

# The Moral Obligation to Intervene in Rwanda

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JOSHUA KASSNER, APR 16 2014

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On April 6, 1994, violence erupted in the Rwandan capital of Kigali and quickly spread throughout much of the country. During the 100 days that followed, an estimated 800,000 children, women, and men were slaughtered by their fellow citizens. The victims were sought out and killed because they were Tutsi or Tutsi sympathizers. As Clea Koff has noted, and perhaps most startling given the magnitude and unprecedented speed with which the killing was carried out, the death toll was not the result of the efficiency of violence made possible by modern weaponry; rather, the implements of the Rwandan genocide were clubs and machetes wielded by citizens and neighbors.[1]

As knowledge of the brutality spread, the international community actively sought to avoid any responsibility it might have for acting to prevent the killing, and did little more than make threats of future consequences for the leaders of the Hutu-led interim government. Individual states sought refuge for their choice not to act by asserting that the killing was the result of ancient tribal hatreds that could not be resolved. Others relied on the claim that intervention would violate Rwandan sovereignty. Despite the cynicism one might feel in response to such appeals, even if one were to grant the sincerity of these excuses, they fail.

As to the former, such assertions were historically unfounded. Prior to European colonization, the Tutsi-Hutu divide was about socioeconomic class, not ethnicity.[2] It was the prejudices of the European colonizers that redefined the relationship between Tutsi and Hutu less than two centuries ago. This was not an age-old hatred. The latter claim, based on the prohibitions and protections of sovereignty, is based on a particular conception of sovereignty and the principle of nonintervention. Specifically, the orthodox account of sovereignty was thought to imply a principle of nonintervention that rendered reasons for action that would require intervention, even moral reasons, irrelevant. As a consequence, discussions about the morality of humanitarian military intervention have been dominated by the question of permissibility. The prevailing view has long been that, for moral and practical reasons, humanitarian intervention is impermissible. This conception of sovereignty framed the international community's debate over intervention in Rwanda.

However, and despite the political rhetoric that appealed to the orthodox conception of sovereignty, not only was humanitarian military intervention permissible in Rwanda, it was a matter of moral obligation. One line of argument in support of this claim can be found in a variety of special relationships that were integral to the Hutu-led slaughter of countless people. Specifically, French diplomats worked to shield the Francophone Hutu government from scrutiny. The eventual French "intervention" ("Operation Turquoise"), intentionally or not, served to protect the fleeing genocidaires. The machetes used were smuggled from China through Saudi Arabia to the Interahamwe, the Hutu militia responsible for orchestrating much of the killing. In each of these cases, one might reasonably argue that the responsible countries had a special obligation to act.

Notwithstanding the reasonableness of these potential ascriptions of special duties, just as we don't rely solely on the thief to respect an individual's right to their property, we should not rely solely on such special relationships for the protection of basic human rights. Basic human rights directly imply duties without the need for mediating moral principles, such as Pogge's principle of rectification which requires compensation for past wrongs.[3] The international community bore a correlative duty to intervene in Rwanda based, ultimately, on the moral duties

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correlative to basic human rights. As such, the international community, and more specifically the individual states of which it is comprised, had no moral discretion to do otherwise. As a consequence, the excuses offered for their choices not to intervene failed to mitigate their respective moral failures.

The moral obligation to intervene in Rwanda was not merely a *prima facie* moral reason for action. Rather, it was an all-things-considered conclusive moral reason for action.[4] The grounding for the obligation is based in the basic human right to physical security.[5] As Shue has noted, a right implies a tripartite set of correlative duties. First, there is the duty we each bear to refrain from violating the right. Second, there is a duty that we collectively bear to protect the right from violation. Third, and finally, we bear a duty to ensure that the right holder can enjoy the substance of the right. In the end, Shue captures this in his assertion that a basic right implies a duty to provide “social guarantees against standard threats.”[6]

Despite the fact that basic rights imply universal duties borne by all, functionally, it would be unreasonable to expect individual duty-bearers to fulfill the demands implied by the massive violation of basic human rights as occurred in Rwanda. In addition, such uncoordinated voluntary action, even if well intentioned, would likely prove ineffective. States mediate our interactions in the international arena and are uniquely well-positioned, both morally and practically, to effectively and efficiently fulfill the moral demands implied by the violation of basic human rights that occurred during the Rwandan genocide. As such, states are the derivative bearers of our duties to provide the necessary social guarantees against standard threats to the basic right to physical security.

