Part I

Framing the Problem: Morality and History

CHAPTER I

Expediency, Morality and Necessity

This ethical assessment of the efforts of the international humanitarian community to repatriate refugees and displaced persons to Bosnia and Herzegovina, and, indirectly to Croatia, is being written while the process is underway. If I were an historian, it would be preferable to wait for the process to end and then assess the relation between the results and the intended goals, the motives behind the actions of the various players, their dominant norms and the methods used to achieve the goals within those normative constraints and the existing conditions at the time. In other words, the final results are not yet in, so an historical assessment is in some sense is premature.

An ethical assessment does not require the process to be completed before entering the fray. Further, since I believe ethical issues are central to this policy debate, it is *ethically* incumbent to enter the debate as soon as possible if one can add more light and reduce the heat of the debate. Hopefully this volume accomplishes that task.

But in offering an ethical analysis, it is important to make clear that this volume is not an evaluation of the behaviour and practices of the various actors. It does not ask whether those actors preformed in an efficient, accurate and timely manner. It does not query whether the various international actors utilized the information they had gathered to adjust their policies in light of the facts revealed. Nor does it ask who should have responsibility for determining policy or for undertaking the prior concern of collecting and analysing the information and assessing it in terms of various sets of norms in order to offer options for action. In fact, there seems to be a plethora of sources and analyses of data. What seems to be lacking is the ethical analyses and utilization of the collected data to inform the debate.

Although this is an ethical analysis, it is not an enquiry into the abstract and fundamental normative issues at stake. The volume does not ask whether the "best" or most preferred durable solution for refugees and displaced persons is repatriation to the homes or areas from which they fled or were forced to flee. In international refugee work, particularly in the UNHCR, the phrase repeated *ad nauseum,* is that the preferred or best solution for refugees (and presumably for displaced persons as well) is to return them to their place of origin. We do not question this ideal as an ultimate standard and goal, though the analysis could throw light on this oft repeated assertion. More likely, the argument here implies that categorizing ethical priorities in the abstract is , at best, a waste of time, and at worst something which deforms the actual debate and retards an ability to make an ethical decision within the actual historical context. For the ethical issue for this examination is whether, *in light of the circumstances*, the goal of repatriation in Bosnia and Herzegovina should be focussed on returning people to their place of origin as the clear and virtually exclusive priority or whether efforts should be placed on facilitating the return of refugees to areas from which the refugees did not come but where they would be part of the majority.

This does not mean that abstract ethical principles are ignored. Instead, the ethical analysis undertaken herein weighs the goal of return to home versus simply return to country against other normative values such as reducing and minimizing the possibility for future violent conflict and providing a swift and humanitarian resolution to the desperate condition of the refugees and displaced people. Thus, the policies adopted are neither assessed in terms of whether they were the best methods[1] utilized to achieve the goals pursued nor the best goals in general, but whether these goals were appropriate to the circumstances found in Bosnia and Herzegovina and in terms of other norms and values governing international action.

This focus means that there is no assessment of the ethical norms governing the actions of countries of asylum such as Germany. In general contemporary normative refugee practice, countries have a responsibility not to *refoule* refugees to countries where their lives might be in danger. Technically, Germany may not be in breach of this normative standard since the refugees are not in danger at the present time in some areas of the country, even if it is not their home area. Others would argue that Germany is certainly in breach of the spirit of those norms. This study does not enter that debate, but merely takes it as a fact that German policy and actions are governed by the intention to remove the refugees in temporary asylum from its soil.

