

Of War, Moral Duties and Social Reconstruction in Africa

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ABSTRACT

Wars are a critical part of human history and development. The history of societies, kingdoms and modern states are replete with different accounts of how great empires were formed and weak ones vanquished. Extant scholarly narratives explore the notion of justice in and during war (*jus in bello*) but with little or no attention to the very pertinent idea of post-war justice, that is, the lot of the ravaged societies and states, especially as it concerns their reconstruction and rehabilitation. This paper therefore interrogates the question of war and moral duties of States in Africa. Utilizing W.D Ross' notion of *Prima Facie* Duties, it establishes the moral agency of states and concludes that there is a pertinent need for International Organizations, Sub-Regional Organizations and States to begin to innovate and deploy indigenous and social approaches as a matter of duty in order to salvage war ravaged regions of Africa.

Keywords: War, Social Reconstruction, Moral Duties, Jus Post Bellum, Prima Facie

INTRODUCTION

The paper is an attempt to rationalize the transition of conflicts into full blown wars across Africa and the propriety of the moral duties of states towards social reconstruction at the aftermath of war. The intention is to first establish that wars have been fought since time immemorial, that is, right from the point where individuals became aware of the importance of the allocation of resources for socio-economic development. And secondly, to suggest that since it appears natural to man to engage in wars and conflict, modern day governments in Africa have moral duties of restraining conflicts by playing pivotal roles in curbing belligerent states and ultimately, evolve frameworks for social reconstruction.

The contemplation and the actualization of wars as natural to man mostly due to the scarcity of resources, violation of rights, and the necessity of survival within Africa and a contemplation of the need for post war social reconstruction through the suggestion of a pristine theoretical framework, will form the crux of the discussion in this paper.

WAR: A CONCEPTUAL CLARIFICATION

War is the accumulation and the escalation of conflicts between two or more groups. It is often the last resort in diplomatic relations between two or more belligerent states after almost all avenues for cordial mitigations have failed in securing a truce.

The *Online Etymology Dictionary* explains that its root can be arguably retracted from the old English word 'wyrre' which is used in referring to large scale military conflict. It can also be said to have been originated from the Old North French word 'werre' translated to mean difficulty, dispute, fight, and combat. Other transliterations place the root of the word in the old German word 'werran' which means to confuse, perplex

or to bring into confusion.¹

A further analysis informs that war can be conceived as a situation of open aggravated aggression and armed conflict between political entities such as sovereign states or rival political or social factions within the same state with the aim of restoring specific rights. It is typified by a deliberate erosion of rights, invasion of territories and the excessive use of strength within or without the border of states for aggrandizement or annexation of nations for selfish reasons. It also presupposes the existence of conflict between two or more independent nations.

War can also be conceived as a situation where two or more countries engage in solving disputes through means other than diplomacy and negotiations, a method which is intrinsically characterized by and described as ‘a gruesome use of force in the violation of basic human rights, destruction of societal structures and displacement of human beings’². The idea of war here presupposes the utilization of premeditated force between two states in resolving issues that are ordinarily insoluble through diplomatic overtures.

Irrespective of the prevailing discourse and arguments on the nature of war and the proposition that man is naturally in a condition of war because he is constantly enmeshed in conflicts with himself, his contemporaries and even his environment as will be shown in the following, there are other fundamental approaches that derides and fervently denies the use of violence in settling diplomatic suppositions between different sovereign countries.

While enforcing the discourse on man’s natural inclination to war, Thomas Hobbes argues in the *Leviathan* that the original situation in which man live is one characterized by strife, grim and an unquantifiable struggle for survival. This disposition in the state of nature is underscored by an insatiable thirst for wanton destruction of lives and properties in the quest for self-preservation and aggrandizement. He explained that this is principally because each individual lived in a conspicuous state where he is expected to employ conflict and friction to achieve his base desires. These conflicts often turn into full blown wars due to the inability of these human agents to restrain their thirsts for control of resources.

For Hobbes, it is profoundly appropriate to argue that ‘it is war which is deeply imbued in his nature that restores him to his original status where everybody was everybody’s enemy. In this original status, war is the normal and necessary manifestation of the struggle for survival’³

In reaction to Hobbes, J.M.G van der Dennen admits that in order to distinctly comprehend the entwined nature of war in its relation to man’s evolution and development throughout civilization as primarily definitive of his quest for survival, it is succinct to agree that ‘much of the complexity stems from the fact that the epithets refer to different aspects of, and perspective on war’ without a crystallization of the various assumptions’⁴. He observed that Hobbes’ view raises an interesting question for modern students as to whether peace can be simply defined as the absence of war.