This grounding is, however, insufficient to establish an all-things-considered conclusive moral reason for action. For example, there may be competing moral considerations that outweigh the moral duties implied by the violation of basic rights. In Rwanda, there were none of these potential obligation-defeating reasons. As to the general consequentialist concern that the intervention would likely do more harm than good, there was little factual basis in support of this proposition at the time, and with the benefit of hindsight we are now able to state with certainty the weakness of that concern. With little effort, largely limited to supplying Ugandan peacekeepers with logistical support and a clear mandate, timely intervention would likely have resulted in saving hundreds of thousands of civilian lives. It is unclear what harm was avoided by the choice not to intervene.

Another more nuanced consequentialist concern about the harm that might have been caused by intervention in Rwanda is one grounded in the sort of precedent such action might set for the future: making it easier for states to use interventionist rhetoric to hide what may be nothing more than aggression. First, like all consequentialist arguments, this is a conjecture about the future and for the conjecture to be validated, one would have to weigh the more certain good an intervention would have done versus the hypothetical future harm. Second, it is at least as likely that if Rwanda were the bar for intervention, that we would see less not more interventionist rhetoric.

Inaction on the part of the international community might have been justified if there was a high probability that intervention would prove futile. However, those with the most intimate knowledge of the events unfolding on the ground in Rwanda were confident that intervention would prove successful. For example, Lieutenant General Romeo Dallaire believed, and history has vindicated his belief, that 5,000 well-armed troops with sufficient logistical support and a clear mandate could have put a quick end to the violence. Futility was not a likely outcome.

One might also object on the grounds that intervention would irreparably harm a community of significant moral worth. During the genocide, Rwanda had imploded. A necessary element of any community's claim to being worthy of respect and/or protection is that it endeavor to protect the basic human rights of all of its inhabitants. In Rwanda, there were three communities one might consider when evaluating the strength of any claim that intervention would do irreparable damage to a community of significant moral worth. First, there was the Rwandan state itself. The fact that the Hutu-led government was complicit in the murder of hundreds of thousands of its own citizens is reason enough to reject the claim that the Rwandan state was a community deserving of protection. Second, there is the majority Hutu community. Though there is much to be said on behalf of avoiding unnecessary interference with the culture and mores of a particular community; such concerns pale in comparison with the basic rights of others. As to both of these communities, it is far more likely that intervention to prevent a genocide or to stop it once the killing had begun would have helped them along their post-civil war paths to reconciliation and peace.

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There is at least one other community to consider. Specifically, there was an emerging pluralist community of Tutsis and moderate Hutus. This community sought to build a modern pluralist state in the aftermath of civil war. Intervention would have protected this community. As such, any arguments against intervention that rely on the proposition that intervention would have irreparably harmed a community of significant moral worth are not, in fact, adopting a position of moral neutrality. Rather, the practical effect of such an argument would be to privilege the community of the genocidaires while leaving the community of moderates to be destroyed.

Another oft-cited objection to humanitarian military intervention is that it would undermine one of the dominant moral goals of the international legal and political order: international peace and security. The principle of nonintervention has long been thought to be inexorably linked to the peace between and the security of states. In Rwanda, however, this was simply untrue. First, the refusal to intervene eventually led Paul Kagame and the Rwandan Patriotic Front (RPF) to reopen military actions against the Hutu-led government. In addition, the mass slaughter of civilians caused a flood of refugees to flee to neighboring states to escape the violence.[7] In the end, the failure to intervene not only permitted the genocide to proceed unabated, it also reignited violence and created a massive refugee crisis. The choice not to intervene created instability and helped to fan the flames of conflict across the region.

Though not a general concern about the moral nature of intervention, there is often expressed a more specific concern about the possibility of perfidy.[8] In other words, a group of provocateurs – separatists, for example – might seek to create a need for humanitarian intervention as part of their strategy to undermine the government by provoking a military retaliation by the government against the civilian population. In Rwanda, there was very little, if any, factual or rational basis for such a concern. Intervention would have been conducted to protect Tutsis and moderate Hutus from threats to their physical security. When the violence erupted, a mixed Tutsi-Hutu interim government led by Paul Kagame was about to come to power under a settlement known as the Arusha Accords.[9] As such, there was little to be gained by provoking a violent Hutu reaction; consequently, there is little reason, at least in the case of Rwanda, to take the argument from perfidy seriously. It should also be noted that this is not necessarily an objection to intervention, but to how the intervention and post intervention reconstruction is pursued.

