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Pious Words, Puny Deeds: The "International Community" and Mass Atrocities [Full Text] ***Ethics & International Affairs, Volume 23.3 (Fall 2009)***

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When it comes to magnitude of killing, wars among states are now overshadowed by wars within them. Since the mid-1970s, more than 8 million people have been killed in internal wars in Cambodia, Iraq, Bosnia, Rwanda, the Congo, and the Sudan, and countless others have been raped, displaced, and dispossessed.¹ In the Congo alone, some 5.4 million have perished, and another 1.7 million have died in Cambodia. World leaders are prone to proclaim that the "international community" will not abide such atrocities. Yet in too many instances it has done just that, or responded only after thousands have been murdered or abused, and then too often through half measures. While the press and civic groups have publicized these horrors and pressed for action, their focus can be arbitrary: Darfur, where some 135,000 people died (a third because of violence, the rest from disease), has received far more media coverage and attention from celebrities and campus and religious organizations than the Congo, where millions have perished.²

The (Virtual) International Community

"International community" is not merely a cliché or a soothing sentiment invoked reflexively by leaders who can offer no meaningful response in the face of mass atrocities. It has a material basis: states, international and nongovernmental organizations (NGOs), and multinational corporations inhabit an interconnected space through which information, goods, money, and people move in volumes and at speeds hitherto unimaginable. Recent technological advances in transportation and communications have compressed time and space and made "globalization" and the "global village" household words. But "community" connotes more than transactions; it suggests, as well, a shared responsibility and a capacity and willingness to empathize with, and to assist, those in need. Yet despite the hopeful talk of shared values and the growing influence of norms defining acceptable conduct, there is no international community in this latter sense, certainly when it comes to effective collective action against mass atrocities.

Writing in the 1930s, Reinhold Niebuhr voiced skepticism about the capacity of a global community of connectivity to transmute into a global community of responsibility. He distinguished between "a technological civilization so interdependent as to require, even if not to achieve, ultimate social harmony" and "an international mind and conscience," noting that in the case of the latter, "modern man has progressed only a little beyond his fathers in extending his ethical attitude beyond the group to which he is organic," and that there is "little hope in arriving at a perceptible increase in international morality" despite the bonds created by the technological civilization.³

Niebuhr was likewise skeptical of the power of norms, widely touted in international relations

scholarship today. He believed that universal principles reflect the realities of power, and that rather than restraining states or exemplifying the moral progression of the international community, they enable powerful countries to clothe their parochial interests in the appealing garb of collective and disinterested morality, while ensuring that these principles are applied selectively and in ways that advance those interests. Wilhelm Grewe sees international law in a similar light, arguing that "the stronger the leading position of the particular predominant power, the more that State marked the spiritual vision of the age, the more its ideas and concepts prevailed, the more it conferred general and absolute validity on expressions of its national expansionist ideology. In this sense, one can speak of a Spanish, a French, and a British Age in the history of modern international law."⁴

Influential figures, such as former United Nations Secretary-General Kofi Annan, nevertheless insist that "an international community does exist," that it is not limited to connections born of commerce and communication, and that it embodies "a shared vision of a better world" expressed in the UN Charter and an array of treaties, laws, and conventions. "The skeptics," Annan declares, "are wrong."⁵

But the claim that there is an international community, unified by a conception of the common good and with the means to prevent egregious violations of its core principles, is an instance of the wish fathering the thought. By contrast, national communities are generally bound, even if loosely, by a sense of common destiny based on shared historical experiences and customs. True, the question of "who belongs?" is not unequivocally settled in national communities: traditions and historical accounts supposedly defining their distinctiveness are frequently invented or embellished. Nor are fellow citizens connected by close encounters: in comparison to the inhabitants of a neighborhood or village, they are strangers.⁶ Moreover, while national narratives are laden with righteousness, the creation and persistence of national communities have involved forced expulsion and expansion. Still, national communities that endure create boundaries (territorial, political, psychological, and cultural) that define "us" and that distinguish between "us" and "them," and not just during war. While they are ethnically, culturally, and religiously pluralistic—few are homogeneous—there are ties, sufficient in number and density, both instrumental and affective, to create a "we-ness." The international community, by contrast, is a political, economic, cultural, and religious mosaic, and vastly larger in size and population. As a result, fellow feeling and shared obligation are feeble at best, particularly because there is no "them" to reinforce the "us."