Similarly, though a number of generally recognized international norms for assessing conduct appropriate to conflict reduction are relevant in the Bosnia/Herzegovina case, such as the obligation for the parties involved in the conflict to attempt to settle their differences by peaceful means and not violence, there is no assessment of the degree that each of the parties is in breach of these norms, though, as we shall see, it would appear that the Croats and Serbs are more at fault than the Bosniacs. More pertinently, in refugee matters, countries of origin are obliged to allow their nationals the right to be repatriated. These international norms endorse the right of refugees to exercise their "right of return". Art. 13 of the Universal Declaration of Human Rights (1948) states that, "Everyone has the right to leave any country, including his own, and to return to his country." The relevant clause in the International Covenant on Civil and Political Rights (1966) is similar: "No one shall be arbitrarily deprived of the right to enter his own country." (Art. 12(4)). Generally, case law interprets this right of return not simply as a right to return to one's own country but to one's place of origin in that country as well. Further, international norms uphold the freedom of movement within a country. There is no such freedom in Bosnia and Herzegovina even though a peace treaty has been signed; in particular, Republika Sprska (RS) seems to be in gross breach of these norms. In fact, adherence to either the norm of the right to return or the right to free movement seems to be the exception when it comes to minority returns. This analysis does not evaluate the ethical principles of return to home or freedom of movement within a country, though I myself in general strongly endorse such values. Instead, this analysis assesses the applicability os such values over against others in the BiH context.

There are many other relevant norms. For example, there is an obligation **not** to intervene in the internal affairs of sovereign states. What is clear in the situation in BiH is that the international community is heavily involved in policy determination. Though both norms and practices in this respect are taken into account, the analysis does not assess the merits of intervention versus non-intervention. The OHR is, in fact, the ultimate arbiter of decisions - such as on the design of currency or in the removal of police chiefs and

other officials from power if they continually obstruct the will and policies of the international community. Again, this ethical analysis does not take up the issue of whether the international community ought to be more or less involved in this way.

The international norms at play are not always compatible, either in principle or in practice. Norms affirming the right of refugees to return to their country and even to their own homes, and norms against the use of military force to prevent the exercise those rights seem congruent. Neither the norm of return nor the inhibitions against resorting to violence to settle disputes amongst the parties to the conflict seem to be congruent with the prevailing norm of keeping the use of violence by *external* parties to a minimum. For those who want to minimize the violence used by the parties to the conflict are sometimes the same people advocating an increased show and even use of force by the NATO peacekeepers in SFOR. Whether, or, more accurately, to what degree the international community should use force to enforce the right of return is a matter of deep controversy which has a direct impact on the repatriation process. Again, though considerable attention will be paid to the debate itself, this analysis will not attempt to adjudicate the ethical merits of that debate, but will rather accept the prevailing pattern of restricting the employment of the international forces present to a minimal role.

Thus, I am neither concerned with identifying appropriate standards nor assessing the parties for the decisions taken and their consequences. This evaluation is concerned with adjudicating among existing and competing standards in terms of the actual conditions and the real options available. More particularly, the international community has assumed a responsibility for reducing violent conflict in he region. It has also assumed a responsibility for returning refugees and displaced persons. Should that return be singularly focussed on return to their original homes? Or should emphasis or even priority be placed on return to majority areas? And how do either of these goals fit in with the obligation assumed of reducing the resort to violent conflict? If strategies of return and goals for reducing violence are in conflict, how are they to be adjudicated?

Though the parties to the conflict have the primary responsibility for reducing the incidents of violence, they also seem to be the main ones resisting return to homes and even permitting, if not overtly ordering, violence to occur to carry out that resistance. They seem to be the same people who perpetrated the crime against humanity of ethnic cleansing. They have been identified as extremists for the purpose of this volume. The key ethical issue is that the most efficacious and practical resolution of the problem for displaced persons and refugees seem to be relocating them into majority areas rather than back to their original homes. But such a policy permits the extremists to enjoy a victory, to achieve the ethnic cleansing which was their primary purpose. Does this mean that expediency wins out over ethics. The results at this time, as we shall demonstrate, seem clear enough to suggest that a course of action supporting relocation might be in order to prevent wasted resources and the pursuit of Quixotic dreams that may exacerbate rather than ease the conflicts in the area.

This reference to Don Quixote is not intended to suggest that idealism and ideas are irrelevant to both motivating the actors and understanding the actions of major players, let alone depreciating their value

even though the ordinary language meaning of quixotic now connotes a reference to actions which are hopelessly naive, idealistic and ridiculously impractical, and, what is more, doomed to fail. I use Quixotic with a capital 'Q' in reference to the actions of those who have lofty and noble ambitions in contrast to the pettiness and cynicism of much of what passes as ordinary reality.

