



## Committee on Conscience

“Rescuing Endangered People: International responses to Genocide”

Barbara Harff

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Genocide and Mass Murder in the Twentieth Century: A Historical Perspective

## **Introduction**

### **Ms. Lydia Perry:**

I'm Lydia Perry, Acting Director of Community Programs here. This evening's program is the last of our series, Genocide and Mass Murder in the Twentieth Century: A Historical Perspective. To present tonight's program, "Rescuing Endangered Peoples: International Responses to Genocide," I am pleased to introduce Barbara Harff, Associate Professor at the U.S. Naval Academy and Senior Research Associate, Center for International Development and Conflict Management at the University of Maryland.

Dr. Harff is a researcher whose interests are international in comparative dimensions of massive human rights violations, ethnic conflict, and international policies constraining international aggression. Dr. Harff.

### **“Rescuing Endangered People: International Responses to Genocide”**

#### **Dr. Barbara Harff:**

Thank you. I hope you can hear me, all. Let me begin with some statistics. In 1993, serious ethnic conflicts were being fought which were responsible for most of 25 million refugees and a death toll of 4 million people, of whom 200,000 died in '93 alone.

To this we have to add the victims of the Rwandan genocide of 1994, more than 1 million refugees, and at least 500,000 deaths. In the near future we will witness more such wars, more genocides and more political mass murders.

I will present to you arguments in favor of what we call humanitarian intervention in cases of massive human rights violations. I suggest reasons why we see so few attempts to save lives. As a genocide scholar, I have changed my position from pacifist to advocate of humanitarian intervention because I think that inaction contributed to the escalation of some 50 cases of genocide and political mass murder since World War II. What we witness now is that neither regional nor security organizations nor individual states were willing to halt the latest slaughter in Bosnia and Rwanda.

What, we should ask ourselves, accounts for the lackluster performance: is appeasement, again, the norm, and can politicians only mobilize public empathy in the face of direct or imminent threat? I think that lack of response is partially due to the inability to anticipate crises before they evolve and, thus, policymakers are often faced with late and costly decisions to halt escalation. Moreover, lack of clear-cut strategies and objectives to the desired end state of the involvement further hinder global involvement. The desirability of moral action is clearly hampered by the lack of clear-cut principles guiding foreign policymaking but also by selfishness and inward directness. Either should demand, I think, a sense of duty and sometimes sacrifices, not decisions primarily based on political expediency.

At the very least, the international community needs to plan joint responses to humanitarian crises, prevent escalation, and cooperate when necessity dictates reliance on force.

The title of my presentation is "Rescue," and I think that rescuing people is an act that falls under the generic rubric of humanitarian intervention.

Rescue in the international arena has two dimensions. We can open our borders to all in need or rescue people inside their own borders from savagery through intervention. I think neither option is always desirable nor feasible but sometimes both are needed.

A word of caution, we should recognize that despite good intentions, rescue may in fact have negative effects. If we rescue the select few, the prominent scientists, literary figures, gifted and healthy children, all those who have ethnic ties to us we may play into the hands of the perpetrators. Rescue based on talent, intelligence, and usefulness mimics the selection rationale of the perpetrators of massive human rights violations.

Recall that before the full onslaught of the Holocaust, the United States accepted as refugees Albert Einstein, Thomas Mann, and others, but most common people, the artisans, shopkeepers, and clerks stayed behind. And states closed their borders in the early 1940s and refused to accept refugees from war-torn Europe. Their leaders lamented the fate of those left behind.

Little has changed today. Fifty years after World War II we do not heed the lessons of the holocaust. Today democracies repeat the mistakes of the past. For example, we still select those deemed worthy.

Consider the Vietnamese boat people after they fled in ever greater numbers in the later 1970s. The United States, among others, redefined their status from political to economic refugees. Arguably, economic deprivation is a lesser evil than torture, long-

time incarceration, or the threat of death. But to a Vietnamese peasant unable to feed his family, it made little difference.

On the other hand, to open our doors to all threatened people seldom is economically feasible. It may adversely affect those who are unwanted. Or it may lead to an increase in the immigration of those who can afford to leave, leaving whole communities without intellectual and potential political leadership. Helping those in need in their own country makes, ultimately, more good political sense.

I think that Haiti is a good contemporary example. Few Haitian boat people could hope for rescue, especially compared to the Cubans. After all, they didn't speak one of our national languages, were a member of an ethnic group long suffering inside our own borders and had no powerful lobby that pleaded that their case in Washington.