Like Hobbes, Carl Von Clausewitz justifies the necessity of war by arguing that it is inherent in human nature. His work *On War*, ‘undoubtedly provided the impulse to his early studies and his first theoretical speculations’⁵ having engaged practically as a soldier on the war front. His experience on the battlefield afforded him a practical exposition to the disposition of state and deployed combatants as they engage each other behind enemy lines. This experience for Von Clausewitz reinforces the argument that war like all other inherent characteristics of men cannot be conveniently bifurcated from him since they define his nature lucidly.

According to Carl Von Clausewitz, war is the ‘continuation of politics carried on by other means’⁶. He affirms that war is waged by political entities, nations and city states in order to resolve political or territorial disputes which are mainly irredentist in nature. Von Clausewitz also contends that wars are

carried out on the battlefield by armies comprised of soldiers of the contending nations or by mercenaries paid by a government to wage battle and as such, issues of permissibility do not arise because war involves independent nations that are cognizant of the aftermath of their actions on their citizens, whether positive or negative.

His description of war exemplifies the ideological orientation of realists who consider war as natural. Given that realists propose a ‘doctrine according to which states, the actors in the international arena are in fact motivated by considerations of power, security and national interest and not by those of morality and justice’⁷ and as such moral considerations are inconsequential once the interest of the state comes into conflict with morality.

Similarly, Friedrich Nietzsche agrees that man naturally delights in cruelty and that he is constantly seeking an opponent upon whom he will vent his cruelty. Nietzsche argues that ‘he is conditioned in such a way that in any event where he fails to find an opponent, man turns on himself in order to quench his thirst for violence. He describes man as constantly embroiled in a battle with himself, his neighbors and nature itself hence; he is constantly in the mix of conflicts and agitations’⁸.

For him, the nature of every man is necessarily built in such a way that he is conditioned and expected to compete violently with other beings whereas the issue of appropriateness of his conduct is not subject to scrutiny fundamentally because his disposition to conflict or to engage in war is in born. This view encapsulates the consensus held by the realists in rationalizing the existence of war as inevitable and natural to man.

Moving forward, for the realists, war is

*a means of achieving an end, a weapon which can be used for good or for bad purposes. Some of these good purposes for which war has been used have been accepted by humanity as worthwhile ends: indeed, war performs functions which are essential in any human society. It has been used to settle disputes, to uphold rights, to remedy wrongs: and these are surely functions which must be served. One may say, without exaggeration, that no more stupid, brutal, wasteful or unfair method could ever have been imagined for such purposes, but this does not alter the situation*⁹.

The crystallization of warfare as a germane part of human social activity is seen in their arguments for its functionality as shown above. Realists claim that wars serve specific purposes in social construction and remodeling as dictated by the core necessities that led these nations into warfare in the first instance. Hence, war for the realist is functionally necessary, an activity that has over time played definitively pivotal role in the evolution of the modern world and international relations.

For Bertrand Russell war is ‘a conflict between two groups, each of which attempts to kill and maim as many as possible of the other group in order to achieve some object which it desires’¹⁰. Russell’s definition underscores the general description of war as a means through which states fight in order to acquire power, wealth and influence through the use of organized violence and subjugation of weak states.

George Wallace considers war to be ‘the sanctioned use of lethal weapons by members of one society against members of another. It is carried out by trained persons working in teams that are directed by a separate policy-making group and supported in various ways by the non-combatant population’¹¹. His definition emphasizes the use of weapons in the termination of lives and the destruction of properties by combatants empowered by governments and tacitly supported by the citizens of the warring states.

Wallace’s disposition is premised on the grand idea that wars are fought by states with the general intention of protecting its citizens who have surrendered willfully, their individual liberty for government protection.

This idea amplifies the existence of the state as an institution that primarily protects the life of citizens on one hand and on the other guarantees its territorial integrity against external aggression by employing violence which is legally sanctioned in conformity with international standards.

The different canonization of a theoretical framework for warfare as presented in the foregoing, connote both negative and positive propositions. In the negative sense, it aptly describes a massive and indiscriminate destruction of lives and property. It suggests a deliberate erosion of rights, invasion of territories and the excessive use of strength within or without the border of a state for aggrandizement or annexation of nations for selfish reasons.