NGOs, with the humanitarianism and selfless dedication of most of the young people who enter in their service, are the knights errant of modernity in an age characterized by genocides, ethnic cleansing and the exceptional cruelties of intra-state wars. As Vladimir Nabokov said of Don Quixote, "His blazon is pity, his banner is beauty. He stands for everything that is gentle, forlorn, pure, unselfish and gallant."[2] Furthermore, as Nobokov also noted, Don Quixote does not always fail; according to Nabokov, who compiled his scorecard in the form of a series of tennis matches, the results were: 6-3, 3-6, 6-4, 5-7. And though death cancels the match when Don Quixote dies of a broken heart when he becomes a 'realist' and recognizes that his heroic ideal was an absurd self-delusion, his idealism lives on forever.

What I want to examine critically is not the idealism itself, but the inability to discern when that idealism and selfless service can be successful, and when it fails to recognize that it is being used by the bully boys and extremists as a tool to enhance their own power. As John Ryle said in reference to the aid to Southern Sudan, "Aid prolongs war [or violent conflict in general], even as it saves lives."[3] When Quixotic actions are regarded by the political cynics on the grounds as hollow rhetoric to be acknowledged, played with, and exploited so that Quixotic actions lead to an endless series of mishaps, then idealism itself becomes the loser and breeds a loss of faith in the idealists in the field. If the hearts and minds of the world are to be altered in the service of peace, then it is important that critics serve as the cardiologists of the international system and attempt to reduce the number of occasions bound to break hearts. This analysis is intended to suggest that morals and ideas which ignore forces and interests at play are bound to be counter-productive, even as the analysis attempts to reinforce those ideals and their importance.

Thus, I do not share the views of the critic, Simon Leys[4], who paraphrased Bernard Shaw as follows: "The successful man adapts himself to the world. The loser persists in trying to adapt the world to himself. Therefore all progress depends on losers." Quite the reverse. Coming from a country whose heroes were persistently portrayed as "beautiful losers"[5], I do not believe that the choice is between fruitless idealism and cynical realism. The goal is to adapt the world in the service of larger ideals by reducing the number of losses and the chances that the hearts of idealists who serve as knights errant will be broken.

After all, the victory in the Cold War was largely a moral one.[6] The supporters of freedom and democracy, of capitalism and technological progress, with all their moral failings and shortcomings, won over a secretive, authoritarian, paranoid and missionary system that consistently betrayed its own romantic idealism in a series of horrendous violations of the fundamental dignity that must be accorded human beings. Whether in the forced collectivization of agriculture in the Ukraine, the Stalinist purge trials of the thirties, the massive rape of German women following the Soviet victory and occupation, or the suppression of East German workers, Hungarian freedom fighters or Czechoslovak "open" communism, the Soviet system proved itself to be morally bankrupt in practice. At the core of that victorious Western morality is the

respect for differences and the rejection of extremist ideology and ethnic nationalism. The West is pluralist and tolerant in its morality whatever its failures in practice.

Further, the West has followed a missionary quest since the end of WWII, the effort to export its ideals of tolerance, pluralism, democracy and human rights to the rest of the world. That thesis has a paradox at its core. For multiculturalism and the respect for the dignity of others cannot be imposed from without. It must grow from within. In the context of ex-Yugoslavia in general and in Bosnia and Herzegovina in particular, the effort to maintain the purity of those moral ideals in the face of the reality of politics in the former territories, that is, to try to *re*impose a multicultural order on the emerging national entities in the Balkan regions, may exacerbate existing problems and introduce new ones in the effort to enhance respect for minorities and allow each individual to develop as a free and equal citizen. Are freedom and equality of individuals best enhanced by reconstructing the past multicultural order, or by encouraging tolerance within cultures and polities dominated by a single national entity within the larger multicultural framework of Europe?

