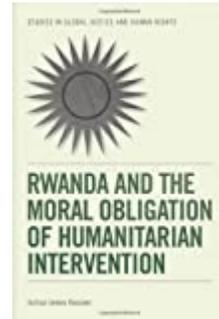




Joshua James Kassner. *Rwanda and the Moral Obligation of Humanitarian Intervention.* Studies in Global Justice and Human Rights Series. New York: Columbia University Press, 2013. 224 pp. \$105.00 (cloth), ISBN 978-0-7486-4458-2.



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When Must States Intervene on Humanitarian Grounds?

The title of this book is misleading; the book has little to do with Rwanda or the specific obligation to intervene during the Rwandan genocide in 1994.[1] Readers looking for new arguments or insights on that conflict are best served looking elsewhere. Rather, the author's concern is twofold: constructing an argument for the general moral obligation to intervene on humanitarian grounds (chapters 1-2) and using this to establish a new normative and institutional framework for international politics (chapters 3-4). To preview what follows, I will suggest that both efforts are carefully argued but do not offer insights beyond the decade-old Responsibility to Protect (R2P) framework that has been widely endorsed by the international community.

The constraints of space preclude a full engagement with Joshua James Kassner's construction of the case for a moral obligation for humanitarian intervention. A crude summary must suffice. Kassner rebuts several variants of the argument that intervention is always morally impermissible. For example, he rejects the realist view that morality has no place in international politics by

pointing out that states do use normative judgments; the communitarian view that intervention infringes on a community's right to self-determination by pointing out that in some cases, the community and its government may not fit each other; and the instrumentalist view that intervention compromises broader peace and stability for conflating the security of states with peace and stability more generally. The state cannot, Kassner argues, be assumed to be coextensive with its people, and therefore, a state's right to noninterference does not extend to situations where it either perpetrates or allows some moral offense against its people (p. 38). In those situations, humanitarian intervention becomes morally permissible, and Kassner shows how Rwanda exemplified such a situation.

Kassner's careful construction of the case for a moral obligation to intervene is persuasive. It is not, however, new. As Martha Finnemore has argued in *The Purpose of Intervention: Changing Beliefs about the Use of Force* (2003), the international community has permitted humanitarian intervention under specific, if shift-

ing, conditions since the nineteenth century. More recently, the debate over R2P renders much of the analysis in chapters 1-3 moot. R2P was articulated in 2001 by the International Commission on Intervention and State Sovereignty, a consultative body instituted by the Canadian government and the United Nations (UN). The commission was tasked with establishing conditions under which intervention would be permissible, or, more precisely, the conditions under which the right of non-interference could be overridden to allow intervention. Kofi Annan, then secretary-general of the UN, explicitly posed the challenge as: "if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica?" At the same time, the commission reported that its remit was to rework state sovereignty, not reject it.[2] As is clear, the problematic motivating R2P—namely, the failure to intervene in Rwanda—is the problematic motivating Kassner's book. Does the book offer insights beyond the R2P framework?

In a word, no. R2P is a rethinking of state sovereignty that frames sovereignty not as a *right* of a state to non-interference in its domestic affairs, but as a *responsibility* of a state to protect the human rights of its citizens. On the occasions a state does not do so, and genocide and ethnic cleansing are epitomes of such a dereliction of the responsibility to protect, the international community is obligated to intervene. After the UN General Assembly endorsed R2P in 2005, the UN Security Council unanimously reaffirmed it in 2006. I note this to indicate that in the international community, there is consensus that humanitarian intervention is morally permissible: the arguments that Kassner rebuts are, at this point, a minority view. Further, the requirement for intervention under R2P—the physical security of a particular population in the face of existential threats—is very similar to Kassner's condition for intervention: "an obligation to protect individuals from an unjustified threat to their physical security" (p. 70). Kassner is proposing an obligation that has, in its broadest terms, been endorsed by the majority of states since 2005.

Kassner's argument challenges the centrality of state sovereignty in international politics by elevating the rights of individuals to physical security over the right of states to noninterference in domestic affairs. That states are obligated to protect the rights of noncitizens runs counter to the distinction between external sovereignty (the recognition of states bestowed by other states) and internal sovereignty (the right of a state to govern its own citizens without interference from other states). Kassner

argues consistently that the latter cannot be justified in absolute terms. Instead, he proposes that noninterference be understood as a "presumption" not a right (p. 120), by which he means that members of the international community must provide positive reasons for intervention in a particular state. In the absence of such reasons, intervention in the latter state is presumed to be impermissible. Put differently, sovereignty is conditional: "states can expect to be free from intervention if they abide by certain basic moral demands—basic rights ... yet if they violate the basic rights of the individuals inhabiting the state, the state becomes the possible subject of intervention" (p. 124). Again, this is indistinguishable from the core statement of R2P: "state sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself ... where a population is suffering serious harm ... and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect." [3] Like the problematic motivating the book and the conditions under which the international community is authorized to intervene, Kassner's rethinking of the normative framework of international relations, namely, sovereignty, does not go beyond the R2P framework.