Despite the description of war as characteristically destructive, it is succinct to mention as stated in the discourse that war has been an important factor in the formation of states creation of economic alliances between these states and empires throughout history. Major advances in science, technology, and engineering have been brought about through necessity during times of war. we cannot however, justifiably equate all of these with the degree of destruction and annihilation that wars account for.

A CLASSIFICATION OF WAR

While attempting to discuss a classification of war into different classes it is imperative to admit that the nature of wars is typically reliant on a pristine comprehension of the variation in methods, sophistication of weapons, basis or conditions warranting the commencement of hostilities between warring belligerent state and the contraption upon which violent conflict occurs in real time.

The cogency of the aforementioned is spirited by the inclination towards the idea that the nature of wars is defined along the line of action of the warring parties, conduct of the active participants, in this case, combatants, and the purpose for which the war is declared. The classification or categorization of war is therefore considered important to the research because it constitutes an attempt to unravel the intricacies involved in the various deployment of orchestrated force by a state against another especially in Africa.

Civil War

A civil war is primarily a form of armed conflict between different sections within a state representing tribal, economic, social or political interests. It often involves the army of a state against a collection of dissident armed group propagating or representing sectarian interest against perceived victimization. Civil war is a sustained, organized on a large-scale mutinous deployment of violent force within the borders of a state between government forces and an aggrieved group, usually representing a section of the state.

The history of the development of African states is often punctuated with accounts of civil strife. A recognizable increase in this civil war is also closely connected to religious crises, ethnic agitations, political debacles asides foreign interference which are directly traceable to their forced, in some cases, contrived independence from their colonial masters who had necessarily over stayed their welcome. Liberia and Sierra Leone represent a typical expression of the ethnic agitations and foreign interference leading to conflict and strife within the borders of a state.

Theoretically, civil wars are internecine because it is fought between governments and aggrieved forces in a state but in practical terms it has been recorded to involve intervention by outside influences of foreign powers who have vested interest which are avenues of propagating international relations. A lucid example of this can be seen in the various examples presented by the civil wars fought across Africa such as the Biafra and Somalia civil wars, vested international interests are often tendered as reasons why this war persists indefinitely.

According to James Fearon (2004) civil wars are fought with the intent of wresting power from the recognized authority within a sovereign state or using force in order to determine the independent existence of the aggrieved region. These agitations are mostly supported by other developed countries primarily as a result of the economic benefits they stand to derive from the actualization of the purpose the war.

Fearon connects the frequency of conflicts in third world countries to some critical factors. He claimed that the longevity and brutality of these wars are closely knitted with the fact that on both sides, that is, the government and the dissidents, there is always a 'flourishing market of contraband that is patronized by foreign government'¹². In other words, civil wars in certain African states are festered with the purpose of deriving economic benefits for profiteers who are either state agents or representatives of multi-national groups operating in those countries.

In other instances, these wars were fought and perpetuated fundamentally, as a means of re-organizing the social structure and the distribution of power within the polity by forcing a violent abdication of governmental responsibilities by the government in power within that particular state. A review of the activities leading to the Sierra Leone civil war shows that economic retardation, misappropriation of taxes and the increase in the clamor for the abolition of some government policies were notable tributary factors that led to the civil war.

By extension, the apartheid struggle in Namibia and South Africa accounts for other types of internal strife arising from the activities of the colonial masters which did not degenerate into civil wars. Hence, attempts at contextualizing civil wars in Africa must incorporate the impact and activities of colonial leaders in supporting rebel groups by providing them with a pool of resources including funds cannot be obliterated. It is however important to note that in the case of Sierra Leone proceeds from the sales of contrabands derived from the deposits of natural resources within their regions as also evident in the case of Biafra, Sierra Leone and Congo further enriches the war cheat of the warring groups

It can also be consistently argued that civil wars in Africa are sometimes orchestrated as a means of enriching certain political allies who stand to enjoy a measure of profiteering arising from the ensuing turmoil while the government pretends to quell the unrest with halfhearted military crusades with little or no effect. The proceeds of these illegal trades are either used to purchase ammunitions to strengthen their armoury or stashed away as slush funds in overseas account, invariably used to develop their already blooming economies.

Patrick Regan (2005) discusses the pertinence of civil wars and the influence of political allies for vested interests by admitting that there had been a steady but astronomical rise in the data of conflicts within states that eventually graduated into becoming full scale wars. Regan explains that 'about two thirds of the 138 intrastate conflicts at the end of World War II saw international intervention, with the United States intervening in 35 of these conflicts'¹³.