Further, current dominant Western ideology is opposed to any imposed belief system. Such practices are not only morally condemned, they are considered impractical as well. The most important force on the ground is not that of the humanitarians and their western allies, even when the latter supply well-equipped peacekeepers, but the power of the people being served. And though some of their leaders may be opportunists and even cruel power brokers, most of the people just want to get on with their lives. Although almost all are exhausted by the war, they are still the major players who hold the ultimate power. Even in cases of polities that are apparently powerless and occupied, the occupied clearly retain the upper hand in many respects. How much more true this is when the occupying force is not a military one but a loose consortium of IGOs, NGOs and state actors whose role in the serviced states is overwhelmingly benevolent. Consequently, the events on the ground, not imposed morality, must be utilized and shaped to allow that morality of tolerance and mutual respect to emerge. Imposing a moral idea through humanitarian aid will no more work than imposing an ostensible egalitarian ideal with the use of force.

After all, following the Civil War in the United States, the victorious North was not even able to impose its values on a defeated South. Violence was used in the period known as Reconstruction in the North and Redemption in the South to snatch a measure of immoral victory out of the hands of violent defeat in that War. By intimidating Black voters through the use of violence and destruction of homes and property to cast their ballots for Democrats rather than Republicans, by inspiring a forced migration of Blacks into the Western states[7], by managing to regain control over the legislative, judicial and executive branches of government in a very short order, by an ability to perpetuate slavery in the new form of sharecropping, by virtually purging all Blacks from office ten years after the Civil War ended, White Southerners managed to invert the results of the war and create a segregated polity monopolized by White Power.

Can an American-led West as a whole succeed in Bosnia and Herzegovina where America itself failed in its own Civil War? It si difficult to argue by analogy when the situations and the times are so different. But perhaps not as radically different as one might think. After all, the word for slave originally

derives from the Latin, *sclavus*, referring to Slavs when the Balkans were used in the Middle Ages, as Western Africa was later to be used, as a source of slaves to be transported to Spain when it was controlled by the Moors. If the wars in the Balkans are about segregation versus multicultural integration and equality, there is a possibility that the international involvement in the Balkans is as much about projecting unresolved problems in the West as about helping the peoples of the Balkans to sort out there problems in a non-violent way.

But such speculations stray from our focus, which is no more concerned with explaining the Western involvement in any way, let alone in a highly speculative mode of psychoanalytic historiography. Our concern is simply and solely with the ethical issue of repatriating the refugees either back to their homes in areas in which the returnees would be minorities, or to repatriate and relocate the refugees and internally displaced in areas where they would belong to the majority.

This book not only explores the issue but offers an answer both in terms of general applied ethics and in terms of endorsing the efforts beginning to get underway to relocate the refugees and not just concentrate on sending them back to their original homes. The general ethical thesis suggested here is characterized as humanitarian realism.[8] It argues that the worst combination is a romantic idealism divorced from reality for it produces cynics and, in the end, always subverts idealism. For me, cynics are those who despair of any intersubjective reasoned answers to problems because they believe that what counts is power and the opinions held by the most powerful. There is, in the end, no objective reference for values at all. Pure idealists are those who believe that ethics is a product of deducing practices from abstract moral principles as in geometry, or, more generally, an abstract mechanical moral universe.

As stated above, avoiding pure idealism does not mean eschewing ideals, This writing is, in part, a plea for support for humanitarian realism, for ideals that take into consideration real political interests and values on the ground. It is an argument against moral romanticism that may not be nearly as destructive as authoritarian romanticism, but which can permit the emergence of outcomes that are clearly undesirable - and less desirable than the likely outcomes if alternative strategies are followed.

This does not mean that humanitarian realism is safe from being ravaged by the immorality of simply adapting to reality. The Swiss offer an example of such a fate. Modern Switzerland was founded 150 years ago by small "l" liberals who had to use force to prevent the secession of part of its territory led by authoritarian Catholics. Switzerland became a state that managed to preserve itself as a multicultural polity in the face of powerful European powers while it became the recipient of refugees fleeing those authoritarian systems. Switzerland also became the source and central repository of international humanitarian law. But much of the pragmatic idealism of Switzerland got lost on the way. During WWII, the Swiss banking gnomes became more enamored with the fast buck than the ethical ideals of the founders of their state.[9] They became the repository of most of the Nazi looted gold of both the victims of the Holocaust and the states crushed by the Hitler behemoth as the same time as half the Jews seeking refuge on its territory were turned back in violation of their own ideals. That they took in 25,000 Jews, more than the USA, Canada and Britain combined, is testimony to their idealism. That they turned back another 25,000, and, what is

even worse, profited from their misfortune, is evidence that adaptation to reality can be the route for sacrificing ideals, and, what is more, doing so unnecessarily.

