

Humanitarian Intervention. Why, When and How? David Hollenbach, Commonweal 3  
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In the aftermath of the 1990s genocide in Rwanda and ethnic cleansing in Bosnia, an International Commission on Intervention and State Sovereignty was convened in order to determine the legitimacy of acting across national borders to stop grave human-rights violations. In 2001 the commission issued its report,  
***The Responsibility to Protect***

That report's core ideas were endorsed by most of the world's countries through the UN General Assembly, which declared in 2005 that "each individual state has the **responsibility to protect** its populations from genocide, war crimes, ethnic cleansing, and crimes against humanity," and that should any state fail to meet this responsibility, the international community has the right and obligation to act in its stead—by peaceful means if possible, and if necessary by armed force.

(...) The **responsibility to protect** (R2P) has generated passionate disagreement. Political "realists" hold that foreign policy should be determined by national self-interest, not moral responsibility to other nations and peoples (...). Some post-colonial thinkers see R2P as a form of neoimperialism—in effect, a twenty-first-century version of what France called its *mission civilisatrice*, the "civilizing mission" that incorporated large swaths of Africa and Southeast Asia into *la plus grande France*. The Ugandan scholar Mahmood Mamdani argues in his book *Saviors and Survivors* that R2P, with its focus on crises in Africa, masks "a big-power agenda to recolonize Africa," an attempt by strong nations to justify imposing their will on weaker ones.

Other African thinkers disagree, among them the Sudanese scholar and diplomat Francis Mading Deng, who argues that a state's sovereignty derives from its responsibility to the people it should be protecting, and that when a government fails in this responsibility—as Sudan has failed the millions of persons displaced by its north-south war—it has already compromised its sovereignty. Pope Benedict XVI, meanwhile, explicitly endorsed R2P in his 2008 speech at the United Nations affirming the centrality of human rights in international politics, and subsequently restated this support in his 2009 encyclical *Caritas in veritate*.

R2P's success in drawing support from human-rights advocates like Deng as well as from

Catholic leaders, including the pope, reveals the extent to which it is informed both by standards of international human rights and by the Catholic moral tradition (...)

(...) A strong sense of the unity of the human family does not negate the important role of states. How to know, then, when international interventions are called for? The answer is helpfully articulated by the principle of subsidiarity, a concept first explicitly formulated in modern Catholic social thought but now routinely invoked in secular contexts. Subsidiarity holds that more distant powers should intervene in people's lives only when nearer agencies cannot or will not take the necessary action. Governments have the prime duty to protect the rights of their own citizens; only in emergencies does the responsibility move to the international community. Sovereignty and territorial integrity, while remaining important values, are ultimately limited by the unity of the human family and the right of all human beings not to face abominable abuse (...)

(...) The

**responsibility to protect**

is first and foremost a negative duty. Every state has a grave obligation not to inflict harms that "shock the conscience of mankind"—just as the international community has a prima facie duty not to intervene in the internal affairs of independent countries, and should enter the picture only when states fail in their duties. This built-in restraint should reassure those who see R2P as a wedge for neoimperialism.

*Only*

if a state engages in the gravest of human-rights violations, or fails to protect its people against such crimes, is intervention potentially justified.

Responsibility can also take positive forms. Within individual states, protecting human rights, after all, requires that citizens do more than simply leave each other alone: they must use their freedom to create the kind of political and economic institutions needed to secure human rights effectively. The international community also has positive duties under R2P, including helping to prevent the gravest rights abuses from occurring. Consider the intense diplomatic activity following postelection violence in Kenya three years ago. When interethnic violence began ominously to resemble the first stages of the genocide in Rwanda, Kofi Annan, Condoleezza Rice, and several African heads of state descended on Nairobi and pressed the contenders for the Kenyan presidency to share power in a coalition government. The coalition remains fragile, and a stable future for Kenya depends in part on implementing the rule of law through a constitution ratified earlier this year. But events in Kenya show that international agents can in fact take successful preventive action.

Positive exercise of R2P also means building peace where conflicts cause grave human-rights violations. In 2005, the United States, the United Kingdom, Kenya, and other countries pressed the government of Sudan and the Sudan People's Liberation Movement to reach a peace agreement ending the decades-long war between Khartoum and southern Sudan. In line with this agreement, a January 2011 referendum in southern Sudan will decide the question of secession from Khartoum. Since the South would take much of Sudan's oil with it, there is real

danger that a vote for independence could lead to renewed war (...)

(...) The hardest questions for proponents of R2P, of course, concern military intervention. Following the International Commission's argument, intervention is strictly governed by the norms of just war developed in Catholic tradition and now codified in the law of armed conflict. The UN has restricted

*just cause*

under R2P to the gravest abuses of human rights: genocide, ethnic cleansing, crimes against humanity, and war crimes. Military action must be a last resort, taken only when nonviolent, diplomatic efforts have failed. The harm caused by military intervention, moreover, must be proportionate, and there must be a reasonable hope that such intervention will succeed (...)

(...) In my judgment, R2P today demands serious and sustained effort by the international community, including the United States, to prevent Sudan from falling back into war following the coming referendum.

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