For instance, the Nigerian civil war fought between 1967 and 1970, a conflict that became notorious largely due to its genocidal coloration is often conceived as a reaction to the perceived ill treatment of the Ibos who were although itinerant, occupied the South-Eastern part of the country. As a result of the genocide, the civil war is referred to as critical and fundamental footnote in the comprehension of the existing socio-political imbroglio cum divide that pervades the state in recent times either as terrorist activities in the north-eastern part of the country or as minority agitations in the Niger-Delta and South-East.

Although the war was often interpreted as a tussle between two figures in the hierarchy of the Supreme Military Council in charge of state affairs, other accounts such as Paul Tarfa (2007) and Frederick Forsyth (1969) admit that the civil war was conscientiously provoked by a ruling class fastidiously opinionated with

having a stranglehold on the control of government irrespective of the plights of the other regions in the country on one hand and an undaunted resolve by vested imperial interests that wanted to continue with neo-colonialism in Nigeria.

In Sierra Leone, the consequent aftermath of the conflict that engulfed the African state between 1991 and 2002 still has glaring landmarks highlighting the scars and violence that characterized the war. More than 60% of the population still lives in poverty stemming from the disruption of the economy and other social services rendered by the state. The legacy of violence in Sierra Leone which includes sexual molestation, arms proliferation and disruption of the educational system has steadily and readily hindered the process of transmission into a post-war reconstruction.

Colonial War

The idea of a colonial war is grounded on the record of different conflicts that has really emerged between colonial masters and their colonies especially at the periods were the colonies agitated for disengagement from servile rules. A colonial war 'is a general term relating to the various conflicts that arose as the result of overseas territories being settled by foreign powers creating a colony'¹⁴. The term is used in describing the series of conflicts created by a country against the forces of other territories in the attempt to enforce its government over foreign lands.

It is germane to understand that the cognition of the impact of colonialism on the culture of the colonies represent a peculiar strand in the resistance championed by nationalist tendencies against forced domination across Africa. The imposition of a foreign culture belonging to the colonial master in terms of language, dressing and ideology, represented a source of repulsion for the emerging sophisticated class of young intellectuals, military men and technocrats representing different parts of the colonies. This in itself served as a veritable impulse for violence in those states where independence was violently attained.

Conflicts escalating into colonial wars are common in Africa and Asia and it is often conceptually referred to as a 'war of conquest'¹⁵ where the strength of the indigenous force must have waned tremendously due to the barrage of superior firepower of the invading power. This pattern perhaps cuts across all previously colonized states in Africa. The categorization of conflicts incumbent in colonial wars differ from regular wars in several ways fundamentally because they are more of internal ideological or irredentist struggles. The invading government often obtains a foothold in the locality in terms of a total domination of the natives and it proceeds by launching expeditions into neighboring territories and other hinterlands to pacify and gain the confidence of the chiefs of the locals for ease of governance.

An appraisal of colonial wars suggests that there were huge and consistently growing gaps between the invading forces and the indigent. This gap is conspicuously amplified by the ease with which the colonial armies campaigned successfully across Africa in contrast to the abysmal responses of indigenous forces scattered all over Africa. It is worthy of mention that the invaders were readily reinforced by the ever-growing army of their governments in recognition of the enormity of the duties abroad and the benefits that regularly accompanies the success of their expeditions.

As a result of this, captured territories were always easily over run by the superior firepower of the colonial army as exemplified in the capture of the old Benin Kingdom by the Portuguese and the conquest and subsequent annexing of Lagos in 1861. Accounts by the British Museum shows that the first set of invasions along the coastal area of the African continent especially in the axis known as Benin Kingdom, was an attempt to move into the hinterlands for the expansion trade and not colonialism.

In retrospect, colonial wars can be described as frantic efforts by colonies to extricate themselves from the domination of other states. Of all the colonial masters that occupied territories in different parts of Africa,

Portugal retained its clutch on the colonies it dominated until it was forcefully wrested from its grasp through a sustained military effort orchestrated by nationalists around 1974. It is however noteworthy to state that these states are still fundamentally dependent on their colonial masters for economic sustenance due to prevailing economic instances.

Preemptive War.