The contrast is equally stark in governance. States have institutions to keep order, protect citizens, and enforce obligations, even though not all members benefit equally, not everything works, and policies reflect power differentials among classes and groups. Comparable order-keeping, rule-enforcing, dispute-resolving mechanisms are either absent in world politics or are anemic; the closest we have to such a mechanism, the United Nations, lacks the authority and capacity to mobilize robust, reliable collective action. It has no power to tax and must rely on the assessed dues and voluntary contributions of its members; on occasions when they will not pay up, it can only plead and be patient. It also lacks a standing army or police force to deter or combat violence, and thus must appeal to its members for troops. And, of course, the often rancorous Security Council must first approve peacekeeping or peace enforcement operations before anything can be done.

The judicial structures for addressing mass atrocities are also weak. The International Criminal Court (ICC), established by the 1998 Rome Statute, lacks universal and enforceable jurisdiction as well as a police service to track and investigate suspects and depends on the cooperation of member states. Further, the world's most powerful country, the United States, is not a party to the statute. The ICC did issue an arrest warrant in 2009 for Sudan's president, Omar al-Bashir (who promptly evicted aid

agencies that provided lifelines to 1 million Darfuri refugees); and various Serb, Croat, Bosnian, and Rwandan leaders and the former Liberian president Charles Taylor have been handed over to ad hoc international war crimes tribunals. These achievements are laudable, yet by the time these individuals were charged, they had participated directly or indirectly in killing thousands.

The workings of the ICC and the tribunals reveal the divisions in the world over supranational justice, even in the face of brazen crimes. For example, many African and Middle Eastern governments criticized the ICC's indictment of al-Bashir, who was welcomed enthusiastically at the African Union (AU) summit that convened after the court ruling. The accusations of selectivity and hypocrisy in response to mass atrocities are not groundless. In Darfur, the label of "genocide" was applied carelessly: death statistics were inflated, politicized, stripped of context, and tallied without heed to the distinction between deaths resulting from violence and those caused by unrelated drought, famine, and disease. In addition, the AU force deployed to Darfur received little of the help it was promised. In Uganda, the Lord's Resistance Army's brutality has been (rightly) condemned, but the government's harsh counterinsurgency campaign, which inflicted enormous suffering on the inhabitants of Acholiland, has received scant attention.⁷

Murderous militias and regimes can be reasonably confident about one or more of the following: that proposals for intervention will perish in the Security Council; that any force that is dispatched will be weak and hamstrung by restrictions—and withdrawn once the human and economic costs of sustaining it mount; and that the probability of being brought to justice is remote given multiple means of evasion.

The UN's ineffectiveness in dealing with mass atrocities has drawn fire from opposite ends of the political spectrum. On the Right, the late Jeanne Kirkpatrick observed that "those who need defending are more vulnerable to the delays and ineffectiveness of a multilateral team than those who are attacking; aggressors are not required to coordinate their actions and policies with anyone." On the Left, Noam Chomsky points to the weakness of the UN on different grounds, arguing that the United States has systematically used its power and position in the institution not only to block action against mass killings but to block even condemnations of such killings when Washington regards such actions as contrary to its interests or aimed at its allies or friends.⁸

Consider some examples. Despite his oft-repeated commitment to human rights, President Carter took a hands-off position while the Khmer Rouge methodically killed more than a quarter of Cambodia's population between 1975 and 1978. When the Vietnamese army finally toppled the Khmer Rouge in 1978, the United States viewed the development not as the lesser of two evils but as a dangerous extension of a Soviet-backed power. When forced to choose which government to seat in the UN—one backed by Vietnam or one representing the Khmer Rouge—the United States chose the blood-soaked Khmer Rouge.

Likewise, though the Reagan administration knew about the savagery of Saddam Hussein's Anfal campaign against the Kurds, its primary concern at the time was preventing Iraq from losing its war with Iran. The United States did not act to stop the persecution of the Kurds or even urge others to act; worse, it extended credits to finance Saddam's grain purchases and provided him intelligence on Iranian forces. The White House even sought to dissuade Congress from issuing resolutions condemning the killing of Iraqi Kurds. President George H. W. Bush followed this pattern even after the Iran-Iraq War ended: his administration stressed the significance of a strong U.S.-Iraq relationship, even though nearly 90,000 Iraqi Kurds had fled to Turkey by 1989.