No doubt policymakers wanted to keep Haitians safe but preferably in Haiti. The current situation in Haiti is representative of what we can expect in cases of humanitarian intervention. The United States is determined to keep a quasi-democratic government in place and for some time to come, monitor internal affairs.

The Haitian intervention resembles most other cases of humanitarian interventions. Intentions are mixed and rarely ever purely humanitarian. But the outcome is usually superior to the state ante intervention. The alternative do-nothing option usually encourages perpetrators to further violate basic human rights. The consequences of a do-nothing policy in Haiti in '92/'94 were quite clear; more human rights abuses, a military dictatorship that prevented democratic participation, and the

perpetuation of practices by an economic elite that added to the impoverishment of Haitians.

One would wish there had been more boldness in Rwanda in response to one of the most deadly genocides since World War II. We share collective responsibility, I think, for what has happened to the Rwandans.

Never again, we, the civilized world, promised the few survivors of the Holocaust. The promise has been broken some 50 times since World War II. Interventions have been few, if any; in other words, the international community let governments get away with mass murder when it happened in Cambodia, Equatorial Guinea, East Timor, Burundi, Rwanda and many other places.

I argue that citizens should judge other people's actions against the standards they set for themselves. Minimum standards of justice can be achieved by affirming, through our actions, essential goods such as the right to live. Individual altruists, such as Raoul Wallenberg, risked their lives to help others. Such heroism is seldom asked of us. Most often we are asked to support our government's rescue attempts or interventions; gestures that cost us very little.

Thus, we can ask our armed forces under collective international control to act on our behalf because genocide is a crime under international law. The law is on the side of the defender of its norms. International collective action should be directed against those who preach international norms and abuse standards of basic human decency. Law not only determines rightful conduct but simultaneously obliges us to defend its provisions.

Moral relativism plays into the hands of the perpetrators. For example, when we are told that one American soldier's death is one too many, what are we hearing? The message is that there is really no cause worth dying for, that despite Bosnian and Rwanda, American citizens should mind their own business, that the United States claims no moral leadership, that American lives are worth more than those of others, and that we should look the other way and perhaps accept the moral standards of the perpetrators. By maintaining relations or giving favored nation status to violators, democracies endorse illegitimacy and accept the perpetrators' motives for the persecution of the victims.

Yet, at times we rise to the occasion. When Iraq crossed Kuwait's borders in '91, it became cause enough to justify military intervention. Upholding Kuwait's sovereignty and bolstering a regime that was neither democratic nor especially concerned with observing human rights become a cause worth dying for. If anything, the alliance should have stopped Iraqi aggression long before Hussein decided to cross territorial borders at the time when Hussein chose to cross the boundaries of civilized behavior and turn against its own people by killing and torturing tens of thousands of Kurds and political opponents.

Let me briefly talk about so-called legal obstacles. When a state, regional organization, or the United States intervenes in the internal affairs of another state, it challenges the sovereign rights of another collectivity. As a rule, legal scholars have regarded the state as the sole protector and guarantor of civil and economic rights. By

implication, each state has a right to exercise its authority and applications as it chooses.

International legal acceptance of absolute sovereignty enhanced the self-righteous claim of those abusing their power in the name of the state. At present, international relations and legal specialists are re-examining the role of the state as the decisive force shaping human interactions.

Let me briefly elaborate. In my opinion, much ink has been spilled on the incompatibility of armed intervention threatening the sovereign personality and political independence of states versus the right of unilateral or collective intervention for humanitarian purposes. What kind of legal system would guarantee one claimant, the state, inviolability of political sovereignty and territorial integrity yet simultaneously deny another claimant, groups, or individuals inviolability of dignity and bodily integrity?

International law is concerned with both the rights of states and the rights of individuals and groups. Judgments emanating from the European Court of Human Rights and similar institutions broke through the barrier for the first time. Citizens now could claim restitution from their own government. As I have written elsewhere, only with the emergence of laws that granted individual rights vis-à-vis their states, is this invisible threshold of inviolable national boundaries being crossed to allow for third-party intervention.

Let me remind you of somebody you may know. One of the great scholars of international law once asked whether law can promote the realization of socially obtainable justice. The U.N. Charter, a model of obliquity gives an affirmative answer.



Whereas Article 2, paragraph 7, prohibits intervention, chapter 8 and Article 51 allow for self-defense or collective action. Article 35 empowers the Security Council to investigate disputes that endanger peace, and Article 46 should assist them to take action when needed. Some scholars argue that the human rights convention, which guarantees to the global citizens the right to live and security of person, supersedes the rights of states.