There is a second complementary moral thesis embedded in this small study. It is not only an argument against both cynical realism and romantic idealism; it is an argument against attempts at *social* engineering. Engineering expertise is invaluable in rebuilding bridges, reconstructing transportation systems, electrical grids and communications in a country devastated by war. But the social fabric of a society cannot be recreated in the same way. It takes much more time. A new society is something that emerges out of its own history, including the historical recognition of its own injustices and cruelties. Societies are reconstructed by reconstructing our inner minds, our hearts and our imaginations. It involves creating new narratives which must incorporate the horrors of the immediate past in a way which makes sense of those events and effects the way we marry and die, the way we act to shape and reshape the world, the way we construct our laws and the ways we make political decisions, whether we tolerate or distrust strangers, or, more pointedly, *proximate others*. Those *narratives* take possession of societies. What is wanted is an atmosphere which allows societies to develop stories which will possess their lives so that they can act constructively and creatively and not live in an atmosphere of fear and/or a quest for revenge.

In constructing a new bridge, the remnants of the old bridge can simply be bulldozed out of the way. Even in reconstructing such an historic old bridge as the famous one destroyed at Mostar, the old stones can be salvaged from the river below and reassembled to recreate the old bridge as a cultural artefact that should not be lost to history. But this is a mechanical operation as much as it is led by the ideal of preserving the beautiful artifacts of the past. Recreating the social fabric of a society takes much longer and cannot be done simply by reproducing what came before. For the war intervened and forever destroyed that possibility. During war, power does determine reality. But in peace, whether in the preparation for war or its aftermath, the prime determinate of reality is **not** power but our preconceptions which can be twigged and manipulated to determine experience itself. One of the prime functions of an outside intervener in such violent conflicts is to allow the new nation to emerge Phoenix-like from the ashes of the hold on the basis of narratives constructed by the survivors which feed creativity, tolerance and trust.[10] A new society can emerge from the old provided we get our priorities right and learn from our efforts in post-conflict reconstruction.

In a way, this argument parallels a whole spate of books that have chastised liberal efforts at white/black social integration in the United States through social engineering to create "forced integration".[11] This study raises questions about the high priority given to repatriating refugees and displaced persons to minority areas now and in the near future. There is nothing wrong with such repatriation. But it cannot be externally imposed. Minority areas may not be the best sights for repatriating refugees and displaced persons. More importantly, if the efforts expended in that direction are used to justify ignoring or delaying the repatriation of the bulk of the refugees and displaced persons to areas from which they did not come, in effect, to relocate the refugees, then the effort at reconstruction and rehabilitation of the social fabric of the society is being undercut rather than strengthened.[12]

The fact is, external interventions are not neutral. They can add to the possibilities of reconstruction or detract from them. More importantly, they can shape the direction of that reconstruction - as in Germany and Japan after WWII. Alternatively, they can also exacerbate local problems. Massive military, economic, social and political intervention in societies emerging from the trauma of war can have profound influences. This is particularly true when aid is made conditional on achieving certain policy goals. The problem is not with imposing such conditions - in fact, under the pressure of emergency needs, the imperatives of economy and efficiency, the need to keep going, the bureaucratic need to keep the monies pledged moving and the lack of will to impose condition because of political factors[13], the problem is more often a failure to impose conditions. But when conditions are imposed, they must be ones that are genuinely and not just rhetorically accepted by the local population. Further, if conditions are to be imposed, the capacity and will to enforce such conditions must be there otherwise the principle of law is undercut rather than strengthened. The creation of institutions must be used to decrease rather than raise the degree of uncertainty involved in human interaction.