President Bill Clinton was passive during the 1994 genocide against Rwanda's Tutsi minority. Mindful of the mauling of U.S. forces in Somalia in 1993 and the lack of American public support for military intervention, his administration argued that the information about events in Rwanda was incomplete and unclear, and engaged in hairsplitting about whether genocide was occurring. Even such modest measures as the jamming of hate-mongering Radio Milles Collines were not taken. The European powers, notably the Belgians, who were quick to withdraw their force and did not want other countries to send troops for fear that Belgium's departure would seem pusillanimous were no better, nor was the UN.

The United States is hardly alone in viewing massacres through the lens of national interests. China and Russia have prevented the imposition of tougher UN sanctions on the Sudanese government; and Omar al-Bashir's government successfully shaped the size, composition, and mission of the AU-UN peacekeeping forces in Darfur in part because Beijing and Moscow insisted that humanitarian intervention must not trump sovereignty—a position that reflects their concerns about international scrutiny of their policies in Tibet, Xinjiang, and Chechnya.

What this reveals is that the international community's ability to act in defense of supposedly widely shared norms is severely constrained, particularly when faced with opposition from its most powerful states, those most capable of orchestrating combined action. Faced with humanitarian crises, states are reluctant even to take steps that fall well short of military intervention. The international response to refugee crises spawned by mass atrocities is a striking example. Though over 140 states have signed the 1954 Convention Relating to the Status of Refugees, which obligates them to take specific steps to aid refugees, former UN High Commissioner for Refugees Sadako Ogata recalled that she "faced great difficulties seeking to ensure that states lived up to the provisions of the convention, even regarding the acceptance of people in desperate flight. I sought to enlist governments and the global public for support in my efforts, insisting that borders be kept open, asking that asylum seekers' claims be fairly examined, and soliciting funds... The international community did not seem to exist even in the face of human tragedies... It is essentially a virtual community."⁹

Global Citizenship: Redefining Obligation

If collective inaction in response to atrocities results in some measure from the weakness of global "we-ness," perhaps the solution lies in changing prevailing paradigms of identity, allegiance, and responsibility such that people will give the same affection and assistance to humanity at large that they so readily give to their families, friends, social networks, regions, and national communities.

Seen from the standpoint of David Hume's proximity principle, this seems unrealistic.¹⁰ But, one may argue, identity and obligation are not timeless and fixed, and so the vision of a global community bound by a shared conception of justice and duty is not, ipso facto, far-fetched. Were we-ness to gain a global ambit, collective action against mass atrocities (and other transnational problems) should become easier. This is implied in the arguments of those who affirm the necessity for, and the feasibility of, "global citizenship"—or "cosmopolitanism" in common parlance—which they embrace for two reasons. First, they believe that global interdependence is now so pervasive that many problems—among them mass atrocities—transcend borders and cannot be addressed effectively absent collective action and that people of the world are too interconnected not to be seen as a community. Second, they consider global citizenship, whose starting point is our common humanity and not our present parochial associations, an ethically superior stance to conceptions of duty rooted in nationalism.

Many scholars have challenged principles of obligation bounded by the national community and have argued for ones that are universal, among them Martha Nussbaum, Charles Beitz, Onora O'Neill, Thomas Pogge, Peter Singer, and Iris Marion Young. While none of them discusses global citizenship exclusively, even principally, in relation to mass atrocities, they regard the individual's right to safety as basic; in its absence, their other concerns would be superfluous. Moreover, their redefinition of identity and obligation is intended to enable better collective solutions to such problems as mass atrocities.

Nussbaum, for instance, perhaps the best-known exponent of the cosmopolitan perspective, considers patriotism "morally dangerous" and prefers "the person whose allegiance is to the worldwide community of human beings." Rejecting Hume's proximity principle, she opposes "morally arbitrary" national boundaries, arguing that it is unjust to consider someone in need of help but who lives outside one's borders as less deserving of one's capacity to help than someone who lives within them.¹¹ In her preferred order, debates over why "we" should have to save "them" when "our" interests are not at issue would be more easily concluded. The us/them distinction might atrophy, problems related to mobilizing the "international community" could attenuate, and barriers blocking the building of institutions with sufficient authority, legitimacy, and resources to enable collective action might become less formidable.