A preemptive war is essentially, a war waged to forestall a belligerent state from carrying out its intention of invading another state with or without a genuine reason. According to Abraham D. Sofaer (2006), preemptive wars are subject to certain pre-conditions before they can be seen as acceptable. He argued that in order to start a war or engage in a preemptive war on the basis of the claim that the nation would soon be under attack and therefore had to defend itself, these 'key elements' also considered as conditions must be in place and without them, the purpose for which the preemptive war is declared becomes untenable. The following are the key elements for justification of preemptive war.¹⁶

Abraham Sofaer's elements

1. The nature and magnitude of the threat involved;
2. The likelihood that the threat will be realized unless preemptive action is taken;
3. The availability and exhaustion of alternatives to using force; and
4. Whether using preemptive force is consistent with the terms and purposes of the U.N Charter and other applicable international agreements.¹⁷

These conditions can however not be said to fully engage the basic arguments required to adequately determine that a war is solely for the purpose of preempting a foreign invasion of an independent state or a cluster of independent territories.

The Iraqi war represents a prototype of a preemptive war especially on the background of the notion that it brings a quick end to conflicts and aggression before it begins to fester beyond the construct of the warring states. The preemptive doctrine presupposes the argument that the opportunity of a first strike against a belligerent state practically weakens the effort and preparation of the state that had a prior intention of launching offensive against another independent sovereign state.

Other classifications of war include genocidal wars, tribal wars and nuclear war. The term genocidal war is used to describe and represent the conflicts or wars that involve an intentional annihilation of a race, tribe or ethnic nationality in order to protect the interest of other groups or serve a political purpose. The etymology of genocide can be traced to a combination of the Greek word 'genos' and 'cide' which can be translated literally to mean race and killing, respectively.

The Rwanda genocidal war can be described as a typical instance of ethnic cleansing where a particular group orchestrated an organized dehumanization and killing of another tribe in order to create a favorable state structure for members of its nationality. The Rwanda genocide is an onslaught by the Hutu dominated government against the Tutsi tribe. It was a deliberate attempt carried out by an ethnic militia with massive support from the Hutu dominated government at the helms of affairs in the state.

It is also important to note that the genocide was carried out at a period Rwanda was in the midst of a horrendous civil war between the government on one hand and the Rwanda Patriotic Front on the other side of the divide. The effect of the genocide was profoundly felt beyond the borders of the country because it created a large number of refugees who had to travel across the border into neighboring states.

W.D ROSS AND THE NOTION OF PRIMA FACIE DUTIES

In relation to wars and social reconstruction in Africa, moral duties are not necessarily products of reason or emotion; instead, it is suggested here that they arise from a ready disposition towards identifying what we ought to do or how we are expected to behave in certain situations. The idea of duty here differs from Immanuel Kant's *notion of duty* where there is an imperative to pursue a specific line of action as a matter of compulsion and not necessarily from consequences even when there is a conflict of duties as envisaged by Ross' postulation. It is also noteworthy to state that the notion of duty for Kant is independent of consequences and it is not likely to give us a veritable leeway in the resolution of the focus of this paper.

Suggesting that social reconstruction is moral duty governments owe to their citizens is practically hewed from the fact that African leaders have been shown overtime to be more interested in using the resources of the state for other activities besides the rehabilitation, repatriation and resettlement of people affected by conflicts and wars across Africa. Political leaders seem to have failed to recognize the immediate need to reconstruct areas of conflict by taking stringent and purposive actions borne out of a sense of duty to the citizens who have been ravaged by war.

In other instances, it appears that these political leaders are unable to determine which of the many activities and programmes involved in governance takes preeminence above or over issues of war, conflicts and reconstruction. They are unable to determine in most instances, what the import of committing the resources of state to social reconstruction at the aftermath of war portends. This can be solely pinned to the argument that political leaders are often undecided whether at the individual state level or at the sub-regional levels such as ECOWAS, what constitute their duties out of a myriad of disputes including diplomatic and political bickering.

In resolving the conflicting duties, W.D Ross explains that *prima facie* duties remain constant only when all situations and factors remain the same, that is, the situations leading to the dilemma remain unchanged or *ceteris paribus*, in such situations actions or conducts are determined based on 'priority and precedence'¹⁸. How then do we determine what stands as priority in all given instances? Ross explains that on a deeper reflection on the duties as presented, the moral agent should take the course of action that is most prominent especially when they involve 'duties of beneficence, self-improvement, and justice which could be subsumed under a single duty to promote intrinsic values'¹⁹. By this, Ross shows that certain duties are to be considered far more important.