Uncertainties are increased if externally funded projects, which are conditional on achieving certain laudable humanitarian ideals, in fact exacerbate conflict. (Anderson 1996) In fact, this is more frequently the case than aid serving to enhance peace. Most often, this is because aid can be ripped off by extremists to serve their own purposes. But there is another reason. In the pursuit of an unrealistic ideal, the aid may be wasted and undermine the very values intended to be promoted by the conditions imposed. Thus, providing aid conditional upon it being used to promote the return of refugees and displaced persons to areas in which those returnees will then be in the minority may largely be useless, generally ineffective in achieving that result and may serve as stimulants to vigilante actions that further undermine the rule of law because the capacity or will to enforce such policies by the international military and police forces present is lacking.

Does that mean we should have avoided Selma, avoided instigating protests against bus segregation lest the vigilantes take action and the source of the blame is placed on the moral activists rather than the extremists who use violence and intimidation to make their way? Not at all. It means that we choose are causes and pick our moral fights so that we can win.

Thus, opting for relocation does not mean that minorities should not be encouraged and facilitated to return to their home districts, and , further, that this course of action should not remain **a** priority. But it is not and should not emerge as the exclusive method of return. For if it is, the condescension accorded the nationalist groups in the area may be met with increased alienation and an even greater dominance of ethnic politics. More importantly, groups unwilling to return to areas where they will thence forth be minorities may feel that they have been discriminated against simply because they are unwilling to put themselves and their families at risk. Thus, in their minds they will have suffered a double jeopardy, first by the ethnic nationalists who forced them to flee their homes in the first pace, and, secondly, by the international humanitarian aid community who have placed the ideology of minority return before the goal of resettling refugees and displaced persons. When this is combined with intervention in the power balance between and among the warring parties, then minorities may be put at greater risk, decreasing the likelihood of returns to such areas

while postponing relocation of others to majority areas in the name of an abstract ideal.

The fact is that most people in postconflict situations adopt survival strategies whatever their first preference for a solution might be. In such a context, others, driven by ideology, may stimulate irrational forces which play havoc with the rational planning of the external aid community as the goals of wars are sought by indirect rather than direct battles. None of this is helped when disputes over land ownership and occupancy rights remain unsettled and severely limit the potential for recovery even on the basic level of reestablishing local food capacity and sufficiency.

The question in complex emergencies - intra-state wars and conflicts that entail a breakdown in the political, economic, social and security order of a region - is how to transform fragile and very imperfect peace agreements into lasting political settlements that not only maintain the peace but allow those involved in rebuilding their societies to forever avoid the scourge of war again while they develop societies that are tolerant and respectful of differences. This always involves political settlements, economic aid, social and psychological transformations, all as the basis for allowing those states to sustain their own growth. It always involves making priority choices.

What are those priorities? Restoring internal security. Reestablishing the rule of law. Legitimizing state institutions. Reestablishing the basis for sustainable economic growth. Reestablishing local food sources and social security. (OECD/DAC 1997) It is not to reestablish the multicultural fabric of the society as it existed prior to the war. It is not enough to assert these claims; it is necessary to implement them in a way consistent with fundamental norms.

The dilemma in the Balkans is that a number of idealists are on the side of morality in defense of recreating - to the extent possible - the multicultural ethnically diverse and mutually respectful society that ostensibly existed in ex-Yugoslavia. The realists seem to surrender their ideals and allow the extremist nationalists to enjoy the fruits of their quest for a polity dominated exclusively by one ethnic group. This thesis will return to the moral debate to argue that it is an error to pose realism against idealism. What is wanted is humanitarian realism, idealism created in the historical context of the reality that exists. Otherwise idealism will be counterproductive and realism will result in moral bankruptcy.

But the moral debate will only be entered into when the lay of the land is first ascertained. And one of the first observations - consistent with past patterns of other war-torn societies[14] - is that war benefits criminals, those who engage in the non-legal acquisition of assets at the expense of principles of public entitlements from the state sector and civil entitlements from community and humanitarian sources. One of the main objects in reconstructing a war-torn society is to shift the benefits away from the criminals into a rule-based system for allocating both public and civic entitlements. Those groups with a vested interest in the continuation of conflict because they draw substantial profits from rent seeking based on market shortages and illegal and predatory practices must be the losers. Legitimate governments must be established that are able to collect taxes, provide services and be responsible to and for the citizens that make up a society. The rule of law must be reestablished. What is not needed is a set of goals and priorities

that cannot be fulfilled and which reveals the enforcement of law as an empty sham.