International law, as we know, is common law and I think reflects the changing mores of society. I think that consensus does exist on what constitutes right from wrong in the treatment of civil society. After all, signatories to the human rights and genocide conventions testify to the validity of acceptance of basic standards by international civil society and I know of no domestic law that allows for the wholesale slaughter of a people.

But some problems remain. With the emergence of law granting rights to individuals, groups now seek greater legal recognition. The Bosnia Herzegovina case illustrates that ethnic groups can take political actions that may lead to humanitarian disasters. In civil war situations like this, or in cases where groups seek autonomy for existing states, the state's authority is of course, questioned, its legality challenged.

When such groups commit atrocities against members of competing groups, we confront crises that require special legal attention. If such groups could attain legal status which would spell out both their rights and obligations, blame for violations of rights could be assessed and dealt with commensurate with that of the application of states.

Let me briefly talk about the difficulty of living up to the standards dictated by morality. Yes, they are enormous and they can be very costly in material and human lives. But let us recall episodes in which the moral obligations to intervene were evaded. Munich, 1938. Britain and France gave into Hitler's intent to take over Czechoslovakia. Who could have imagined that the elected leader of a civilized country was to unleash terror throughout Europe?

Bosnia, 1993. Karadzic, the Bosnian Serb leader, came to London to talk peace. What were Western leaders thinking of? Both promised peace and meant war. Did we really think we could use moral persuasion to halt the chain of events?

Often we prefer not to see the link between the politicians and the executioners. Most war criminals habitually either deny direct responsibility or knowledge of the crimes. Once mass murder begins, it is too late to politely ask them to act responsibly. The longer we wait to assess the criminal nature of the acts, the easier it is for perpetrators to fabricate their own story of innocence and place guilt elsewhere.

If the Europeans had sent a credible warning in 1992 of a full-fledged invasion, many lives would have been saved. Appeasement is not just an example of moral bankruptcy but, as 1938 should have taught us, not a policy option, especially not in crises that are provoked by leaders touting neo-fascist ideologies.

International civil society still needs to remind the Europeans of their special responsibility in facing up to a humanitarian crisis that had all the dimensions of a genocide. To their credit, mired in pacifist traditions, few of the post-war generation, including human rights activists, could see themselves as part of a movement to

advocate military solutions to a grievous situation. In their defense, few may have envisioned that another genocide would take place so close to the European heartland less than 50 years after the last.

NATO's powerful military establishment, the bastion of the Western Cold War defense, was a paralyzed bystander in the face of outright aggression. Its European citizenry remained, of course, a safe distance from the slaughter. European leaders failed in the face of the first major crisis since the end of the Cold War. No strategic lessons from the Holocaust were heeded. Only now, and under U.S. leadership, are the Europeans, NATO, that is, ready to take charge.

Let me now identify some policy choices and failures. The most obvious choice in the face of humanitarian crisis is to do nothing. The term is "non-intervention" or, in scholarly terms, to respect the absolute sovereignty of a state to conduct its internal affairs without fear of outside intervention.

It is this response, or non-response, that is most common. What are better choices? At the very least, I think, policymakers need to consider feasible alternatives or forms of intervention. Yet, I think they should consider military solutions when all other efforts fail. Strategists need to consider long-term consequences of specific actions for the people they claim to save and plan missions carefully.

Despite what some may consider a recent failure in Somalia, I think that intervention also saved lives. Today's fashionable trend is to see democracy as a cure-all of societal ills. I think skepticism aside, the claim is not so far-fetched. By and large, contemporary democracies do not fight each other, nor do they commit genocide or

political mass murder. Yet, democratization cannot be superimposed. Instead, democracies need to lead by example.

Democratic leaders should make it clear to all states with whom they have relations that massive human rights violations are not acceptable means to quell opposition, that no government should claim the right to treat its citizens or residents below the minimum standards that are accepted by the majority of states.

Let me point out some more problems in regard to crisis prevention.

Preventing crises or conflict assumes that we know what kinds of crises are likely to emerge and to have at our disposal the right mix of positive inducements and threats to prevent conflict altogether or halt escalation.

I think that different pressures should be applied to different stages in the ensuing conflict. Unfortunately, without an adequate information system that alerts policymakers to impending humanitarian crises, responses are likely to be late, ad hoc, and very costly. Crisis prevention, early initiatives and crisis management require reliable assessment of the likelihood and sequences of events; thus, we are in dire need of an effective early-warning system.

What we need now is to coordinate information from multiple sources such as the United Nations, non-governmental organizations, the intelligence community, universities; establish communication networks; identify key variables on which information should be gathered; work in common languages for classifying information on early warning of specific phenomena; and develop models that enable us to interpret

information about emerging and ongoing crises. Lacking such abilities, at present we are left with fewer alternatives.