In recognition of the possibility of conflicting duties, W.D Ross presents the *prima facie* duties as consisting of certain core dispositions that gives priority to 'beneficence, fulfillment of promises, self-improvement, gratitude, fidelity, non-injury and justice which places them above other duties not simply as a form of hierarchical arrangement but intuitively relating to what ought to be done in a specific situation in terms of priority'²⁰. He explains that when a person finds himself in a dilemma as to deciding which line of action would be most moral, the individual must give priority to the aforementioned duties and at the same time ensure that he opts for the duty 'that avoids injury to himself or others than doing positive good'¹⁰ in the determination of his actual duties.

Jan Garrett (2004) notes that *prima facie* duties are to be interpreted essentially as our concrete responsibilities out of so many conducts or actions open to us as moral agents. Garrett explains that Ross' *prima facie* duties 'refers primarily to those duties that are binding or obligatory in such a way that we must undertake them intuitively without any form of restraint, query or fear of consequences since Ross vehemently opposes consequentialism'²¹. For Garret, these duties are not necessarily products of reason or emotion; instead, they arise from a ready disposition towards identifying what we ought to do or how we are

expected to behave in certain situations.

Having identified *prima facie* duties as those duties that we know intuitively as our viable choices in a moral dilemma, it is appropriate to examine how we determine our *actual duties* whenever in moral dilemmas. W. D Ross posits that our actual duties are those actions that we must necessarily engage in despite the conundrum presented by many other possible line actions or competing moral obligations. In this case, the actual duty is that which is more beneficial out of the other options the moral agent is presented with especially when it satisfies conditions such as benevolence, gratitude, non-maleficence and others.

Ross explains that actual duties are essentially moral judgments determined by prioritizing our *prima facie* duties by giving precedence to the most important when they conflict. In this sense, actual duties are not just the actions we are supposed to undertake or expected to perform, rather ‘they are the most stringent in the sense that they conform will all the principles’²².

For instance, when a government that is constrained in terms of the resources available to it for socio-economic development of its state is compelled out of benevolence to accommodate displaced persons, construct habitable camps or holding residence for them and ensure that they are not discriminated against or attacked by its citizens. It is important to note that on one hand, the government holds a duty that the displaced do not conduct themselves in ways that will sabotage the government in terms of economic development and social security. On the other hand, and as a matter of duty, the government owes a duty to appropriately deploy or dispense its resources while at the same time ensuring that its act of benevolence does not sabotage its economy and security its citizens.

The point being made here is that despite the existence of a plethora of *prima facie* duties which the government can expressly consider as its moral duty in this dilemma, the government must ensure that whatever option it takes is necessarily because it is its actual duty since it is the most stringent and that which portends a long-term good not minding whether it is utilitarian or otherwise.

Ross advises that the actual duty in a situation of this nature is ‘necessarily determined by the fact that one of these conflicting duties is more important than the compared to the other’²³.

In this case therefore, it is apparent that it behooves sub-regional organizations, governments and humanitarian agencies to as a matter of duty, to deploy their resources towards the reconstruction of war-ravaged states scattered across Africa.

To further contextualize the position, the research suggests an improvement in the operational framework developed and deployed severally by ECOWAS in quelling internecine conflicts around West Africa especially in countries like Liberia and Sierra Leone. It is also apt to add that the framework is in dire need of a social reconstruction protocol that will essentially activate an appropriate response that is specifically cognizant of the plight of vanquished individuals and states and not a blanket approach of one size fits all as will be shown in the following.

AN IDEA OF SOCIAL RECONSTRUCTION

Social reconstruction at the aftermath of conflicts or war is premised on forgiveness and conciliation as exemplified by the affirmation of the readiness to restore the rights of the vilified, resolve the problems associated the damages ensuing from war, securing conviction and meting out punishments to war criminals and belligerent states. It also underscored by the instrumentalisation of a form of transformative justice that is notoriously connected to the reconciliation of individual liberty and the prioritization of communal good,

that is, the recognition of the liberty of the self within a community.

Trudy Grovier (2008) explains that the idea of social reconstruction and the punishment of belligerent acts should not necessarily refer to vindictiveness rather it should constitute of an attempt at seeking and exploring forgiveness on the side of the aggressor and the vanquished. Grovier argues further that punishments by war crime courts are likely to only deepen resentments between the instead of encouraging reconstruction because punishments serve the singular purpose of legitimizing revenge and not necessarily retribution as suggested by the advocates of a war crime trial that is typified by the demand for punishments for wrong done during war.

