StarTribune

'Never again' and genocide: Do we finally grasp it?

Article by: ELLEN J. KENNEDY
January 18, 2013 - 7:10 PM

People flee as fighting erupts between the M23 rebels and Congolese army near the airport at Goma, Congo, Monday, Nov. 19, 2012.

, Associated Press

In the summer of 2005, I went to Rwanda. I spent two weeks traveling around the country. A young Rwandan woman, Alice Musabende, was with me as guide and translator. One night, sitting outside under a starry sky, I asked Alice what had happened to her family in 1994 during the genocide.

For a hundred days that spring, innocent people were exterminated at a rate that exceeded anything the world had known. Nearly a million people were killed, 10,000 a day, more than in a single day in the ovens at Auschwitz or the killing fields of Cambodia.

Alice told me her story.

She was 14 years old that spring. Her mother had asked her to go on an errand to her aunt's house and to return right home. Alice went on the errand but stayed overnight and sat up late watching TV with her cousins.

When she arrived home the next morning, she discovered the bodies of her grandparents, her mother and father, her 12-year-old sister, and her 9-year-old and 2-year-old brothers.

At 14, she was left utterly alone in the world, without even a picture of her family remaining to hold to her heart.

A few years ago, Alice spoke at the Minnesota State Capitol. She said, "Never again should we let people be killed based only on who they are." A Holocaust survivor in the audience broke into tears. He said to me, "Those are *our* words, 'never again.' That's what everybody promised after the Holocaust. But genocide happened again."

For more than 350 years, the concept of "national sovereignty" held primacy over the idea of "individual sovereignty." Governments basically had immunity from outside intervention despite human-rights violations they perpetrated within their borders. The result has been an "over and over again" phenomenon of genocide since the Holocaust, with millions of innocent lives lost in Cambodia, Bosnia, Rwanda, Congo, Guatemala, Argentina, East Timor -- the list is long.

But in response to the 1990s tragedies in Bosnia and Rwanda, there has been a shift from inviolate sovereignty to the doctrine known as "responsibility to protect" -- R2P. The original R2P document, prepared by global experts in 2001, embraces three responsibilities: to prevent (the most important dimension); to react (to respond with appropriate measures, which may include sanctions, international prosecution and, in extreme cases, military intervention), and to rebuild (to provide assistance with recovery, reconstruction and reconciliation). One of the "Great Decisions" topics this year is intervention, clearly an issue of great importance.

This language of R2P is intentional. "Responsibility to protect" is not the same as "humanitarian intervention," which many define as providing food and water, safety and security at times of political or environmental catastrophe. R2P is also not the same as "right to intervene," a concept often perceived as outdated or troublesome.

In 2005, R2P was incorporated into the "Outcome Document" of the U.N. World Summit, which outlines every state's responsibility to protect its citizens from "genocide, war crimes, ethnic cleansing, and crimes against humanity." If a state fails to do so, then it is the responsibility of the international community to protect that state's population in accordance with Chapter VII of the U.N. charter. This nonbinding document was unanimously adopted by all U.N. member states.

What does this mean for vulnerable people, for states perpetrating human-rights atrocities, and for onlooker nations? Many suggest that the boundary between states' rights and human rights is finally shifting in favor of the individual.

Several experts saw the situation in Libya as a test case for implementing R2P doctrine. "The international military intervention in Libya is not about bombing for democracy or Moammar Gadhafi's head," says Gareth Evans, a principal author of the R2P concept. "Legally, morally, politically and militarily, it has only one justification: protecting the country's people."

Ban Ki-Moon, U.N. secretary-general, presented his fourth annual report on R2P in September 2012, saying he was "haunted" by his fear that the international community did not live up to the call of "never again."

The international community failed Alice's family in 1994. Although R2P is not perfect in concept or in execution, a new international norm for human rights is emerging. The Rev. Martin Luther King Jr., expressed this hope when he said: "The arc of the moral universe is long, but it bends towards justice."

* * * *

Ellen J. Kennedy is executive director of World Without Genocide at William Mitchell College of Law.

The Star Tribune Editorial Board and the Minnesota International Center are partners in " Great Decisions," a monthly dialogue discussing foreign-policy topics. Want to join the conversation? Go to www.micglobe.org.