The goal of reconstruction should no more be to restore a society to what pre-existed socially than to restore the pre-existing economy. The reconstruction phase not only must facilitate modernization through administrative, political and economic reforms, but integrate economics and politics in such a way that tolerance and mutual respect will be allowed to grow in situations wracked by ethnic distrust and murder of one segment of a population by another. The legacy of such a war is widespread and very deep distrust - however shallow the references were to historically embedded enmities that helped foster the war. These rivalries exist on local, district, national and international levels such as to breed continuing political instability and propensities to revert to violence to shift outcomes, particulary in areas of strategic importance, to the different groups involved in the conflict. The widespread availability of instruments of violence and the resort to violent conflict because extremists draw substantial economic and ideological profits from rent seeking based on market shortages and illegal and predatory practices helps foster a culture of criminality and the use of such tactics. The lack of investor confidence, a faltering economy, the weakness of the judiciary and police forces dominated by extremist forces, illegal economic black markets, high unemployment rates, large segments of the population that remain displaced and abroad, or housed in damaged and inadequate housing, an infrastructure under reconstruction, all inhibit and make difficult the process of reconstruction. The myriad of agencies and NGOs involved in the reconstruction process that have to spend inordinate amounts of effort in sharing information and coordinating activities does not help.

Unfortunately, a broad consensus has emerged since the early 1980s that the root causes of a conflict must be understood and tackled in order for reconstruction and peacebuilding to be effective. It is as if there were a widespread belief that we cannot properly treat diabetes with insulin because, even since insulin was invented in the 1920s, we still do not know the root causes of diabetes. In fact, the root causes are varied and complex, and they do **not** have to be tackled to move toward reconstruction and building peaceful regimes. Whether ethnic conflicts were deep seated or the products of political manipulation, or, probably, some combination of both, or whether ethnic conflicts were strictly used for some to gain economic advantage and political power over others, need not be sorted out to engage in efforts at peacebuilding. In fact, efforts to sort out the sources of psychosocial fears of one group by and of another through intergroup dialogues may be irrelevant, for the very people who participate are least likely to be a problem. And the spoilers of the peace process are least likely to be open to pyschosocial transformation processes.

If the state sector is to be reconstructed, then a healthy economic foundation in the civil society must be developed to support public sector services in education, health, welfare and social services. At the same time, the transition towards stability must aim for fiscal and budgetary policies, monetary and inflation policies, employment and education policies that sustain and support the development of that civil society. Citizens must be induced both to save and to invest their savings.

This argument has very little to do with these issues, except to insist that policies on reintegration of displaced persons and refugees be consistent and, if possible, enhance such efforts and the traditional

attempts to stabilize an economy and ensure that it operates within low inflationary guidelines while conscientiously serving and, if possible, reducing debt. But, as has been recently noted, these structural adjustment policies must be sensitive to the political dynamics of reconstruction and peacebuilding.

The problem is not that we lack knowledge of how to rebuild post war the physical structures and infrastructures of societies torn apart from violent conflict. We know how to rebuild the physical plant. What we often get wrong is the ethical norms for rebuilding the social and psychological rather than physical fabric of the society. This volume is intended to contribute to one small but very aspect of that problem, the ethical dimensions of repatriating refugees and displaced persons.

1. The best method could be either a reference to an ultimate best or to whether the policies and method adopted achieved more successes than failures. This study attempts neither kind of assessment.

2. Cf. *Lectures on Don Quixote*, Harcourt, Brace, Jovanovich, New York, 1983 and Brian Boyd, *Vladimir Nabokov: The American Years*, Princeton: Princeton University Press, 1991, 213-4. My attention was brought to Nabokov's assessment of Don Quixote by Simon Leys' review essay, "The Imitation of Our Lord Don Quixote," *New York Review of Books*, XLV:10, 11 June 1998, 32-35.