For Jon Elster, post war social reconstruction premised on the importance of rehabilitation and appropriation of resources of the states at the end of a war. Elster foregrounds the importance and possibility of social reconstruction on the effective utilization of resources within the state in a formal arrangement that ensures that genuine entitlements and claims are processed in a manner that intensifies justice. Elster argues that

There are three criteria for the allocation of public resources in post war reconstruction: *entitlements*, created by past titles or past sufferings which are the basis for reparation claims against the state, *present needs*, which may or may not be directly linked to violence and destruction caused by war, and *economic development*, which aims to increase productive outputs in the post-war period, and ultimately to spread economic benefits widely²⁴

Elster's theory of social reconstruction begins from the stage of reparation and the use of resources without necessarily giving prominence to the role of justice. Elster affirms the essence of post war social reconstruction but his outlining begins with pertinent concerns ranging from the need to satisfy entitlement of the displaced or vanquished which existed before the war.

For Jon Elster, these entitlements are primarily in form of reparations and resettlement, the recognition of present needs that are resultant effects of the displacement or wanton destruction of properties during hostilities and a more important need to focus on the resuscitation of the economy of the states which had been incapacitated by war. The resuscitation of the economy in Elster's theory is necessitated by the undue diversion of resources to the prosecution of warfare or the desolation of industries at the instance of invasions or war engagements.

Olusegun Oladipo extends the conceptualization of social reconstruction as including 'cultural renewal, social coordination, state rebirth, democratic governance and economic advancement along with the values of justice and human dignity'³⁴ fits in almost perfectly with the notion of jus post bellum and post war reconstruction which has dominated the discourse in the earlier part of the thesis. Oladipo explains that the quest for social reconstruction must be concerned with the achievement of concrete goals which includes 'social integration, equality of access to socio-economic power, fairness in the distribution of benefits and burdens as a means of minimizing areas of conflict in the society and better social services as a means of creating conditions of self-fulfillment and developing non-coercive means of securing consent'³⁵.

TOWARDS A FRAMEWORK FOR SOCIAL RECONSTRUCTION IN AFRICA

In most instances, war in Africa is a major indicator of state failure and the inability of governments to adequately attend to the needs of all the interests present in such a state. Most times war and conflicts are practically associated with emancipative or revolutionary activities of some aggrieved citizens, political interests and or ethnic agitators aimed at addressing maladies and consequently reforming the state. It is also apt to add that the operational idea of war or conflict adopted here is closely related to insurgency due to the similarities in tactics and as such, insurgent activities of groups such like ISIS and ISWAL fall within the

context of discourse. Empirical evidence establishing the afore subsists in the activities of terrorists' groups such as Niger-Delta insurgents in the South-South region of Nigeria, Boko Haram in the Northern part, as well as al-Murabitun in Mali and MUJAO in other parts of French colonies of Africa.

As a means of showing that terror groups are fundamentally engaged in guerilla wars across Africa for the sole purpose of state domination as seen in the North-Eastern part of Nigeria and some other state corridors in West Africa, Elcano Royal Institute attempts a clarification of the activities of traditional terrorists' groups as generally warlike in nature thus:

A cursory look at contemporary 'terrorist groups' however, suggests that these groups regularly carry out guerrilla operations as well. In the existing literature, guerrilla attacks are said to typically emphasise extended campaigns of assassination, sabotage and hit-and-run attacks carried out by small and highly mobile paramilitary units. Like the tactics of terrorism, guerrilla warfare is described as a 'weapon of the weak' designed to harass the enemy and gradually erode his will.²⁴

The predisposition towards the aforementioned becomes more apparent when we consider the fact these terrorist groups are fundamentally a sharp departure from the tradition in their activities. The most obvious is their recruitment of armed combatants who form detachments of army like assault men specifically trained to carry out shock attacks against governments of their state or foreign governments for irredentists, religious or economic reasons.

This similarity is also galvanized by the fact that terrorist groups in recent times as seen in Syria and the North-Eastern part of Nigeria are known to annex territories and hoist flags representing their ideological leanings in parts of sovereign countries where they have successfully launched attacks against incumbent governments. This acquired territories are signposts signally that terrorism in its contemporary disposition, is more of a guerrilla approach in pillaging established states as a means of propagating their ideologies.

From the foregoing, it is obvious that the African continent presents itself as a ready to use template for the discourse on states riddled with history of conflicts and civil wars. The continent is dotted with wars that have perpetually engendered the collapse of the state apparatus and institutions leading to the pertinent need to engender peace for reconstruction. In most of the cases, conflicts and wars have led to a total or permanent failure of state where all the institutions of state were dismantled. In its aftermath, it ensured a situation where 'the newly won peace poses challenges to the reconstruction of post conflict states'²⁵ as exemplified in countries like Somalia, Sierra Leone and even, Liberia.

