should set an unambiguous international standard for transitional justice that no politically expedient settlement can sell short, while remaining sufficiently flexible to allow for practical measures to be adopted to foster a long-lasting and genuine peace. Development ethics has a central role in all of this, but perhaps Goulet best stated its most crucial role:

> Most fundamentally…the mission of development ethics is to keep hope alive.[25]

Notes

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i The Inter-American Development Bank has the Initiative on Social Capital and the Ethics of Development (ISED), funded primarily by the Norwegian government. The World Bank has involved development ethicists in projects focused on leadership, integrity, and procurement.

ii Former Ugandan Minister for the North, Betty Bigombe, has tried repeatedly to negotiate with Kony, first in an official capacity and later as an individual. Jan Egeland of the UN has met with Kony too, but both Bigombe and Egeland have failed to find any common ground with Kony for a workable peace.

iii The July 205 report, "Forgotten Voices, describes the results of extensive surveys carried out with over 2,500 respondents, which showed that 40% had been abducted by the LRA, 45% had witnessed the killing of a family member, and 23% had been physically mutilated at some point during the conflict.

iv The Sudan Peoples Liberation Army and related political and military groups led a lengthy insurrection in the south, seeking greater autonomy and a fair cut of Sudan's oil and mineral wealth. In the process, tens of thousands of civilians were slain or injured, and many extreme human rights violations took place.

v There is widespread agreement that the child combatants of the LRA are not morally accountable for their crimes, as brutal as they are, since these people have suffered severe trauma, and many were too young to be held to the ethical standards of adulthood.