3. John Ryle, "Sudan: The Perils of Aid," *New York Review of Books*, XLV:10, 11 June 1998, 63.

4. Op. Cit. 35.

5. See the Canadian poet and novelist, Margaret Atwood, who gave this as her title for her examination of the dominant themes in Canadian literature.

6. C. John Lewis Gaddis, *We Now Know: Rethinking Cold War History*, Oxford: Clarendon Press, 1997.

7. Cf. Nell Irwin Painter, *Exodusters: Black Migration to Kansas after Reconstruction*, New York: Knopf, 19__.

8. The phrase was first used in an internationally sponsored volume written by myself and my Norwegian colleague, Astri Suhrke of the Christian Michelsen Institute in Bergen entitled, *Early Warning and Conflict Management: Genocide in Rwanda* which constitutes Volume 2 of *Evaluation of Emergency Assistance to Rwanda* (Copenhagen: DANIDA 1996).

9. Cf. Isabel Vincent, *Hitler's Secret Bankers: The Myth of Swiss Neutrality During the Holocaust*, Toronto: Morrow, 1997.

10. The importance of the stakeholders having time and assistance in creating a new narrative to govern their lives can be contrasted with the empiricist epistemology based on memory as a matter of storage. The contemporary variant based on electronic storage and a computer metaphor is a modern variant and substitute for the tabula rasa, drawn as a metaphor from the book before it is printed. The mode of storage may differ, but the premise of a warehouse in which the brain stores information to be drawn out at will for use by the mind is the same. The most

basic conception of power and domination relate to memory and, hence, the effort of tyrants to control what people remember of their histories. But what if memory is not made up of discrete particles? What if memory entails altering the physiology of the brain in several places at the same time, places that are realtered with new experiences? What if memory is neither particular and discreet nor fixed, but something which develops and evolves and is constantly being reorganized as the individual encounters new and related experiences? What if the individual, unlike a computer, is the historical product of his/her experiences? If our identity is formed, not by the control of reason or the mind over the body in one version or another and for a variety of different purposes, but is the development of a "mind", a self, an identity in the interaction of the experiences embedded and reconstituted in our brains as our bodies interact with the various versions of reality it itself constructs as the body interacts with the world, then we are not talking about a version of power, control or domination. Nor are we talking about some version of an aboriginal self prior to the current transformations brought about by liberalism or technology or the west or some other demon that has to be exorcized from our historical experience. In that sense, and in contrast with the dominant view presented in the next chapter, natural rights are then not something given any more than a life with purpose and dignity is given. It is something individuals evolve in their interaction, and I mean that literally as well as intellectually and perceptually, in their physical involvement with one another. If we understand the self as its biological history in its encounter with the world, then any attempt to radically transform or deny that experience is a denial, not of the inherent dignity of the individual, but of the right of any individual, social group or society to develop and evolve its own conception of itself, which is the very basis of dignity in the first place. Dignity presumes self-determination. Dignity presumes the self actively is engaged in the process of self transformation and reconceptualization of the world and, thus, in the construction and reconstruction of its own narratives.

11. Cf., for example, Tamar Jacoby, *Someone Else's House: America's Unfinished Struggle for Integration*, New York: Free Press, 1998.

12. For an informative discussion of this problem, cf.

13. These conditions were all set out in an oral presentation delivered by Professor James K. Boyce of the University of Amherst at a "Workshop on Partnership in Post-Conflict Reconstruction" sponsored by the World Bank in Dubrovnik 23-25 June 1998. For a further elaboration of this thesis, see his edited volume, *Economic Policy for Building Peace: The Lessons of El Salvador*, Boulder: Lynne Rienner Publishers, 1996.

14. Cf. Amartya Sen, *Inequality Reexamined* (Oxford: Clarendon Press, 1992) and F. Stewart et al, "Civil Conflict in Developing Countries over the Last Quarter of a Century: An Empirical Overview of Economic and Social Consequences," in *Oxford Sevelopment Studies*, Special Issue 25:1.