Nussbaum has a clear vision of what, concretely, would constitute a just world. She rejects John Rawls's contractarian conception of justice on the ground that it is limited by a national frame of reference. Instead, she adopts a capabilities-based conception and compiles ten rights that people, regardless of where they live and who they are, are entitled to by virtue of being human.¹² And these rights are capaciously conceived, encompassing Isaiah Berlin's notion of negative and positive liberty, and include freedom from violence and loss of dignity on the one hand and access to education and medical care on the other. Nussbaum assumes that, eventually, all states can deliver these rights, that the international community should enable them to do so, and that states who fail to meet a "threshold of adequacy" in providing them are "unjust."¹³ Given the impediments to collective action and the unequal distribution of wealth and know-how, she recognizes that institutions are a prerequisite for translating her principles into practice and that it will take time under the best of conditions.¹⁴

When it comes to dealing with mass atrocities the difficulty for even the most sophisticated exponents of cosmopolitanism is that the idea of global citizenship currently exists in an institutional void, which condemns it to remain a moral critique and a worthy vision. Be it mass atrocities or some other global challenge, such as climate change, offering global citizenship as even part of the solution returns us to a familiar place. In an international system dominated by sovereign states and lacking institutions capable of making and enforcing laws, collecting taxes, and using the resources gained thereby to frame policies and to mobilize efforts to address concrete problems, there can be no robust, reliable collective action. There is another problem—a pernicious one at that: The inability to bridge the gap between aspiration and actualization could communicate to perpetrators of atrocities that moral stances ("genocide will not be tolerated") are airy slogans that can be defied at no or little cost.

Is R2P the Answer?

A recent and different approach to surmounting the obstacles sovereignty presents to collective action, and one that focuses explicitly on mass atrocities, is the Responsibility to Protect (R2P) doctrine.¹⁵ R2P's proponents present sovereignty and responsibility as compatible by stressing that the protection of people is, in the first instance, the responsibility of their government. But, they add, providing such protection is an *obligation* for states, not an option. Where, however, a government cannot or will not discharge this obligation, or itself violates the rights of its citizens, and in ways that involve the commission of atrocities, proponents of the new doctrine insist that the responsibility to protect shifts to the international community. Yet even then armed intervention is not the doctrine's first recourse but the last—a position that reflects its recognition of the power of sovereignty and the deep reluctance of states to override it in service of a greater good. Only after all preventative and ameliorative measures have been exhausted and it is clear that inaction will result in continuing atrocities does multilateral military intervention emerge as an option. Then, too, it is exercised only after due deliberation in the United Nations and the authorization of the Security Council.

While it is hardheaded about the salience of sovereignty, the R2P doctrine also assumes, as Annan does, that there is such a thing as an international community of responsibility and that it can and must respond to mass atrocities for reasons practical and moral. Its contribution lies in offering a strategy to achieve this end in ways that do not trample the sovereignty of states. In bridging the chasm between values and implementation and by showing how international institutions can enable desired outcomes—in this instance curbing mass atrocities—it succeeds where many cosmopolitan projects come up short.

The UN's endorsement of R2P at the organization's 2005 World Summit, its incorporation, albeit in qualified form, into Security Council Resolution 1674 (April 28, 2006), and the secretary-general's appointment of a Special Adviser on R2P are proof of the traction it has gained, as is the emergence of R2P centers in New York and other parts of the world. Yet R2P encounters its own problems in the transition from principle to practice, not least at the point when it becomes clear that early warning, mediation, and the use of incentives and pressure on the offending parties have failed and that mass killing is imminent or already occurring. At that point R2P's follow-on remedies bump up against the claims and power of sovereignty. The debates on Resolution 1674 showed that the members of the UN were split on R2P and that not a few, including China and Russia, viewed it as an attempt to engineer an elegant end run around sovereignty.¹⁶ Because R2P has gained support from various Asian and African countries, it cannot easily be dismissed as another neocolonialist plot against the independence of developing countries. Still, many governments remain leery that R2P will be applied to them (and then too selectively, given that some states have "protectors" and some do not) while excluding powerful states, even when their behavior qualifies for action based on its principles.¹⁷ Some believe that R2P threatens their sovereignty by design, others that it does so by default; but the distinction is less important than their shared suspicion of it. Moreover, even states friendly to the doctrine are leery that R2P could create the basis for imposing automatic obligations and so are also concerned about its implications for their sovereignty. Thus, a principle intended to unify the international community and to develop a coordinated solution to a massive problem ends up revealing the elemental divisions on this very problem.

R2P encounters a more serious difficulty, which, ironically, stems from one of its major strengths. In attempting to put forward a plan of universal assent and legitimacy, R2P solves the problem of self-appointed intervention only to encounter another, one that can render it inoperable: the Security Council veto. R2P may be able to overcome the complications that occur when creating early warning mechanisms, providing relief for refugees, offering mediation, fashioning incentives for

stopping atrocities, perhaps even applying sanctions. But when even sanctions fail and massacres mount, further action can be blocked or weakened in the Security Council. This is the price the doctrine's proponents pay for seeking to ensure its legitimacy by making the UN the mechanism for its implementation.