Coercion, and credible threat are the extreme range of responses but are likely the only ones that matter to regimes willing to support mass slaughter. In an age of instant communications and rapid deployment, however, sustained and costly buildup is seldom necessary for humanitarian military missions. A credible threat in extreme cases of human rights violations is still the best form of prevention of mass, slaughters.

Now, I'd like to finish by briefly talking about the domestic debate.

In the United States, a debate on whether or not we should intervene in ethnic conflicts and humanitarian crises holds steady, I would argue. Proponents for and against are roughly equally divided. This, I think, is in itself progress. When one considers that the debate, whether or not sovereignty reigns supreme, versus the right to intervene in internal relations has only been relegated to what I called the back shelves of academic discourse very recently. It appears as though interventions in internal affairs are acceptable as long as some humanitarian issues are at stake. But the greater willingness of states to get involved has its price. For one thing, how does one persuade constituents that Bosnia matters? Two, what national interests can be invoked to justify intervention? Three, what outcomes are desired? And last, what tactics might have worked and will work, in situations like Bosnia?

At present, I would say that academics and policy advisors blame each other for the failure to come up with workable solutions. Policymakers typically excuse them for being too theoretical, or naive that is and we accuse policymakers of being too

shortsighted and lacking clear policy objectives. I think that both arguments have some merit.

In moral discourse, I would argue, scholars have accepted by and large that in cases of massive human rights cases, drastic actions, including the use of force, may be necessary if not desirable. And we know already that legally humanitarian intervention has de facto been given legal status equivalent to what we call intervention by right. Thus, whereas academics have come up with some satisfactory answers, I would argue to the question of why states should intervene. They have ignored the how-to-do-it. I think among policymakers and advisors, the how-to-intervene becomes ever more mired in squabbles over who knows best and who is willing to take charge. I think that in the aftermath of the Cold War, old policy objectives vanished and new ones have not been very well formulated as of yet. Faced with imminent crises like Rwanda and state failures like Yugoslavia, the international community has been all but paralyzed.

I think, however, that now old ties and alliances are all open for renegotiation and former friends and enemies compete with each other to unilaterally solve multilateral problems as long as they're not too costly and no greater efforts are involved.

What needs to be done? I think that first and foremost governments and policymakers should state up front their particular interest in any specific crisis situation. Reactive policymaking is a formula doomed to failure as we've seen in Bosnia. Short of espousing particular doctrines, Western democracies need to be clear and visionary about their country's principles. If a country sees itself as a moral force in international affairs, it follows that it cannot abandon its self-declared responsibilities at whim.

Second, the muddling-through approach of the past needs to be replaced with clear-cut objectives. I think that electorates are much more likely to support humanitarian responses if today's threats and challenges to international peace are recognized, identified, and become an integral part of a nation's foreign policy agenda. This also allows states not to participate in some ventures deemed not within the national interest as defined. At present, national interests usually are defined after action is already underway in response to a particular problem.

I think ideally a decision to intervene should be a collective decision, but its execution can be delegated to a particular state or security alliance.

As mentioned before, an early warning system in place would allow states time to respond; would make responses less costly and would not necessarily involve the use of force. I think that collective decision making can take place outside of the United Nations. We have an example now in Bosnia with NATO taking charge. In many situations regional organizations are more familiar with emerging crises but lack the resources or political will to do something. But they could ask for outside help. I think that unilateral intervention should be restricted to imminent crises only.

And finally, strategies and tactics, of course, should vary with the type of crisis. Humanitarian aid may be necessary at the onset of a crisis.

Military force should be reserved as a last resort always. If and when states intervene militarily, it is necessary to state objectives clearly to the adversary. In other words, empty threats are counterproductive and lead, in most cases, to escalation of violence by the perpetrators.

Military forces need to be able to defend themselves and those under their protective custody. Otherwise, I think states should not get involved. But, again, one needs to remember that military intervention often will be unnecessary if earlier responses are carried through.

Let me conclude. I think that a humanitarian mission is complete when adversaries have agreed upon a lasting peace, not necessarily a just peace. Living in peace with each other is preferable to killing for whatever gains. The key for those who intervene is to maintain neutrality if possible but, if not, to be practical and moral.

The international community cannot be selective in applying moral standards, nor should it appease aggressors and perpetrators of massive human rights violations.



I think similar to criminal courts, defendants and plaintiffs should have an equal voice in the peace proceedings. Criminal proceedings against those accused of massive human rights violations should take place after a lasting peace has been established.

And that concludes my presentation. Thank you very much.