Lastly is the concern that the intervening nations and their populations would have to make unreasonable sacrifices to effectively carry out the intervention. Again, at least with regards to Rwanda, the facts belie such an assertion. As Romeo Dallaire noted, the genocide could have been stopped, order restored, and the Arusha Accords put back on track with a relatively small contingent of well-armed and properly mandated UN Peacekeepers.[10] Nor should one forget Koff's comment regarding the nature of the threat. This was not a highly trained military carrying out these killings. The slaughter of civilians was being carried out by *individuals* carrying *machetes*.<sup>[11]</sup> When confronted by a well-trained and seasoned military force, it is likely that the militias could be stopped without significant violence. In addition, one simple and highly effective tactic to thwart the genocidal intentions of the genocidaires would have required little more than a "violation" of Rwandan airspace. The United States could easily have blocked the radio broadcasts of the Radio Mille Collines, which were being used to identify Tutsis in hiding and exhort the Hutu population to go to "work" killing the Tutsi "cockroaches".<sup>[12]</sup> The United States refused.

In the end, the moral reasons in support of the international community's choice not to intervene failed to outweigh the moral obligation to intervene in Rwanda. There were, however, plenty of bad reasons permeating the political and diplomatic rhetoric surrounding the matter at the United Nations, and even less palatable reasons being offered behind closed doors. No matter, the massive violation of basic human rights implied a duty to intervene, and as there were no compelling countervailing reasons, the international community did not have a moral choice in the matter. There was only one morally defensible course of action – intervention. Sadly, we are likely to face similar events in the future, and when that happens we should not dither again over questions of permissibility. The starting point for our discussion should be about the obligation and responsibility of the international community to protect the basic human rights of all humanity.

[1] Clea Koff, *The Bone Woman: A Forensic Anthropologist's Search for Truth in the Mass Graves of Rwanda, Bosnia, Croatia, and Kosovo* (New York: Random House, 2004), 21.

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- [2] L. R. Melvern, *A People Betrayed: The Role of the West in Rwanda's Genocide* (London: Zed Books Ltd., 2004), 7-11.
- [3] Thomas Pogge, *World Poverty and Human Rights* (Malden, Massachusetts: Blackwell Publishing, 2002), 13.
- [4] Joseph Raz, *Practical Reason and Norms* (Oxford: Oxford University Press, 1999), 35-42.
- [5] Henry Shue, *Basic Rights: Subsistence, Affluence, and U. S. Foreign Policy*, 2<sup>nd</sup> Ed. (Princeton, New Jersey: Princeton University Press, 1996), 13-20.
- [6] *Ibid.*, 13.
- [7] L. R. Melvern, *A People Betrayed*, 210-211.
- [8] Samantha Powers, "A Problem from Hell": *America and the Age of Genocide* (New York: Perennial, 2003), 466-68.
- [9] L. Gen. Romeo Dallaire, *Shake Hands with the Devil: The Failure of Humanity in Rwanda* (Toronto: Random House Canada, 2003), 54-55.
- [10] *Ibid.*
- [11] Koff, *The Bone Woman*, 21. See also Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Rwandan Genocide* (Princeton, NJ: Princeton University Press, 2002), 17-18.
- [12] Powers, "A Problem from Hell", 370-371. And see, Philip Gourevitch, *We Wish to Inform You that Tomorrow We Will be Killed with Our Families: Stories from Rwanda* (New York: Farrar, Straus, and Giroux, 1998), 99-100.

## Further reading

Deen K. Chatterjee and Don E. Scheid, *Ethics and Foreign Intervention* (New York: Cambridge University Press, 2003).

Joshua J. Kassner, *Rwanda and the Moral Obligation of Humanitarian Intervention* (Edinburgh, UK: Edinburgh University Press, 2012).

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**Joshua Kassner** is Associate Professor of Philosophy at the University of Baltimore. His research is focused on the global arena from the perspectives of ethics, political philosophy, and the philosophy of law, with specific interests in the self-determination of peoples, global justice, and the role normative principles (moral and legal) should play in the practical deliberations of states. He recently published *Rwanda and the Moral Obligation of Humanitarian Intervention* (2012) with Edinburgh University Press.