What Are We Left With?

Most of the large-scale violence in the world will continue to occur within societies rather than between or among states, and the cruelties will be visited upon those least able to deter their attackers or defend themselves. Worse, the tormentors may frequently be their own governments. Norms; the UN Charter, the Universal Declaration of Human Rights, and the Genocide Convention; the war crimes tribunals and the ICC; NGOs documenting and publicizing abuses, and providing food, shelter, and medicine to victims; peacekeeping missions by the UN or regional organizations; multilateral interventions outside UN auspices, à la Kosovo; mediations aimed at averting civil conflicts—these have all in different ways prevented crises from becoming much worse than they in fact did. Yet, given the incidence and scale of mass killings and related atrocities, the international community still has not developed the ethical-legal consensus or the institutions required to manage this enormous and apparently unending problem.

The source of this failure is neither a lack of people of goodwill nor a surfeit of callousness. Rather, it is the persistence of an international order centered on instrumental connectivity rather than the primacy of universal obligations that permits sovereign states—willful, protective of their freedom of action, and suspicious of supranationalism and binding commitments—to negate or enfeeble collective action, even in the face of epic cruelty.

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NOTES

1 Cambodian Genocide Program; available at www.yale.edu/cgp/; International Rescue Committee, "Mortality in the Democratic Republic of Congo: An Ongoing Crisis," 2007; and BBC News, "UN Admits Rwanda Genocide Failure," April 15, 2000 (all accessed May 27, 2009).

2 Mahmood Mamdani accepts this figure after assessing contending tallies. See Mahmood Mamdani, *Saviors and Survivors: Darfur, Politics, and the War on Terror* (New York: Pantheon, 2009), pp. 25–39.

3 Reinhold Niebuhr, *Moral Man and Immoral Society: A Study in Ethics and Politics* (New York: Charles Scribner's Sons, 1932), pp. 49, 85. See also Reinhold Niebuhr, *The Children of Light and the Children of Darkness* (New York: Charles Scribner's Sons, 1944), ch. 5.

4 Wilhelm G. Grewe, *Epochs of International Law*, trans. and rev. by Michael Byers (Berlin: Walter de Gruyter, 2000), pp. 23–24. See also Martti Koskenniemi, *From Apology to Utopia: The Structure of International Legal Argument* (Cambridge: Cambridge University Press, 2005).

5 Kofi Annan, "Problems without Passports," *Foreign Policy* (September/October 2002), pp. 30–31.

6 See Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, rev. ed. (London: Verso, 2006); and Eric Hobsbawm and Terence Ranger, eds., *The Invention of Tradition* (Cambridge: Cambridge University Press, 1992).

7 Mamdani, *Saviors and Survivors*, chs. 1 and 2, and pp. 279–81.

8 Jeanne J. Kirkpatrick, "The Shackles of Consensus," and Noam Chomsky, "The Crimes of 'Intcom,'" *Foreign Policy* (September/October 2002), pp. 37, 34–35.

9 Sadako Ogata, "Guilty Parties," *Foreign Policy* (September/October 2002), p. 40.

10 Hume conceptualizes obligation as a function of proximity and intimate connection. See David Hume, *A Treatise on Human Nature*, David Faye Norton and Mary J. Norton, eds. (New York: Oxford University Press, 2000), pp. 207, 309–10.

11 Martha C. Nussbaum, "Patriotism and Cosmopolitanism," in Joshua Cohen, ed., *For Love of Country?* (Boston: Beacon Press, 2002), p. 14.

12 Martha C. Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge, Mass.: Belknap Press, 2006), chs. 4 and 5.

13 *Ibid.*, pp. 287, 291–95.

14 *Ibid.*, pp. 306–07.

15 International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001); see also Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All* (Washington, D.C.: Brookings Institution Press, 2008).

16 See the [statement on R2P](#) by China's UN ambassador (November 3, 2008); and "[Russian Ambassador Challenges R2P Principle](#)" (July 18, 2008; both accessed May 27, 2009).

17 David Chandler, "The Responsibility to Protect: Imposing the 'Liberal Peace,'" *International Peacekeeping* 11, no. 1 (2004), pp. 70–71, 76; and Ciarán J. Burke, "Replacing the Responsibility to Protect: The Equitable Theory of Humanitarian Intervention," *Amsterdam Law Forum* 1, no. 2 (2009), pp. 63–65.