To placate critics like this reviewer, Kassner devotes a chapter to directly engage R2P (chapter 4). Conceding the philosophical congruence between his argument and R2P—which begs the question of what analytical value the first three chapters add—he advocates a different institutional framework from that being constructed under R2P. Intervention under R2P depends on the authorization of the Security Council, which, Kassner argues, becomes a matter of discretion, not moral obligation, and divisions with the Security Council are likely to compromise the legitimacy of interventions more broadly. Further, the centrality of the Security Council renders the participation of those who are facing threats to their basic rights impossible, and in the extreme instance, may even allow the participation of the perpetrator of the threat in deliberations over intervention. This point is crucial: in April 1994, Rwanda held one of the rotating seats on the council and used it to block discussion of the genocide. A legitimate institution would insure the participation of those affected, and Kassner offers a central principle for how to construct such an institution.

Rather than vest decisional authority in the Security Council, Kassner argues that deliberative and decision-making functions should be, in the first instance, delegated to regional and subregional bodies. There are two

reasons for such "subsidiarity" (p. 174). First, local actors have better information and historical knowledge of the situation "on the ground"; second, those whose rights are threatened are more likely to be represented in regional and local bodies than they are at the Security Council. Based on the decision by these local actors, the international community can either lend its support to that decision or overrule it through a formal deliberative process. The relation between local actors and the international community is akin to that between a lower court and an appellate court. The involvement of local actors should, at the very least, make it "difficult for the international community to remain apathetic in the face of an official record and decision; especially if the decision and record are clearly in support of humanitarian intervention" (p. 181). Kassner recognizes that in a perfect world, it would take a global police force to implement these decisions, but he wisely focuses on existing institutions, like the UN, the North Atlantic Treaty Organization (NATO), and nongovernmental organizations, to suggest a division of labor suitable for intervention. I will not discuss his policy proposals, as there is a substantial literature on intervention and state building (also known as "nation building") that expressly examines these themes.[4]

Kassner asks in the conclusion whether this institutional framework would have facilitated intervention in Rwanda. He argues that the vesting of deliberative and decision-making functions in the Organization of African Unity (OAU) would have made intervention more likely. Uganda, for example, called for intervention in 1994; Kassner argues that Uganda's role in the OAU would have made that organization more likely to endorse an intervention in Rwanda. This endorsement would in turn have put pressure on the UN to either provide reasons for inaction, which would at least have led the UN to acknowledge the extent of the violence formally, which it did not until it was too late, or provide the relatively mod-

est resources that UN commander Romeo Dallaire was asking for. Whether the international community would have endorsed intervention in Rwanda or not, this framework would clearly provide a better deliberative process on such a weighty issue.

In conclusion, *Rwanda and the Moral Obligation of Humanitarian Intervention* delivers less than the title promises. While carefully argued, the case for humanitarian intervention does not offer insights beyond the basic, and commonly accepted, R2P framework. The proposal that deliberation and decision making on intervention should be devolved to regional and subregional actors, with the Security Council serving as a court of appeal, is a worthwhile proposal. Viewed as a whole, however, the analysis would have constituted a contribution to the debate over intervention that occurred a decade ago with the publication of the *Responsibility to Protect*, but is anachronistic in the present moment.

Notes

[1]. There are less than twenty pages expressly on Rwanda, most applying the book's framework to the circumstances of the genocide: pp. 2-4, 83-88, and 199-205.

[2]. International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001), 2, 13.

[3]. *Ibid.*, xi.

[4]. See, for example, Robert Rotberg, ed., *When States Fail: Causes and Consequences* (Princeton: Princeton University Press, 2003); Francis Fukuyama, ed., *Nation-Building: Beyond Afghanistan and Iraq* (Baltimore: Johns Hopkins University Press, 2006); and James Dobbins, Seth G. Jones, Keith Crane, and Beth Cole DeGrassel, *The Beginner's Guide to Nation-Building* (Santa Monica: RAND, 2007).

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