Jeremiah Arowosegbe (2011) argues that the difficulty in post conflict peace building in West Africa particularly and the whole of Africa, is traceable to the causes of the conflict itself because these conflicts fail in redressing their causative factor. He claims that the 'collapse of public authority and the descent of the society into battlefields'²⁶ which are typical of most post-colonial states across Africa, are signals towards state collapse that must be rectified before the attainment of social reconstruction. In the case of Sierra Leone, social reconstruction is deterred mainly due to its polarization as a result of sectoral politics and the 'appropriation of lumpen violence and thuggery by the political class, a process that undermined security and paved way for the emergence of armed marginalized youths whose activities crippled and undermined government in a remarkable way'²⁷

Sierra Leone, Somalia and Libya remain case studies and points of reference in the discourse on the articulation of the form of social reconstruction. Their apparent post conflict situations amplifies the need to bridge the gapping inadequacies of the just war theory and at the same time beckons on the need to apply a purposeful reconstruction that assuages all forms of trepidation, fear and intimidation arising from war, a social reconstruction approach that underscores the need to protect the vanquished by maximizing the distribution of social welfare fairly to achieve social justice while at the same time forestalling the possible

recurrence of all forms of aggression from within or outside the states.

In a bid to provide a viable solution to this endemic problem, Arowosegbe opines that ‘there is a need for detailed studies of post-war conflict transitions on the continent with a view to arriving at viable options for reconstructing states and societies in ways that enhance inclusive and sustainable peace, security and development’²⁸. Arowosegbe identifies factors such as ‘widespread economic problems, identity politics and ecological stress’²⁹ leading to displacement as the issues that any viable attempt at post war social reconstruction must deliberately and prominently address.

In the recognition of the peculiarities of the conflicts across African states, Arowosegbe raises objection to the idea of a one size fits all approach in post war reconstruction especially when we consider the reason why social reconstruction is desired, by claiming that most post conflict rehabilitation programmes have been conducted with little critical self-reflection on the underlying assumptions and structural biases of post-conflict peace building efforts. He however submits that social reconstruction is attainable if the ‘disconnect in the orientations of policy makers and practitioners as regards security priorities and the actual development needs of the societies in question’³⁰.

It can be inferred from the above that the importance of social reconstruction is suggested in the notion that there are many varying or numerous methods that could be deployed in the attempt to reconstruct an ailing society that has its perpetual existence threatened by problems arising at the end of war which may include poverty, crime, corruption insecurity and famine. G Tusabe (1999) explains that ‘social reconstruction is intrinsically connected to ethics and the establishment of justice in such a manner that it facilitates the operation of a morally motivated and guided civil society’³¹. He affirms that the essence of ethics in social reconstruction is essentially to ‘support the principles of solidarity and subsidiarity by which the various levels of the society can cooperate in the achievement of human fulfillment’³².

G Tusabe further explains that in relation to war and displacement, it is important to note that social reconstruction is underscored by a pertinent need to comprehend the pivotal role of social justice as exemplified in the fact that ‘it extends the principle of liberty, equality, justice and freedom to the widest possible set of institutions and people’³³. We can therefore conclude that there is a cogent nexus between the guarantee of individual rights, social justice and social reconstruction in states that have recently been traumatized by large scale conflict or war.

To this end, it is important that the quest for social reconstruction must readily accommodate as fundamental policies, the ideas projected in this discourse. It must admit that there are primary peculiarities that separates and isolate each case of war from the others and as such, protocols and policies of international organizations such as AU, regional sub-groups such as ECOWAS, food aid programmes and humanitarian agencies like WHO must preempt these points of divergence.

CONCLUSION

It is instructive that we admit that wars are inevitable in human society and also that wars can be fought and terminated justly within a proper legal and moral framework. It is also admissible that a just war is determined by moral considerations at the end of war, and not necessarily by a recourse to the *status quo ante bellum* that is, a return to the original situation that was in place before the declaration of war by states since the ‘*status quo ante bellum* is the same situation that precisely led to war’³⁶.

In essence, the research concludes that the appropriate goal for a justified war is justified peace which is ‘a condition one cannot justifiably alter by war’³⁷ but through a resolution of all conflicts, rehabilitation of the victims of war by ensuring that the harms done are identified and rectified and that the provision of answers to questions of economic restoration through care, support, and transitional justice in the process of peace

building must be considered a moral d

ENDNOTES

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